Location: 1069 Finchley Road London NW11 0PU

Reference: 18/6035/FUL  
Received: 9th October 2018  
Accepted: 11th October 2018

Ward: Garden Suburb  
Expiry: 6th December 2018

Applicant: c/o Agent

Proposal:
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

Recommendation: Approve subject to s106

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

RECOMMENDATION I:
That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council’s legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Highways (traffic order) £2,022.00 in addition to a monitoring contribution of £100

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

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

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

   Existing:
   - Drawing no. 000 Rev A; Drawing no. 011 Rev A; Drawing no. 012 Rev A; Drawing no. 013 Rev A; Drawing no. 014 Rev A; Drawing no. 015 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 237 Rev 0; Drawing no. 238 Rev 0;

   Proposed:

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

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

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

3. a) No development including demolition works shall take place until details of the retention of front façade hereby approved have been submitted to and approved in writing by the Local Planning Authority. This shall include details of mitigation measures to prevent damage to the front facade.

   b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the front facade retained at all times.

   Reason: To safeguard the character and visual amenities of the front 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  a) No development other than demolition works shall take place until details of the 
materials to be used for the external surfaces of the building(s) and hard surfaced areas 
hereby approved have been submitted to and approved in writing by the Local Planning 
Authority. This shall include details of the proposed brise soleil and solid spandrel panels 
labelled on the hereby approved drawings.

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

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

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

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

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

6  a) Before the development hereby permitted is first occupied, details of enclosures 
and screened facilities for the storage of recycling containers and wheeled refuse bins or 
other refuse storage containers where applicable, together with a satisfactory point of 
collection shall be submitted to and approved in writing by the Local Planning Authority.

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

  Reason: To ensure 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).

7  Before the building hereby permitted is first occupied the proposed windows in the 
rear elevation facing Temple Gardens shall be glazed with obscure glass only and shall be 
permanently retained as such thereafter and shall be permanently fixed shut with only a 
fanlight opening.

  Reason: To safeguard the privacy and amenities of occupiers of adjoining residential 
properties in accordance with Policy DM01 of the Development Management Policies DPD
8  a) No development other than demolition works shall take place until details of the proposed green roof and roof landscaping as indicated on hereby approved drawing no. 1827-NMA-00-RF-DR-A-00100 Rev P6, and how this will be maintained have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, dies, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

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

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

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

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

10 The roof of the building hereby permitted including above second floor, other than in the area indicated as communal roof on Drawing no. 1827-NMA-00-RF-DR-A-00100 Rev P6; shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the
Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
   - a risk assessment to be undertaken,
   - refinement of the Conceptual Model, and
   - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

13 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.
b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

15  a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

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

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

16  a) No development shall take place until a scheme of proposed noise mitigation measures including acoustic ventilators at the front and rear façades to protect against externally generated traffic noise and noise from the adjacent residential development at 1069 Finchley Road has been submitted to and approved in writing by the Local Planning Authority.

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

17 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016).

18 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (October 2016).

19 The development shall be implemented in accordance with the measures detailed within the hereby approved document titled "Revised Construction Management and Logistics Plan".


20 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

21 Before the development hereby permitted is first occupied, the cycle parking spaces and cycle storage facilities as indicated on the hereby approved Drawing no. 1827-NMA-00-00-DR-A-00100 Rev P6 shall be implemented and the spaces 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.

22 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 35% 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 Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

23 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), in all regards other than the sections detailed in the hereby approved document Design and Access Statement by Norton Mayfield Architects. 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.

24 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.

25 No amplified music or other amplified sound shall be relayed on the roof terrace.

Reason: To protect the amenities of the occupiers of the development and nearby properties and to ensure that they are not prejudiced by the use of the communal roof terrace as amenity space for the future occupiers of the development 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.

26 The roof terrace hereby approved shall not be used before 07:00 hours or after 23:00 hours Mondays-Sundays and Bank Holidays. The roof terrace shall be limited to 24 people at any one time as detailed in the hereby approved document Rooftop Terrace Noise Assessment rev3 Technical Memorandum by Environmental Equipment Corporation Ltd ref EC14746-008 dated 10th December 2018.

Reason: To protect the amenities of the occupiers of the development and nearby properties and to ensure that they are not prejudiced by the use of the communal roof terrace as amenity space for the future occupiers of the development 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.
RECOMMENDATION III:

0 That if an agreement has not been completed by 05/04/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/6035/FUL under delegated powers for the following reasons:

1. 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 and the Planning Obligations SPD.

Informative(s):

1 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.

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 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 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.

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

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

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

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

4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.

7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
The applicant is advised that Finchley Road is part of a Strategic Road Network (SRN). Transport for London (TfL) is the Traffic Authority for this road. If the proposed development is likely to cause any disruption to traffic, then 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.

The applicant is advised that Finchley Road is Traffic Sensitive Road; deliveries during the construction period should not take place between Monday to Friday from 8.00am-9.30am and 4.30pm-6.30pm and from 9.00am to 4.30pm on Saturday. 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.

A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
Officer's 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 large parapet walls to either side. To the rear, the building steps down to three storeys with basement. There was also a detached two storey block to the rear close to dwellings on Temple Gardens.

The host site benefits from planning permission under reference number 16/7565/FUL for the following development:

"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".

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. This scheme also benefits from variations to the original approval including the most recent approval under reference 17/2723/S73. These works have started on site and conditions pursuant to the development have been discharged. In addition, an application at this site has also been approved for variations to the approval (reference 18/2056/S73).

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: 18/6913/CON
Address: 1069 Finchley Road London NW11 0PU
Decision: Approved
Decision Date: 12 December 2018
Description: Submission of details of condition

Reference: 18/6079/CON
Address: 1069 Finchley Road London NW11 0PU
Decision: Approved
Decision Date: 21 January 2019
Description: Submission of details of condition 19 (Construction Management and Logistics Plan), pursuant to planning permission 16/7565/FUL dated 04/05/2017

Reference: 18/3599/CON
Address: 1069 Finchley Road London NW11 0PU
Decision: Refused
Decision Date: 18.09.2018
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 9 no 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

**Reason for refusal:**

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).

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: 01.10.2018
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 6 no. self-contained flats on the upper levels. Associated 10 no. 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 1 no bed flats to 2 no bed flats), 2 no 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 6 no. self-contained flats on the upper levels. Associated 12 no. 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: 19/0374/CON
Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU
Decision: Pending determination
Description: Submission of details of condition 13 (Demolition and Construction Management and Logistics Plan) pursuant to planning permission 18/5296/S73 dated 03/10/16

Reference: 18/6913/CON
Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU
Decision: Approved
Decision Date: 12.12.2018
Description: Submission of details of condition 12 (Electric vehicle charging points) pursuant to planning permission 18/2056/S73 dated 29/06/18

Reference: 18/5296/S73
Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU
Decision: Approved subject to conditions
Decision Date: 14.12.2018
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 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: 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 (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: 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

Reference: 15/07709/FUL
Address: 1069 Finchley Road, London, NW11 0PU
Decision: Approved subject to conditions
Decision Date: Demolition of existing buildings and erection of new five storey building to facilitate 9 no. self-contained flats including 11 no. parking spaces, refuse and cycle storage with solar panels to roof

3. Proposal

Planning permission is sought for the partial demolition of the existing building, including alterations to front and side elevations, and associated part four part five storey rear extensions to accommodate a mix use development. The scheme would involve office space at ground floor level and 9no. self-contained flats on the upper levels (including existing roof space), with associated 14no. cycle parking spaces, refuse/recycling provision and amenity space. In addition, the applicant seeks consent for the relocation of the entrance, new fenestration at front and front rooflights, in addition to the marginal increase of 0.5m of the ridge height to obscure the existing handrail and balustrade for the roof level. The scheme would not offer any off-street parking.

The proposed office would have a floor area of 124sqm at ground floor.

The proposed flats would be comprised of:
- 6 x 1 bed (2p) flats;
- 3 x 2 bed (4p) flats.

The extensions and external appearance of the building would be the same as previously approved by the Area Planning Committee as part of application 18/1947/S73, which was approved following a legal agreement.

The communal roof terrace would have an area of 132 sqm.

The rear extension would have a depth of 5.8m excluding the projecting windows, following the removal of the existing rearward wing to the southwest and external staircase. At ground floor, the extension would have a maximum width of 15.4m. At first and second floors, the side extension would have a width ranging between 25m to 21.8m, and at third floor the extension would be up to 6m from the northern boundary. The extension would have a height of 17.3m when measured at the rear (excluding lift); with the lift included the building would have a total height of 19.48m measured from the rear.

The building, including new rear extension would be sited 1.16m away (apart from the angled windows) from the rear boundary with the approved building at the rear.
4. Public Consultation

Consultation letters were sent to 187 neighbouring properties. 10 responses have been received, comprising 10 letters of objection.

A site notice was erected on the 18th October 2018.

The objections received can be summarised as follows:
- Object to the validity/ accuracy of the noise assessment when no building has been built.
- The proposed terrace would obviously be used by many of the new residents for social gatherings with music. The noise nuisance to the Temple Garden residents would be totally unacceptable/Noise and disturbance;
- Acoustic barriers may not work;
- Height of building more than indicated;
- Can a cap be added to the number of variations/ applications;
- Overpopulated/ overdevelopment;
- Increase in parking congestion;
- No daylight assessment has been made for roof structure;
- Loss of light;
- The recent decision to allow the one-way system for the development to be reversed will result in all traffic generated by the site exiting onto Temple Gardens, thereby ensuring all of the parking pressure generated by the development, from deliveries, residents and visitors, is placed on Temple Gardens. The exit onto Temple Gardens is dangerous as there is no visibility of oncoming traffic. This additional parking pressure and danger to pedestrian and motorists on Temple Gardens should not be allowed to be even further magnified, by allowing this proposal to increase the number of flats;
- Reality of parking on the road is different to what the reports indicate/ reports are not accurate;
- Neighbours currently petitioning for increased CPZ hours due to parking pressures.

Environmental Health officers have commented on the supporting information for the roof terrace Noise Assessment and considered that subject to conditions, the proposed enlargement of the roof terrace would be acceptable.

Highways comments remain as per the previous application. Highways officers were consulted however did not provide comments. Nevertheless the supporting information is the same as the previously refused application.

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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

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
Planning Obligations SPD (2013)
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.
- Whether the development would provide suitable amenities for future occupiers
- Whether the development would increase parking pressures and congestion (Highways)
- Access and Sustainability measures.

5.3 Assessment of proposals

Context

The current application follows on from a previously refused application on the site for a similar development. Application 18/3599/FUL sought permission for the following development:

"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"

The application was recommended for approval by Officers subject to a financial contribution (to amend the Traffic Order and for improvements to local parks due to the amenity space deficit). The application was refused by the Area Planning Committee on the 4th September for the following reasons:

1. The proposed development was considered by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, to represent an overdevelopment of the site and would have failed to provide satisfactory living conditions for future residents.
2. The development failed 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.

It must be noted that the site does have planning permission for a similar development, although this is limited to 6 residential units (ref 16/7565/FUL).

The current proposal, like the latest refused application on the site, also seeks 9 units however the scheme has been amended to provide more outdoor amenity space by increasing the usability of the communal roof terrace and amending the mix of units. The previously proposed mixed of units included 4 x 1 bed, 5 x 2 bed, whereas the current scheme seeks 6 x 1 bed and 3 x 2 bed units. The proposal has also amended the layout of the units.

The communal roof terrace has been increased from 97sqm proposed on the refused scheme, to 132sqm.

The following assessment will generally comment on the changes between the current proposal and the refused application (18/3599/FUL).

Impact on the character of the area
The principle of development has already been established by the approved scheme. In terms of the external appearance of the building and extensions, these have already been considered acceptable by the prior consent on the site (notably application 16/7565/FUL, and most recently 18/1947/S73 for the form of the balconies at the rear). In addition, the latest application (18/3599/FUL) was not refused on the appearance of the building and the height, design of balustrades and overall massing has not been amended. Officers have not identified new material considerations which would now warrant refusal for the building as proposed insofar as its form, design, height and overall scale are concerned.

The first reason for refusal for application 18/3599/FUL details: "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."

Part of the refusal deals with the proposed density of the site (the other relates to the quality and amount of outdoor amenity space which is discussed in the relevant section below). With regards the density mix, London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The site benefits from a PTAL of 2 and is considered to fall within an urban setting as defined in the London Plan. The London Plan advises that development should be at 200-450 habitable rooms/hectare and 45-170 units/hectare. The proposal would result in 852.27 habitable rooms/hectare and 255.68 units/hectare, based on 30 habitable rooms; the previous scheme for 9 units resulted in 937.50hr/ha and 255.68 u/ha (same as currently proposed). The proposal would still result in density above the recommended range.

The building density however is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks" (paragraph 127). Development should be guided by the numerous factors including overall scale, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

The site is located within a Town Centre location. Consent has been granted for 6 units on the site with a potential for up to 22 occupiers (and a mix of 4 x 2 bed (4p) flats and 2 x 2 bed (3p) flats as part of application recently approved pending a S106); the current proposal would accommodate up to 24 occupiers. Officers do not raise any objection to the increase in density given that this would result in two additional occupiers on the site and as mentioned the site is located within the Town Centre where higher densities are encouraged. Although the number of units has remained at 9, the changes to the layout and unit mix of the flats has reduced the intensity in terms of number of occupiers. The reduction in habitable rooms and combined increase in the outdoor amenity space provision results in a scheme that meets the relevant standards. It is therefore concluded that the reduction in number of occupiers/ habitable rooms addresses the previous objection and officers do not consider that the proposal is an overdevelopment of the site for these reasons. The design of the building, as mentioned, has already been established and therefore officers do not raise an objection to the proposed density given the site-specific circumstances.

Although not benefiting from a statutory listing, the LPA is of the view that the existing building should be considered as a Non-Designated Heritage Asset, and the Council would
seek to retain the front building, particularly the street frontage. Therefore paragraph 193 of the NPPF would apply. The applicant proposes to retain the front elevation as part of the redevelopment.

Overall, the proposal is considered to have an acceptable impact on the streetscene and the general character of the area.

**Impact on the amenities of neighbours**

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. 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 existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

It must be noted that application reference 18/3599/FUL raised no objection to the scheme for 9 dwellings on the impact to neighbouring occupiers.

The proposal is not considered to cause harm to the amenities of occupiers of Temple Gardens at the rear, given the distance. Whilst the increase in the size of the roof terrace would be closer to Temple Gardens, a considerable distance to these properties would remain and therefore it is considered to be unjustified to refuse the application on visual impact to occupiers on Temple Gardens.

Furthermore, there is an approval development comprising of residential units between Temple Gardens and the host site. As mentioned above, the approval to the rear of the site is a material consideration in the determination of any planning application on the site (planning reference 15/07709/FUL and subsequent revisions). Similarly, the windows at the rear/ side and balconies to the proposed development have been designed to be angled and involve elements such as solid screening and obscured glazing to prevent overlooking. The proposal would be the same as the building previously considered to be acceptable, it is therefore considered that the relationship between neighbouring occupiers has been previously assessed and there are no material considerations which would now alter this judgement. No additional windows are proposed to the rear. Whilst the terrace would be closer to the new building, there are no habitable windows of the rear building fronting the application site/ roof terrace. It is therefore not considered that there would be any additional levels of overlooking to warrant refusal. Officers are therefore satisfied that whilst the number of households that the building is proposed to accommodate would increase, the visual/ privacy amenities of neighbouring occupiers would not be compromised in this regard.

Environmental Health officers were consulted on the supporting noise assessment and the proximity of the increased terrace to neighbouring residents. EH officers were satisfied that subject to the installation of acoustic fencing, the communal area would provide a suitable
outdoor amenity area and would not result in unacceptable levels of noise and disturbance to neighbouring residents both on Temple Gardens and those on the new development to the rear. Two additional conditions have been added which limit the hours of use and number of people on the terrace (as detailed in the supporting noise report) and restriction on amplified music. It is considered that subject to these conditions, the impact of noise and disturbance can be mitigated against.

Environmental Health officers have also requested that previous conditions relating to air quality and noise mitigation to the overall building due to traffic on Golders Green Road are attached if permission is granted.

In light of the considerations above, the proposal is recommended for approval insofar as the impact on neighbouring occupiers is concerned.

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The proposed flats would all comply with and exceed the minimum space standards as stipulated in the London Plan.

The applicant has demonstrated that all rooms would have suitable daylighting. The proposal does not rely on any additional or increase in window sizes to accommodate the changes to the layout. Officers are therefore satisfied that each habitable room would be adequately lit. This has been supported by a Daylight and Sunlight Assessment.

Most of the units are dual aspect and therefore would be considered to provide suitable outlook to future occupiers. It is noted that part of the outlook for flats 1, 4, and 7 is towards a flank wall of the rear approved development, however these units are dual aspect and the outlook is considered to be acceptable ‘on balance’. Units 2, 5 and 8 are single aspect however front Finchley Road where they benefit from suitable outlook towards the road. This is also considered to be acceptable on balance; this outlook has already been established by the previous consent and no objection was raised as part of the last application on these grounds.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats, options include provision communally around buildings or on roofs or as balconies.

Part of the first reason for refusal referred to the "inadequate level of amenity space to serve future occupiers" combined with the number of units being indicative of an overdevelopment of the site. It is considered that the proposal has addressed this reason for refusal. The proposal would involve the provision of outdoor amenity space for 3 units through private terraces. There would also be a roof terrace which is proposed to be used as a communal facility; the communal roof terrace has been increased in area.

The cumulative outdoor amenity space provision for the development would be 150sqm through the communal terrace (132sqm) and balconies (total of 18sqm). The development would be expected to provide 150sqm based on 30 habitable rooms, therefore the outdoor amenity provision is considered to meet the relevant standards. Previously as there was a
shortfall, a financial contribution was sought for improvements to the nearest appropriate public open space to compensate for the lack of outdoor amenity space; this would no longer be sought as it cannot be justified given that the development would meet the outdoor amenity space standards.

As with the comments above relating to the general amenities of neighbouring occupiers, the Environmental Health team previously considered that subject to conditions, the noise and air quality issues due to the siting of the site could be mitigated. This would include the requirement for acoustic ventilators to both the front and rear windows to reduce noise levels between both buildings. The recommended conditions have been attached.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

The proposal would provide suitable amenities for future occupiers and is acceptable in this regard.

Impact on local highways

Officers consulted with the Council's Highways team as part of the refused application, who assessed the scheme in terms of the impact on highways. It must be noted that the transport supporting information has not changed since the refused application (18/3599/FUL) and therefore the previous Highways officers' comments detailed below are still applicable.

The site has an access road that was originally used for the police station, however will now be used for the approved residential development currently being built to the rear (approved under reference 15/07709/FUL, and subsequent amendments).

Parking

The PTAL is 2 (poor) with bus available as the only public transport mode available within the PTAL calculation area, it should be noted that just outside (by 10 meters) of the calculation area is Golders Green tube station. The development is located in a controlled parking zone (Zone TF). The site lies in a Town Centre location and associated local amenities.

The change of use to residential/ office represents a reduction when compared with the number of trips associated with a police station. The reduction in trip generation by the change of use would be valid during both AM and PM peaks and total daily movements.

Policy DM 17 states that limited or no parking is acceptable within a CPZ, or where sufficient on-street parking is available within a parking survey area. The applicants have done both to promote a development within a CPZ and show that there is sufficient space for vehicles associated with residents of the future development. A CPZ will be in operation to mitigate over spill parking by the future office use.

The applicants have undertaken a parking survey to review the on street situation at both peak times of residential parking demand and during times of CPZ operation to show that vehicles with permits can park on the surrounding kerb side, the survey also carefully
assessed the available on street capacity, of which within the survey area there is the availability of on street parking spaces for future residents.

During day time CPZ operation times, the CPZ future residents' permits will be eligible for roads in Golders Green CPZ H. Future residents will not be eligible for permits in Temple Fortune (TF) CPZ.

The parking survey shows that within the immediate proximity of the development the surrounding highway network is at parking capacity. The full 200m (in all directions) survey area is considered equally, however there is no "weighting" for parking pressure or available spaces close to the development. The planning inspectorate deems 200m (two minutes) a reasonable distance to walk for residents. All parking within the survey areas is considered equally.

The Lambeth parking survey methodology allows for single yellow lines to be included within the parking capacity survey as their restrictions are not in operation or enforceable at peak times of residential parking demand 00:30-05:00. Dropped kerbs and double lines have not been included within the parking capacity, but have been recorded within the survey of current on carriageway characteristics.

The applicants have interrogated census car ownership data and assumed a worst-case scenario for the number of associated vehicles with the future development (6 vehicles). The robust parking survey, undertaken at peak times of residential parking demand and during CPZ operation hours, shows that there is sufficient on-street parking spaces for all vehicles associated with the proposed development, while still protecting existing resident parking amenity. A worst-case scenario of 9 vehicles can also be accommodated.

The applicants have also submitted historic data associated with previous applications which showed no substantial change in parking demand over this time. It is accepted that planning application reference 17/7490/FUL was refused for the absence of a legal agreement to amend the Traffic Order, despite the submission demonstrating there was sufficient on-street parking.

Similarly, the latest application (18/3599/FUL) was also refused for the absence of a legal agreement to amend the Traffic Order. Highways officers did not previously consider that there is a requirement to restrict the parking permits for future occupiers, and there are no material considerations to alter this assessment. However, given concerns raised by Members of the committee, the applicant has agreed for a car-free development by exempting the occupiers of the new development from purchasing parking permits. The applicant has agreed to enter into a legal agreement, to be drafted after the committee, to restrict the issue of parking permits for the future occupiers of this development.

Refuse and Cycle Parking

London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 14 cycle parking spaces for the residential units and 2no for the office use. This development proposes 16 secure cycle parking spaces, which is in line with London Plan. Cycle parking for each of the uses on the site should be segregated.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.
Highways conclusion

Highways offices previously considered that the proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported. This assessment is based on the following:

- The proposed development will not generate a significant increase in trip generation.
- A robust parking survey has been undertaken to show that there is capacity for future residents to park on street both inside and outside of CPZ operation times.
- Cycle parking is in line with London Plan minimum standards; these can be stored in the designated ground floor storage spaces.
- Refuse stores have been provided within a close proximity to the highway.

Although the second reason for refusal specified that the in the absence of a legal agreement, the scheme would heighten parking problems, the applicant has agreed to enter into a legal agreement to amend the Traffic Order and therefore restrict the purchase of parking permits for future occupiers. It is therefore considered that this reason can be overcome subject to the completion of a legal agreement.

The Demolition, Construction and Logistics Plan submitted to support this application is the same as the report approved under reference 18/6079/CON.

The proposal is therefore recommended for approval on highways grounds.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). As the majority of the building is a new build, the proposal would be expected to comply with M4(2) and the scheme includes the provision of a lift. A condition is attached to ensure compliance with these Policies. The applicant has confirmed that the proposed development would meet this requirement (except for height of the windows due to the retention of the front façade), and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG’s requirements and a condition is attached to ensure compliance with the Policy.

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

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

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will
take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal would be liable for both Mayor's CIL and Barnet CIL.

5.4 Response to Public Consultation

It is considered that the comments raised by objectors have generally been addressed in the report above.

The height of the building is not different to the approved scheme (reference 16/7565/FUL) and the previously refused application 18/3599/FUL which was not refused on the siting of the balustrades at roof level.

Some comments refer to recent approval at the site to the rear, however this proposal has been assessed independent of the approval at the rear on its own merits.

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 proposal has overcome the previous reasons for refusal.