

**Location**                      **Acre House 402 Finchley Road London NW2 2HR**

**Reference:**                      **19/4221/FUL**

Received: 31st July 2019

Accepted: 6th August 2019

Ward:                              Childs Hill

Expiry 1st October 2019

Applicant:                      The Honourable Fraternity

Proposal:                      Demolition of existing building and erection of new five storey building to provide flexible use class A1 / A2 / A3 floor space at ground floor level and 8no self contained flats above with associated, bike store, amenity space, refuse/recycling storage. AMENDED SCHEME: The scheme has been revised at second, third and fourth floors.

**Recommendation:** Approve subject to conditions

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

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

- o1901 1251 S 01 Existing site plan;
- o1901 1251 S 02 Existing ground floor plan;
- o1901 1251 S 03 Existing roof plan;
- o1901 1251 S 07 Existing front elevation;
- o1901 1251 S 08 Existing rear elevation;
- o1901 1251 S 09 Existing front street elevation;
- o1901 1251 S 10 Existing section A-A;
- o1901 1251 S 11 Existing section B-B;
- o1901 1251 C 01 Proposed site plan;
- o1901 1251 C 02 Proposed ground floor plan;
- o1901 1251 C 03 Proposed first floor plan;
- o1901 1251 C 04 Proposed second floor plan;
- o1901 1251 C 05 Proposed third floor plan;
- o1901 PA 06 Proposed fourth floor plan; received 12/11/2019 12/11/2019
- o1901 PA 07 Proposed front elevation; received 12/11/2019
- o1901 PA 08 Proposed rear elevation; received 12/11/2019
- o 1901 PA 09 Proposed street elevation; received 12/11/2019
- o1901 C 10 Proposed section A-A;

o1901 1251C 11 Proposed section B-B.

Cover letter (Michael Burroughs 17/07/2019 Ref E/4263)  
Daylight and Sunlight Report (David Maycox 10/03/2020)  
Parking Stress Survey (Alpha Parking Version V01 19/12/2019)

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

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

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

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 5 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 (adopted April 2013).

- 6 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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

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

- 8 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.

- 9 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.

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

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

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

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

- 12 The level of noise emitted from any plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 13 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.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

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

This sound insulation shall ensure that the levels of noise generated from the development; as measured within habitable rooms of the development shall be no

higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

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

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

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

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

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

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

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

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

18 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise 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 the first occupation of the development and retained as such thereafter.

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

19 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

Reason

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

20 Before the building hereby permitted is first occupied the proposed windows in the north elevation (second and third floors) facing 404/406 Finchley Road 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 (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

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

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

22 Before the development hereby permitted is occupied, cycle parking spaces shall be provided in accordance with the submitted planning application and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason

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

- 23 The roof level at third floor adjacent to Flats 7 and 8 (facing 404/406 Finchley Road) of the hereby permitted 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).

- 24 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. 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. Details of a community liaison contact for the duration of all works associated with the development.

Reason

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

- 25 a) Before the installation of any kitchen extraction unit(s) related to the ground floor use hereby permitted, a detailed assessment for the kitchen extraction unit,



which assesses the likely impacts of odour and smoke on the neighbouring properties shall be carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

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

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

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

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

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

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the

satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

## **Officer's Assessment**

### **1. Site Description**

The application site currently houses the Honourable Fraternity of Ancient Freemasons. The current building faces west onto Finchley Road, and is sited at a 45° angle to Finchley Road. The building is two stories in height, with timber sash window, a pronounced gable feature located centrally with doors beneath it. The building is constructed of brick and probably dates from about 1912. The frontage is currently landscaped.

No 402 is designated as part of a main retail frontage area. It is not in a conservation area and the existing building is not listed or locally listed. It fronts onto the busy A598. There are no trees on the site.

### **2. Site History**

Reference: 16/3214/FUL

Address: 402 Finchley Road

Decision: Approved subject to conditions

Decision Date: 12.10.2016

Description: Demolition of existing building and erection of new five storey building to provide 283sqms of class A2 floor space at ground floor level and 8no self contained flats above with associated, bike store, amenity space, refuse/recycling storage.

Reference: F/04068/13

Address: 404-406 Finchley Road, London, NW2 2HZ (Adjacent to application site)

Decision: Approved subject to conditions

Decision Date: 22 Oct 2013

Description: Demolition of existing buildings and construction of a part three, part four storey building with a 385sqm ground floor retail unit and 9 residential units above. Provision of 9 car parking spaces, refuse and bicycle storage. Installation of PV panels to roof.

Reference: C10763F/06

Address: 402 Finchley Road London NW2

Decision: Approved subject to conditions

Decision Date: 18 Jan 2007

Description: First floor extension including pitched roof and parapet and addition of 6 rooflights.

Reference: C10763E/04

Address: 402 Finchley Road London NW2

Decision: Approved subject to conditions

Decision Date: 02 Aug 2004

Description: Change of use from B1 to Freemason's Meeting Hall [Use Class D2] with ancillary office accommodation.

Reference: C10763D/03

Address: 402 Finchley Road London NW2

Decision: Approved subject to conditions

Decision Date: 17 Oct 2003

Description: Change of use from offices (class B1) to food and drink (class A3).

Reference: C10763C

Address: 402 Finchley Road London NW2

Decision: Lawful  
Decision Date: 27 Nov 1996  
Description: Use as offices and meeting hall to rear

Reference: C10763B  
Address: 402 Finchley Road London NW2  
Decision: Unlawful  
Decision Date: 24 Oct 1996  
Description: Use as offices and meeting hall to rear.

Reference: C10763  
Address: 402 Finchley Road London NW2  
Decision: Refused  
Decision Date: 21 May 1991  
Description: Four storey office development with basement level car parking for 22 cars.  
Vehicular access to Finchley Road

Reference: C10763A  
Address: 402 Finchley Road London NW2  
Decision: Refused  
Decision Date: 21 May 1991  
Description: Four storey office development with basement level car parking for 22 cars.  
Vehicular access to Finchley Road (Duplicate Application)

### **3. Proposal**

Demolition of existing building and erection of new five storey building to provide flexible use class A1 / A2 / A3 floor space at ground floor level and 8no self contained flats above with associated bike store, amenity space, refuse/recycling storage. AMENDED SCHEME: The scheme has been revised at second, third and fourth floors.

### **4. Public Consultation**

Consultation letters were sent to 207 neighbouring properties.

Eight responses have been received, comprising nine letters of objection. The comments are summarised as follows:

- Loss of outlook
- Loss of residential amenity to surrounding properties
- Development should be limited to 3 stories in the interests of residential amenity and character
- No DayLight Sunlight report to assess the impact on neighbours
- Right to Light
- The development would have considerable impact on residents at 404/406 Finchley Road
- The development would have a significant additional impact on residents at Pattison Road
- The development should provide parking
- Impact on parking
- Impact on the character and appearance of the area
- Loss of the existing building which adds to the character of the area and creates an openness
- It would have impact on the light and privacy of the development at Lightworks Apartments, in particular the open communal terrace
- Impact on local highway

- Impact on privacy

Highways Officer: No objection, subject to conditions.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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 -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

#### Supplementary Planning Documents

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:

- The principle of residential use
- The principle of the A1/A2/A3 use at ground floor
- The standard of accommodation provided and amenities of future occupiers of the proposed units
- The impact the proposal would have on the character and appearance of the area
- Impact on the amenities of neighbouring and surrounding occupiers
- Transport, Highways and parking matters

#### Principle of the residential use

The government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many new homes as possible are constructed on brownfield land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

The site is a previously developed site, and therefore it is a sequentially preferable site for new housing.

Policy CS5 of Barnet's Core Strategy outlines that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve and enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that



development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

In this instance, the principle of upper level flats above a commercial use is evident in the surrounding locality. Planning permission was granted for the adjoining site at 404/406 Finchley Road under application reference F/04068/13 for the demolition of the existing buildings and construction of a part three, part four storey building with a 385sqm ground floor retail unit and 9 residential units above, as well as provision for parking and refuse. This scheme is complete and is known as the Lightworks. Secondly, consent has already been given at 402 Finchley Road itself (ref 16/3214/FUL) for the demolition of the existing building and the construction of eight residential units to upper floors above commercial use.

Taking the above into account, it is considered that the principle of residential development above commercial uses has been established at this location, and it is considered that the principle of the residential development is consistent with the surrounding pattern of development in the area.

#### Principle of the A1/A2/A3 use

Policy DM11: 'Development principles in the town centres' outlines that 'the council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability'.

The proposal incorporates the creation of 283sqm of Class A1/A2/A3 floor space at the ground floor level. Taking into account the location of the proposal, within a main retail frontage, it is considered that the proposed new A class use would contribute towards the vitality and viability of the town centre, and it would introduce an active frontage, and introduce a commercial use to the location. It is considered that the proposal would comply with Policy DM11.

#### Impact of the proposal on the character and appearance of the area

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, and in this case the building should respect the character of Finchley Road.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities that can have an unacceptable impact on the established character of an area. In this case, it would be considered that flatted development would be suitable on this site, as the principle of residential development is consistent with the surrounding pattern of development on Finchley Road. The existing building is not listed locally, nationally listed, or within a conservation area, and it is considered that on balance the principle of demolition of the existing building is considered to be acceptable.

Any development on this constrained urban site should have due regard to the built form and pattern of development of Finchley Road. In this regard, the proposed development has been designed to complement the scale and height of the adjacent buildings, with the development appearing higher than 400a Finchley Road (13.5m in height) and lower than 404/406 Finchley Road (17m in height). Taking this into account, it is considered that the proposed building respects the building heights and lines of this section of the road. It is also considered that the design of the proposed, with the use of brick and glass, as well as the set back of each progressive upward level of the building, would ensure that the development complements the surrounding buildings. Zinc is to be used for the fifth floor of the development, to complement the adjacent building 404/406 Finchley Road.

The current proposal differs from the approved scheme in its relationship with 400 Finchley Road. At the second and third floors the elevations are flush which will present a better appearance to the street but without having any impact on amenity to 404/406. The redesign of the upper levels will also provide more practical and usable internal habitable room space.

Taking the above into account, it is considered that the proposed development is in keeping with the established character of the area and would complement the design and scale of the surrounding uses, to be acceptable.

#### The quality of accommodation for future occupants

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and provides adequate internal space for future occupiers. The table below identifies the proposed floor area of each flat with planning standards in parenthesis.

Flat	Type	Sqm	Sqm
1	2b4p	105	(70)
2	1b2p	102	(50)
3	2b4p	101	(70)
4	1b2p	65	(50)
5	1b2p	101	(70)
6	2b4p	65	(50)
7	1b2p	78	(50)
8	1b1p	45	(37)

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room. Balconies are proposed for each of the new flats. The two first floor flats benefit from amenity spaces to the front and rear to satisfy the policy. The upper floor flats each have a balcony, all exceeding the minimum 5sqm for 1-2 person dwellings with an extra 1sqm per each additional occupant required by the London Plan. Flat 6 has front balcony space measuring 6sqm which is lower than the requirements of Table 2.3 within the Sustainable Design and Construction SPD. It is considered that the proposed balconies would provide adequate amenity spaces for Flat 1, 2, 3, 4, 5, 7 and 8, meeting the standards outlined by Barnet Council's Outdoor Amenity Space Requirements. On balance it is considered that the proposed amenity space for Flat 6 would not have such a harmful impact on the residential amenity of the proposed occupiers to warrant the application being refused.

The proposal has been carefully designed to ensure that the development maximises the light and outlook afforded to future occupiers. Taking into account that the proposal has been designed with large windows to ensure that the maximum amount of light is afforded

to each flat, it is considered that the proposed flats would support an appropriate level of amenity for future occupiers.

Having carefully considered the proposal, on balance, officers find that the scheme would provide adequate amenities for the future occupiers of the proposed dwellings. The proposal is found to have an adequate design and layout from an amenity perspective. The dwellings would all have an internal area which is sufficient to meet the relevant London Plan space standard for the number of bedspaces proposed. They would also have adequate daylight, sunlight, outlook and privacy.

#### Impact the proposal would have on the amenities of neighbours

Planning permission was granted under F/04068/13 at the adjacent site (the Lightworks) for 9no flats, with a neighbouring courtyard positioned adjacent to the proposed development. In the interests of preserving the residential amenity of the neighbouring occupiers, privacy screens would be located at the flank elevation of the balconies of the proposed flats, as well as each of the windows facing towards the development at 404/406 being obscure glazed. Taking this into account, it is considered that the proposed development would not have a significant detrimental impact on the residential amenity of those adjoining neighbours at 404/406.

The current proposal reflects the height, scale and massing of the approved 2016 scheme. The opportunity however has been taken to firstly confirm through a daylight and sunlight analysis that the present scheme will not harm or result in the material loss of daylight and sunlight to adjacent property. The analysis tested the impact of the proposal on 16 different windows within the elevations of 404/406 Finchley Road. The results of the sunlighting assessment which are listed in Appendix D of the submitted Daylight and Sunlight Report (David Maycox and Co, March 2020) are fully compliant with the BRE guidelines as described in Section 5.00 of this report. Insofar as light from the sky is concerned, the scheme is fully BRE compliant as set out in the results of the assessment listed in Appendix C and Appendix D and in the summaries in section 4.02 and section 5.02 of this report.

Secondly, the proposed fourth floor has been chamfered so as to reduce any perceived sense of enclosure to the top floor flat of no.404/406. The angled roof will present a receding structure when viewed from the penthouse roof terrace.

Concerns have been raised in relation to the impact the development would have on the residential amenity of neighbours at Pattison Road, with the rear of properties at Pattison Road having a view of the rear of the proposed development. Taking into account the distance of the proposal from the rear of the dwellings at Pattison Road, as well as the oblique angle that the rear elevation would be seen from in Pattison Road, it is considered that the proposed development would not have a harmful detrimental impact on the residential amenity of neighbours.

Overall it is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers. It is found that the development would not have a severe impact with regards to it being overbearing, visually obtrusive or cause unacceptable overlooking, overshadowing or losses of daylight, sunlight, aspect, privacy or outlook. The application is found to be acceptable and compliant with the objectives of development plan policies on the protection of the amenities of neighbouring occupiers subject to the conditions recommended.

### Impact of the proposal on highway safety

Policy DM17 - Travel impact and parking standards outlines that 'the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom)

The Policy then outlines that 'residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity'.

The application is located within a PTAL 3 area, which highlights that the site has a good level of access to public transport.

Within the Planning Statement provided to support the application, the applicant has submitted a Car Park study, and which has been further updated, based on the Lambeth Methodology, to highlight both the parking restrictions in the area which are already applied, and the amount of parking available at the site at overnight times, and during the day. In summary, the survey showed the results of 57.80% conducted between 01:00am and 05:30am on Tuesday 10th and Wednesday 11th December 2019, which shows that there is sufficient on-street availability to accommodate potential overspill from the proposed development.

### 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). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached in the event planning permission is granted] 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 6% 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 in the event planning permission is granted to ensure compliance with the Policy

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

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

## **5.4 Response to Public Consultation**

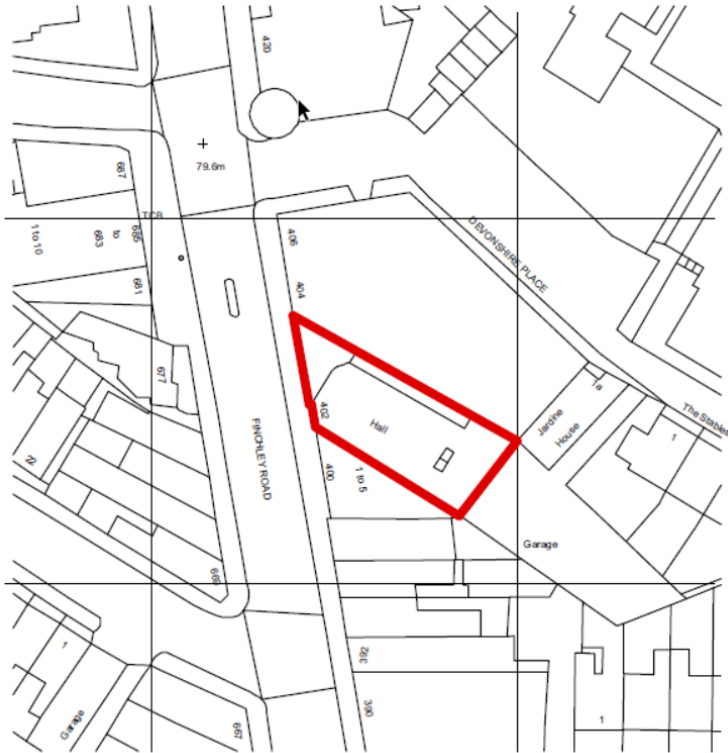
The concerns and views raised have been considered within the body of the report.

## **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.



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