

Location Church Walk House, Church Walk, London NW2 2TJ

Reference: 17/6776/S73 **Received:** 25th October 2017
Accepted: 27th October 2017

Ward: Childs Hill **Expiry:** 26th January 2018

Applicant: Church Walk House Development LLP

Proposal: Variation of condition 2 (Plans Numbers) pursuant to planning appeal Ref. APP/N5090/W/16/3149976) dated 19/12/16 ref 15/05969/FUL for `Demolition of existing building and construction of part two part three storey building with additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping`. Amendment include minor alterations to the internal layout with incorporation of an internal substation, a new car park plant room relocated bin store, relocation of cycle storage and other minor changes

RECOMMENDATION I:

- (i) Approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

RECOMMENDATION II:

The applicant and any other person having a requisite interest in the site be invited to enter into a Deed of Variation to secure the provisions in the existing section 106 agreement that was completed in association with planning permission 15/05969/FUL (allowed on appeal, Planning Inspectorate reference APP/N5090/W/16/3149976):

- Contribution in Lieu of Affordable Housing - £470,513.00
- Review Mechanism
- Local Employment Agreement or Contribution in Lieu of a Local Employment Agreement - £37,380.00
- Monitoring of the Agreement - £1,679.40

Conditions:

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

A2598 100 P10 Red Line Location Plan
A2598 101 P10 Block Plan
A2598 110 P10 Existing Lower Ground Floor - Second Floor

A2598 120 P10 Existing Site Sections AA, BB, CC and DD
A2598 121 P10 Existing Site Sections EE, FF, and GG
A2598 130 P10 Existing Site Elevations North, South, East and West

A2598 199 P12 Proposed Lower Ground Floor
A2598 200 P12 Proposed Ground Floor
A2598 201 P12 Proposed First Floor
A2598 202 P12 Proposed Second Floor
A2598 203 P12 Proposed Third Floor
A2598 204 P12 Proposed Roof
A2598 300 P12 Proposed Site Sections AA, BB, CC and DD
A2598 301 P12 Proposed Site Sections EE, FF, and GG
A2598 400 P12 Proposed Site Elevations North and East
A2598 401 P12 Proposed Site Elevations South and West

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).

3. Prior to commencement of development of the external construction of the building and hard surfaces, details including samples where necessary of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted have been submitted to and approved in writing by the local planning authority. Materials shall include translucent or opaque screening to the height of the railings to be provided for all of the second and floor apartments with the exception of those on the north-west elevations of Units 2-08 and 2-10, and on the south-east elevations of Units 2-02 and 2-04. The development shall then be carried out and maintained in accordance with the approved details.

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.

4. No development, other than demolition of existing buildings, shall take place until full details of the finished levels, above ordnance datum, of following items have been submitted to and approved in writing by the local planning authority:

For the permitted building:

- (i) finished floor levels
- (ii) external hard surfaced areas
- (iii) roof surfaces
- (iv) floors and balustrades of balconies and terraces
- (v) photovoltaic panels

Outside the site:

- (vi) roads
- (vii) roof heights of the neighbouring buildings adjoining the site

(viii) roof heights of the neighbouring buildings on Prospect Road.

The development shall then be carried out in accordance with the approved levels.

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.

5. Prior to the occupation of the development hereby approved, details of the design, height and materials of all boundary treatments shall be submitted to and approved in writing by the local planning authority, and the approved boundary treatments shall have been implemented. The approved boundary treatments shall then retained as such thereafter.

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.

6. Prior to commencement of the external construction of the development, a scheme demonstrating ecological improvements to the site, including the design and position of bat and bird boxes, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with these details and retained as such thereafter.

Reason: To ensure that the development provides for mitigation and improvements for wildlife and biodiversity, in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

7. Prior to the fitting of any ancillary plant or equipment including but not limited to photovoltaic panels, heat pump(s) and extractor units, details of the ancillary plant and / or equipment shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.

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.

8. The Card Geotechnics Limited Construction Management Plan- Revision 1 September 2015 Statement shall be adhered to throughout the construction period for the development.

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

9. Demolition or construction works shall take place only between 0800 to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Barnet Local Plan.

10. Prior to the first occupation or use of any part of the development hereby permitted, the ground level collection point for refuse and recycling bins serving the apartments, which shall be within 10m of the highway, shall have been constructed in accordance with details of its location, appearance and materials that have first been submitted to and approved in writing by the Local Planning Authority, and the approved collection point details shall then have been implemented along with the following facilities that were previously approved under LBB Planning ref. 17/3822/CON:
- (i) Basement level bin stores to serve the apartments within the development as shown within the Residential waste management plan dated 12 June 2017 (ref. A2821 2-10 R1), and
 - (ii) the refuse stores for the four houses: drawing no. 3.2 HOUSE REFUSE ENCLOSURES.

The approved facilities shall then be implemented in association with the development and refuse / recycling collections shall be carried out in accordance with the approved Residential Waste Management Plan as noted at (i) above, for the lifetime of the development.

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

11. (a) The site shall be remediated in accordance with the measures and timescale in the following documents, which were approved under reference 17/3928/CON:

Phase I Desk Study Report - reference 13550/GIR - Soils Limited dated June 2013
Phase II Ground Investigation Report - reference 13550/GIR - Soils Limited dated June 2013
Phase III Ground Investigation Report - reference 15432/GIR - Soils Limited dated April 2016

Remediation Method Statement - reference 16352/RMS - Soils Limited dated July 2016

- (b) A verification report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development.
- (c) If, during the course of the development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a further verification report for all the remediation works shall be submitted to the local planning authority prior to the re-commencement of works, and works shall not recommence until the report has been approved in writing by the local planning authority.

The development shall then be completed in accordance with all of the above provisions, prior to the first occupation of the development and retained as such.

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 2016.

12. Prior to the first occupation or use of any part of the development hereby permitted, a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority a scheme of soft landscaping.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any new trees or plants which within a period of five years from the completion of the development die, are removed or become seriously injured or diseased shall be replaced in the next planting season with others of similar size and species.

Any existing trees shown to be retained as part of the approved landscaping scheme which are removed, die or become severely damaged or diseased within 5 years of the completion of the development shall be replaced with trees or shrubs, the details of which shall be approved in writing by the local planning authority, 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.

13. The location, extent and depth of all excavations for services and the reinstatement of ground levels (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on or adjacent to the site shall be carried out in accordance with the Arboricultural Impact Assessment Report & Outline Method Statement ref. ERE/CWH/AIM/01 rev. A dated 8th November 2017 which was previously approved under LBB planning reference 17/3822/CON.

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

14. Prior to the commencement of any further works onsite, a summary update of tree protection works that have been put in place in preparation for works to commence shall be submitted to and approved in writing by the Local Planning Authority. All other works shall be carried out in accordance with the Landmark Trees Arboricultural Impact Assessment Report submitted with this application (Ref: ERE/CWH/AIA/01b, Date: 21st December 2017), including provision of summary updates by the applicant's appointed arboriculturist of all works carried out in proximity to protected and otherwise retained trees. Tree protection in accordance with the approved AIA Report shall remain in place until works have been completed on the site and all machinery, materials and equipment have been removed from the site.
15. Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in

writing by the local planning authority. The landscape management plan shall be carried out as approved.

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

16. Before the first occupation of the approved development, the approved drainage works shall be completed in accordance with the following details which were approved under LBB planning reference 17/3822/CON:

BELOW GROUND DRAINAGE SPECIFICATION rev. T2 13/04/2017

BELOW GROUND DRAINAGE STRATEGY REV. P5 13/06/2017

1883-C-100 rev. T3 OVERALL PROPOSED BELOW GROUND DRAINAGE LAYOUT

1883-C-101 rev. T3 BASEMENT DRAINAGE LAYOUT PLAN

1883-C-102 rev. T2 PROPOSED BELOW GROUND SURFACE WATER DRAINAGE LAYOUT

1883-C-103 rev. T2 PROPOSED BELOW GROUND FOUL WATER DRAINAGE LAYOUT

1883-C-104 rev. T1 COORDINATED SERVICES LAYOUT

1883-C-200 rev. T2 PROPOSED DRAINAGE DETAILS SHEET 1 OF 6

1883-C-201 rev. T2 PROPOSED DRAINAGE DETAILS SHEET 2 OF 6

1883-C-202 rev. T2 PROPOSED DRAINAGE DETAILS SHEET 3 OF 6

1883-C-203 rev. T4 PROPOSED DRAINAGE DETAILS SHEET 4 OF 6

1883-C-204 rev. T2 PROPOSED DRAINAGE DETAILS SHEET 5 OF 6

1883-C-250 rev. T3 PROPOSED BELOW GROUND MANHOLE SCEDULE SURFACE WATER

1883-C-251 rev. T3 PROPOSED BELOW GROUND MANHOLE SCEDULE FOUL WATER

1883-M-400 rev. T3 EXTERNAL SERVICES LAYOUT

Amended information: Civil Design Note 01 re. P01 DATE: 29/09/2017

The works approved under this condition shall then retained and maintained as such for the lifetime of the development.

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 2016.17. Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details and retained as such thereafter.

17. Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details 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 2016.

18. Before the development hereby permitted is first occupied, details of privacy screens for balconies/ terraces to be installed shall be submitted to and approved in writing by the local planning authority. The approved screens shall be implemented prior to the first occupation of the development 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

19. The level of noise emitted from the plant hereby permitted 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 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 be 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 amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

20. Before the development hereby permitted is occupied, full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the local planning authority. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities. The development shall be implemented in accordance with the approved details prior to first occupation and thereafter be retained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

21. Before the development hereby permitted is first occupied, car parking spaces shall be provided at basement level and at ground level in accordance with drawing Nos A2598 199 P12 and A2598 200 P12 submitted with the planning application. Thereafter, the parking spaces shall not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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. Before the development hereby permitted is first occupied, cycle parking spaces shall be provided in accordance with drawing No A2598 200 P12 submitted with the planning application. Thereafter, the cycle parking spaces shall not be used for any purpose other than the parking of bicycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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.

23. Notwithstanding the plans submitted, before development commences details of the layout, gradient and design of the access ramp to the basement car parking area and vertical clearances along the ramp and within the parking areas shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out nor shall it be subsequently operated other than in accordance with the approved details.

Reason: In the interests 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.

24. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is occupied. Development shall be implemented in accordance with the approved details.

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.

25. Prior to installation, details of the boilers shall be submitted to in writing by the local planning authority for approval. The boilers shall have dry NOx emissions not exceeding 40mg/kWH (0%). The development shall be implemented in accordance with these details.

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

26. The residential units shall not be occupied until the relevant requirements of the level of energy performance equivalent to ENE1 Level 4 for Sustainable Home have been met and the details of compliance provided for the local planning authority.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.2 and 5.3 of the London Plan 2016.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 12 April 2018, unless otherwise agreed in writing, the Service

Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

- . The application does not make any provision towards affordable housing, 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.
2. The application does not make provision for a Local Employment Agreement. This would be contrary to policy DM14 of the Adopted Barnet Development Management Policies 2012, and the Supplementary Planning Document on Skills, Enterprise, Employment and Training.

Informatives:

In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 following measures have been developed to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of this site. For a complete explanation of certified products please refer to the Secured by Design guidance documents which can be found on the website www.securedbydesign.com.

Public Realm

- Routes for pedestrians, cyclist and vehicles should be open, direct and not segregated from one another.
- Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings.

- Communal areas, such as playgrounds, seating or drying areas should be designed to allow supervision from nearby dwellings with safe routes for users to come and go.
- Windowless gable end walls adjacent to spaces for which the public have access should be avoided, as this prevents natural surveillance.

Boundaries / Gates

- Side and rear boundaries should be 2.1m in height (minimum), be positioned where possible at the front of the building line (if a recess is necessary, then not to exceed 600mm) and designed to avoid climbing aids. This can be achieved in a variety of different ways, i.e. close board, panel, etc. but if a trellis topping is to be used, this should be diamond style trellis.
- Fencing between rear gardens should be 1.8m in height (minimum) and designed to avoid climbing aids.
- Chain link style fencing is not an acceptable option.
- Side gates should provide vision, be positioned where possible at the front of the building line, (if a recess is necessary, then not to exceed 600mm) 2.1m in height (minimum) and designed to avoid climbing aids, particularly around the hinges and locking mechanism.

Doors / Windows

- Recessed doorways should not exceed 600mm.
- Communal doorsets should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2 or STS 202 Issue 3:2011 Burglary Rating 2.
- Communal doorsets should incorporate an automatic closing mechanism, automatic deadlock, with internal thumb turn, knob or handle - external entry should be restricted by key, key code, key fob, proximity reader or combination thereof.
- All easily accessible doorsets, including front, back, French, patio and balcony doors, should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 2, STS 201 Issue 4:2012, STS 202 Issue 3:2011 Burglary Rating 2, or LPS 2081 Issue 1:2014 Security Rating B. Due to crime problems associated with letter plate apertures, such as arson, hate crime, lock manipulation and 'fishing', Secured by Design strongly recommends, where possible, mail delivery via a secure external letter box or delivery 'through the wall' into a secure area of the building.

- All sliding and bi-fold doorsets not designated as the primary access/egress route should meet the same physical attributes as above.
- A door chain or opening limiter and internal letterbox shield should be fitted to all individual dwelling front doors.
- A door viewer should be fitted at a height of between 1200mm to 1500mm from the bottom of all front doors (not required with adjacent unobscured glazing).
- All easily accessible windows should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012, or LPS 2081 Issue 1 Security Rating A.
- All easily accessible windows should have key operated locks. Where windows are required under Building Regulations to act as a fire escape route, the opening window must not have key operated locks.
- Windows that form an integral part of the doorframe should be shown to be part of the manufacturer's certificated range of doorsets. Alternatively where windows are manufactured separately from the doorframes, they should be certificated to either PAS 24:2012, LPS 1175 Issue 7:2010 Security Rating 1, STS 204 Issue 3:2012 or LPS 2081 Issue 1:2014. In such cases the window should be securely fixed to the doorset in accordance with the manufacturer's requirements.
- All glazing in and adjacent to communal, front, back and doors and ground floor windows and windows that are easily accessible above ground floor level, should incorporate one pane of laminated glass meeting the requirements of BS EN 356:2000 class P1A.
- Communal entrance doors should have vandal resistant audio, visual access control panels, with electronic lock release - tradesperson release buttons are not permitted. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.
- Secure external mailboxes to serve each property should be fixed to the external face of the building.

Balconies / Terraces

- Enclosures to balconies at all levels should be designed to exclude handholds and to eliminate the opportunity for climbing up, down or across between balconies.
- Drainpipes/soil pipes that provide access to flat roofs or balconies will require metal shrouds to prevent climbing (regardless of whether they are PVCu or not). Unless constructed to be finished flush with the building or wall, again to inhibit climbing.

Parking

- Car parking areas should be close to the properties they serve, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.
- Basement parking facilities should have secure, controlled access, incorporating full height gates or barriers, accessed via key, key code, key fob, proximity reader or combination thereof. Electronic access control proximity 'keys' and readers should be security encrypted to protect against unauthorised copying.

Refuse / Cycle Storage

- Bin storage areas should be enclosed and incorporate a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Cycle storage areas should, ideally be enclosed and built into the fabric of the building is visibly permeable, incorporating a self-closing mechanism and slam-shut BS 8621 lock with internal thumb turn.
- Where this is not possible, it should be sited in a secure communal area, with good natural surveillance from regularly habitable rooms of adjacent properties, i.e. living rooms and kitchens.

External Lighting / Alarm Systems, etc

- All street lighting for both adopted highways and footpaths, private estate roads, footpaths and car parks, should comply with BS 5489.
- The overall uniformity of light is expected to achieve 40% and should never fall below 25%. The colour rendering qualities should achieve 60 (minimum) on the Colour Rendition Index - certification will be required.
- External lighting should be switched using a photoelectric cell (dusk to dawn) with a manual override.
- Utility meters should, where possible, be sited outside the front of the dwelling - alternatively they should be sited on the ground floor, between access-controlled doors (air lock system).
- A 13amp non-switched fuse spur, suitable for an alarm system, should be provided
- if a full alarm system is provided, it should comply with:
 - BS EN 50131 & PD6662 (wired system)
 - BS 6799 (wire free system)

If complete systems are installed and a police response is required, reference should be made to the ACPO Security Systems Policy, a copy of which can be obtained from the SBD website - www.securedbydesign.co.uk

- 3 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth, Obama nungara flatworm and Chalara of Ash. All material to be planted must have been held in quarantine."

- 4 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

- 5 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £56,805 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 £219,105 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit:

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

Officer's Assessment

1. Site Description

The site slopes upwards across the frontage towards the junction of Church Walk with Finchley Road and also downwards from the frontage to the rear boundary with properties in Lyndale Avenue. To the rear and along this boundary, there are trees, some protected by a Tree Preservation Order, and vegetation. Until recently the site contained Church Walk House and JF Kennedy House, but these have now been demolished as part of the implementation of an extant permission which was granted on appeal (please refer to Site History, below, for further details).

The site's context includes semi-detached dwellings at Lyndale Avenue to the south and south west, which share their rear boundary with that of the application site. The north eastern boundary is formed by Church Walk, with the rear gardens of terraced dwellings on Prospect Road on the opposite side of this narrow street. The and north western boundary is formed by The Vicarage, and All Saints Church is to the west of that, on the opposite of Church Walk which curves around between these two buildings towards Lyndale Avenue. At the opposite end of the site, there is a two storey detached dwelling at 11 Church Walk and beyond this there is a prominent block of flats, Moreland Court, which has three street frontages to Church Walk, Finchley Road and Lyndale Avenue.

The established built forms of the surrounding properties varies in scale, building types and plot sizes so that there is a varied character and appearance to the area.

2. Site History

Reference: 15/05969/FUL

Decision: Refused but subsequently allowed on appeal (Planning Inspectorate reference APP/N5090/W/16/3149976)

Decision Dates: Planning decision date 8 April 2016; appeal decision date 19 December 2016.

Description: Demolition of existing building and construction of part two part three storey building with additional roof level and basement level to provide 35 no. selfcontained

units with associated parking and landscaping.

Reference: 17/0684/NMA

Decision: Approved

Decision Date: 9 March 2017

Description: Non-material amendments to appeal decision reference APP/N5090/W/16/3149976 dated 19/12/16 (planning reference 15/05969/FUL) for 'Demolition of existing building and construction of part two part three storey building with additional roof level and basement level to provide 35 no. self-contained units with associated parking and landscaping.' Amendments include alterations to the wording of conditions 3, 4, 5, 7, 11, 12, 13, 16 and 23.

The effect of these non-material amendments was to vary the wording of the above conditions to allow demolition and appropriate construction works to take place in advance of formal approval. It was considered that the proposed amended wording would not be material to the approved scheme, and as such, no objections were raised.

Reference: 17/0808/CON

Decision: Approved

Decision Date: 30 March 2017

Description: Submission of details of condition 14 (Arboricultural Method Statement) pursuant to APP/N050/W/16/3149976 (planning reference 15/05969/FUL) dated 19/12/16

Reference: 17/1240/CON

Decision: Approved

Decision Date: 25 April 2017

Description: Submission of details of condition 6 (Bat Survey) pursuant to APP/N050/W/16/3149976 (planning reference 15/05969/FUL) dated 19/12/16

Reference: 17/3875/NMA

Decision: Refused

Decision Date: 14 July 2017

Description: Non material amendment to planning permission 15/05969/FUL dated 19/12/16 for 'Demolition of existing building and construction of part two part three storey building with

additional roof level and basement level to provide 35 no. selfcontained units with associated parking and landscaping. Amendments include minor internal layouts to include space for a substation, alterations to the stair and lift core and lobby, new car park extract plan room, relocated bin store, relocated cycle store, roof plant and addition of rain water down pipe to east elevation

Reference: 17/3822/CON

Decision: Approved

Decision Date: 11 December 2017

Description: Submission of details of conditions 4 (Levels), 10 (Refuse), 13 (Details of Excavations for Services in Relation to Trees), 16 (Surface Drainage Works) and 23 (Details - Vehicle Access Ramp) pursuant to appeal decision APP/N5090/W/16/3149976 (planning ref. 15/05969/FUL) dated 19/12/16

Reference: 17/3928/CON

Decision: Approved

Decision Date: 28 September 2017

Description: Submission of details of condition 11 (Desktop Study) pursuant to appeal decision APP/N5090/W/16/3149976 (planning ref. 15/05969/FUL) dated 19/12/16 (Not including verification details)

3. Proposal

The application is for minor material amendments to the approved building to accommodate 35 units including four houses, as approved on appeal against the Council's refusal of planning application ref. 15/05969/FUL. The building envelope remains as in the description for that proposal, as part two, part three storey building with additional roof and basement levels. The two houses would feature private gardens to the rear, and there would be a communal garden between these, to the rear of the apartment accommodation. At the front of the site there would be a landscaped area with car parking, and additional car parking would be provided at basement level.

The accommodation would consist of 35 units in all, including four houses and 31 flats all within a single building. The four houses would be provided in pairs at opposite ends of the building with the two end houses having two stories over the basement level. The building level would step up towards the central part of the building to provide the other two houses with three stories of accommodation. The flats would be provided with eight at ground floor level, twelve at first floor level, six at second floor occupying space at that level only, and five

duplex flats over both second and third floor levels. The third floor portions of the duplex or penthouse apartments would be contained within three separated four storey elements which would form a symmetrical arrangement when viewed from front and rear elevations. The central element would contain the upper floor of one of the duplex flats, and the elements to either side would each incorporate upper floor accommodation for two of the flats. Taken together, the three third floor elements along with the stepping up of the houses at both ends of the building would result in a building of varied height and roofscape.

The amendments include some that were considered last year in a refused non-material amendment application, ref. 17/3875/NMA. The report for that application set out that some of the changes applied for would be considered non-material, meaning that the changes would be so minor in planning terms that they were not considered to require a full planning application and could have been approved without consultation. However, some of the changes applied for did not fall into that category, as they are considered to be material changes. The fact that they are material changes does not in itself mean that they are unacceptable, rather that they must be subject to further consultation both with neighbouring occupiers and other interested parties, and with Council consultees including Highways, Environmental Health and Trees.

The application describes the changes as follows:

- Minor internal layout amendments including the inclusion of space for a sub-station, minor alterations to the stair and lift core and lobby and a revised internal residential layout to accommodate these changes;
- New car park extract plant room (at basement level);
- Relocated bin store location within the basement area (see corresponding collection and management arrangements submitted pursuant to Condition 10 of the Planning Permission);
- Relocation of secure cycle store above internally above the access ramp, allowing additional landscaped areas to the front boundary;
- Clarification on the detail and extent of roof plant (position as per approved roof plan) and condenser units & housings within the rear enclosures of the four houses; and
- Addition of rain water down pipe to eastern elevation.

Additional information sought during the course of the application related to whether or not the building envelope would increase or not. The basement depth would be 0.475m less than in the approved scheme, which would be achieved by providing a lower floor to ceiling height in the basement car park than in the approved scheme. This would have been 3.75m high as approved, and reduces to 3.275m in the current proposal. The external building envelope would remain unchanged as a result of this reduction in the basement depth of the basement, and the heights of roofs would remain the same as in the approved application. However, balcony levels would be 195mm higher than in the approved scheme and the key projection through the previously approved building envelope would result from the addition of handrails at second and floor levels, which would be set at 1.1m above terrace level. The agent for the scheme has advised that these changes have been made to comply with building regulation requirements with additional thermal insulation under the terraces and over the habitable spaces below the roof, resulting in the terrace level being raised, and the handrails having been raised to provide the requisite minimum balustrade height.

Condenser units and changed locations for photovoltaic panels would add further small elements to the proposals, and some windows would be slightly reconfigured as compared to the approved scheme.

4. Public Consultation

Consultation letters were sent to 419 neighbouring properties.

11 responses have been received, which raise the following issues:

- Lack of detail for window configurations.
- Roof plant will have an adverse visual impact and may be subject to higher noise levels. More clarification is required about the workings of these roof units and their environmental and visual impact.
- Photoelectric panels should not increase the height of the building. Consolidated of the panels on one roof may result in an increase in height, impair the view and light for an adjacent neighbour.
- Disagree to the added roof level

These issues are discussed below at Section 5.3 and 5.4 of this report.

Consultee responses

Tree Officer: An objection was initially made on the basis that insufficient information had been provided to determine the implications of the changes in this application. While arboricultural details as require by condition 14 of the appeal decision was previously approved under LBB planning ref. 17/0808/CON as noted in the Site History for this report, a revised Arboricultural Impact Assessment Report was submitted then submitted (Landmark Trees, Ref: ERE/CWH/AIA/01b, Date: 21st December 2017). The Tree Officer had no objection to the proposals on the basis of the additional information provided.

Highways: No objections subject to conditions.

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 Government's 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 March 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 for the next 20 to 25 years. 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 (Adopted) September 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD).

Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5, CS6, CS7, CS9, CS10, CS12, CS13.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy.

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM11, DM13, DM15, DM17.

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)

5.2 Main issues for consideration

The key issues for consideration relate to how the application differs from the proposals in the extant permission, as granted on appeal. While the 2015 application was refused by the Council, in allowing the appeal the Inspector considered that the proposal was acceptable in respect to the key points listed below. The features and aspects of the current proposals that remain unchanged to those that have already been approved do not form part of the re-assessment of this development. The key points from consideration here are therefore:

- (i) Character and appearance;
- (ii) living conditions of the occupiers of neighbouring properties;
- (iii) affordable housing; and
- (iv) provision of employment.

These are considered in the following section.

5.3 Assessment of proposals

Character and appearance

As noted in Section 3 of this report, the application is for minor material amendments to the proposals as permitted by the 2016 appeal decision. The appeal decision considered that the proposal would not harm the character and appearance of the area, and there can therefore be no objection on the principle of impacts on the character and appearance of the site and its surroundings. The building envelope remains almost exactly the same as in the appeal proposal, with the key projections beyond the building envelope as permitted in the extant permission resulting from the addition of railings around the approved terraces and balconies

and a very small additional projection at roof level in the middle of the three four storey elements. Neighbour letters have also raised issues regarding the appearance of photovoltaic (PV) roof panels which would be consolidated onto one roof rather than spread across the highest points as in the appeal proposal, and one letter referred more generally to an additional roof level. A particular concern has been raised by residents in Prospect Row about the angling of these panels, which take the heights of these items above the roof heights of these houses to the north. There also is a small additional element on the roof of the central of three third floor elements of the building, comprising an automatic opening vent (AOV) which is located over the central stairwell that would serve the apartments. This item of roof plant would be under 2 sq.m. in area. The impacts of other additional plant and equipment that are noted on the ground floor plan - extractor fans, heat pumps and condenser units - are also cited in some objection letters.

It is noted that 'solar thermal panels' were shown on all three of the third floor elements in the approved drawing. This would have formed a symmetrical arrangement, over which the conditions in the appeal decision provided little control. It is not considered that the additional visual impacts on character and appearance of the PV panels are likely to be significantly greater in this application than in the approved scheme; however, the recommendation conditions include provision for this item to be further assessed to ensure that the panels are visually acceptable. The AOV noted above, and the other elements which would all be located lower down on the building, would result in only very limited visual impacts that can also be readily controlled by conditions, and these items area also given closer attention in the conditions in Recommendation II above than in the equivalent conditions in the planning permission. This is considered to be justified in order to ensure that design quality is maintained in line with the appeal proposal.

Other elements of external design that change from the approved scheme are the location of the cycle store, and detailed design of some of the windows.

The cycle storage for the apartments has been relocated from adjacent to the front boundary and placed towards the rear of the building at ground floor level, above the vehicle access ramp to the basement. In the approved drawings, the bin store would have been located within this area. It has now been relocated to the basement, from where the bins will need to be moved on collection days up to ground floor level. The changes to the rear elevation are minimal and this aspect of the scheme is acceptable in terms of impacts on the appearance of the building and the character of the area.

Reconfiguration of some windows is limited to amendments to the position and layout of some windows in the duplex apartments on the upper floors. This does not result in a significant increase in glazed surfaces. Condenser units and changed locations for photovoltaic panels would add further small elements to the proposals. It is not considered that these elements result in any unacceptable changes to the building's appearance, subject to the conditions recommended above. Other than the above points the design and setting of the building would remain the same as in the approved scheme.

In terms of appearance and impacts of character, the differences from the approved scheme are considered to be minor, and it is not considered that the changes would result in any additional visual impacts as compared to the approved scheme. No objection is therefore raised on this issue. There is scope to address neighbours' concerns, by expanding scope of the conditions in the extant permission to require additional details to be submitted and

approved, with respect to the appearance of the additional elements that would be included in this amended proposal.

Living conditions for the occupiers of neighbouring properties

The appeal decision notes that neighbouring properties on Lyndale Avenue have gardens at a lower ground level than that of the appeal site, and that the new building would be larger, higher and closer to these neighbouring properties than the existing buildings on the site. However the location of the building within the site was considered to be sufficient to ensure that the living conditions of the occupiers of Lyndale Avenue would not be detrimentally impacted upon. Overlooking from balconies was not specifically considered in the appeal decision, although it was noted that the development had been designed in line with the spacing standards set out the Council's Sustainable Design and Construction.

As noted above, terrace and balcony levels would be raised by 195mm. In assessing whether this would result in any additional impacts to neighbours, it is noted that minimum separation distances from the rear of these terraces to the rear elevations of houses in Lyndale Avenue is 23m. This measurement is from the lower ground level terraces for two of the four approved houses in the scheme and a communal ground level terrace to the rear of apartments. Distances increase from the upper levels; to the same rear elevations in Lyndale Avenue, with minimum separation distances being 25m at first floor level, 26m at second floor level, and 29 - 30m at third floor level. These distances are the same as in the approved scheme, and it is considered that with this level of separation, the increased height of 195mm for the terrace levels would be almost imperceptible from neighbouring properties. However, additional protection from these neighbours could be provided by requiring translucent or opaque glazing or screening to be provided within the additional railing height, which would be provided at second and third floor levels. Exceptions to this requirement would be the facing balconies between the four storey elements, where the duplex flats face each other - although it may well be the case that the developer may wish to include screening along the fronts of these balconies to limit the views between the upper levels in these flats. However that would be a matter for the developer, and would apply only to the balconies on the north-west elevations of Units 2-08 and 2-10, and on the south-east elevations of Units 2-02 and 2-04. It would be important however to ensure that the sides of these balconies would be adequately screened and this is provided for in the recommended condition, along with the fronts and sides of the remaining balconies facing both south-east, towards Lyndale Avenue, and to the north-west, towards Prospect Road.

Overlooking of properties in Prospect Road, at The Vicarage to the north-west of the site or to 11 Church Walk, to the south-east, were not specifically noted in the appeal decision. The additional requirement noted above would protect occupants at these properties from any additional perceived impacts on privacy that would result from the slight raising of the balcony levels.

Affordable housing

A contribution of £470,513.00 towards off-site affordable housing in lieu of on-site provision was secured by a Section 106 planning obligation in the approved scheme. The recommendation for approval of this application is subject to this being secured by a Deed of Variation for the existing planning obligation.

Provision of employment

In addition, a Local Employment Agreement with an alternative provision of contribution of £37,380.00 in lieu of a Local Employment Agreement was also secured by the Section 106 planning obligation in the approved scheme. The recommendation for approval of this application is subject to this also being secured by a Deed of Variation for the existing planning obligation.

5.4 Response to Public Consultation

The issues noted in the letters of objection are discussed above.

On balance, it is considered that the amendments in this proposal as compared to the refused scheme and the requirements set out in recommended section 106 clauses and conditions are sufficient to address these concerns. The support of some neighbouring businesses is noted, and the viability of local shops would be improved by the additional customer base that would result from the development.

6. Equality and Diversity Issues

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

7. Conclusion

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

LOCATION PLAN

