

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 12TH NOVEMBER, 2019**

**AT 6.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Eva Greenspan  
Vice Chairman: Councillor John Marshall MA (Hons)

**Councillors**

Councillor John Marshall                      Councillor Claire Farrier                      Councillor Danny Rich  
Councillor Melvin Cohen                      Councillor Alan Schneiderman  
Councillor Shimon Ryde

**Substitute Members**

Councillor Jennifer Grocock                      Councillor Anne Hutton                      Councillor Kath McGuirk  
Councillor Alison Moore                      Councillor Gabriel Rozenberg                      Councillor Reuben Thompstone  
Councillor Peter Zinkin

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

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Media Relations Contact: Gareth Greene 020 8359 7039

**ASSURANCE GROUP**

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*Please note that the below agenda may not reflect the order in which items will be heard at the meeting.*

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 12
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	<b>Please note that the below agenda may not reflect the order in which items will be heard at the meeting</b>	
	<b>East Finchley Ward</b>	
6.	12-18 High Road, London, N2 9PJ [18/5822/FUL]	13 - 120
	<b>Finchley Church End Ward</b>	
7.	Radmore 36 Hendon Avenue London N3 1UE [19/4125/HSE]	121 - 128
	<b>West Finchley Ward</b>	
8.	Millers Yard Long Lane London N3 2QG [19/3508/FUL]	129 - 150
9.	Any item(s) the Chairman decides are urgent	

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## Decisions of the Finchley and Golders Green Area Planning Committee

16 October 2019

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)  
Councillor John Marshall (Vice-Chairman)

Councillor Claire Farrier  
Councillor Danny Rich  
Councillor Shimon Ryde

Councillor Alan Schneiderman  
Councillor Reuben Thompstone (In place  
of Councillor Melvin Cohen)

Apologies for Absence

Councillor Melvin Cohen

### 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on the 3rd September 2019 be approved as a correct record.

### 2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Melvin Cohen who was being substituted by Councillor Reuben Thompstone.

### 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Councillor	Agenda Item	Interest Declared
Shimon Ryde	6 - 19/1427/FUL 20 West Heath Road	Non-pecuniary interest in that the Councillor Ryde knows one of the objectors Mr Alan Jacob through his involvement as a board member on the housing association
Eva Greenspan	13 - 8 Heathfield Gardens London NW11 9HX	Non-pecuniary as the applicant's agent has previously provided planning advice in a personal capacity.

### 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

### 5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum would be dealt with under individual agenda items.

**6. 27 EAST END ROAD LONDON N3 2TA [19/2540/RCU]**

The planning officer introduced the report.

A Representation was heard from Thomas Tinel on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to the following amendment to condition 2:

“The use of the property as 2 self-contained flats shall cease and the property reinstated as a single family dwellinghouse as shown on drawing 1905/TP/01r1 within three months of the date of failure to meet any one of the requirements) below:

- i. within two months of the date of this decision details of the following shall have been submitted for the written approval of the local planning authority:
  - cycle parking spaces and cycle storage facilities
  - sub-division of the rear amenity spaces and associated fencing
  - copies of Pre-Completion Sound Insulation Test Certificates
- ii. within two months of the date of approval of the details, the cycle storage facilities and rear amenity space sub-division shall have been implemented in accordance with the approved details
- iii. the cycle storage and sub-division of the rear amenity spaces shall be permanently retained as such thereafter

The vote was recorded as follows:

<b>FOR</b>	<b>3</b>
<b>AGAINST</b>	<b>2</b>
<b>ABSTAINED</b>	<b>2*</b>

\*Councillor Rich was not able to vote on this item as has was not present for the presentation of the item.

\*Councillor Thompstone was not able to vote on this as it was deferred from the previous meeting and as such would not have heard the representation made in objection.

**RESOLVED that the application be approved, subject to (i) the above amendment and the conditions detailed in the report AND (ii) 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)**

**7. 20 WEST HEATH AVENUE LONDON NW11 7QL [19/1427/FUL]**

The planning officer introduced the report.

Representations were heard from James Levy and Alan Jacobs objecting to the application and Tom Lamshead on behalf of the applicant

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application;

The vote was recorded as follows:

<b>FOR</b>	<b>3</b>
<b>AGAINST</b>	<b>4</b>
<b>ABSTAINED</b>	<b>0</b>

It was moved by Councillor Ryde and seconded by Councillor Marshall, that the application be **REFUSED** for the following reasons:

The proposed development, by reason of the size, siting, forward projection, height and design of the proposed houses, would be unduly obtrusive, out of character and detrimental to the character and appearance of this prominent corner site, the streetscene and wider area, contrary to policies NPPF, CS1 and CS5 of the Adopted Core Strategy 2012, policy DM01 of the Adopted Barnet Development Management Policies DPD 2012 and the Adopted Residential Design Guidance 2016.

The vote was recorded as follows:

<b>FOR (refusal)</b>	<b>4</b>
<b>AGAINST (refusal)</b>	<b>3</b>
<b>ABSTAINED</b>	<b>0</b>

**RESOLVED that the application be REFUSED for the reasons detailed above.**

**8. 14 THE GROVE LONDON NW11 9SH [19/2118/FUL]**

The planning officer introduced the report and addendum.

Following discussion of the item Councillor Ryde, duly seconded by Councillor Marshall moved the motion to defer the application to allow for the submission of an updated Parking Survey Report.

The vote was recorded as follows:

<b>FOR (deferral)</b>	<b>7</b>
<b>AGAINST (deferral)</b>	<b>0</b>
<b>ABSTAINED</b>	<b>0</b>

**RESOLVED that this item be DEFERRED for submission of an updated Parking Survey Report.**

**9. 13 WYCOMBE GARDENS LONDON NW11 8AN [19/3817/HSE]**

The planning officer introduced the report and addendum.

Representations were heard from Anthony Woolich and Sarah Woolich objecting to the application and Robert Dye on behalf of the applicant

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to the following amendment to conditions 10 and 11:

1. Condition 10:  
Before the building hereby permitted is first occupied the proposed window(s) and rooflight(s) in the flank elevations facing 11 and 15 Wycombe Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
2. Condition 11:  
Prior to the commencement of the development or any works associated with this consent starting on site full details (including details of the existing ground conditions and ground water levels) of the measures that the development would include to prevent the development resulting in unacceptable impacts on drainage and ground and surface water conditions in the area shall be submitted to and approved in writing by the Local Planning Authority. The development hereby consented shall be implemented in full accordance with the details approved under this condition prior to its being occupied or brought into use.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies 5.13 and 5.14 of the London Plan 2016.”

The vote was recorded as follows:

<b>FOR</b>	<b>6</b>
<b>AGAINST</b>	<b>1</b>
<b>ABSTAINED</b>	<b>0</b>

**RESOLVED** that the application be approved, subject to the above amendments, the conditions detailed in the report **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)

**10. 64 THE VALE LONDON NW11 8SJ [19/3601/RCU]**

The planning officer introduced the report and the addendum.

Representations were received from the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation to refuse the application as per the report and the deletion of the second reason for refusal as set out in the addendum.

The vote was recorded as follows:

<b>FOR</b>	<b>5</b>
<b>AGAINST</b>	<b>0</b>
<b>ABSTAINED</b>	<b>2</b>



**RESOLVED** that the application be **REFUSED** (i) as per the report and the deletion of the second reason for refusal as set out in the addendum **AND** (ii) 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)

**11. 64 THE VALE LONDON NW11 8SJ [19/3602/RCU]**

The planning officer introduced the report and the addendum.

Representations were received from the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation to refuse the application as per the report and the additional reason for refusal as set out in the addendum:

“The alterations carried out at first floor level and at roof level, including the hip to gable and rear dormer window, by reason of their scale, massing, siting, design and relationship with the neighbouring properties, would appear prominent and will be visible from neighbouring gardens, creating an alien feature that would be overbearing and a visually intrusive element, which is detrimental to the visual amenities of neighbouring occupiers when viewed from neighbouring gardens and the street (The Vale and Granville Road). This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted April 2016).”

The vote was recorded as follows:

<b>FOR</b>	<b>5</b>
<b>AGAINST</b>	<b>0</b>
<b>ABSTAINED</b>	<b>2</b>

**RESOLVED** that the application be **REFUSED** for:

(i) as per the report and the following additional reason for refusal as set out in the addendum:

The alterations carried out at first floor level and at roof level, including the hip to gable and rear dormer window, by reason of their scale, massing, siting, design and relationship with the neighbouring properties, would appear prominent and will be visible from neighbouring gardens, creating an alien feature that would be overbearing and a visually intrusive element, which is detrimental to the visual amenities of neighbouring occupiers when viewed from neighbouring gardens and the street (The Vale and Granville Road). This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted April 2016). **AND**

(ii) 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)**

**12. 50 NORRICE LEA LONDON N2 0RL [19/4258/HSE]**

The planning officer introduced the report.

Representations were heard from Anthony Spencer the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation to refuse the application subject to conditions.

The vote was recorded as follows:

<b>FOR</b>	<b>0</b>
<b>AGAINST</b>	<b>7</b>
<b>ABSTAINED</b>	<b>0</b>

It was moved by Councillor Marshall and seconded by Councillor Rich, that the application be **APPROVED** for the following reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Site Location Plan  
PP201 - Existing front boundary  
PP202 - Proposed driveway gates  
PP203 - Proposed gates  
hgh - Planning Statement  
Robin Walker Architects - Design and Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

3. Within 2 months of the date when the premises cease to be occupied by Mr and Mrs Anthony L. Spencer and their family, the gates hereby permitted shall be removed and the land restored to its former condition.

Reason: To ensure the character and appearance of the house and the Hampstead Garden Suburb Conservation Area are protected in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

4. The materials to be used shall be as specified in the application documents.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Reason for decision: Although Members recognised that gates are not in keeping with this part of the conservation area, in the particular circumstances of this case, a personal permission is appropriate in the interests of the security of the applicants and their family. Members considered the design of the gates was sympathetic to the conservation area.

The vote was recorded as follows:

<b>FOR (approval)</b>	<b>7</b>
<b>AGAINST (approval)</b>	<b>0</b>
<b>ABSTAINED</b>	<b>0</b>

**RESOLVED that the application be APPROVED for the reasons detailed above.**

**13. 8 HEATHFIELD GARDENS LONDON NW11 9HX [19/3286/RCU]**

The planning officer introduced the report and addendum

A Representation was heard from Joe Henry on behalf of the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application as per the application, addendum and s the following amendments:

1. Amended condition 1:  
The development hereby permitted shall be carried out in accordance with the following approved plans:  
201906/8HG/02 Pre-existing elevations  
201908/8HG/S1 Location and block plans  
201910/8HG/0B/01 Pre-existing, Existing and Proposed Plans dated Oct 2019, received with annotation 08/10/2019  
201910/8HG/0B/02 Proposed rear and side elevations dated Oct 2019”
2. Additional condition 5:  
The railings fixed to the first-floor window shall be non-openable and retained as such hereafter.

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

The votes were recorded as follows:

<b>FOR</b>	<b>4</b>
<b>AGAINST</b>	<b>0</b>
<b>ABSTAINED</b>	<b>3</b>

**RESOLVED** that the application be approved, subject to the (i) the above and the conditions detailed in the report AND (ii) 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)

**14. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 7.46 pm

**Location** 12-18 High Road, London, N2 9PJ

**Reference:** 18/5822/FUL

Received: 28.09.2018

Accepted: 28.05.2019

**Ward:** East Finchley

Expiry 22.08.2019

**Applicant:** Safeland Plc

**Proposal:**

Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space

**Recommendation:** Approve subject to s106

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)

**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;
  - A contribution of £930,000 towards off site Affordable Housing
  - A contribution of £34,000 towards off site carbon savings
  - A contribution of £10K towards travel plan monitoring
  - A contribution of £7.5k towards sustainable plan measures/incentives
  - A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
  - A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022
  - Monitoring of the Agreement - £20,270
  - Car club associated with the development

## RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Drawing numbers: HR-H-AE01A; HR-H-AE02A; HR-H-AE03A; HR-H-AE04A; HR-H-AE05A; HR-H-AE06A; HR-H-AE07A ; HR-H-AE08A ; HR-H-AE09A; HR-H-AE10A; HR-H-AE11A; HR-H-AG01A; HR-H-AG02A; HR-H-AG03A; HR-H-AG04A; HR-H-AGP00A; HR-H-AGP01A; HR-H-AGP02A; HR-H-AGP03A; HR-H-AGP04A; HR-H-AGP05A PROJECT REF 19018 DWG NO: 200 REV A

Air Quality Assessment dated March 2016  
Environmental Noise Report (ref: 128187-AC-2v1 dated 13/03/2018)  
Masonry Cavity Wall Insulation Plan  
Transport Assessment dated 2019  
Construction Management Plan dated August 2018 by Trace Design  
Daylight and Sunlight Assessment by GLA Hearn (13 November 2018)  
Utilities Assessment  
Ventilation Strategy  
Waste & Recycling Schedule  
Financial Viability Report  
Planning Statement  
Design and Access Statement dated September 2019  
Refuse and Recycling schedule by Award dated 06/08/2019

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

3. a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of

any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

4. a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

5. a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

- b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2016.

6. a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14

of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

7. a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

8. The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

9. Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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

d) 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 in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

10. a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor office as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016) and 7.15 of the London Plan (2016).

- 11 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016) and Policy 7.15 of the London Plan 2016.

- 12 The level of noise emitted from the 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 in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 13 The basement and ground floors of block A shall be used for offices and for 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, in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012),

- 14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling houses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

- 15 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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 2016) and 7.21 of the London Plan 2016.

16 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

17 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2016.

18 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

The following amount of cycle parking spaces shall be provided, in accordance with the emerging London Plan Standards:

- 45 long stay plus 2 short stay parking spaces to serve the residential element of the development

- 3 long stay plus 1 short stay to serve the office floorspace

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

- 20 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan (2016).

- 21 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: In the interest of highway safety 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 and 6.11 and 6.12 of the London Plan (2016).

- 22 Prior to the first occupation of the new dwelling house(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.

- 23 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures in accordance with the

Environmental Sustainability Statement by Aecom dated 28.10.2019. 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 (2016) and the 2016 Mayors Housing SPG.

- 24 No parts of the roof of each floor shall be used as balcony, amenity or sitting out area, unless shown as such on the approved drawings.

Reason: To safeguard neighbouring amenity in accordance with Policy DM01 of the Development Management Policies DPD (Adopted) September 2012.

- 25 Prior to the commencement of the development, details of the access and access road(s) shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200. The estate road as approved shall be constructed in accordance with the approved details before the site is occupied. For further guidance and contact details please refer to the Development Team, Environment and Operations Directorate.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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 and 6.11 and 6.12 of the London Plan (2016).

- 26 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and policies 6.11 and 6.12 of the London Plan (2016).

- 27 Before the development permitted is first occupied, details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control onsite parking in the interest of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and policies 6.11 and 6.12 of the London Plan (2016).

- 28 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy

DM17 of Development Management Policies (Adopted) September 2012 and policies 6.11 and 6.12 of the London Plan ("016).

29 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until 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) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

30 No site works including demolition or construction work shall commence until a Demolition and Construction Management Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of provisions for recycling of materials, the provision on site of a storage/deliver area for all plant, site huts, site facilities and materials;
- ii. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- iii. 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;
- iv. noise mitigation measures for all plant and processors;
- v. details of contractor's compound and car parking arrangements;
- vi. Details of a community liaison contact for the duration of all works associated with the development.
- vii. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

31 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a detailed parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking spaces in the development shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, the off-street parking space shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development., with one active and one passive electric vehicle charging point.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and 6.11, 6.12 & 6.13 of the London Plan (2016).

- 32 Before the development hereby permitted commences (Other than for purposes of demolition), full details of the energy measures specified within the Amended Carbon Emission Modelling Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

Reason: To ensure compliance with policy 5.2 and 5.3 of the London Plan (2016) and policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 33 Within 3 months of occupation, a Framework (work and residential) Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car mode such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012), and 6.11 of the London Plan (2016).

- 34 Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012), and policy 7.3 of the London Plan (2016).

- 35 No properties shall be occupied until confirmation has been provided that either:  
- all wastewater network upgrades required to accommodate the additional flows from the development have been completed;

Or

- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with 5.14 of the London Plan (2016).

- 36 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy 5.13 of the London Plan (2016).

- 37 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority in the interest of highway safety 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.

- 38 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.



The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policy 7.14 of the London Plan (2016).

- 39 Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 40 a) Before development commences, an air quality assessment report written in accordance with the relevant current guidance shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of the air quality impacts of the demolition, construction and operational phases of the development.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and

Construction SPD (adopted October 2016 ) and Policies 3.2, 5.3 and 7.14 of the London Plan (2016).

- 41 a) Prior to first occupation, details of measures to improve biodiversity across the site shall be submitted to and approved in writing by the Local Planning Authority.
- b) The measures shall be implemented prior to first occupation and retained thereafter.

Reason: To enhance biodiversity in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016) and policy 7.19 of the London Plan.

**Informative(s):**

- 1 The Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2450.00 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 £9450.00 payment under Barnet CIL.

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit

to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

Please visit

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 The submitted Construction Method Statement shall include as a minimum details of:
  - Site hoarding
  - Wheel washing
  - Dust suppression methods and kit to be used
  - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  - For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 6 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the 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 in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 8 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 10 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise; 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice; 4) Department of Transport: Calculation of road traffic noise (1988); 5) Department of Transport: Calculation of railway noise (1995); 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

11. 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 (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014)
  - 3) BS10175:2011 - 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;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

- 12 The Air Quality reports required under the Environment Act 1995 have 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 so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting 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 most recent Review and Assessment report available from the LPA web site and Air Quality England. The

report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

- 13 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage
- 14 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Highway Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Highway Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

The applicant shall carry out a “before” and “after” condition survey of the agreed route to be utilised by all construction traffic. The “before” survey shall be submitted to and approved in writing by Local Highway Authority prior to the commencement of the development. The “after” survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Highway Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the “before” survey shall be implemented as approved following completion of the development.

No development shall commence until a highway condition survey 50 metres on either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Highway Authority.

- 15 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed “extraordinary traffic” for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 16 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant’s expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council’s term contractor for Highway Works.
- 17 As a result of development and construction activities is a major cause of concern to The Council. Construction traffic is deemed to be “extraordinary traffic” for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.  
To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works. Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.
- 18 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Highway Authority. This is to indemnify the Council against any claims for



consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 January 2020 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals do not include the provision of the necessary mitigation and as such the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on 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 Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.11 and 3.12 of the London Plan (2016), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing Supplementary Planning Guidance.

The proposed development does not include mitigations and provision for appropriate Carbon offsetting. As such, the proposed development would fail to address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

## **Officer's Assessment**

### **1. Site Description**

The application site is located at the southern tip of High Road in East Finchley Town Centre, within the London Borough of Barnet. The site, which is 0.14 hectares in size, currently consists of 2 buildings and a large car park, all of which are occupied by GLH, a taxi business operating under a mixed Sui Generis and B1(a) use.

The site generally has a flat topography with a slight upward gradient towards the site's entrance. Although located within East Finchley town centre, the site is not located within the Primary or Secondary Shopping Frontage.

The site adjoins a row of mixed use, three storey terraces to the north which are allocated under the development plan as Secondary Shopping Frontage. These predominately consist of commercial uses at ground floor with residential units or offices above. Directly opposite the site is the East Finchley Underground Station, which extends to three commercial storeys in height.

The site is not listed and not located within a Conservation Area.

### **2. Site History**

Reference: 16/2351/FUL:

Address: 12-18 High Street

Decision: Approved subject to conditions and Section 106 Agreement

Decision date: 08/01/2018

Description: Demolition of existing buildings and construction of two 4 storey buildings providing 21 self-contained flats and 265sqm of B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity space

Reference: 15/06475/FUL:

Address: 12-18 High Street

Decision: Withdrawn on 04/03/2016

Description: Redevelopment of the site to provide 24 apartments and B1 office space within two separate 4 storey buildings

Reference: C00050X/04

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 30/11/2014

Description of development: Change of use from offices (B1) to mixed use, part offices, part control and despatch for private hire vehicles (B1/sui generis)

Reference: C0050W/03

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 11/02/1004

Description: Change of use from Local Government municipal offices to educational facility for a temporary period expiring 31 December 2005 (Approved 11/02/2004);

### 3 Proposal

The proposed development seeks to provide the same scheme as was approved by planning permission 16/2351/FUL along with an additional 3 dwellings and additional office space at basement level. On this basis, the proposed description of development is: "Demolition of existing buildings and construction of two 4 storey buildings (plus basement) providing 24 self-contained flats and B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity".

The proposed development is split across two blocks; Block A on the western side of the site fronting onto High Road and Block B located on the eastern side (rear) of the site. The blocks are separated by a communal garden.

Block A is four storeys plus basement with office space (487 sqm) at ground and basement level with residential accommodation on the upper floors. Block B is four storeys plus basement; this block is entirely residential.

Vehicular access to the site is gained from an existing crossover from High Road at the northern edge of the site. The proposal includes two car parking spaces located at the end of the access road in front of Block B.

A communal cycle store is provided at the ground floor level of Block A for the benefit of both office and residential occupants. Bin storage is also provided at the ground level of Block A.

#### Proposed Office Space

- The proposed office space is located in Block A at ground floor and basement level. The offices are accessed from a dedicated entrance fronting onto High Road. The basement office space is accessed by stairs. The proposal comprises of 487 sqm of office floorspace. A ground floor office (B1) of 261m<sup>2</sup> and a basement office (B1) of 226m<sup>2</sup> in block A.
- Block A containing 8 residential units ( 4 x 1 and 4 x 2 bedroom units). Block B contains 16 residential units comprising 4 x 1 bed, 10 x 2 bed and 2 x 3 bed units)

### 4. Public Consultation

Consultation letters were sent to 192 neighbouring properties. A site notice was published on 04.06.2019 and press notice published 30.05.2019

79 responses have been received, comprising 78 letters of objection, and 1 letter of support.

The objections received can be summarised as follows:

#### Principle of Development

Density Excessive

#### Design Issues

- Overdevelopment
- Poor Quality Design

- The height and scale of development is out of keeping with the area.

#### Highways

- Proposals don't make provision for parking
- Access issues for vehicles for commercial development, deliveries, fire access
- Waste Management Issues
- Access road will cause disruption in Town Centre
- Proposal further exacerbates concerns regarding traffic accidents and congestion
- The design will lead to an increased risk of traffic accidents and congestion
- Road safety is a real concern, especially next to the nursery.
- The lack of adequate parking and turning space on the new site means many of these departures will have to reverse out onto the High Road.
- Refuse collection in Barnet is bad enough already without the addition of further collections

#### Amenity Issues

- Overcrowding, it would cast long shadows over the main road and the Martins School
- Loss of light
- Loss of privacy
- Noise pollution during construction
- Air Source Heat pumps will cause noise
- Developers frequently exceed working hours and the noise will be extremely disruptive

(Officers comment: All of the above objections were raised in the previous application and addressed within that committee report on 19 January 2017. On balance, Officers consider that the introduction of a basement level to accommodate 4 additional mezzanine units would materially deviate from what was previously approved. The overall height broadly remains the same as the extent consent. The proposal does not propose additional parking spaces. On balance, Officers do not consider that the proposal would not introduce any new material matters which would substantially deviate from what was previously accepted by Committee Members. The previous Committee reports have been attached for Members attention.

Notwithstanding all Matters raised within the consultation responses have been considered by Officers in the assessment of this subject application.

### **Sustainable Urban Drainage**

Prior to grant of permission, the applicant should be required to submit a surface water runoff drainage strategy report and associated information to and approved in writing by the Local Planning Authority prior to the commencement of works onsite.

(Officers comment: This would be secured by way of condition, as with the extant permission).

### **Transport for London (TfL)**

Trip Generation

TfL is satisfied the additional trip rates generated from this development will not result in a negative impact on public transport services and therefore no mitigation is required. The applicant is proposing a car-free scheme which is welcomed by TfL. In total, the applicant is proposing 2 car parking spaces; one car club, and one Blue Badge space (3% of residential dwellings), which is encouraged. TfL requests the applicant passively provide a further 2 blue badge parking spaces to serve the residential dwellings should demand arise, and one further Blue Badge parking space from the outset to serve the commercial floorspace proposed. TfL requests one parking space is provided with electric charging facilities with passive provision for the remainder, in accordance with draft London Plan standards.

(Officers comment: Given the site constraints, it isn't considered appropriate to request further car parking spaces onsite. The extant consent provided two car parking spaces which is considered acceptable).

### Access

Access to the site would be controlled by security gates. Details of this gate would be secured by way of a condition.

The applicant is proposing access from High Road. The applicant has provided swept path analysis showing vehicles will be able to enter and exit the site in a forward gear.

### Cycle Parking

The applicant notes that the proposed cycle parking is in line with London Housing Design Guide standards; TfL requests the applicant provide cycle parking in line with draft London Plan standards, which accumulates to 45 long stay plus 2 short stay parking spaces to serve the residential element of the development, and 3 long stay plus 1 short stay to serve the office floorspace. TfL requests the applicant ensure the design, location and access of cycle parking is in accordance with London Cycle Design Standards. Cycle parking details should be secured by condition.

### Freight

The applicant has provided an outline Construction Logistics Plan (CLP) which appears acceptable. The applicant should provide a detailed CLP, in line with TfL's best practice guidance, and the Council should ensure this is secured by condition. The applicant should also provide a full Delivery and Servicing Plan (DSP), in line with TfL's best practice guidance, and the Council should ensure this is secured by condition.

(Officers comment: The above recommended conditions by TfL would be secured by way of condition).

### Thames Water

Thames Water request that a condition is added to ensure that prior to occupation, confirmation has been provided that either all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

(Officers comment: The details would be secured by way of condition).

### LBB Highways

Highways raise no objection to the proposal subject to the following s106 obligations and conditions:

- A contribution of £10K towards travel plan monitoring
- A contribution of £7.5k towards sustainable plan measures/incentives
- A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
- Non-financial obligation to deny residents of the development the right to purchase CPZ permits

(Officers comment: The above contributions would be secured in a S106 Agreement).

The following conditions are recommended to be attached to a planning consent:

- Parking Layout plans
- Cycle Parking Details
- Construction Management and Logistics Plan
- Travel Plan
- Delivery and Servicing Plan (DSP)

(Officers comment: The above will be secured by way of conditions).

### **Environment Health**

Environment do not raise any formal objections subject to the following conditions:

- Details of the impact of noise from ventilation and extract plant on development.
- Insulation against internally/externally generated noise
- Restrict noise from plant
- Air quality neutral assessment
- Condition for Air Quality Report
- Contaminated land

(Officers comment: The above would be secured by way of condition)

### **Metropolitan Police**

Metropolitan Police have confirmed that they do not raise any formal objections provided that the development achieve Secured by Design Accreditation, prior to occupation.

(Officers comment: The above will be secured by way of condition).

## **5. Planning Considerations**

### **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 updated National Planning Policy Framework (NPPF) was published in February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The following London Plan policies are relevant to the subject proposal:

- 2.15 Town centres Policy
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable
- 3.11 Housing Affordable Housing targets
- 3.12 Negotiating Affordable housing
- 3.13 Affordable Housing Threshold
- 4.2 Offices
- 4.3 Mixed Use Development and Offices
- 4.7 Retail and Town Centre development
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing Noise
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.1 Implementation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

## Barnet's Local Plan (2012)

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, CS3, CS4, CS5, CS9, CS11, CS12, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, 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.

Residential Design Guidance SPD (adopted October 2016).

## **Main issues for consideration**

The main issues for consideration in this case are:

- Context and background of this application.
- Principal of development
- Heritage issues
- Whether the proposed design would cause harm to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the dwelling mix and affordable housing matters are acceptable
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters
- Energy and Sustainability
- Trees and biodiversity

## **Assessment of proposals**

### Context and background of this subject application

Planning permission was approved on 08.01.2018 for the demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1



office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space.

The subject proposal follows the same design and scale of development as the extant permission. The proposal makes provision for 24 units (increase of three residential units). In order to accommodate these additional mezzanine units, this proposal includes a basement and these three units would be accommodated at the basement and ground floor level.

Most of the key planning matters have already been considered by Members in the extant application. The committee reports are attached as Appendices 1 & 2 for ease of reference.

This subject committee report should be read in conjunction with the previous committee reports (attached as appendices) particularly the sections dealing with consultation responses and material planning considerations. The majority of the material planning matters have already been considered and approved in the extant consent, the remainder of this committee report will provide an assessment for the additional 3 residential units, additional office space and the excavation to provide a basement.

During the consideration of the current application, amended plans were submitted which amended the layout of the new flats. This followed concerns expressed by officers about the provision of flats solely within the basement. All the units are now duplex, such that bedrooms are proposed at basement level with living rooms at ground floor level. The amended plans were the subject of re-consultation.

#### Principal of development

The site is currently a minicab and courier business and associated car parking. This is considered to be a Sui Generis use.

Whilst such uses are not protected per se, the existing minicab hire and courier business and associated offices do generate jobs. Policy DM14 states that *'Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.'*

Compliance with policy DM14 needs to be demonstrated in order to address this issue. It should be noted that the proposals seek to provide 487 sq metres of office space within the town centre and this is considered to address policy DM14.

#### Heritage issues

Previously consultation responses have referred to the existing building on site and it's historic significance within East Finchley. The building appears to be of Victorian era and notable features include it's attractive brick façade, sash windows and detailing.

However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear

of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting.

It was considered during consideration of the extant permission scheme, that the loss of the building was outweighed by the wider benefits of the scheme. This amendments proposed within this application do not change this view.

The site lies opposite the listed underground station. The underground station is a notable listed building within East Finchley Town Centre, which is located opposite the site. Whilst the replacement building forming part of the development is of some presence, it is not considered that it would be overpowering or prejudicial to the setting of this listed building.

### **Layout, scale and design**

The proposed layout, height, bulk, massing and material are the same as approved under the extant consent. The development is considered to result in high quality design as has been approved previously with only minor visible impact resulting from the basement development. Lightwells are proposed to the residential basement units. This residential aspect of the development is located at the rear of the site and will not be visible from the street scene or from the adjacent properties.

The proposed basement to Block A would not be visible from the front of the building from High Road with a lightwell proposed to the rear only.

This subject proposal would not compromise the overall architectural integrity and design of the extant consent and would not cause harm to the character and appearance of the existing building, the street scene and the wider locality.

### **Density**

The site has a Public Transport Accessibility Level of 5 and the London Plan density matrix guidance sets out a density range of 45-260dph in urban areas. The site has an area of 0.13 hectares and the additional 3 units (24 in total) would give a residential density of approximately 192 dwellings per hectare (dph), and thereby accords with the density guidance. In any case, the proposal would not result in symptoms associated with overdevelopment.

### **Housing dwelling mix**

The proposal makes provision for 8 x 1 bed, 14 x 2 bed and 2 x 3 bed room units. On balance, given that the site is located within a town centre, the provision of smaller units was considered to be acceptable. This approach (large number of one and two-bedroom units) was considered acceptable in the extant consent.

### **Affordable Housing**

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policy CS4 of the Core Strategy and policy DM10 of the Development Management Policies DPD. The Policy sets a target of 40% affordable housing on sites of 10 units of more.

The extant planning consent for 21 residential units secured an off-site affordable housing contribution of £870,000.

With reference to this subject application for 24 units, the applicant has submitted a Financial Viability Report in support of the scheme. This has been independently reviewed by Colliers International on behalf of the Council. Further to this, it has been agreed that a contribution of £930,000 can be made towards off site affordable housing within the Borough.

The report concludes that a financial contribution for off -site affordable housing can be achieved with this proposed development.

Whilst commuted sums are only acceptable in exceptional circumstances it is suggested that where a scheme either can only provide a small number of units on-site and there isn't an obvious self-contained block, a commuted sum could be justified.

In this way, the proposals take the same approach as the extant permission scheme and would comply with policy DM10 of the Development Management Policies DPD 2012.

### **Quality of accommodation**

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes. The London Plan requirement is 50sqm for one bedroom units is 70 sqm for two bedroom units.

The proposed mezzanine units contain bedrooms at basement level, which receive natural daylight through lightwells. These bedroom have direct access to private amenity space which complies with minimum size requirements for private amenity space. The kitchen/living/dining areas for these subject units are located at ground floor level and are afforded good outlook. Further, the proposed units receive acceptable daylight and sunlight levels.

On balance, it is considered that the proposal provides good quality residential accommodation.

### **Impact on the amenities of neighbours**

The report on the previous scheme (attached) considered the impacts on neighbouring residents in term of daylight and sunlight, privacy, visual impact, outlook and light pollution, with particular reference to 20-22 High Road and properties in Ingram Avenue.

Officers consider that the proposal would not present any new amenity considerations to neighbours to the scheme already approved under the extant consent.

In terms of noise and disturbance, the additional commercial floorspace would be sited to the front of the site away from residential properties to the rear.

### **Highways**

#### **Car Parking**

The proposed provision for two car parking spaces (one of which is to be designated as a car club bay and the other for the one proposed 3 bed unit) is acceptable given the high public transport accessibility of the site, and its proximity to East Finchley Station. The applicant would be required to enter into a S106 agreement with the Council which prevents residents of the development the right to purchase CPZ permits and provides a robust travel plan and adequate mitigation to reduce car use and ownership. Highways support the provision of a car club bay but would like to know how public access to the proposed car club space will be

facilitated, especially as access to the site will be restricted by a gate. The previous permission included provision of a car club which was secured via the S106.

One of the bays is provided with an active electric vehicle charging point and passive provision for an electric vehicle charging point is installed for the other bay. This would be secured by condition.

Highways have identified improvements to the public highway which will be secured through the S106 agreement, as detailed above.

### **Cycle Parking:**

The applicant is required to submit details of cycle parking which should be secured by way of condition.

### **Sustainability and Energy**

Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) sets out requirements Energy and Sustainability requirements which new developments must adhere to.

The GLA's emerging policy for the residential units say the "be Lean" emissions should be reduced by 10% and the total on site emission reduction should be at least 35%. The proposal residential "be lean" reduction is estimated to be 15% whilst the total is estimated to be 40%, thereby in compliance.

For non-residential units "be lean" emissions should be reduced by 15% and their total on site emission reduction should be at least 35%. When the residential and non-residential emission reduction is combined it is estimated to be 36.7 %.

The applicant has advised that zero carbon targets cannot be fully achieved onsite, and any shortfall should be provided, in agreement with the borough through a cash in lieu contribution to the borough's carbon offset fund. The applicant has agreed to make a contribution of £34,000 to offset carbon emissions and make carbon savings elsewhere in the Borough. This would be secured in a Section 106 Agreement.

### **Trees and Biodiversity**

It is considered that given the footprint and access remains the same as the approved scheme, there would be no greater impact on the protected yew tree in front of Park House. To ensure the tree is not damaged during construction, a condition is proposed requiring tree protection.

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The existing site contains buildings and hardstanding, with some vegetation around the residential boundaries with neighbouring properties. It is considered to be of low ecological value and as such, there is no requirement for surveys of protected species. A condition is attached requiring biodiversity improvements in accordance with policy DM16.

### **Community Infrastructure Levy**

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The CIL will apply to all 'chargeable development' defined as: - Consisting of buildings usually used by people; - Delivering 100sqm or more of gross internal floorspace or the creation of one additional dwelling, even if the gross internal floorspace is <100sqm; or - Floorspace that is not exempted under the Act, the Regulations or for a locally defined reason.

In Barnet, an adopted CIL charge of £135 per sqm (index linked) is applied to residential, including C4 and Sui Generis HMOs. All other uses and ancillary car parking are set at a rate of £0 per sqm for Barnet CIL.

The Mayor of London adopted a CIL charge on 1st April 2012. In February 2019 the Mayor adopted a new charging schedule (MCIL2) and on April 1st 2019 this was adopted setting a rate of £60 per sq metre (index linked) on all forms of development in Barnet except for a £0 per sqm rate for education and health developments.

As the proposal would result in the creation of new residential units the proposal has been calculated to be liable for Barnet CIL and Mayor's CIL.

Based on the above, the following contributions are sought:

- Barnet Community Infrastructure Levy £395,201.47
- Mayoral Community Infrastructure Levy - £123,726.00

## **Response to Public Consultation**

The objections and concerns from residents have been considered within the evaluation above.

## **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 proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



	<h2>Planning Committee</h2> <h3>22 February 2017</h3>
<p style="text-align: center;"><b>Title</b></p>	<p><b>Referral from the Finchley and Golders Green Area Planning Committee: 12-18 High Road – 16/2341/FUL</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Head of Governance</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>East Finchley</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Appendix A – Cover Sheet Appendix B - Referral from F&amp;GGAPC , 12 to18 High Road</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Abigail Lewis, Governance Officer <a href="mailto:Abigail.Lewis@barnet.gov.uk">Abigail.Lewis@barnet.gov.uk</a> 020 8359 4369</p>

### Summary

Agenda Item 8 (12-18 HIGH ROAD - 16/2351/FUL) of the Finchley and Golders Green Area Planning Committee on 19th January 2017 was referred up to Planning Committee, following the vote, by the requisite number of Members (2), in accordance with the Constitution. The Planning Committee is therefore requested to consider the recommendations and take a decision on them.

### Recommendations

- 1. That the Planning Committee consider and determine the application as set out in the report previously considered by the Finchley and Golders Green Area Planning Committee on 19th January 2017.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Constitution allows a requisite number of Members, in this case 2, of an Area Planning Committee to refer any item that it considers with a recommendation to the relevant committee within whose terms of reference it falls, by indicating immediately after the decision is taken that they require the decision to be referred up.
- 1.2 The attached report was considered by the Finchley and Golders Green Area Planning Committee on 19<sup>th</sup> January 2017. The Committee resolved to approve the application, with the Chairman using her casting votes, as per the Officer's recommendations.

## **2. REASON FOR REFFERAL**

- 2.1 Immediately following the decision, 2 members of the committee referred the decision to the Planning Committee in accordance with the council's Constitution. The reasons for referral were as follows:
- Loss of heritage to the area,
  - Issues regarding overlooking,
  - Overdevelopment of the site,
  - Loss of light
  - and insufficient parking.

## **3. REASONS FOR RECOMMENDATIONS**

- 3.1 As set out in the substantive report.

## **4. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 4.1 As set out in the substantive report.

## **5. POST DECISION IMPLEMENTATION**

- 5.1 As set out in the substantive report.

## **6. IMPLICATIONS OF DECISION**

### **6.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 6.2 As set out in the substantive report.

### **6.3 Legal and Constitutional References**

- 6.3.1 Responsibility for Functions, paragraph 6.4, of the council's Constitution states that two members of an Area Planning Committee are required to refer up an application to the Planning Committee.



6.4 **Risk Management**

6.5 As set out in the substantive report.

6.6 **Equalities and Diversity**

6.7 As set out in the substantive report.

6.8 **Consultation and Engagement**

6.9 As set out in the substantive report.

7. **BACKGROUND PAPERS**

7.1 None.



- The £870,000 figure mentioned in the report is a commuted sum towards off-site affordable housing. The '23%' figure within the report identifies what percentage of the 21 units would be affordable if they were to be provided on site.
- It is recommended that condition 1 in the report is amended to read:

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

HR-AGE01

HR-G-AG01 E

HR-G-AG02 D

HR-G-AG03 D

HR-G-AG04 E

HR-G-AG05 D

HR-G-AGP01 **G**

HR-G-AGP02 E

HR-G-AGP03 D

HR-G-AGP04 E

HR-G-AGP05 E

HR-G-AE01 D

HR-G-AE02 B

HR-G-AE03 **C**

HR-G-AE04 B

HR-G-AE05 C

HR-G-AE06 D

HR-G-AE07 C

HR-G-AE08 B

HR-G-AE09 A

HR-G-AE10 B

HR-G-AE11 B

Design and Access Statement

12-18 High Road - East Finchley Site Analysis

Daylight and Sunlight Report

Construction Management Plan

Transport Assessment

Revised Environmental Assessment

Planning Statement

Air Quality Assessment

Travel Plan

**4061/500 Rev A**

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).

**Location**                      **12 - 18 High Road London N2 9PJ**

**Reference:**                      **16/2351/FUL**                      Received: 11th April 2016  
Accepted: 26th April 2016

Ward:                              East Finchley                      Expiry 26th July 2016

Applicant:                      Safeland PLC

Proposal:                      Demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1 office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space (AMENDED PLANS - MINOR CHANGES)

**Recommendation:** Approve subject to s106

#### 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. 3. Highways Improvements - an agreement to provide junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.
4. A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.
5. Car Club associated with the development
6. Commuted sum towards Affordable Housing - £850,000
7. Monitoring of the Agreement - £100

#### RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

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

HR-AGE01

HR-G-AG01 E

HR-G-AG02 D

HR-G-AG03 D

HR-G-AG04 E

HR-G-AG05 D

HR-G-AGP01 F

HR-G-AGP02 E

HR-G-AGP03 D

HR-G-AGP04 E

HR-G-AGP05 E

HR-G-AE01 D

HR-G-AE02 B

HR-G-AE03 A

HR-G-AE04 B

HR-G-AE05 C

HR-G-AE06 D

HR-G-AE07 C

HR-G-AE08 B

HR-G-AE09 A

HR-G-AE10 B

HR-G-AE11 B

Design and Access Statement

12-18 High Road - East Finchley Site Analysis

Daylight and Sunlight Report

Construction Management Plan

Transport Assessment

Revised Environmental Assessment

Planning Statement

Air Quality Assessment

Travel Plan

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

6 The development shall be implemented in accordance with the measures detailed within the approved construction management plan.

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 Policy 5.21 of the London Plan (2015).

7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened

facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

9 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

10 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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

d) 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 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.

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.



c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

12 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor office as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

13 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

14 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning

Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

15 The level of noise emitted from the (\_specify machinery\_) 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 in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

16 a) A scheme for air pollution mitigation measures based on the findings of the air quality report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

18 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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 April 2013) and 7.21 of the London Plan 2015.

19 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

20 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

21 Before the development hereby permitted is first occupied or the use first commences the parking spaces, and cycle parking shown on Drawing No.HR-G-AG01D 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 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.

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

23 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

24 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.

25 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.

26 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 40 % 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.

27 The ground floor of block A shall be used for an office and for 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.

### RECOMMENDATION III:

#### 0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 07/03/2017 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on 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 Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on 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 Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been demonstrated to the satisfaction of the Local Planning Authority that it would not be viable to provide affordable housing on the site or a contribution towards this. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

## **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £58,180.50 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 £224,410.50 payment under Barnet CIL.

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

- 4 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 (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - 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;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

- 5 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 so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting 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) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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

- 6 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 7 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

## **Officer's Assessment**

### **1. Site Description**

The site is a plot of land on the east side of High Road within East Finchley Town Centre. The site is a rectangular plot of approximately 0.12 hectares.

The site is currently used by Greater London Hire (GLH) who operate the site as minicab and courier service.

The site contains a two storey building with pitched roof running alongside the southern boundary. To the rear of the site is a fenced off parking area with two storey demountable buildings. To the rear of the building it reduces to single storey.

To the immediate south of the site is Park House, a T-shaped two storey building containing a nursery. To the north is a parade of shops within a two storey building with rooms in roofspace.

Opposite the site is East Finchley Underground Station.

### **2. Site History**

C07443 - Change of use of ground floor from Hostel to use as Municipal Offices and provision of additional car parking - Approved - 13/5/81

C07443A - Change of use of first floor from hostel accommodation to Local Government Municipal offices, provision of a footway and car parking - Approved 17/3/82

C00050N - Continued use as offices - Approved - 30/3/77

C00050R - Erection of a four-storey office building and 28 car parking spaces (outline) - Refused - 30/4/86

C00050S - Erection of a three-storey block of 12 flats and 14 car parking spaces - (outline) Refused - 1/10/86

C00050V - Use of land and buildings for a car hire business - Lawful - 27/6/91

C00050W/03 - Change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1) for a temporary period expiring 31 December 2005 - Approved - 20-07-2004

C00050W/03 - Change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1) for a temporary period expiring 31 December 2005. - Approved following legal agreement - 11.02.2004

C00050X/04 - Change of use from offices (Class B1) to mixed use, part offices, part control and despatch for private hire vehicles (Class B1/sui generis). - Approved - 30.11.2004

C00050Z/05 - Continued change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1). New application pursuant to C00050W/03 (which is due to expire 31.12.05). - Approved - 06.12.2005 - Split Decision at Appeal in relation to condition 7 (Allowed) and 8 (Dismissed) - 06.12.2005

### **3. Proposal**

The proposals are for the demolition of existing buildings on site and the construction of residential development.

The development would take the form of two blocks.

Block A would be sited to the frontage of the site and would have a ground floor office (B1 Class) with residential units above.

Block B would be sited to the rear of the site and would be residential in use.

Both blocks would be four storeys in height. The upper two storeys would be recessed from the edges of the buildings.

The development would be for 21no. residential units in total.

#### *Block A*

Block A is sited to the frontage and would be

Ground Floor- 265sq m Office space

First Floor - 3x1 bed, 1 x2 bed

Second Floor - 2x2beds, 1 x 1bed

Third Floor - 1x2bed

#### *Block B*

Ground Floor = 2x2 bed, 1x3 bed

First Floor = 2x1bed, 2x2bed

Second Floor = 2x1bed, 2x2bed

Third Floor = 2x2beds

Further to initial consultation, the plans have been amended to reduce the size of the building and reduce the development to 21 units from 22.

Further amendments have been made in order to take into account the requirement for a lift and to make minor elevational alternations.

## **4. Public Consultation**

Consultation letters were sent to 193 neighbouring properties.

32 responses have been received, comprising 31 letters of objection, 1 letters of comment.

The objections received can be summarised as follows:

#### *Principle of Development*

Doesn't make provision for larger units

Loss of jobs from existing facility

Density Excessive

Existing building (Formerly known as Valona House) is one of the oldest buildings in East Finchley and is of historic interest.

#### *Design Issues*

Overdevelopment

Proposals don't pay sufficient regard to Victorian houses on neighbouring roads

Poor Quality Design

Overpowers Park House and buildings on High Road

The materials, roofline, roof pitch, lack of eaves, gables, chimney stacks, dormer are not typical of development in the area.

#### *Amenity Issues*

Loss of light

Loss of privacy

Noise pollution

Neighbouring properties have not been represented correctly (Note no.9 Ingram avenue is 18.7m from development)

Daylight and Sunlight Report has not looked at internal layout of neighbouring properties and does not have full diagrams (Truncated). Development would be contrary to BRE guidelines as would go beyond 25 degree limit.

Houses on Ingram road are not North facing as stated within Daylight/Sunlight report – they are west facing

Noise assessment states that development will result in harmful noise, so needs to be fixed shut, which precludes ventilation

No consideration to noise from underground or increase to underground use has been considered.

Ceiling height of development is below 2.5m

Air Source Heat pumps will cause noise

### *Highways Issues*

Proposals don't make provision for parking

Access issues for vehicles for commercial development, deliveries, fire access

Waste Management Issues

Access road will cause disruption in Town Centre

### *Other Issues*

Schools in the area are over subscribed

Noise and disturbance during construction

Ecological impact

Impact of construction

The Finchley Society has objected on the following grounds:

*'This application hardly differs from the previous application and therefore our previous comments still apply.*

*The development is too dense for this site. It is poorly designed and sits badly within its context. GLH House, formerly Valona House and then The Shrubbery that currently sits on the site dates from 1841 is one the few remaining historic houses of East Finchley and some consideration should be given to its Historic value to the area. This is a key site at the beginning of East Finchley High road, opposite the station and deserves a better design.*

*The plans of the flats are poorly considered with insufficient storage space and living space. There are a number of instances where living rooms are stacked over bed rooms. The space standards do not meet Lifetime Home standards thus contravening Barnet policy*

*No affordable housing is evident in the development*

*Amenity space is inadequate for 24 homes, some for families. There is no provision for refuse storage and removal. There is insufficient external space for the homes.*

*With no car parking provision there should be alternative provision for safe and secure parking of bicycles, but there is none. The turning space for the 2 cars shown is inadequate and will force a dangerous exist across the pavement onto the busy main road Response to the street scape is extremely poorly considered and indeed is insensitive to the adjoining properties. The height of the block does not take into account that the road is falling towards the railway - height has been taken from the top of a pitched roof further up the street near Baronsmere Road and continued straight having no consideration for the falling ground or the properties adjacent and to the impact on houses to the rear.*

*The applicant is simply trying to cram too much onto the site with no acceptable consideration for the quality of the housing nor the subsequent townscape and design within the High Road location.'*

The representations received can be summarised as follows:

The GLH Building has greater significance than it is being given credit for. Building is one of the few surviving buildings from the earliest days of East Finchley.

Additional consultation was undertaken on the basis of amended plans and an additional 40 objections were received, the majority from residents who had already objected initially. These comments mention issues raised above, including parking and design matters.

A site notice was put up on 27/04/16

The development was advertised in the local press on 05/05/16

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS11, CS12, CS13, CS14, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, 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.

Policy 2.15 Town centres

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and Design of Housing Developments

Policy 3.8 Housing Choice

Policy 3.9 Mixed and Balanced Communities

Policy 3.10 Definition of Affordable Housing

Policy 3.11 Affordable Housing targets

Policy 3.12 Negotiating Affordable Housing

Policy 3.13 Affordable Housing Threshold

Policy 4.2 Offices

Policy 4.3 Mixed Use Development and Offices

Policy 4.7 Retail and Town Centre development

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 7.1 Building London's Neighbourhoods and Communities

Policy 7.2 An Inclusive Environment

Policy 7.3 Designing Out Crime

Policy 7.4 Local Character

Policy 7.5 Public Realm

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing Noise

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodland

Policy 8.1 Implementation

Policy 8.2 Planning Obligations

Policy 8.3 Community Infrastructure Levy

Residential Design guidance Development Plan Document 2013

Sustainable Design and Construction Development Plan Document 2013

Supplementary Planning Document: Affordable Housing

Supplementary Planning Document: Planning Obligations

Supplementary Planning Document: Enterprise and Training

#### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of the development including loss of the existing uses on site and provision of retail unit
- Highways Issues
- Impact on the character and appearance of the streetscene and general locality
- Whether harm would be caused to the living conditions of neighbouring and future residents.
- Noise and Air Quality Issues
- Affordable Housing
- Sustainability/Environmental Issues
- Section 106 Issues

### **5.3 Assessment of proposals**

#### **1. Principle of the development including loss of the existing uses on site and provision of retail unit**

##### *1.1 Land Use*

The site is currently a minicab and courier business and associated car parking. This is considered to be a Sui Generis use.

Whilst such uses are not protected per se, the existing minicab hire and courier business and associated offices do generate jobs. Policy DM14 states that *'Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.'*

In the opinion of officers of the Local Planning Authority, compliance with policy DM14 needs to be demonstrated in order to address this issue. It should be noted that the proposals seek to provide 265 sq metres of office space within the town centre. The existing building accommodates approximately 250 square metres of space.

In this way, the re-provision of office space would address any concerns relating to policy DM14.

##### *1.2 Loss of the existing building*

A number of consultation responses have referred to existing building on site and its historic significance within East Finchley. The building appears to be of Victorian era and notable features include its attractive brick façade, sash windows and detailing.

However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting.

It is therefore considered that the loss of the building could be acceptable if it could be considered that this outweighed but wider benefits of the scheme.

### 1.3 Density

The site has an area of 0.13ha. It is located in an area of PTAL rating 5 close to East Finchley Underground Station.

The London Plan advises that development should be at 45-260 units/hectare. The proposals appear to be at approximately 161 units/hectare.

The London Plan advises that development should be at 200-700 habitable rooms per hectare. The proposals appear to be at approximately 369 habitable rooms/hectare.

It is recognised that the development is a mixed use development and as such the density of the development is not entirely representative of the amount of development proposed. Nevertheless the density is well within the tolerances within Table 3.2 of the London Plan and as specified in the London Plan. Furthermore, town centres are considered an appropriate location for intensification. The Mayor's Supplementary Planning Guidance on Town Centres states that *'projected growth in London's population presents a significant opportunity for London's town centres to become high quality, liveable places, generating local footfall, supporting vibrant and viable town centres with greater levels of housing and sustainable modes of travel..... Boroughs and town centre partners are encouraged to: draw on London Plan policy to support the intensification of town centres, particularly for mixed use development including higher density housing together with supporting infrastructure (including transport, social and digital connectivity)'*

In this way, the density of the development is considered appropriate.

### 1.4 Unit Mix

The development consists of:

7no. 1 bedroom units  
13no. 2 bedroom units  
1no. 3 bedroom unit.

Policy DM08 states that *'dwelling size priorities are:*

- i. For social rented housing – homes with 3 bedrooms are the highest priority*
- ii. For intermediate affordable housing – homes with 3/4 bedrooms are the highest priority*
- iii. For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'*

However this is not say that other mix of dwellings on site may be inappropriate.



The development mix is considered acceptable in accordance with policy DM08, especially considering the town centre location which makes provision of smaller sized units more appropriate.

## 2. Whether the development will have an acceptable impact on Highway and pedestrian safety

### *Site and Existing Highway Description*

The existing property is occupied by a minicab company which has their head office on the site and is also used as a parking area for the company's vehicles.

The site is located on the eastern side of the A1000 High Road, within close proximity of the East Finchley Underground Station, in the Borough of Barnet. The site is located at numbers 12-18 High Road, and it is directly accessed off the High Road. The predominant surrounding land use is residential but includes a mix of uses consisting of retail and commercial.

The site is within a Controlled Parking Zone (CPZ), in close proximity to a East Finchley Underground Station, several bus routes and town centre amenities. Site visits indicate that there is intense parking pressure in the roads in the vicinity of the site.

### *Accessibility by Foot*

In terms of existing facilities for pedestrians, the site is very convenient for walking. There are wide high quality footways on either side of the A1000 High Road, linking into the wider footway network, which extends into Finchley and beyond. To the south, the A1000 High Road offers convenient pedestrian access to Highgate. A staggered signalised pedestrian crossing is located just to the south of the site access, which features dropped kerbs and tactile paving to facilitate the movement of the physically and visually impaired, providing a safe access to the underground station. A second pedestrian crossing is also located to the north of the site access, just after the junction of High Road with Baronsmere Road. This is an informal staggered crossing point with dropped kerbs and tactile paving.

Side road and site access crossings along High Road are also generally fitted with dropped kerbs. A number of footpaths are within the vicinity.

### *Accessibility by Cycling*

The development site is located in a convenient location for cycling trips including both daily commuting and leisure usage. High Road has no dedicated cycle ways, however it is part of the London Cycle Network Link 5, which has, in parts, marked cycle ways and, in other parts, cycle routes shared with bus lanes. In addition, just to the south of the site there is a toucan crossing that allows crossing for cyclists along with pedestrians.

### *Accessibility by Public Transport*

Public Transport Accessibility Level (PTAL) is a form of measuring public transport accessibility in London. PTALs range from 1 to 6 where 6 represents a high level of accessibility and 1 a low level of accessibility.

Transport for London (TfL) gives this site a PTAL Rating of 4 which within the medium accessibility level.

The closest bus stops to the site are located along the A1000 High Road just to the south of the site. A total of seven bus services are accessible from three different bus stops located within 100m from the development site. The bus stops served by routes 102, 143, 234, 263, 603, 653, H3 and N20. These routes provide access to destinations such as Barnet, Brent Cross, East Finchley and Golders Green.

The nearest underground station to the site is East Finchley which is approximately 100m to the south west of the site accessed from the pedestrian crossing over the High Road. The nearest rail station is New Barnet which is approximately 2.5km.

#### *Development Proposal:*

The proposal is for demolition of existing buildings and construction of new buildings to provide 22 dwellings comprising of 8 x 1-bedroom, 13 x 2-bedroom and 1 x 3 bedroom in addition to 265 sqm of office space.

A total of 2 parking spaces are proposed for the development accessed via existing vehicle access from the High Road. One would be allocated to the 3 bedroom dwelling and the second for a car club bay.

#### *Vehicle Access*

The development will use the current access on the High Road that is 4.5m wide at the entrance. The entrance to the proposed development will be managed by secure gates which will be installed to allow access for pedestrians and vehicles separately.

The development will be accessed from the existing access on the High Road, the Transport Statement that will be 4.5 metres including footway. No details were submitted showing any modifications to the existing access but this will require improvement including any remedial work to facilitate the main office entrance, tactile paving to assist the mobility impaired at the crossing point, there may also be level changes to the access. These works are to be agreed under a S278 Agreement.

The Transport Assessment Appendix B showed that a vehicle parked in the car parking spaces within the site would mount the proposed footway to turn and exit in forward gear. This is poorly designed and based on the lower level of vehicle movements it is recommended that this is a shared surface so that a vehicle can manoeuvre easily. Modifications are therefore required and will be conditioned to be provided.

#### *Car parking provision*

The adopted Barnet's Local Plan (Development Management Policies) Policy DM17 indicates the maximum parking standards for residential development, as:

- i. 2 to 1.5 spaces per unit for 4 or more bedrooms)
- ii. 1.5 to 1 spaces per unit for 2 to 3 bedrooms;
- iii. 1 to less than 1 space per unit for 1 bedroom

This equates to a parking provision of up to 14 to 29 parking spaces for the residential development to meet the parking standards as set out in the Barnet Local Plan Development Management Policy DM17 approved in September 2012.

For a site in a PTAL5 area, a provision of 17 parking spaces would be required.

The proposal includes 2 parking spaces, 1 for the 3 bedroom dwelling and 1 for a car club bay and therefore is not in accordance with the parking standards.

Taking into consideration several factors including:

- The PTAL rating in this area is at a good accessibility range.
- According to the Census 2011 data the parking ratio for households in the Census Output Area where the site is located is higher than 1 per household.
- This residential development sits within an all-day (Mon-Sat 10am-6.30pm) Controlled Parking Zone (CPZ). A parking survey was carried out on 3rd -4th February 2016 and showed there was space available on-street to accommodate any potential overspill for overnight residents.
- The number of on-street parking permits issued is above 90% of the available space and is therefore under parking stress.

The developer has offered to enter into an agreement to remove the right of purchase of residential parking permits and provide a car club.

#### *Cycle parking provision*

A cycle store is provided and details are required to be submitted to show that the development will meet the London Plan minimum requirements for cycle parking.

#### *Travel Plan*

A Travel Plan Framework has been included in the submission to encourage sustainable modes of transport. A car club bay will be provided on the site. As the development falls below the threshold in the SPD for a Travel Plan this is voluntary but encouraging. Barnet will work with the developer in developing the plan.

#### *Construction Management*

A Construction Management Plan has been included with the submission and details on-site accommodation and how deliveries are made, routed on the highway network and managed. This is adequate for the development.

#### *Refuse and Servicing*

A Refuse storage area is provided on the access road within the building. A refuse and servicing strategy is required so that any impact to the highway network is reduced.

#### *Section 106 Obligations*

The following contributions and commitments are sought under a Section 106 Agreement :

- (a) Highways Works

The following proposed highway works shall be carried out under S278 of the Highways Act 1980 and to be concluded in S106 Agreement.

- Junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.

- (b) Traffic Management Order Contribution

A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.

Overall highways officers consider that on balance the proposals would have an acceptable impact on highway and pedestrian safety and the free flow of traffic.

### 3. Whether the proposals will harmfully impact on the character and appearance of the streetscene and general locality

#### *3.1 Layout*

The proposed development is comprised of two blocks running north to south across the site.

The existing site is mostly hard landscaping and parking areas, with building running along the southern boundary of the site. The proposals would provide an opportunity to build a front age block which would relate to the existing parade of shops to the north. In this way the existing development is already out of character within the area.

The proposed layout would not be out of character with the pattern of development within the area and is considered acceptable.

#### *3.2 Scale and Massing*

The site is located on a slope, which decreases from north to south. The site is located within East Finchley Town Centre, with a mixture of building heights. To the north are shopping parades which are two storey with rooms in roof space. Opposite the site is East Finchley Underground Station which is Grade II listed. There is also a four storey office building opposite and three storey residential blocks with pitched roofs.

The massing of the building has been reduced at second and third floors so that it sits more comfortably against the parade of shops to the north. Furthermore, the recess would prevent the building appear jarring against Park House to the south.

The buildings vary between two and four stories in height. This is considered an appropriate scale for the site given the height of neighbouring buildings and the location within the town centre. It is considered important that the detailing of any building relates appropriately to the shopping parade with traditional form to the north. To the south, Park House is an unremarkable two storey flat roof building, however it is still important that any building does not appear jarring when viewed against this.

Overall, it is considered that the scale of the development is appropriate for the site.

#### *3.3 External Appearance and Design*

The proposed building would be flat roofed with recessed upper storeys. In this way the building above second floor would not be as dominating as viewed against the pitched roof of 20-22 High Road.

The proposed design of the scheme has been amended in order to separate the ground and upper floor levels of Block A and make them more distinctive given their differing uses.

Materials proposed include:

- Red stock brick
- Sandstone coloured render to projecting bays
- Zinc Cladding for roof
- Wood Laminate to rear projections
- Crittal Windows

It is considered that the design of the proposed building would be acceptable in terms of its impact on the character and appearance of the area.

### *3.4 Landscaping*

The site is currently covered by buildings and hard landscaping with only very limited soft landscaping informally around the edges of the site.

The proposals would represent an opportunity to provide increased soft landscaping to the site, particularly in terms of proposed communal garden areas.

It is suggested that a detailed landscaping scheme is secured by condition.

### *The impact on the setting of East Finchley Underground Station as a listed building*

The underground station is a notable listed building within East Finchley Town Centre, which is located opposite the site. Whilst the replacement building forming part of the development is of some presence, it is not considered that it would be overpowering or prejudicial to the setting of this listed building.

## 4. Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policy CS4 of the Core Strategy and policy DM10 of the Development Management Policies DPD. The Policy sets a target of 40% affordable housing on sites of 10 units of more or covering 0.4 hectares or more.

The applicant has submitted a Financial Viability Report in support of the scheme. This has been independently reviewed by Colliers International on behalf of the Council. Further to this, it has been agreed that a contribution of £ 870,000 can be made towards affordable housing within the Borough. This represents a contribution of 23% and is considered to be the maximum amount the scheme can provide.

Whilst commuted sums are only acceptable in exceptional circumstances it is suggested that where a scheme either can only provide a small number of units on-site and there isn't an obvious self-contained block, a commuted sum could be justified. This is because 'pepper potted' affordable units or less than 10 units tend to be unattractive to RSLs as they are difficult to manage.

In this way, the proposals would comply with policy DM10 of the Development Management Policies 2012.

## 5. Whether harm would be caused to the living conditions of neighbouring and future residents.

### *5.1 Impact on neighbouring occupiers*

#### *5.1.1 Daylight/Sunlight*

A daylight and sunlight report accompanies the planning application. This assessed Vertical Sky Component (VSC), and Annual Probable Sunlight Hours (APSH).

The report shows that whilst there may be a small increase in overshadowing of gardens of houses on Ingram Road, this would not be materially harmful to the living conditions of occupiers of these properties. There would be no significant impact to houses on Baronsmere Road.

In terms of sunlight, the impact on 20-22 High Road would generally accord with Building Research Establishment (BRE) Guidance, with one window receiving less Winter Sun than normally advised. The BRE guidance is a useful tool for assessing such impacts but does not cover every eventuality.

Comments from residents have been received in respect of the Daylight and Sunlight Report. These states that the report has not looked at internal layout of neighbouring properties and does not have full diagrams as they are truncated. In the view of the resident development would be contrary to BRE guidelines as would go beyond 25 degree limit. It should be noted that the BRE Guidance states that *'If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

*-receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable*

*sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year greater than 4% of annual probable sunlight hours"*

None of the above conditions are met.

Residents have also pointed out that houses on Ingram road are not North facing as stated within Daylight/Sunlight report, they are west facing. This is acknowledged. However, the report assesses the impact on these windows in any event.

Overall, it is considered that whilst there may be some impact in terms of overshadowing to residents on Ingram Road, this is relatively minor and not significant enough to warrant refusal of the planning application.

#### *5.1.2 Privacy*

Block B is sited to the rear of the site and is closest to neighbouring residential properties.

It should be noted that the plans do not show the extensions to properties on Ingram Road to the east. No.9 appears to have been extended in the form of a single storey rear extension. No.7 appears to have been extended at roof level. The houses on Ingram Road are L shaped and have rear two storey outriggers.

It is estimated that there is a distance of approximately 9.3m from the rear wall of the nearest property to the rear and boundary with the site (No.11 Ingram Road) measured from the rear of it's outrigger. The distance from the main rear wall would be approximately 15.3m. In the case of no.9, the ground floor rear wall is approximately 7m from the rear boundary where it has been extended.

#### *Impact on no.11 Ingram Road*

At ground and first floors, the proposed building would be approximately 28.5m from the main rear wall of no.11 and 21.3m from the rear outrigger.

At second and third floor the proposed building would be approximately 30.8m from the main rear wall of no.11 and 23.9m from the rear outrigger.

All balconies at second and third floor level have been removed beyond the main rear wall of block B.

The building would comply with the overlooking standards within the Supplement Planning Document: Residential Design Guidance document. The upper floors would be stepped even further to prevent possible overlooking.

#### *Impact on no.9 Ingram Road*

It is noted that no.9 has the benefit of a single storey rear extension and therefore the distances at ground floor between buildings is approximately 18.7m measured from the rear outrigger.

This only applies to the ground floor. It must be viewed in the context that the SPD contains guidance, and this is not to say that development should be refused if it exceeds these, especially in town centres.

Otherwise, the distances between the buildings is marginally more than in the case of no.11.

It is noted that there is a small balcony proposed facing this property at first floor level of approximately 1.5m depth. This would be sited away from the part of the building directly facing the outrigger. On balance it is not considered that harmful overlooking would result if this element is screened adequately and a condition is suggested to ensure this.

#### *Impact on other residential properties*

The other property directly facing the site is sited further away from the site though any impact would be similar to no.9 and no.11 Ingram Road. Though this property has a roof level, it is not considered that any impact would be materially harmful to the living conditions of the occupiers of this property.

The proposed Block A is sited to the front of the site. Overlooking from this block is unlikely given that residential properties are some distance to the north and east of the site.

Furthermore, the scheme has been designed to prevent any possible overlooking to the nursery at Park House to the south. It should however be noted that there is no policy seeking to prevent overlooking to schools and there would be no grounds to refuse an application on these grounds.

### *5.1.3 Visual Impact/Outlook*

The houses to the rear of the site on Ingram Road are closest to the development. These are sited at a height similar to that of the site. They have rear outriggers which step back from the main rear wall of the buildings by approximately 7m.

The existing building is located some 9m from the boundary with no.11 and 20m at first floor level between windows. At ground floor the building is sited some 1m from the boundary.

Whilst the proposed building would be larger than that which exists on site, the second and third floors would be stepped back further to reduce their perceived visual impact.

The proposed block B would be sited approximately 16m from the rear boundary with houses on Baronsmere Road and 26m from the rear walls of these houses. Furthermore, any view would be of the side of the block which is shallow in depth.

It is not considered that the proposed building would appear overbearing or cause harmful loss of outlook as viewed from neighbouring residential properties to Ingram Road, Baronsmere Road or above commercial premises on High Road.

### *5.1.4 Noise and Disturbance*

The site is located within East Finchley Town Centre and is within appropriate density ranges.

The commercial parts of the building would be sited to the front of the site away from residential properties to the rear.

Given the nature of the use it is not considered that the proposals would cause harmful noise and disturbance to neighbouring residential properties.

### *5.1.5 Light Pollution*

Given the nature of the proposed use, and the siting and distance between windows, it is not considered that harmful light pollution would result from the development.

## *5.2 Impact on amenities of future occupiers*

### *5.2.1 Internal Amenity*

#### *Block A*

First Floor Unit 1 (1 Bed) – 54 square metres

First Floor Unit 2 (1 Bed) – 54 square metres

First Floor Unit 3 (1 Bed) – 54 square metres



First Floor Unit 4 (2 Bed) – 90 square metres

Second Floor Unit 1 (2 Bed) – 68.6 square metres

Second Floor Unit 2 (2 Bed) – 75.2 square metres

Second Floor Unit 3 (2 Bed) - 92.7 square metres

Third Floor (2 Bed) – 93 square metres

### *Block B*

Ground Floor Unit 1 (2 Bed) - 67.7 square metres

Ground Floor Unit 2 (3 Bed) - 90.8 square metres

Ground Floor Unit 3 (2 Bed) – 67.7 square metres

First Floor Unit Unit 1 (2 Bed) – 67.6 square metres

First Floor Unit Unit 2 (1 Bed) – 56 square metres

First Floor Unit Unit 3 (1 Bed) – 56 square metres

First Floor Unit Unit 4 (2 Bed) – 67.6 square metres

Second Floor Unit Unit 1(2 Bed) – 67.6 square metres

Second Floor Unit Unit 2 (1 Bed) – 51 square metres

Second Floor Unit Unit 3 (1 Bed) – 51 square metres

Second Floor Unit Unit 4 (2 Bed) – 67.6 square metres

Third Floor Unit 1 (2 Bed) – 71 square metres

Third Floor Unit 2 (2 Bed) – 71 square metres

The development would comply with the internal space standards within Mayor's London Plan.

It is noted that some of the proposed residential units would be single aspect. However, none of the units would be north facing. In this way the scheme would provide good outlook for future residents.

### *5.2.2 External Amenity Space*

The following amenity areas would be provided in association with the development:

- Communal Area of 103 square metres to rear of Block A
- Communal Area of 168 square metres to rear of Block B
- Ground floor private patios of 19, 27 and 31 square metres
- Communal Roof terrace (Third Floor) 57 square metres
- Third Floor Balconies of 19 square metres (x2)

240 square metres of external amenity space would be required in accordance with the Supplementary Planning Document on Sustainable Design and Construction. The development makes provision for 328 square metres.

## 6. Noise and Air Quality Issues

The Noise Consultants, Sharps Redmore, consider it is likely that the western and southern facades, which are closest to the High Road, will require a sealed acoustic glazing system and the northern and eastern facades will require thermal double glazing.

To enable the windows to remain closed acoustic air bricks or an individual or whole building mechanical ventilation system may be required. This would be acceptable to Environmental Health Officers.

The information is satisfactory and shows that the operational air quality impact of the proposal not to be significant. Environmental Health Officer would also like to note that the proposed noise mitigation options (such as acoustic air bricks or an individual or whole building mechanical ventilation) would also have act as an air quality mitigation measure. If mechanical ventilation is used they would recommend that air is drawn in from the rear of the building as this would be the cleanest side of the building)  
The applicant has submitted a Construction Management Plan in support of the proposals. Environmental Health Officers consider that this is acceptable.

## 7. Sustainability/Environmental Issues

### *7.1 Accessibility*

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.  
Policy 3.8 of the London Plan requires 10% of new dwellings to be wheelchair adaptable or accessible. The development would comply with this requirement.

### *7.2 Carbon Dioxide Emissions*

The applicant has submitted an Environmental Sustainability Statement. This states that photovoltaic panels will be used as part of the development on the roof.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

### *7.3 Water usage*

In terms of water consumption, a condition [is attached/would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

### *7.4 Drainage*

The site is located within if Flood Zone 1. The site has a low risk of surface water flooding.

The applicant has submitted a drainage strategy. The Lead Local Flood Authority has been consulted and they are of the view that a more detailed Drainage Strategy should be submitted before the development commences. This could be secured by condition. It is recommended that the feasibility of implementing infiltrating Sustainable urban Drainage Systems (SuDS) be provided as well as giving more consideration to the SuDS hierarchy.

### *7.5 Biodiversity*

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The existing site contains buildings and hardstanding, with some vegetation around the residential boundaries with neighbouring properties. It is considered to be of low ecological value and as such, there is no requirement for surveys of protected species. A condition is attached requiring biodiversity improvements in accordance with policy DM16.

#### *7.6 Waste and Recycling*

The applicant has amended the plans to provide 6 x 1,100 litres bins. This is considered appropriate provision and is considered acceptable by the Waste and Recycling Team.

#### 8. Impact on security

The proposed would maintain commercial use to the front of the site. The rear facing windows would provide surveillance to the rear garden of the site and it is not considered that the risk of antisocial behaviour would increase as a result of the development.

No objection has been received from the Metropolitan Police Designing Out Crime officer.

#### 9. Section 106 Issues

The following planning obligations are required in association with the development:

Contribution of commuted sum towards affordable housing

Amendment to Traffic Order to prevent residents of the development obtaining parking permits.

Furthermore, a contribution would be required towards Mayoral and Barnet Community Infrastructure Levy.

### **5.4 Response to Public Consultation**

#### *Principle of Development*

Doesn't make provision for larger units - *Addressed in main report*

Loss of jobs from existing facility - *Addressed in main report*

Density Excessive - *Addressed in main report*

Existing building (Formerly known as Valona House) is one of the oldest buildings in East Finchley and is of historic interest. - *Addressed in main report*

#### *Design Issues*

Overdevelopment - *Addressed in main report*

Proposals don't pay sufficient regard to Victorian houses on neighbouring roads - *Addressed in main report*

Poor Quality Design - *Addressed in main report*

Overpowers Park House and buildings on High Road - *Addressed in main report*

The materials, roofline, roof pitch, lack of eaves, gables, chimney stacks, dormer are not typical of development in the area. - *Addressed in main report*

#### *Amenity Issues*

Loss of light - *Addressed in main report*

Loss of privacy - *Addressed in main report*

Noise pollution - *Addressed in main report*

Neighbouring properties have not been represented correctly (Note no.9 Ingram avenue is 18.7m from development) - *Noted however the impact of the development is considered acceptable*

Daylight and Sunlight Report has not looked at internal layout of neighbouring properties and does not have full diagrams (Truncated). Development would be contrary to BRE guidelines as would go beyond 25 degree limit. - *Addressed in main report*

Houses on Ingram road are not North facing as stated within Daylight/Sunlight report – they are west facing - *Addressed in main report*

Noise assessment states that development will result in harmful noise, so needs to be fixed shut, which precludes ventilation - *Addressed in main report. Environmental Health Officers are satisfied with details*

No consideration to noise from underground or increase to underground use has been considered. - - *Noise issues are addressed in main report*

Ceiling height of development is below 2.5m - - *Addressed in main report*

Air Source Heat pumps will cause noise - *Air pumps are not proposed*

*Highways Issues*

Proposals don't make provision for parking - *Addressed in main report*

Access issues for vehicles for commercial development, deliveries, fire access - *Addressed in main report*

Waste Management Issues - *Addressed in main report*

Access road will cause disruption in Town Centre - *Addressed in main report*

*Other Issues*

Schools in the area are over subscribed – *The proposals make provision towards Community Infrastructure Levy which would contribute to this*

Noise and disturbance during construction – *This is covered by Environmental Health Legislation. In any event, a construction management plan has been provided and is considered acceptable*

Ecological impact *Addressed in main report*

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

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

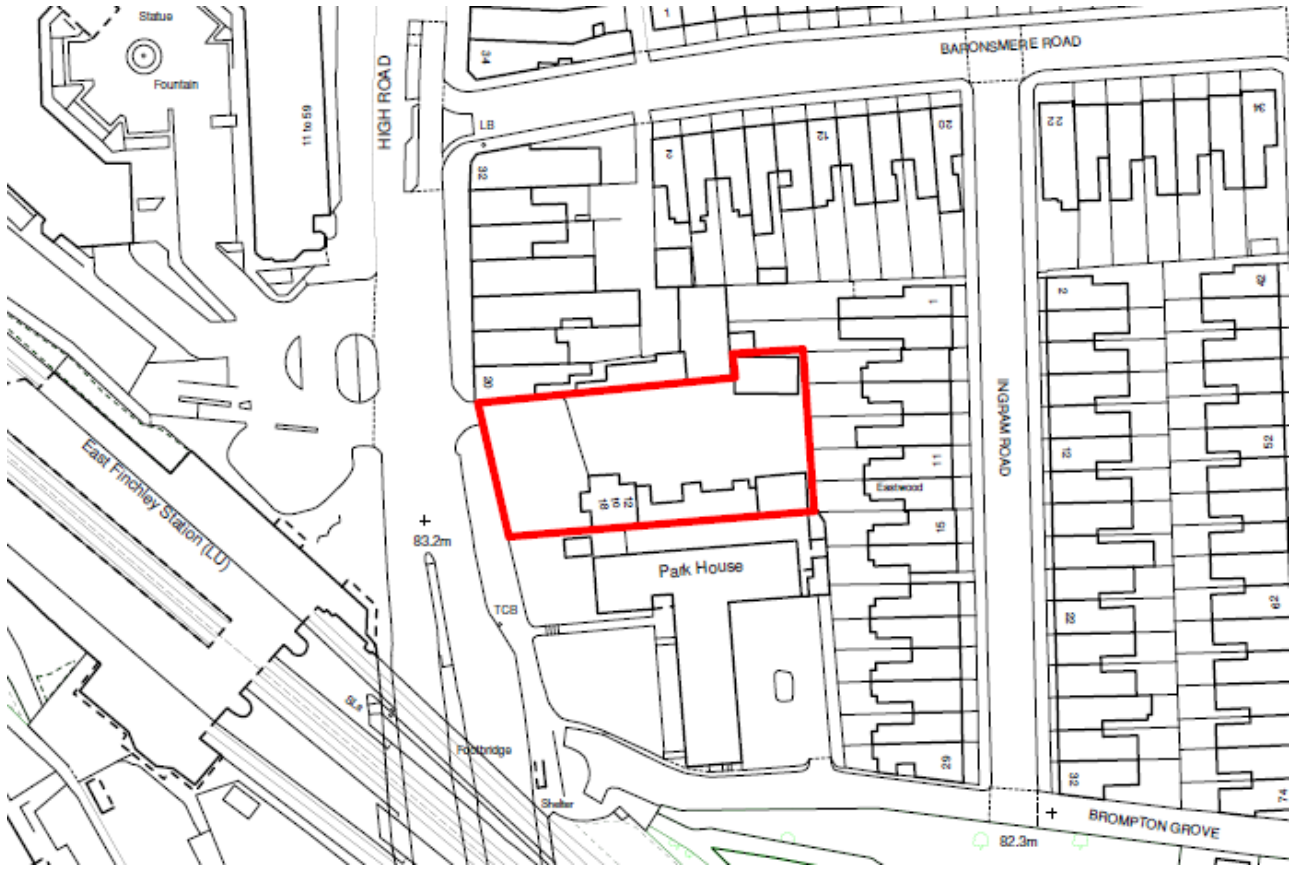
- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

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 proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a significant contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



**PLANNING COMMITTEE**

**22 FEBRUARY 2017**

**ADDENDUM TO THE OFFICER'S REPORT**

**16/2341/FUL Referral from the Finchley and Golders Green Area Planning Committee: 12-18 High Road**

**Amend Plan Numbers:**

**~~HR-AGE01~~**

HR-G-AG01 E

HR-G-AG02 D

HR-G-AG03 D

**~~HR-G-AG04 E~~**

**~~HR-G-AG05 D~~**

HR-G-AGP01 G

HR-G-AGP02 E

HR-G-AGP03 D

HR-G-AGP04 E

HR-G-AGP05 E

HR-G-AE01 D

HR-G-AE02 B

HR-G-AE03 C

HR-G-AE04 B

HR-G-AE05 C

HR-G-AE06 D

HR-G-AE07 C

HR-G-AE08 B

HR-G-AE09 A

HR-G-AE10 B

HR-G-AE11 B

**Additional comments regarding Highways Issues:**

The plans show a flushed kerb rather than an up stand that will aid a turning movement. The swept path movements show that a 4x4 vehicle can turn within the space. A swept path is the worst case as this doesn't allow a vehicle to turn the

wheel while stationary that can be done in practise. If a transit van was to gain access although a width of 7 metres is not to standard it can effectively turn within the space as if 5.6 metres long as would have 1.4 metres manoeuvrability to make a turn. It would take a number of point turns but it can be done.

There is sideways movement space in front of the parking bays to manoeuvre. A delivery driver can also reverse into the access and will have an early warning reversing system and a 2<sup>nd</sup> person to make sure it is clear.

A swept path movement has been provided to show that a vehicle can turn within the space in accordance with the Manual for Streets guidance. There is no defined guidance in Manual for Streets for inter-visibility between pedestrians and vehicles at an access as larger splays make a poor built environment and reduced visibility creates lower speeds. A 2 metre x 2 metre splay is achieved to the south, to the north the existing visibility is unchanged to the present and the vehicle movements will be greatly reduced. There are warning signs for vehicles as shown attached and no collisions have occurred.

**Additional comments regarding Amenity Issues:**

The distances to houses to the rear from block B are clarified below would as follows:

		Distance to Closest point	Distance to rear Two storey outrigger
9 Ingram Road	Ground floor	18.7m to extension of no.9 but this does not extend across full width of property.	20.3m
	First floor	18.7m to extension of no.9 but this does not extend across full width of property.	20.3m
	Second floor	20m to extension of no.9	
	Third Floor	23m to extension of no.9	
11 Ingram Road	Ground & first floor & second floor		20.3m
	Third floor		23m
13 Ingram Road	Ground & first floor		20.9m
	Third floor		22.8m

It should be noted that the properties on Ingram Road are L shaped with a two storey outrigger.

It is considered that though there are some minor contraventions of the 21m distance within the Supplementary Planning Guidance, there would not be harmful overlooking taking into account proximity to the town centre, and the lack of



continuous façade at upper floors. It should be noted that this is guidance and breach does not automatically mean that any application should be refused.

### **Tree Preservation Order**

The Yew tree to the front of the adjacent Council-owned Park House, relatively close to the boundary with the application site, has now been included in a Tree Preservation Order. It is a material consideration and would allow the Council to impose conditions, if appropriate, for the protection of the tree or replacement planting to mitigate its loss.

### **Condition to Add:**

1) a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until 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) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

### Car Club

The applicant has provided the following additional information on car clubs:  
*'Within the immediate vicinity of 12-18 High Road the majority of the car clubs are operated with **HiyaCar** and **ZipCar**.*

***HiyaCar and EasyCar** are peer-to-peer car sharing platforms whereby car owners who may not require the use of their vehicle on a daily basis can rent it out to vetted drivers.*

- *The vehicle is listed on the website by the owner, with information on the cars availability, rental cost and any photographs.*

- Drivers can search their local area for the appropriate vehicle and make booking requests, when the request is made, a suitable location for pick-up and drop-off is agreed with the owner and driver.
- The Driver and Sharer meet at the time and place agreed at the time of making the Booking and the Driver shall confirm the Booking reference and make their driving licence available for inspection by the Sharer. The keys are exchanged and the car's owner is paid directly from the car sharing company.
- The Driver shall return the Car at the scheduled end of the Hire Period to the location agreed at the time of the Booking.
- Promptly following the return of the Car, the Sharer and the Driver shall record the Car's fuel level and inspect it for any new damage in the agreement. Drivers are responsible for refuelling any fuel used during the hire, using the appropriate fuel (i.e. regular, premium or diesel.)

**With ZipCar and DriveNow**, the vehicles are owned by the company and follow a more automated approach.

- After the initial registration, membership cards will be sent out. The location of the nearest car and the booking process can be accomplished via the mobile app, website or by phone.
- Once the booking has been made, the car can be opened by holding the membership card or mobile phone up to a sensor on the car's windscreen which prompts the doors to automatically unlock. In the case of DriveNow the car can be started via a PIN entered on the dashboard, with ZipCar the keys are accessible in the glovebox.
- Fuel, insurance and congestion charges are included in the price of the hire, which can vary from 1 hour to 7 days. If the car requires refuelling, there is a fuel card in the hire car which is to be used.
- For ZipCar when the hire is complete, the car is returned to its 'home' location and locked with the card or mobile phone. In select cities there are ongoing trials in regard to one-way trips or changes in drop-off location. However in the case of DriveNow, the car can be left at any location'.

**Location**                    **12 - 18 High Road London N2 9PJ**

**Reference:**                **16/2351/FUL**                    Received: 11th April 2016  
Accepted: 26th April 2016

Ward:                        East Finchley                        Expiry 26th July 2016

Applicant:                 Safeland PLC

Proposal:                    Demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1 office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space

### **1. Summary:**

**The Planning Committee previously approved this planning application on 22/02/2017. Residents have subsequently written to the case office requesting the clarification of certain issues. This report is written to the Planning Committee for its approval in order to clarify these matters.**

**Please note that items are not normally referred back to committee where representations are received – in this case the objections raised additional issues that officers felt needed clarification.**

**Further to comments raised by residents in relation to the previous plans and compliance with part M4(2) and M4(3) of the Building Regulations, additional plans have been submitted to show lift access to the top floor of Block B.**

**The original committee report is attached as an appendix to this report.**

### **2. Revised Schedule of conditions.**

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

HR-G-AG01 E  
HR-G-AG02 D  
HR-G-AG03 E  
HR-G-AG04 F  
HR-G-AGP01 H  
HR-G-AGP02 F  
HR-G-AGP03 G  
HR-G-AGP04 F  
HR-G-AGP05 F  
HR-G-AE01 E  
HR-G-AE02 C  
HR-G-AE03 D

HR-G-AE04 B  
HR-G-AE05 F  
HR-G-AE06 G  
HR-G-AE07 E  
HR-G-AE08 D  
HR-G-AE09 B  
HR-G-AE10 C  
HR-G-AE11 C  
Design and Access Statement  
12-18 High Road - East Finchley Site Analysis  
Daylight and Sunlight Report  
Construction Management Plan  
Transport Assessment  
Revised Environmental Assessment  
Planning Statement  
Air Quality Assessment  
Travel Plan  
Heritage Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

6 The development shall be implemented in accordance with the measures detailed within the approved construction management plan.

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 Policy 5.21 of the London Plan (2015).

7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development

Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

9 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

## 10 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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

d) 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 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.

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

12 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor office as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

13 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

14 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).



15 The level of noise emitted from the 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 in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

16 a) A scheme for air pollution mitigation measures based on the findings of the air quality report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

18 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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 April 2013) and 7.21 of the London Plan 2015.

19 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

20 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

21 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

23 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

24 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.

25 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.

26 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 40 % 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.

27 The ground floor of block A shall be used for an office and for 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.

28 No parts of the roof of the first floor roof shown on plan HR-G-AGP03F, or the second floor roof on plan HR-G-AGP04E, or the third floor roof on plan HR-G-AGP05 E (with the exception of the third floor areas specifically annotated as roof terraces) shall be used as balcony, amenity or sitting out area.

Reason: To safeguard neighbouring amenity.

29 Prior to the commencement of the development, details of the access and access road(s) shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200. The estate road as approved shall be constructed in accordance with the approved details before the site is occupied. For further guidance and contact details please refer to the Development Team, Environment and Operations Directorate.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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.

30 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and 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.

31 Details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control on site parking in the interest of highway and pedestrian safety 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.

32 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety 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.

33 The applicant must enter a Section 278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.

Reason: In the interest of highway safety 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.

34 Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and 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.

- 35 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until 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) have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

### **3. Amendment to RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 26/09/2017 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on 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 Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on 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 Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been demonstrated to the satisfaction of the Local Planning Authority that it would not be viable to provide affordable housing on the site or a contribution towards this. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

#### **4. Amendment to Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £58,180.50 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 £224,410.50 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

- 4 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 (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - 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;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;



6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

- 5 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 so habitable rooms are sited away from source of poor air quality; 4) Non-residential usage of lower floors; 5) Altering footprint by siting 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) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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

- 6 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 7 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 9 The applicant is advised that the High Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic.
- 10 The applicant is also advised that the development is located on a Strategic Road Network (SRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 11 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses
- 12 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 13 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicant and will require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by the Highways Authority.
- 14 The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.
- 15 The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.
- 16 To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 17** The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.
- 18** The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via [abetterwaytowork@barnet.gov.uk](mailto:abetterwaytowork@barnet.gov.uk) or tel: 020 8359 7603.
- 19** The applicant is reminded that the development needs to incorporate sprinklers compliant with the Building Regulations in order to comply and provide fire safe development.

## 4. Background

The item was previously presented to the Finchley & Golders Green Area Planning Committee on 19th January 2017 was referred up to Planning Committee, following the vote, by the requisite number of Members (2), in accordance with the Constitution.

The item was subsequently referred to the Planning Committee on 22/02/2017 and was approved by Members of the Committee.

Further to the decision of the Committee, correspondence was received from local residents requesting clarification regarding certain issues. This has included but not been limited to :

The item is now referred back to committee in order for these issues to be clarified. The applicant has provided a revised set of plans with minor changes and clarifications in order to assist.

## 5. Consultation

### Consultation with residents

Further consultation on the final amended plans was undertaken on 19/04/17 and on 30/06/2017. This follows receipt of amended plans to attempt to address concerns from residents about the scheme taken to the Planning Committee on 22/02/2017. A total of 41 objections were received in response to these plans from the 19/04/2017 consultation.

A further consultation was undertaken on 30/06/2017 and 10 further objections were received.

All of the objections are summarised below:

### Procedural Issues:

- Concern of relationship between Capita and GI Hearn (agent)
- Planning conditions are being used in an inappropriate manner
- Accommodation Schedule includes removed balconies

### Heritage Issues:

- Report is littered with inaccuracies
- Does not source historic data
- Photos do not relate to building itself
- There are no other buildings of this age in East Finchley
- Report does not comply with Historic England requirements.

### Character and Appearance Issues:

- The drawings are misleading about the height of block B in relation to the surrounding houses.

- Ingram Road houses have been drawn on the assumption that the ridge at no.1 is the same height
- as the ridge of the shop unit corner Baronsmere Road. In fact is in lower and then steps down the
- hill. Block B appears to be 1.7m higher than no. 9 and the houses south of that step down the hill,
- therefore will be even higher in relation. In fact the difference is likely to be greater. Block B is too
- tall and should be at least one storey lower and moved away from the boundary.
- Building is big and ugly
- Yew tree is not shown on the drawings and not taken into account
- Poor Quality Design

#### Amenity Issues:

- Overlooking
- Third floor could still be used for roof terrace despite condition
- Impact of front terrace has not been assessed
- GIA of some flats is below London Plan standards

#### Accessibility Issues:

- Scheme is still not Building Regulations compliant
- The applicant has not shown the necessary sprinklers on the plans. Do the sprinklers comply with Building Regulations?

#### Highways Issues:

- Parking Impact
- Reversal of vehicles onto the High Road
- *How can you install a pedestrian crossing point on a small slip road?*
- *How can the crossing point be set back?*
- *Council officers' should be looking critically at the developer's Transport Assessment and not just accepting it unquestioningly. A turning space of less than 7m is inadequate for vans and larger cars*
- *Road safety audit should be undertaken*
- *Council should not accept developer's 2016 Parking Survey*
- *There are no unrestricted spaces on this stretch of High Road*
- *Council should not allow a development that is so poorly designed as to make the regular emptying of waste containers a risk to pedestrian safety and an obvious cause of disruption to traffic.*
- *Parking permits were issued in error at other developments*

#### Infrastructure Issues:

*Lack of GPs and Infrastructure.*

#### **Consultation with external bodies**

The London Fire Brigade were consulted on the current application on 27/04/2016, 20/06/2017 and again on 10/07/17. A response was received on 11/07/2017 which objected on the grounds that the proposals did not comply with part B5 of the Building

Regulations. The applicant has subsequently confirmed that Building Regulations compliant sprinklers will be incorporated into the development and the London Fire Brigade have confirmed that they no longer object to the scheme. Officers anticipate that it would be possible to incorporate sprinklers without significantly changing the plans.

## **7. Additions to Report**

### 7.1 Loss of the existing building

In response to concerns expressed by residents a Heritage Statement has been provided by the applicant, which has been produced by Martin O'Rourke.

The Heritage Assessment states that:

*'The villa on this site was always a modest cottage-style domestic building of a vernacular type. Such buildings are not rare, and many survive in almost their original condition on the fringes of London and elsewhere. When relatively unaltered, such villas have a modest charm and significance. Such significance is greatly enhanced by being part of a street or village group with their associated garden setting.*

*In this case, the inappropriate concrete tile roof, modern crude entrance porch and the dominating extensions have had a particularly damaging effect on the original character and appearance of this modest and reticent building, as has the loss of the garden setting through building extensions.'*

It goes on to summarise that *'The villa at the centre of the site of Nos.12-18 was always a simple building of limited heritage significance. It is now severely detrimentally altered and extended. The setting is also greatly altered by poor quality extensions which detract from the villa in scale, materials and design.'*

Officers note the assessment above. Officers still consider that the building has some historical significance within East Finchley Town Centre. A number of consultation responses have referred to existing building on site and it's historic significance within East Finchley. The building appears to be of Victorian era and notable features include it's attractive brick façade, sash windows and detailing. However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

Paragraph 7.9 of the Mayor's London Plan states that *'The significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their*

*conservation and the establishment and maintenance of sustainable communities and economic vitality.'*

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting and it is difficult to see how the building could be retained whilst unlocking the potential of the site to contribute through development. In this way policy 7.9 of the London Plan has been considered, and the Local Planning Authority would not insist on the retention of the existing building on site.

It is therefore considered that the loss of the building could be acceptable if it could be considered that this outweighed but wider benefits of the scheme.

### 7.2 Whether the development will have an acceptable impact on Highway and pedestrian safety

*The item has been referred back to the committee for final decision. Committee members previously considered that car free development was acceptable. Officers do not consider that any comments raised since this would warrant taking a different view. It is noted that some of the highways conditions were previously omitted in error and these are now attached. For clarification the Highways Officer has updated their comments below:*

#### Parking

The parking survey submitted as with the application has been reviewed and the number of bays available has been re-measured and found that the number of bays counted was less by P&D 20 bays; Residential 17 bays; SY 52 bays; and UN 2 bays. In recalculating the available space it is reduced but there is still space available to park.

The Highways Officer has reviewed the parking survey submitted by residents on 3<sup>rd</sup> February that includes Ingram Road; Baronsmere Road to the junction of Park Hall Road; High Road 167m to the north and 150m to the south; and 36m into Fairlawn Avenue. The results show that 13 spaces are free overnight and 4 spaces daytime. The survey area is constrained, for a town centre location with competing demands we would accept the extent submitted by the applicant. The applicant is willing to accept the removal of the rights of residential parking permits which is adequate mitigation in accordance with our policy.

The results of the CPZ parking review are to be considered at the Finchley and Golders Green Area Committee on Thursday 16<sup>th</sup> February the focus was placed by residents on a range of issues. The main issues being:

- Intra-CPZ commuter parking/request for separate permit zone from remainder of CPZ: 26 mentions;
- Parking related to the Phoenix Cinema causing problems in the evenings: 6 mentions;
- Problematic parking in Brompton Grove, which is a private road.

The results are that there do not appear to be any significant parking issues to consider.

The site is located opposite the East Finchley Station and is ideally suited for a car free development for 1 and 2 bed units. Car parking permits will not be issued for the development, although this does not prevent for a resident from purchasing a vehicle it does restrict parking on-street in controlled hours that includes Saturday. Air pollution is of concern throughout London and therefore where there is good public transport and access to amenities car parking should be reduced as a sustainable solution to reduction in carbon emissions. A car club will be provided for those who require a car for trips for longer distance where public transport is limited.

### Access

Trip Generation to the site has been estimated from similar sites within the TRICS database which is a database of surveys throughout the UK and is the industry default for estimating development trips. Sites are selected on type of use, location and size as well as other characteristics. The sites used for the residential use are between 2007 and 2015 and for the office are between 2007 and 2013. The total daily vehicle trips for residential are 12 arrivals and 13 departures and for the office are 4 arrivals and 4 departures. The comment has been raised in regard to larger vehicles used for deliveries and these are shown as OGV (Ordinary Goods Vehicles). Other deliveries will be made by smaller vehicles. The office space is 265 sqm and is not a large office, based on an average of 15 sqm per person this would hold 17 staff. An estimate of 100 vans per week made by residents is an exaggeration.

In addition the point made was the number of deliveries made by larger vehicles, there may be additional trips by car size delivery vehicles. The TRICS database with similar sites was used using similar sites from surveys carried out between 2007 and 2014. The office is small with vehicle trip numbers very low.

A pedestrian crossing point is a place that gives people a safer place to cross a road or access and can be uncontrolled or controlled. Based on the expected traffic movements from this site this would be uncontrolled in the form of tactile paving defining the point to cross.

If a driver reverses out the access than it is correct to say that visibility would be reduced and a driver would not have a view of the pavement or carriageway. In my opinion this is a very unlikely occurrence as drivers who are unfamiliar with the location would not try and access a gated access; they would first stop at the entrance on the High Road before making a turn to see if it is clear. If the gate is closed than they would park elsewhere, it is not likely they would block the gate. It is much easier for a delivery vehicle to stop at the access and not turn in to make a delivery, they will not be within the running lane as be protected by parking.

Pedestrians will not be crossing at the back of footway as there are chairs and tables to the north and to the south the desire line is at the front of the footway as pedestrians will not cross into the side of a building. In my opinion there is not a highway safety issue.

Officers have identified minor issues with the access that has been conditioned for amendments to be submitted and this will be prior to the start on site. This is not considered a reason for refusal.

Highways officers have considered loading from this site and generally on the High Road. The view is there is no local need for loading facilities on the High Road as the parking bay



is often free for loading or visitor parking to take place. The nearest parking bays are pay by phone and therefore have a high turnover. Although there is rear access to the current premises this is not able to accommodate delivery vehicles as there is not space to turn around due to parked vehicles. At present some deliveries are made from the High Road. If there was a serious parking issues the Council would be receiving complaints about double parking and severe congestion and this is not the case. The number of deliveries is not deemed a serious issue by Highways Officers and parking team.

### Safety

The gardens at the back of the arcade have been concreted over to provide for parking as can clearly be seen on aerial views. From observations on the High Road a number of deliveries are made to this shopping arcade.

It is clear that deliveries are made from the High Road. At the same time the pay and display bays are clear allowing parking for delivery vehicles or visitors to the development.

Loading can be made from the High Road where there are no loading restrictions. There are no issues with unloading from the access without making a turn. The Zebra, Pelican and Puffin Pedestrian Crossings Regulations and General Directions show exceptions to parking in a controlled area in regulation 22.

### Other Highways Matters:

- Pedestrians cross further away from the building where there is greater visibility. The existing pedestrian point is set forward of the building line.
- The Transport Assessment was reviewed and a swept path is provided that shows a 4x4 type vehicle turning within the space provided without hitting any walls. The Transport Assessment states that the width is 7 metres. A Land Rover is below 5 metres in length and therefore there is over 1 metre either side to manoeuvre. Car parks are generally designed with 6 metre aisles that enable a vehicle to turn. If the gates are controlled this would avoid larger vehicles having access. It is not likely that a delivery vehicle driver would hinder itself by reversing in or out of the access as it is far easier for them to pull in parallel with the access as they can leave quicker and more safely.
- It is considered that as an existing access with no accident history the reduced number of trips would not create any additional safety concerns.
- The planning process will consider access design on the public highway in outline but will require detail design through the Highways Act under Section 278 or Section 184.

Overall highways officers consider that on balance the proposals would have an acceptable impact on highway and pedestrian safety and the free flow of traffic. Additional conditions are suggested as originally put forward by the highways officer, where it is considered justified.

### *7.3 Privacy*

Block B is sited to the rear of the site and is closest to neighbouring residential properties.

It should be noted that the plans do not show the extensions to properties on Ingram Road to the east. No.9 appears to have been extended in the form of a single storey rear

extension. No.7 appears to have been extended at roof level. The houses on Ingram Road are L shaped and have rear two storey outriggers.

Block B would be sited the following distances from houses to the rear on Ingram Road:

- The proposed development would maintain a distance of 12m to the rear boundary at ground and first floor level, except for the central projection which would maintain a 10.5m gap.
- The proposed development would maintain a distance of 12m to the rear boundary at second floor level.
- The proposed development would maintain a distance of 14.2m to the rear boundary at third floor level.

In this way the proposals would comply with requirements of the Residential Design Guidance Supplementary Planning Document in respect of overlooking distances to neighbouring gardens which specify a minimum distance of 10.5m. Additional distance is provided at the third floor.

The distances to houses to the rear from block B are clarified below would as follows. It should be noted that the properties on Ingram Road are L shaped with a two storey outrigger and as a result distances vary across properties on Ingram Road.

Neighbouring Property	Floor	Distance to closest point between windows
5 Ingram Road	Ground Floor	21.4m to rear single storey element adjoining two storey outrigger
	First Floor	22.1m to rear two storey outrigger
	Second Floor	22.1m to rear two storey outrigger
	Third Floor	24.3m to rear two storey outrigger
7 Ingram Road	Ground Floor	21.1m to rear single storey element adjoining two storey outrigger
	First Floor	21.8m to rear two storey outrigger
	Second Floor	21.8m to rear two storey outrigger
	Third Floor	24.0m to rear two storey outrigger
9 Ingram Road	Ground Floor	16.4m to single storey rear extension
	First Floor	19.3m to rear two storey outrigger
	Second Floor	20.8m to rear two storey outrigger
	Third Floor	23.0m to rear two storey outrigger
11 Ingram Road	Ground Floor	20.4m to rear single storey element adjoining two storey outrigger - note that two storey projection extends on other side of property from outrigger
	First Floor	21.1m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
	Second Floor	21.1m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
	Third Floor	23.0m to rear two storey outrigger - note that two storey projection extends on other side of property from outrigger
13 Ingram Road	Ground Floor	20m to rear single storey element adjoining two storey outrigger
	First Floor	20.7m to rear two storey outrigger
	Second Floor	20.7m to rear two storey outrigger
	Third Floor	22.9m to rear two storey outrigger

As can be seen above, the proposals broadly comply with the 21m window to window distance within the Supplementary Planning Document: Residential Design Guidance though there are some areas where the scheme is deficient, namely the ground and first floor windows at 9 Ingram Road, and to more marginal extents the ground floor of no.11 and ground, first and second floors of no.13.

The SPD states that shorter distances may be acceptable between new build properties where there are material justifications. It must be noted that the proposals seek to redevelop a town centre site and make more efficient use of land. It is considered that

though there are some contraventions of the 21m distance within the Supplementary Planning Guidance, there would not be harmful overlooking taking into account proximity to the town centre, and the lack of continuous façade at upper floors. It should be noted that this is guidance and breach does not automatically mean that any application should be refused.

Overall it is not considered that the proposals would cause harmful overlooking that would warrant the refusal of planning permission.

#### *Overlooking impact on other residential properties*

The other property directly facing the site is sited further away from the site though any impact would be similar to no.9 and no.11 Ingram Road. Though this property has a roof level, it is not considered that any impact would be materially harmful to the living conditions of the occupiers of this property.

The proposed Block A is sited to the front of the site. Overlooking from this block is unlikely given that residential properties are some distance to the north and east of the site.

Furthermore, the scheme has been designed to prevent any possible overlooking to the nursery at Park House to the south. It should however be noted that there is no policy seeking to prevent overlooking to schools and there would be no grounds to refuse an application on these grounds.

Overall it is not considered that the proposals would cause harmful overlooking that would warrant the refusal of planning permission.

#### 7.4. Impact on Trees of Special Amenity Value

The Yew tree to the front of the adjacent Council-owned Park House, relatively close to the boundary with the application site, has now been included in a Tree Preservation Order. The tree is a material consideration and would allow the Council to impose conditions, if appropriate, for the protection of the tree or replacement planting to mitigate its loss.

It is suggested that a planning condition is attached to ensure that mitigation is provided to ensure that the impact on the tree of the proposals is minimised. It is recognised that the tree is in close proximity to the existing buildings and proposed development.

#### *7.5 Accessibility*

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that in their view the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies. Advice has been sought from the Building Control Team on this issue and they have advised that in their view the proposals are generally compliant though a lift may be required for the third floor flats in block B. This has now been provided in the most recent amendments to the plans. A condition has been attached to ensure compliance and if the developer could not comply with this a new scheme would need to come forward.

Policy 3.8 of the London Plan requires 10% of new dwellings to be wheelchair adaptable or accessible. It is noted that residents have raised concerns that the development would not comply with part M4(3) as their view the units are too small for wheelchair access. The applicant insists that the development would comply with this requirement. Officers looking at the issue do not believe that there is any reason the units could not comply, and a condition is attached to secure this.

## **8. Response to Public Consultation**

*Additional officer comments on the latest consultation:*

### Procedural Issues:

Concern of relationship between Capita and GL Hearn (agent) –

*Residents have raised concern regarding the relationship between the applicant's agent (GL Hearn) and Capita. GL Hearn was acquired by Capita in July 2015.*

*The application has been processed by officers under the employment of Regional Enterprise which is a joint venture between London Borough of Barnet and Capita.*

*In this case the following measures have been in place to prevent any possible conflict of interest:*

- *The item will be determined by Members of the committee so the final decision would not be made by officers.*
- *The committee's decision will follow public discussion and residents will have their right to make representations to the committee.*
- *Officers have dealt with GL Hearn as they would have with any other planning agent.*

*Planning conditions are being used in an inappropriate manner – It is not uncommon for large numbers of conditions to be attached to a major planning application. The conditions are considered to meet the tests of the National Planning Guidance.*

### Heritage Issues:

- *Residents concerns regarding the Heritage Assessment are noted. The assessment is considered in the report above. It should be noted that officers do not necessarily agree with all of the findings of the report.*

### Character and Appearance Issues:

- *The drawings are misleading about the height of block B in relation to the surrounding houses. – Officers consider that the height of the building in any event is acceptable.*

- Ingram Road houses have been drawn on the assumption that the ridge at no.1 is the same height – *Noted and officers have not relied on this to make a judgement.*
- Yew tree is not shown on the drawings – *The location of the Yew tree is noted.*

#### Amenity Issues:

- Third floor could still be used for roof terrace despite condition – *Conditions are suggested and it is not considered that with privacy screening this could arise.*
- Impact of front terrace has not been assessed – *The front terrace is not considered to result in any overlooking given the distance to nearest property.*

#### Accessibility Issues:

- Scheme is still not Building Regulations compliant – Addressed in main report. The proposals before the committee have to be assessed on their merits. Officers have raised the issues put forward by residents and
- Issues to be dealt with under the Building Regulations do not form basis for withholding planning permission.

#### Highways Issues:

Addressed in main report

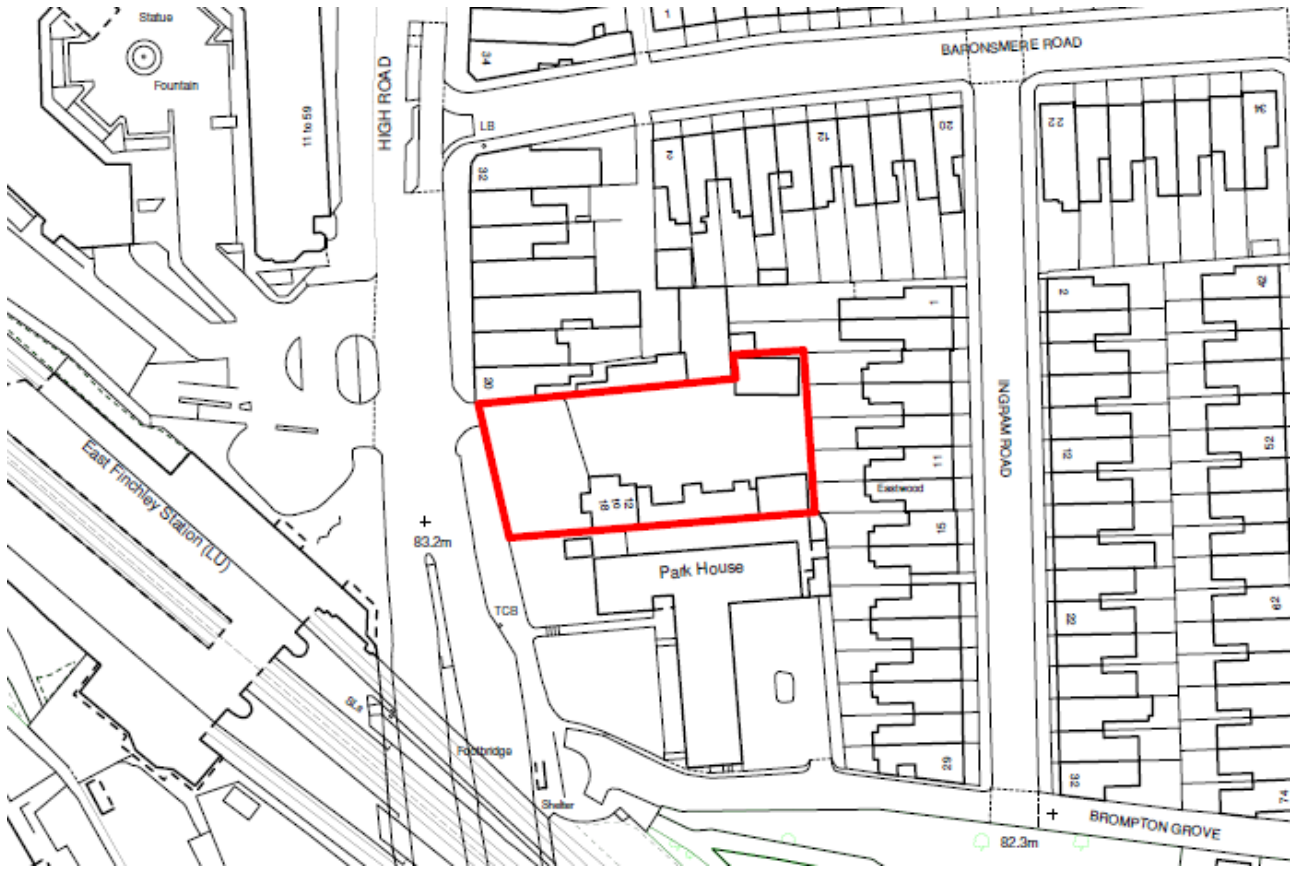
#### Infrastructure Issues:

*A contribution would be provided towards the Community infrastructure Levy.*

## **9. Conclusion**

Officers consider that the amended plans and clarifications within this report further illustrate that the proposals would on balance be acceptable.

The proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a significant contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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**Location** Radmore 36 Hendon Avenue London N3 1UE

**Reference:** 19/4125/HSE

Received: 26th July 2019

Accepted: 26th July 2019

**Ward:** Finchley Church End

Expiry 20th September 2019

**Applicant:** Brian and Sharon Levine

**Proposal:** New front porch. Part single, part two storey side and rear extension following demolition of existing garage including 2no. Juliette balconies to first floor rear elevation

**AGENDA ITEM 7**

**Recommendation:** Refuse

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 The proposed part single and part two storey side extension by reason of its excessive depth, size, siting, and bulk, would represent a visually obtrusive, disproportionate and overly dominant addition which is not subordinate and would be detrimental to the character and appearance to the host property, the streetscene and the wider character of the area contrary to policies CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies (2012), policies 7.4 and 7.6 of the London Plan (2016) and Barnet's Residential Design Guidance Supplementary Planning Document (2016).

**Informative(s):**

- 1 The plans accompanying this application are:

Site Location Plan, Radmore, 36, Hendon Avenue, Finchley, London, Barnet, N3 1UE;

Drawing No. PR-EL00-PA Rev. S10 Proposed elevations;

Drawing No. PR-PL100-PA Rev. S4 Proposed Plans;

Drawing No. PR-PL01-PA Rev. S11 Proposed Plans.

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## Officer's Assessment

### OFFICER'S ASSESSMENT

#### 1. Site Description

The application site relates to a two-storey detached property house located on the north side of Hendon Avenue. The property has a traditional pitched roof, a two-storey front gable and staggered rear building line. It is in mock-Tudor style and has the benefit of an existing front, side and rear dormer. There is a single storey detached garage building between no 34 and no 36, which accommodates garages that serve the properties. The property sits on a generous plot, set in approx. 3.90m from the common boundary with no 34 to the east and approx. 0.9m from the common boundary with no 38 to the west of the application site. The local area is characterised by large houses on generous plots. The application site is not within a conservation area, nor does it contain a locally or statutory listed building.

#### 2. Site History

Reference: 19/1748/HSE

Address: Radmore 36 Hendon Avenue London N3 1UE

Decision: Withdrawn

Decision Date: 05 Jun 2019

Description: New front porch. Part single, part two storey side and rear extension following demolition of existing garage. 2no Juliette balconies to first floor rear elevation. Extension and alteration to roof including extension of side dormer to form L shaped dormer with Juliette balcony and 5no rooflights to front, side and rear roof slopes

#### 3. Proposal

This application seeks planning permission for a new front porch and a part single, part two storey side and rear extension following demolition of the existing garage. 2no. Juliette balconies are proposed as part of the first-floor rear elevation.

The proposed front porch would measure overall 8m wide, 1.3m deep, 2.5m high to the eaves and 3.4m high to the ridge of a monopitch roof. It would join into the proposed two storey side extension which would be some 14.5m deep overall along the boundary with no. 34 including a 3.5m deep deep rear extension. The first floor element of the side extension would be set in 1m from the boundary with no 34 and extend the full depth of the existing flank wall of the house, an overall depth of 11.8m. It would have a crown roof with the same eaves level of the main house and a ridge which would be set down some 1.4m below the existing ridge of the main house.

No. 36's half of the garage block would be demolished to make way for this side extension.

The single storey element of the rear extension would be some 12.8m wide, abutting the boundary with no. 34 and being set back some 0.9m from the boundary with no. 38. Because of the existing staggered rear elevation of the original house the extension would measure 3.5m deep along the boundary with no. 34 and 4.9m deep on the side of no. 38 to provide a uniform rear elevation. The roof would be 2.5m high to the eaves and 3.4m high to the ridge of the pitched roof. The first floor element of this extension would be on the

side of no. 38 and measure 1.5m deep, eaves height consistent with the main house with a small crown roof some 0.5m high. This extension would be 4.5m wide.

Also proposed are:

- o The addition of 4no. windows on the western elevation at ground floor level.
- o The addition of 2no. windows on the western elevation at first floor level.
- o The addition of 6no. rooflights within the existing roof.

The proposed materials of the extensions would match the host property.

#### 4. Public Consultation

Consultation letters were sent to 7 neighbouring properties. One objection was received in response to the proposed development, summarised as follows:

- o What will happen to the roof of the garage at no.34 following the demolition of no.36's adjoining garage?
- o If it can be assumed that no.34's garage will remain as it is, with the roof void enclosed, it will create a bizarre, jarring appearance, totally out of keeping with the rest of the street and area.

Cllr Greenspan called-in the application for committee to see how the extension will effect the neighbouring properties and the character of the area.

#### 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 revised National Planning Policy Framework (NPPF) was published in 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

###### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

## The Mayor's Draft London Plan

Although some weight should be attached to the Draft London Plan, applications should continue to be determined in accordance with the 2016 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.
- Relevant Development Management Policies: DM01, DM02.

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

### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments that would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

### Sustainable Design and Construction SPD (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.

### 5.3 Assessment of proposals

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Development proposals must respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies DM01 and CS05 of the Barnet Local Plan, and 7.4 and 7.6 of the London Plan. Policy DM01 states that all proposals should preserve and enhance the local character of the area.

The proposed side extension is acceptable in principle and consistent with some elements of design guidance in that it is set in 1m from the boundary with no. 34 and the ridge of the extension roof is set down in excess of 0.5m below the ridge of the main roof.

Regrettably, however, it is considered that the overall size, siting and design of the proposed side extension is such that it detracts from the character and appearance of the existing house and the character and appearance of the area. By extending the full depth of the house and lining up with the front and rear elevations it unbalances the existing staggered front elevation and produces a roof form with a side ridge of some 5.4m, significantly longer than the existing ridge of some 0.6m. This is not subordinate and results in disproportionate and unduly prominent roof structure at odds with the existing house to the detriment of the character and appearance of the existing house and the surrounding area.

This extension would be particularly visible from the public realm due to the large gap between the existing property and adjacent no 32 to the east. This is visually appreciable in profile, particularly on the east flank elevation therefore perceptible from the public realm upon approach from the east, and diminishes from a subordinate roof form, which results in an incongruous, overly bulky and over-dominating roof form. Consequently, the development fails on the grounds of character and appearance on the existing dwelling house and local context.

No objections are raised to the other elements of the proposed development in respect of character or impact on the amenities of neighbouring residents or their privacy.

### 5.4 Response to Public Consultation

An objection has been received with regards to how the adjoining garage wall at no.34 Hendon Avenue would be left following the demolition of no.36's garage. Concern was raised that where the proposed single storey side extension would join with the garage at no.34, the appearance would be jarring and inappropriate to the area. Whilst it is noted by Officers that the two adjoining garages currently provide a pleasing symmetry and a new, non-uniform roof line would be established as part of the proposals. In this respect the concerns of the objector are noted; however, in a street of many varying roof forms, it is not considered that the side extension would result in an unacceptable level of harm to the character of the general locality.

### 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

This application is therefore recommended for REFUSAL





**Location**                      **Millers Yard Long Lane London N3 2QG**

**Reference:**                    **19/3508/FUL**

Received: 24th June 2019

Accepted: 24th June 2019

Ward:                              West Finchley

Expiry 19th August 2019

Applicant:                      Mr Ovidiu George Stoica

Proposal:                        Erection of single storey building adjacent to units 9-18 following the demolition of existing garages numbered 24-29 [AMENDED DESCRIPTION]

AGENDA ITEM 8

**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 this permission.

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:

Location plan and block plan - Drawing No. EX.01 Revision A

Existing plan - Drawing No. EX.01 Revision A

Proposed plan - Drawing No. P.01 Revision D

Existing elevations - Drawing No. EX.02 Revision -

Proposed elevations - Drawing No. P02 Revision C

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 materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) on site.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 a) No development or site works shall take place on site 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 and ways to minimise dust, noise and vibration pollution.

- 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

5 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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

d) 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 in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

- 6 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the garage hereby approved, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 7 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the garage units; as measured within habitable rooms of the nearest residential properties shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2016.

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

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

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

- 9 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

- 10 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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 2016.

11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until 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) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

12 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 2 cycle parking spaces (2 long stay) in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The submitted Construction Method Statement shall include as a minimum details of:
  - o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 3 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 4 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of any works on the public highways.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

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

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

- 6 The surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

## **Officer's Assessment**

This committee report is a result of an appeal which has been submitted against the non-determination of planning application reference 19/3508/FUL, under the Town and Country Planning Act 1990 s78(2).

In order to express the Council's views to the Planning Inspectorate, Members are asked for their recommendation.

The determination date of the application was 19 August 2019. No decision had been made following further information being requested by the local authority, which the planning agent did not provide. Thus, the application remained under consideration.

The Planning Officer was informed on the 21 October 2019 via email by the applicant's representative that an appeal for non-determination of the application had been lodged with the Planning Inspectorate. The Planning Inspectorate confirmed to the local authority by letter dated 24 October 2019 that the appeal is valid and they are awaiting to appoint an Inspector and confirm a start date for the appeal.

Because the applicant has lodged an appeal of non-determination this means that the London Borough of Barnet is no longer the determining authority, rather the Planning Inspectorate will consider the application.

Because this application has received more than five objections it would have been determined by an Area Planning Committee, had the application not been appealed.

The Member's recommendation will be sent to the Planning Inspectorate as part of local planning authorities' statement of case.

Planning Officers are recommending approval subject to conditions.

### **1. Site Description**

The application site, known as Millers Yard, is an existing commercial premises located behind the properties facing Long Lane (to the east), Claverley Grove (to the south and west) and Claverley Villas (to the west).

The site is within the ward of West Finchley.

The site is used for vehicle repairs.

The site comprises of a variety of building types with a larger pitched roof building located centrally within the site. Around the rear and side boundaries of the site there are blocks of single-storey garages.

The site is accessed via an existing entrance from Long Lane.

The site does not fall within a designated conservation area and does not include any statutory or locally listed buildings.

There are no designated Tree Preservation Orders on site, or on adjoining sites.



## 2. Site History

Reference: 18/5511/FUL

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Refused

Decision Date: 01 May 2019

Description: Erection of single storey extension adjacent to units 9-18 following the demolition of existing garages numbered 24-28

Reference: F/02118/14

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 24 June 2014

Description: Demolition of Units 4-8 and 19-23. Front extension to Units 13-18 and increased height. Associated re-arrangement to parking layout, including additional parking.

Reference: F/01967/14

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Prior Approval Required and Approved

Decision Date: 23 May 2014

Description: Demolition of units 4-8 and 19-23.

Reference: F/04215/10

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 09 December 2010

Description: Raising the roof height by 1.5m to the front elevation of existing four garages.

Reference: F/00564/10

Address: Millers Yard, Long Lane, London, N3 2QG

Decision: Approved subject to conditions

Decision Date: 26 March 2010

Description: Raising of height of existing commercial single storey building to accommodate new first floor in roof space, with associated alterations to roof including rooflights to rear elevation.

## 3. Proposal

The application proposes to demolish the existing garage block sited adjacent to the boundary of No. 30 Long Lane and No. 18 and 20 Claverley Grove (garages numbered 24 to 29) and replace it with a new single storey garage building.

The existing garage block measures a length of 19.1 metres adjacent to the boundary of No. 30 Long Lane. It has a maximum width of 6.9 metres, adjacent to the boundary of No. 18 and 20 Claverley Grove. The existing structure is sited 3.0 to 3.2 metres from the boundary adjacent to the properties fronting Claverley Grove and 3.0 metres to 3.24 metres from the boundary adjacent to No. 30 Long Lane. The existing structure has a maximum height of 5 metres (adjacent to No. 30 Long Lane), reducing to 4.25 metres. The roof of the structure is at a pitch and slopes (reduces in height) centrally into the site (3.7 metres).

The proposed garage block would measure a length of 14.2 metres adjacent to the boundary of No. 30 Long Lane. It would have a width of 8.5 metres, adjacent to the boundary of No. 18 and 20 Claverley Grove. The proposed structure would be sited 1.3 metres from the boundary adjacent to the properties fronting Claverley Grove and 1 metres from the boundary adjacent to No. 30 Long Lane. The proposed structure would have a maximum height of 5.55 metres sloping down towards the Claverley Grove boundary to a height of 4 metres.

#### **4. Public Consultation**

A site notice was erected 03 October 2019.

Consultation letters were sent to 163 neighbouring properties.  
15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

- The new building will be closer to the properties along Claverley Grove and Long Lane, so will result in a loss of light and feeling of enclosure.
- Intensity of usage - The present building is not used as a motor engineering workshop - it is used for storage. No works of any kind take place there at the moment as the photographs [provided by objector] show. The proposed new building would be for engineering and car mechanics. This change of use would result in an increase in intensity of usage, would have a harmful effect on residential amenity in terms of increased noise and disturbance and air pollution.
- Re-positioning of building and loss of trees - The plans show that a 3.3 metre green buffer is to be eliminated on the boundary with Claverley Grove and 30 Long Lane. The new building would move closer to both boundaries. Thus the built environment would move closer to the green environment. Mature trees would have to be felled which is unacceptable both in planning terms and for environmental and wildlife reasons. These trees should not be felled. The reference in the planning statement to vines being grown on the new exterior wall is not suitable.
- Repositioning the building - increased traffic - the new building would be set further back and would provide more room to manoeuvre, park cars and create a turning circle. Re-positioning of building would increase noise, disturbance and air pollution, particularly the back garden of No. 22-36 Long Lane. Also loss of privacy to No. 30-36 Long Lane.
- Query the planning history and legitimacy of the established use at the site
- The current company who occupies the site (OGS Mechanics) have outgrown the environment in which they are located; including blocking resident's driveways.
- The new proposal [this application] is no better than the last one [previously refused], reduction in footprint size by a few square metres does not change the raison d'etre of the development proposal (which is expansion of business activities) nor does it change the problems facing residents. The current proposal will exacerbate the present situation.
- Objectors did not get any notice of this despite having registered an objection to the previous plan (No. 38 Long Lane)

- Highways and parking concerns including complaints that the users of the site park over resident's driveways. Also concerns for pedestrian and highways safety of users entering and exiting the site.
- Use of fire to dispose of waste including plastics adding pollution to air. Car fumes also contribute to air pollution
- Inaccuracies with, and general comments on, the submitted planning statement, including: failing to mention it is adjacent to neighbouring residential gardens; it is not an 'extension' but is a new building; there is an overestimate of GEA/GIA of 5%; building would be closer to 30 Long Lane; building would be greater in height; query use; querying hours of use; querying suitability of the proposed landscaping and screening; doors are left open contrary to what planning statement says
- Concern of damage from larger vehicles on the side of the house of No. 28 Long Lane and/or front wall and shared back fence of this property
- Concerns of removal of potential asbestos in the garage block proposed to be demolished
- Lights left on - is someone sleeping there?
- The users do not comply with hours of use restrictions
- Concerns with litter of users of the site

## **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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.
- Relevant Development Management Policies: DM01, DM04, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### 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 site, the street scene and the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to highways and pedestrian safety;
- Whether harm would be caused to trees;
- Any other material considerations.

## 5.3 Assessment of proposals

Background and previous reason for refusal:

A previous application on the site (application reference: 18/5511/FUL, decision notice dated 01 May 2019, description: "Erection of single storey extension adjacent to units 9-18 following the demolition of existing garages numbered 24-28") was refused by members at a committee meeting April 2019.

There was one reason for refusal. The reason for refusal on the decision notice read:

"The proposed replacement building, by reason of its increased floorspace would result in an increased intensification of the site and associated activities resulting in a detrimental impact on the residential amenity of local neighbouring properties, contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management policies DPD (2012)."

Under the previous application, the replacement building would have a gross internal area (GIA) of 129 sqm. The existing building has a GIA of 107 sqm.

Under this application, the replacement building has been reduced in size (with the removal of the link to garages 9-18), and now has a GIA of 107 sqm. This is the same GIA as the existing building. The gross external area's (GEA) for the existing building and replacement building will also be the same. This is shown on the drawings submitted. The proposed building is sited the same distance from the boundary with 30 Long Lane as in the previous scheme.

The applicant has therefore sought to address the reason for refusal by retaining the same amount of floorspace as existing.

Objectors have stated that the existing garages proposed to be demolished are currently used for storage only, whereas the proposed replacement building would be used to carry out works on vehicles, thus increasing intensity of use.

However, as stated under the section titled 'Management Plan' of the Planning Statement submitted in support of this application, the reason for the proposed replacement building is to allow for more room to carry out work on vehicles, particularly on larger vehicles. The applicant states that it is already the case that works are carried out on larger vehicles on the site, however the replacement building will allow these works to be carried out more easily than is the case now.

There will be no changes to the services offered on site and the hours of use will be the same as the current operating hours (which are 08:00 am to 18:00 Monday to Friday, and 08:00 and 14:30 on Saturdays). The Planning Statement also advises that there are no works that require the garage doors to be kept open.

It is also noted, as the previous committee report stated, by reconfiguring this part of the site, movement within the site will be easier, resulting in the reduced need for multiple movements within and in/out of the site.

Like the previous application, the Council's Environment Health service has reviewed the proposal and raised no objection to the proposals subject to the imposition of conditions relating to land contamination, demolition and construction, air quality and noise. These reports would need to be assessed by the Environmental Health Officer and formally approved by the local authority in writing.

In summary, the applicant has reduced the floorspace of the replacement building so that it is no greater than the floorspace of the existing garage building. There will be no changes to the services offered on site as a result, and the replacement building will facilitate works to vehicles to be carried out more easily than is the case now. In light of the above, Planning Officer's consider that the proposals are acceptable.

Impact on character and appearance of the existing site and surrounding area:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The previous proposal (application reference: 18/5511/FUL, decision notice dated 01 May 2019) was deemed acceptable in terms of its impact on the character and appearance of the existing site and surrounding area. Officer's considered that the replacement building was of a scale, design and height which was reflective of the existing buildings on-site. Members did not object to this. The case remains the same in this instance.

Impact on residential and visual amenities of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) seeks to protect noise sensitive uses (such as residential) against unacceptable noise levels.

The previous proposal (application reference: 18/5511/FUL, decision notice dated 01 May 2019) was deemed acceptable regarding its impact on the amenity of neighbouring residents, particularly in respect to light, outlook and privacy. Members did not object on these grounds.

The proposed building would be sited 1.3 metres from the boundary adjacent to No. 18 and 20 Claverley Grove. Although this would be closer than the existing garage building, it would be no greater in height than the existing garage block (numbered 9 - 18) which is sited on this boundary adjacent to No. 8 - 16 Claverley Grove. Furthermore garages 9-18 are sited closer to these properties than the building proposed under this application.

The proposed building would be sited 1 metre from the boundary adjacent to No. 30 Long Lane. This would be 2 metres closer to the boundary than the existing garage block. As illustrated from the proposed elevations (which show a dotted outline of the existing building to be removed) due to the proposed arrangement and setting back of the proposed structure, it would 'open' up the site. At its highest part the proposed building would be 1.3 metres greater in height than the existing structure (a total of 5.6 metres), but, due to its mono-pitch design, it gradually reduce in height from that point towards the boundary adjacent to Claverley Grove, down to a height of 4.1 metres.

Furthermore, No. 30 Long Lane is served by a large garden, in which the proposed building would be sited adjacent to the rearmost part of this garden and would be some distance from habitable windows.

No windows or openings are proposed in the elevations directly facing neighbouring properties.

Regarding noise and disturbance arising from associated activities and comings and goings, this has been discussed in earlier in the report.

In conclusion, it is not considered that harm would arise to the visual or residential amenities of neighbouring occupiers along Long Lane or Claverley Grove.

Impact on highways:

A highways officer has assessed the application and deemed that on the basis that the applicant proposes to rebuild the existing garages at Nos 24-29, with no change in floor area (107sm GIA) and no change in parking provision at the site, the application is deemed acceptable.

The highways officer has requested that 2 cycle parking spaces are provided for staff on site, as it is anticipated that most visitors will travel by car because of the nature of the works carried out on site.

Given site constraints and proximity to residential properties, a construction management and logistics plan is recommended. This can be secured by way of a planning condition.

Impact on trees:

Given that resident's objections to this planning application, and the previous application, referred to the proposed development's potential impact on trees, Planning Officers found it prudent to give further consideration to this matter.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals will be required to including hard and soft landscaping that adequately protects existing trees and their root systems (point j part vii) and that trees should be safeguarded (point k).

There are two mature Sycamore trees which stand along/adjacent to the boundary between Millers Yard and 30 Long Lane. The proposed new building would be built 1 metre from the boundary between the development site (Millers Yard) and 30 Long Lane.

Following an internal appraisal, the local authority considered that, given their narrow form, limited visibility from publicly accessible locations and close proximity to existing structures, these trees are inappropriate for inclusion within a new Tree Preservation Order.

Notwithstanding this, it was recommended to the applicant's representative that steps are taken to ensure/reduce the likely impacts on tree roots, stems and branches to ensure tree health and good neighbourly relations.

These included the following recommendations:

1. Position the proposed building a further 1 metre from the boundary which would allow for maintenance and construction space.

2. There are existing foundations and a substantial concrete slab where the building is to be positioned so there is an opportunity to utilise these to be foundations for the new building. Therefore the planning officer sought confirmation from the planning agent whether the existing foundations would be utilised for the proposed building.

3. Altering the building construction technique to negate the need for strip foundations along the length of the boundary would minimise the harm to tree roots. Therefore the planning officer sought details of the building technique to offset any harm.

4. Any development here must be supported by an arboricultural method statement and tree protection to ensure that the trees around the development zones are not adversely affected by this proposal. This could be secured by pre-commencement condition, upon the agreement of the applicant (in accordance with the requirements of Section 100ZA of the Town and Country Planning Act 1990). Therefore the planning officer sought the agreement of applicants to attach these pre-commencement conditions to any approval.

No confirmation and/or response to any of the four points above were provided to the planning officer by the applicant's representative during the consideration of this planning application.

The applicant subsequently lodged an appeal against non-determination to the Planning Inspectorate (without providing this information).

The applicant's statement of case for this appeal states:

"There are no trees on the site itself. However, there are trees in neighbouring gardens including a number of trees in the rear garden of 30 Long Lane which adjoins the appeal site. Until August 2019, these trees have never been mentioned or raised as an issue by the LPA.

It is not completely clear from the LPA what the issue is aside from the fact that the building might be extending closer to the trees. The tree officer suggests that moving the garage closer will have an impact on the trees but does not explain what this harm might be. The comments then go on to say "It is strongly suggested that steps are taken to ensure/reduce the likely impacts on tree roots, stems and branches to ensure tree health and good neighbourly relations".

It is possible that there are roots growing in this area but the LPA has not requested any trial pits to be dug to ascertain whether there are indeed any tree roots and whether these



are fibrous or woody roots and whilst the planning officer has confirmed that the tree officer has visited the site, there seems to be no record of a site inspection. It is not known whether the tree officer accessed the site to inspect the trees or simply viewed them from Long Lane.

The trees are Sycamores, covered in ivy and are considered to be C grade. They have not been pruned or maintained for some time (Photo 1). The Appellant has not prepared or submitted a tree survey because one has never been requested nor is one considered necessary.

The replacement building would be extending closer to these trees but the existing foundations could be utilised, in part. The building could also be cantilevered over any significant tree roots if this was considered necessary or appropriate. There are pragmatic solutions to the 'concerns' raised by the planning officer.

Any concerns about these trees could be dealt with by condition and whilst the LPA has suggested the use of conditions, they have also requested that the building is moved further away from the boundary as well as further details regarding foundations and construction method. The Appellant asserts that the request to move the building further off the boundary by 1m is unreasonable and unnecessary. Details regarding foundations and construction methods could be dealt with by condition."

Planning officers consider that, in light of the above information provided within the applicant's appeal statement, details secured by conditions (in the event of an approval) would adequately address the proposed development's impact on trees to an acceptable level.

#### **5.4 Response to Public Consultation**

- The new building will be closer to the properties along Claverley Grove and Long Lane, so will result in a loss of light and feeling of enclosure.

The impact of the proposed building on the amenity of neighbouring occupiers has been considered in the assessment above.

- Intensity of usage - The present building is not used as a motor engineering workshop - it is used for storage. No works of any kind take place there at the moment as the photographs [provided by objector] show. The proposed new building would be a for engineering and car mechanics. This change of use would result in an increase in intensity of usage, would have a harmful effect on residential amenity in terms of increased noise and disturbance and air pollution.

The applicant has reduced the floorspace of the replacement building so that it is no greater than the floorspace of the existing garage building. There will be no changes to the services offered on site as a result, and the replacement building will facilitate works to vehicles to be carried out more easily than is the case now.

The existing building (proposed to be demolished and replaced) forms part of the 'Millers Yard' site. The site is used for vehicle repairs by 'OSG Mechanics'. Lawfully the applicant could use this existing building as vehicle repairs, even if they currently use it for storage (which is in connection to the vehicle repair centre anyhow).

- Re-positioning of building and loss of trees - The plans show that a 3.3 metre green buffer is to be eliminated on the boundary with Claverly Grove and 30 Long Lane. The new building would move closer to both boundaries. Thus the built environment would move closer to the green environment. Mature trees would have to be felled which is unacceptable both in planning terms and for environmental and wildlife reasons. These trees should not be felled. The reference in the planning statement to vines being grown on the new exterior wall is not suitable.

The impact on trees has been considered in the assessment above.

- Repositioning the building - increased traffic - the new building would be set further back and would provide more room to manoeuvre, park cars and create a turning circle. Re-positioning of building would increase noise, disturbance and air pollution, particularly the back garden of No. 22-36 Long Lane. Also loss of privacy to No. 30-36 Long Lane.

The applicant states that by reconfiguring this part of the site, movement within the site will be easier, resulting in the reduced need for multiple movements within and in/out of the site.

Officers see no reason why the proposal would result in loss of privacy compared to the existing situation. There are no windows or openings proposed to be facing No. 30 long Lane.

- Query the planning history and legitimacy of the established use at the site

The site appears to form one planning unit.

- The current company who occupies the site (OGS Mechanics) have outgrown the environment in which they are located; including blocking resident's driveways.

This would not constitute a reason for refusal in this instance.

- The new proposal [this application] is no better than the last one [previously refused], reduction in footprint size by a few square metres does not change the raison d'etre of the development proposal (which is expansion of business activities) nor does it change the problems facing residents. The current proposal will exacerbate the present situation.

This has been addressed in the assessment above.

- Objectors did not get any notice of this despite having registered an objection to the previous plan (No. 38 Long Lane)

No. 38 Long Lane are listed on the list of neighbours sent consultation letters.

Furthermore, the application was published on the public website and a site notice was erected.

- Highways and parking concerns including complaints that the users of the site park over resident's driveways. Also concerns for pedestrian and highways safety of users entering and exiting the site.

The highways impact has been considered and addressed above.

- Use of fire to dispose of waste including plastics adding pollution to air. Car fumes also contribute to air pollution

This would not constitute a reason for refusal in this instance.

Noise and smells should be referred to the Council's Environmental Health department (020 8359 7997 or 020 8359 2000 for out of hours noise problems)

- Inaccuracies with, and general comments on, the submitted planning statement, including: failing to mention it is adjacent to neighbouring residential gardens; it is not an 'extension' but is a new building; there is an overestimate of GEA/GIA of 5%; building would be closer to 30 Long Lane; building would be greater in height; query use; querying hours of use; querying suitability of the proposed landscaping and screening; doors are left open contrary to what planning statement says

Officers have acknowledged in this report it is adjacent to neighbouring residential gardens.

A revised statement has amended the wording of 'extension' to 'building'.

Officers have acknowledged in this report it is closer to No. 30 Long Lane and would, in part, be greater in height than the existing structure it would replace.

The use, and hours, are addressed from other objectors.

A condition has been attached to secure details of the soft landscaping and screening.

The applicant states that that there are no works that require the garage doors to be kept open.

- Concern of damage from larger vehicles on the side of the house of No. 28 Long Lane and/or front wall and shared back fence of this property

This would not constitute a reason for refusal in this instance. If damage does arise, this is a civil matter between neighbours.

- Concerns of removal of potential asbestos in the garage block proposed to be demolished

An informative has been attached accordingly on the basis of potential asbestos. Furthermore, a pre-commencement condition has been attached securing details of a demolition and construction management statement, which this include confirmation that an asbestos survey has been carried out.

- Lights left on - is someone sleeping there?

No planning enforcement has been registered at the local authority for use as the site as living accommodation.

- The users do not comply with hours of use restrictions

If this is the case, residents are advised to contact the planning enforcement department at the local authority: 020 8359 3000 or [planning.enforcement@barnet.gov.uk](mailto:planning.enforcement@barnet.gov.uk)

- Concerns with litter of users of the site

This would not constitute a reason for refusal in this instance.

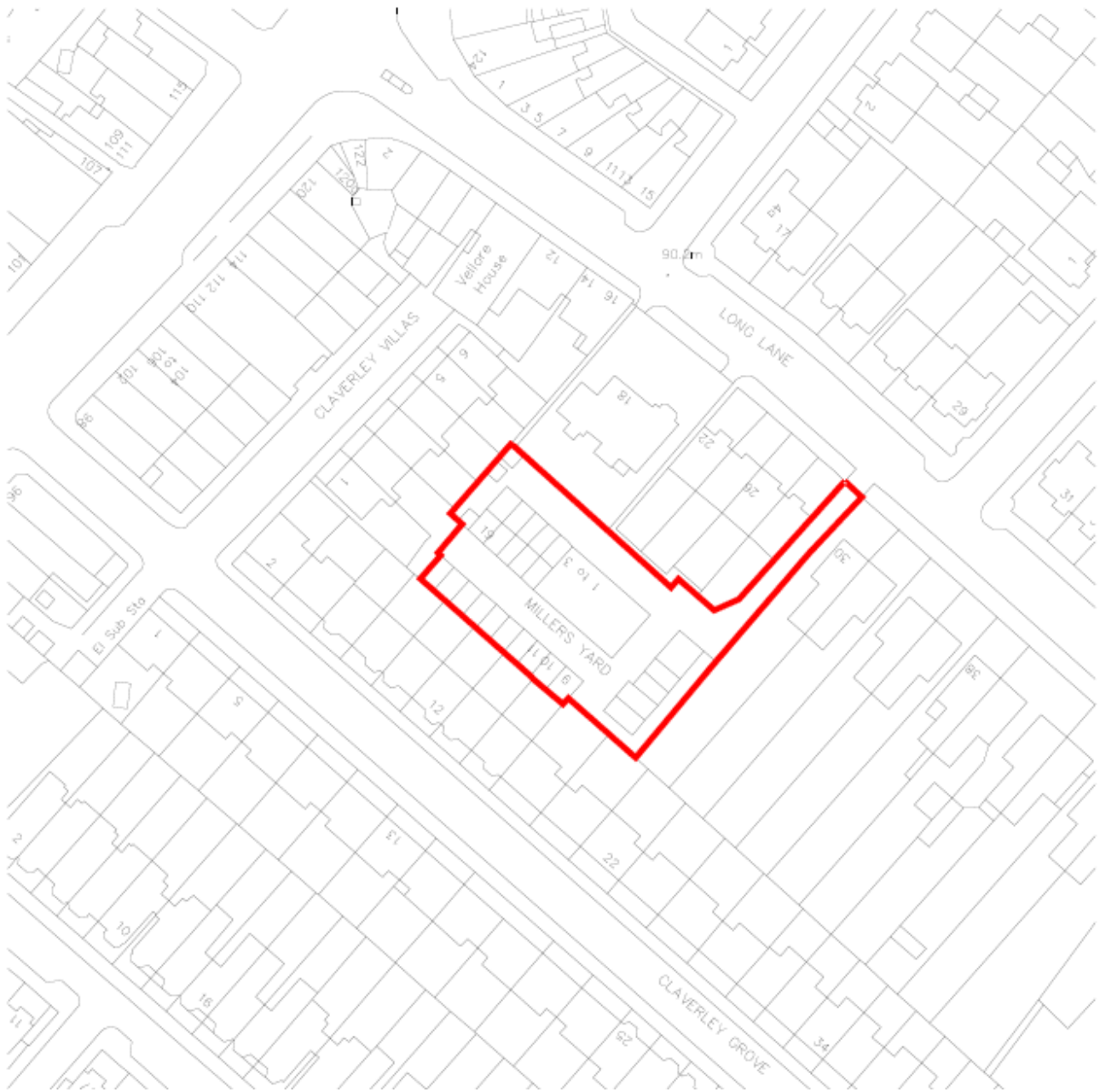
## **6. Equality and Diversity Issues**

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**

This committee report is a result of an appeal which has been submitted against non-determination of planning application reference 19/3508/FUL. In order to express the Council's views to the Planning Inspectorate, Members are asked for their recommendation.

Planning Officers are recommending approval subject to conditions.



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