

**Location**                      **1069 Finchley Road London NW11 0PU**

**Reference:**                      **18/6079/CON**

Received: 11th October 2018

Accepted: 12th October 2018

Ward:                              Garden Suburb

Expiry 7th December 2018

Applicant:                      Daniel Netzer

Proposal:                      Submission of details of condition 19 (Construction Management and Logistics Plan), pursuant to planning permission 16/7565/FUL dated 04/05/2017

**Recommendation:** Approve

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

#### **Informative(s):**

- 1      The plans accompanying this application are:  
Agent email dated 3rd December 2018 confirming Asbestos survey completion;  
Revised Construction Management and Logistics Plan received 13th November 2018.
- 2      In accordance with paragraphs 38-57 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.
- 3      The developer is informed that a gantry on or abutting the public highway requires a licence. To make an application for a gantry licence please contact the council's

Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk).

- 4 The applicant is advised that Finchley Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 5 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

## Officer's Assessment

The planning application was approved by the Finchley and Golders Green Area Planning Committee on the 9th March 2017 subject to completion of a Legal Agreement and the decision was issued on the 4th May 2017.

Following discussion of the item at the Committee meeting, Members requested that if officers were to recommend approval of the Construction Management Plan (Condition 19), details of this condition should be referred to the Committee for assessment.

### 1. Site Description

The site is a terraced building on the west side of Finchley Road, previously accommodating the Police Station, within the Garden Suburb Ward. The building is two storeys with additional roof accommodation within a large mansard roof at two more storeys. 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.

At the rear of the site, consent has been granted for a five storey building to facilitate 9no self-contained flats under reference 15/07709/FUL. Works to this development have started and conditions pursuant to the development have been discharged.

The building is not listed nor does it lie within a conservation area, however the building does make a positive contribution to this section of the Town Centre and is adjacent to the Hampstead Garden Suburb Conservation Area.

### 2. Site History

#### Relevant Planning History at the host site:

**Reference:** 18/6035/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Pending consideration

Description: Partial demolition of existing building - erection of new rear extensions and refurbishment incorporating change of use to comprise of office space at ground floor level and 9no self-contained flats within upper floors (including existing roof space) and erection of balustrade for new roof terrace. Relocation of entrance, new fenestration at front and front rooflights. Provision of amenity space, cycle parking; refuse/recycling storage

**Reference:** 18/3599/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 18 September 2018

Description: Partial demolition of existing building - erection of new rear extensions and refurbishment incorporating change of use to comprise of office space at ground floor level and 9no self-contained flats within upper floors (including existing roof space) and erection of balustrade for new roof terrace. Relocation of entrance, new fenestration at front and front rooflights. Provision of amenity space, cycle parking; refuse/recycling storage

Reasons for refusal:

Reason 1- The proposed development, by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, represents an

overdevelopment of the site and would fail to provide satisfactory living conditions for future residents, contrary to policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016) and the Adopted Sustainable Design and Construction SPD (2016).

Reason 2- The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD(2012) and the Planning Obligations SPD (2013).

**Reference:** 18/1947/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved subject to S106

Decision Date: 01 October 2018

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.'

Amendments include changes to third floor layout to both flats to add an additional bedroom per flat (from 1no bed flats to 2no bed flats), 2no additional cycle parking spaces, additional of balcony to third floor level, increase to size of flat rooflights and front rooflights and replacement of brise soleil on the rear elevation with solid brickwork

**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

**Reference:** 17/2924/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 02 August 2017

Description: Submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/2934/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 30 May 2017

Description: Submission of details of condition 12 (Contaminated land- Desktop Study) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/3014/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 01 June 2017

Description: Submission of details of condition 3 (Retention of Front Facade) and condition 5 (Levels) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/3408/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 5 July 017

Description: Submission of details of condition 14, (Impact of Noise), 15, (Air Quality for Small Developments) and 16, (Noise Report for Site Plant) pursuant to planning permission 16/7565/FUL dated 04/05/2017

**Reference:** 17/4772/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 29 August 2017

Description: Submission of details of condition 8 (Green Roof) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/5588/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 11 October 2017

Description: Submission of details of condition 4 (Materials) pursuant to planning permission 16/7565/FUL dated 04/05/17

Relevant Planning History at adjacent site to the rear:

**Reference:** 18/5296/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Pending Consideration (Committee 11th December 2018)

Description: Variation of condition 2 (Approved Plans) and 11 (Access Arrangement) of planning permission 18/2056/S73 dated 29/06/2018 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 entering the site from Finchley Road

and exiting from Temple Gardens (a reversal of approved access), change the layout of the parking spaces to allow access into parking bays in the same direction as the flow of traffic, and associated changes in the wording of condition 2 and 11

**Reference:** 18/2056/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 29 June 2018

Description: 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

**Reference:** 17/2723/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18 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".

**Reference:** 15/01377/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 30 June 2015

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

Reason for refusal:

1. The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies

Appeal Reference: APP/N5090/W/15/3136451

Appeal Decision: Appeal allowed

The applicant has submitted details relating to other conditions which have been reviewed by the Local Planning Authority as part of separate applications.

### **3. Proposal**

The application is for the submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17.

The planning application was approved by the Finchley and Golders Green Area Planning Committee on the 9th March 2017 subject to completion of a Legal Agreement and the decision was issued on the 4th May 2017.

Following discussion of the item at the Committee meeting, Members requested that if officers were to recommend approval of the Construction Management Plan, details of this condition should be referred to the Committee for assessment.

This condition has been previously discharged (17/2924/CON), however a fresh application has been made to address the alternative access for construction vehicles.

#### **4. Public Consultation**

No consultation letters were sent to neighbouring properties as it is not standard practice to do so for an application for the submission of details of conditions. However, one objection from a resident on Temple Gardens was received; the comments from this neighbour can be summarised as follows:

- No consultation carried out for this application despite "devastating impact on residents of Temple Gardens";
  - The original construction statement stated that all construction traffic would use the Finchley Road entrance and hence no objections on this basis were made. Neighbours objected to a breach of planning conditions as the access on Temple Gardens was being used for the construction traffic, only to find out days later that the development had also been granted suspension of three parking bays in Temple Gardens as well, despite the fact that this access should not have been used.
  - Of vehicles cannot access from Finchley Road for construction, the planning permission granted should be withdrawn.
  - "The use of the access from Temple Gardens for construction vehicles for the rear development was an unmitigated disaster and residents made numerous complaints, none of which were followed up by the council. As the same construction team is being used for the front development we cannot expect any better adherence to statements made in the construction statement."
  - Lack of banksmen and as a result, neighbouring vehicles have been damaged;
  - Damage to pavements;
  - Early (7.15am) arrival of vehicles;
  - Obstruction of Temple Gardens by construction vehicles.
  - All construction vehicles using Temple Gardens rather than Finchley Road;
  - No attempt to wash wheels of vehicles before leaving;
  - Deadline of January 2019 unrealistic;
- No attempt was made to wash the wheels of the vehicles before leaving, and Temple Gardens was covered in mud during wetter periods.
- It is unsafe and causes huge disruption to residents and other road users, not to mention the noise disturbance. Temple Gardens is not suitable for vehicles of this type. Planning permission was granted on the basis that only the front would be used.

The Council's Highways and Environmental Health teams were consulted and both teams reviewed the Construction Management and Logistics Plan. The comments from Highways and Environmental Health are discussed in detail below.

#### **5. Policy Context**

## Relevant Development Plan Policies:

- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS9, CS13, CS14, CS15.
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM04, DM17.
- Residential Design Guidance SPD (October 2016)
- Sustainable Design and Construction SPD (October 2016)

## 6. Assessment

### Condition 19

Condition 19 (Demolition, Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17 reads as follows:

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;*
- ii. access, 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.*
- xi. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.*

*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."*



A document titled 'Revised Construction Management and Logistics Plan' concerning 1069 Finchley Road, NW11 0PU (received by the Local Planning Authority on 13th November 2018) was submitted as supporting information with the application. This document was revised following comments from officers.

Barnet's Highways Officers and Barnet's Environmental Health Officers assessed the document and, following clarifications within the document, there were no objections on highways or environmental health grounds.

The Environmental Health Officer required clarification on the following from the applicant:

- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. This was included in the revised document.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation. The applicant confirmed that a mobile crusher will not be used on site.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. The applicant agreed with all the above.
- Confirmation that an asbestos survey has been carried out. The agent provided confirmation that "the asbestos survey/report was carried out approximately 3 years ago and has therefore been completed".

In light of the above, in particular confirmation that the applicant employs best practicable means to minimise the disturbance to neighbouring occupiers, Environmental Health officers recommend approval of the details provided for this condition.

As part of their assessment, Highways officers reviewed the document provided and commented as follows:

"The submitted construction management provides information on;

- Management of vehicles delivering construction materials to facilitate a "just in time" arrangement.
- The management of contractor vehicles and promotion of sustainable travel were possible.
- Management of the interaction between vulnerable road users and HGV's/delivery vehicles entering/exiting the site.
- Details of vehicle routing.
- Wheel washing and dust suppressant's.
- Footway infrastructure will be protected.

The above information is suitable to show the impact of construction vehicles has been considered and suitably mitigated as such the above condition can be discharged."

It must be noted that this condition was previously considered acceptable by the Finchley and Golders Green Area Planning Committee and discharged by both Highways and Environmental Health officers; the application reference is 17/2924/CON. Highways officers previously engaged in formal discussions with the agent to minimise the disruption to local Highways. It is also noted that the proposed site lies within a Strategic Road Network and therefore TfL must be informed of the application by the applicant; this has been added as an informative.

The current Demolition, Construction Management and Logistics Plan states the following in terms of highways:

*"- During the superstructure stage of construction vehicular loading and unloading will be within the site via Temple Gardens as the large vehicles required cannot fit through the existing archway fronting Finchley Road. We expect this stage to be until January 2019. Vehicles will enter the site in a safe manor, with a banksmen on hand when reversing in or out of the site, who will help control the movements of vehicles for the safety of pedestrians using the footpath and to control traffic. This access arrangement is being utilised by the builder to the development to the rear.*

*- During the internal fitout stage vehicular loading and unloading will be within the site via the existing vehicular arched entrance and passageway beneath the building on the A41 [Finchley Road]. Vehicles will enter the site by reversing under the archway, load or offload, and when finished pull out in a forward direction onto Finchley Road. The archway will be demolished per planning drawings to permit all vehicle sizes to access the site.*

*- Strict material delivery scheduling will be imposed on the project to ensure that congestion is avoided and vehicles will not have to wait along Finchley Road to be admitted into the site, as this would cause disruption to road users and local businesses. Heavy vehicles attending site will be scheduled between the hours of 9:30am and 4.30pm to avoid rush periods."*

The previously approved documents relating to this condition sought access from Finchley Road. Highways officers do not consider that access from Temple Gardens is unacceptable or inappropriate during construction.

As with the previously approved condition, an informative has been added to notify that the applicant must apply for a gantry licence. A bond to cover any damage caused to the footway must be provided by the applicant. This is fully refundable upon completion of the works, should there be no damage caused to the footway. Finally, a condition survey will be required to be undertaken prior to the commencement of the works to ascertain the existing state of the footway; an informative has been added to the recommendation.

Highways officers also recommend approval of the details provided for this condition.

## **7. Response to Public Consultation**

It is considered that in general the planning related comments raised by the objector have been addressed in the report above. With regards to the grant of suspension to three parking bays on Temple Gardens, it is noted that this consent would have been granted by the Council's Highways department.

## **8. Conclusion**

It is considered that sufficient information has been submitted to approve Condition 19 (Demolition, Construction and Traffic Management Plan) pursuant to planning permission 16/7565/FUL dated 04/05/2017.

