

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

Reference: **18/2056/S73** Received: 3rd April 2018

Accepted: 3rd April 2018

Ward: Garden Suburb Expiry 29th May 2018

Applicant: -

Proposal: Variation of condition 2 (Approved Plans) and removal of condition 8 (Unit 6 Obscure Glazing) of planning permission 17/2723/S73 dated 18/07/2017 pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings." Variation to include installation of roof terrace and opaque glazing to Unit 6

Recommendation: Approve subject to conditions

AND 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)

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing no. 1415-PL-000; Drawing no. 1415-PL-200 Rev B; Drawing no. 1415-PL-221 Rev B; Drawing no. 1415-PL-303 Rev B; Drawing no. 1415-PL-306 Rev B; Drawing no. 1415-PL-321 Rev B; Drawing no. 1415-PL-322 Rev B; Drawing no. 1415-PL-323 Rev B; Drawing no. 1415-PL-331 Rev B; Details of 1.8m obscure balustrade; Details of 1.2m side balustrade.

Original Approved Plans:

Drawing no.1415-PL-011; Drawing no. 1415-PL-212; Drawing no. 1415-PL-301; Drawing no. 1415-PL-302; Drawing no. 1415-PL-304; Drawing no. 1415-PL-305; Drawing no. 1415-PL-320; Drawing no. 1415-PL-330.

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 6 Part 1

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

Part 2

In addition:

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

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

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

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

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

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

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

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

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties on Temple Gardens in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016)."

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 11 The development shall be implemented in accordance with the access arrangements including the one-way access arrangement with vehicular entrance from Temple Gardens and egress onto Finchley Road and access details approved by the Local Planning Authority under reference 16/2971/CON dated 14th June 2016. None of the dwellings hereby permitted shall be occupied until the proposed one way operation has been implemented in accordance with these approved details.

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

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

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

- 13 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;

- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

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

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

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

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

- 16 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and

efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

Informative(s):

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

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

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

Officer's Assessment

1. Site Description

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

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

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

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

2. Site History

Relevant Planning History at the host site:

Reference: 17/2723/S73

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

Decision: Approved subject to conditions

Decision Date: 18th July 2017

Description: Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for 'Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings'.

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

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

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

Reference: 16/3700/CON

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

Decision: Approved

Decision Date: 15 July 2016

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

Reference: 16/2956/CON

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

Decision: Approved

Decision Date: 16 June 2016

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

Reference: 16/2971/CON

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

Decision: Approved

Decision Date: 14 June 2016

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

Reference: 15/01377/FUL

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

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

Decision Date: Appeal approved 4th April 2016

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

Reference: 16/2478/CON

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

Decision: Approved

Decision Date: 07 June 2016

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

Relevant Planning History at adjacent site to the front:

Reference: 18/1947/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Pending Decision

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for 'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.

Reference: 17/7490/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 12no. cycle parking spaces,

refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reason for refusal:

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

Reference: 16/7565/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following legal agreement

Decision Date: 04 May 2017

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels. Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

3. Proposal

The applicant seeks planning consent for the variation to condition 2 (Approved Plans) pursuant to planning permission 17/2723/S73 dated 18/07/2017for:

"Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for 'Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings'.

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

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

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

The amendments to the current application include the installation of roof terrace with obscure glazing fronting Temple Gardens and the removal to require opaque glazing to Unit 6 as detailed under condition 8 of the approval.

The approved block is staggered in heights at 2, 3, 4 and 5 storeys with flat roof. The lower section of the building, at two storeys in height, abuts the rear gardens of Temple Gardens, and the proposed terrace on this roof would serve Unit 6. This roof has an overall depth of 7.9m; the proposed terrace would be 4m in depth and set back 3.9m from the boundary with Temple Gardens. The roof terrace would be sited 18.3m from the roof accommodation of properties on Temple Gardens (mainly 12-16 Temple Gardens).

The balustrade to the west fronting Temple Gardens would be 1.8m in height and span a length of 13.95m. The length of the terrace would be 10.2m by a depth of 4m located to the west of the site, adjacent to the rear gardens on Temple Gardens. To the north and south elevations (the sides of the roof terrace) the glazing would be at a height of 1.2m.

4. Public Consultation

Consultation letters were sent to 242 neighbouring properties.
11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- Development already exceeds the perimeter of the previous development;
- Roof terrace and removal of obscure glazing, which was conditioned for a reason, will affect neighbours;
- Overcrowding;
- Loss of privacy to Temple Gardens/ gross violation of privacy;
- Direct overlooking;
- Additional noise;
- New building is already higher than the Police Station at the front;
- Parking is already a problem;
- The approval already states that ample amenity space is provided, there is no need for a roof terrace;
- Gross overdevelopment & density;
- The proposed screening will be visible from neighbouring windows;
- Screening not designed to prevent overlooking into neighbouring gardens;

The Council's Environmental Health officers were consulted and considered that there would not be a detrimental impact to neighbouring amenity in terms of noise subject to the planning conditions. This is discussed in more detail in the section below.

A site notice was erected on the 12th April 2018.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM13, DM14, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Introduction

The proposal seeks to vary condition 2 (plans) of the approved scheme to allow for a roof terrace serving Unit 6. In conjunction with this, it is also proposed to remove condition 8 which seeks obscure glazing to the west elevation windows of Unit 6.

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

Impact on Character

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

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

The proposed roof terrace would cover the majority of the length of the west elevation and have a depth of 4m. The principle of roof terraces have been established by the original approval and therefore it is not considered that these would be detrimental to the established character.

The applicant has provided examples of the balustrade detailing on both the west elevation and the northern and southern elevations. The treatment of the enclosure around the terrace is considered to reflect the character and materiality of the rest of the building.

In conclusion it is not considered that the proposed terrace would have an unacceptable impact on the character of the area.

Impact Amenity of neighbouring occupiers

Any scheme will be required to address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 neighbouring buildings and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres. The principle behind this distance is that this is an appropriate space to prevent unacceptable levels of overlooking between different households. The proposed balcony would be set less than this distance at 18.3m, measured from the roof accommodation of properties on Temple Gardens which are directly opposite the host site. To mitigate against direct overlooking, a balustrade with a height of 1.8m spanning a distance of 13.95m between the roof terrace and the properties on Temple Gardens is proposed. The combined height and span of the balustrade, beyond the periphery of the proposed roof terrace would mitigate against direct overlooking to the nearest properties at 10-16 Temple Gardens due to the splayed vision; this has been demonstrated by one of the submitted drawings (drawing no. 1415-PL-200 Rev B) indicating the limited sightlines due to the terrace.

The applicant has provided details of the type of obscure glazing/ balustrade treatment to the west elevation. To the north and south, there are no direct neighbours and therefore the balustrade to these elevation would be clear glazed at a height of 1.2m. Officers consider that this treatment, particular to the west, would prevent direct overlooking to the nearest neighbouring properties.

In terms of noise and disturbance, officers have consulted with colleagues in the Environmental Health team, who consider that the "the changes to the balconies after mitigation through the planning conditions are not likely to have a significant effect on the noise impacts on neighbouring residential." Environmental Health officers consider that the means to prevent overlooking (the 1.8m balustrade), would also have beneficial aspects in terms of reducing the noise from users of the terrace due to the height. On balance, it is considered that the balustrade would mitigate against unacceptable levels of noise from the terrace and therefore the proposal is acceptable in this regard.

The application also seeks the removal of condition 8 of approval 17/2723/S73 which was worded as follows:

"Proposed Unit 6 shall not be occupied until the proposed windows in the second floor west elevation facing Temple Gardens, as shown on Drawing No 1415-PL-303, has been glazed with obscure glass only and shall be permanently retained as such thereafter and this shall be permanently fixed shut with only a fanlight opening."

It is accepted that this condition would not be required as the balustrade would provide the level of protection from direct overlooking sought by this condition. It is therefore agreed that this should be removed. Nonetheless, it considered that whilst the original wording of condition 8 is no longer applicable, in the event that the application is approved, it is considered that a condition should be added to require the obscure glazing panel to the roof terrace to be installed prior to occupation of Unit 6. It is recommended that the condition is worded as follows:

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

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties on Temple Gardens in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016)."

For the reasons stipulated above and subject to conditions, it is considered that the proposal would have an acceptable impact on the amenity of neighbouring occupiers.

Accessibility and Sustainability

In respect of the sustainability and accessibility measures, these will remain the same as the previously approved application.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval. The amendments hereby proposed are considered to be minor material alterations to the approved scheme.

