

Location **698 Finchley Road, London, NW11 7NE**

Reference:

20/4194/FUL	Received:	01.10.2020
	Accepted:	01.10.2020
Ward:		
Garden Suburb	Expiry	18.12.2020

Applicant:

Flakevale Ltd

Proposal:

Demolition of the existing building and erection of a part single, part two and part five storey building comprising of A2 office space at ground floor level with 9no. self-contained flats (comprising of 7x 2 bed & 2 x 3 bed units) on the upper floors; and 11 car parking spaces at basement level accessed via Hoop Lane associated amenity space, refuse storage and cycle parking.

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. 1. Greenspace Contributions - £ 10,500 towards off site child playspace; Capital Asset Value for Amenity Trees (CAVAT) is £109,554 T1 and £92,445 for T2. These moneys would be sought and spent on tree planting elsewhere within the vicinity of the site should the health of the existing two trees be compromised as a result of the proposed development within a period of five years of the completion of the development.
2. Section 106 Monitoring contribution: £4,249.98
3. Non-financial obligation- restricts car parking permits.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control 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:

1. 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.

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

- Site Location Plan;
- Drawing numbers: AP03 Rev D (proposed elevations); AP02 Rev E (proposed floor plans); and AP04 Rev A (proposed sections).
- Planning Statement dated September 2020 by Burrough Associates
- Heritage Statement; Townscape Visual Assessment by Stephen Levrant Heritage Architecture Ltd dated May 2019
- Survey Plans: drawing numbers S01; S02

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

3. 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 Policy D4 of the London Plan 2021.

4. a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

5. a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of:
 - (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;
 - (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable; and

- (iii) (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

6. Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a detailed parking layout plan showing the exact dimensions of the existing/proposed access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, 11 off-street parking spaces including 2 disabled parking bay shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development. The applicant shall obtain a s184/278 for all off-site highway works including the construction of the proposed access and renewal of the footway around the perimeter of the site.

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.

7. Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a stage 1 safety audit of the proposed vehicular access and basement car park layout shall be submitted to and approved in writing by the Local Planning Authority.

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.

8. Before the permitted development is occupied, details of parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved parking management plan.

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

9. Prior to commencement of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of 2 active and 2 passive electric vehicle charging points. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6 of the London Plan 2021.

10. The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

11. a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G7 of the London Plan (2021).

12. a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September (2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), and Policy G7 of the London Plan (2021).

13. a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and

Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012).

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 April 2016) and Policy D14 of the London Plan 2021.

15. The level of noise emitted from the specify machinery 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 policy DM04 of the Development Management Policies DPD (adopted September 2012) and policy D14 of the London Plan 2021.

16. 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 Policies document (2012); and SI 2 & SI 3 of the London Plan (2021).

17. Within 3 months of completion of the development, the applicant shall be awarded Secure by Design accreditation, in consultation with the Metropolitan Police.

Reason: To ensure that the development is safe and secure for future occupiers in accordance with policies CS5 of the Core Strategy (2012) and DM02 of the Development Management Document (2012).

18. The development shall be installed with water sprinklers and retained thereafter.

Reason: To reduce of damage caused by fire whilst promoting health and ensure that the health and safety of future occupiers is not unduly compromised in accordance with DM02 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016).

19. (a) Prior to the commencement of works onsite, full details of the fire access facilities and arrangements shall be submitted to the Local Planning Authority, in consultation with London Fire Brigade Authority.

(b) The details hereby approved shall be implemented and retained thereafter.

Reason: To ensure that the site is accessible by firefighters to promote health and ensure that the health and safety of future occupiers is not unduly compromised and in the interest of highway safety in accordance with CS9 of the Core Strategy; DM02 and DM17 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016).

20. a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy

(adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

21. 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.

22. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that the piling works do not adversely disrupt or damage the local underground sewerage utility infrastructure and to ensure the safety and health of future occupiers is not compromised in accordance with DM04 of the Local Plan (2012) and policies SI 12 & SI 13 of the London Plan (2021).

23. 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).

24. a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition

and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

25. 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 policy DM14 of the London Plan (2021); policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD.

26. 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 SI 1 of the London Plan 2021.

27. 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 D4, D5, D8 and G7 of the London Plan 2021.

Informatives

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 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 £60 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.

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

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.

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. The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
5. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

6. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

7. The submitted Construction Method Statement shall include as a minimum details of:

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

8. The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
9. Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.
10. If a concrete pump lorry is operated from the public highway, 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.

11. The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
12. The Applicant is advised to ensure that the proposed plans conform to Part B of approved document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.
13. The applicant is advised to consult Fire Safety Guidance Note (dated 29 January 2019) on Fire Brigade Access similar to that in B5 of the Building Regulations.
14. Thames Water would advise that with regard to sewerage infrastructure capacity.
15. Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st November 2020 unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of replacement street trees and off site child playspace. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Officer's Assessment

1. Site Description

The site is about 0.3 miles from Golders Green town centre on the major radial Finchley Road (A598) at its junction with Hoop Lane. It is adjacent to Grade II Listed Roman Catholic Church of St Edward the Confessor.

It has a high PTAL score of 6a (excellent). There are regular bus services H2, 460, 82 and 101 along Finchley Road, Golders Green tube station is a 7-minute walk to the south east (Northern Line) and the Golders Green bus and coach station is directly opposite the tube station.

No. 698 comprises a part four storey and part two storey building occupied at ground floor level by offices (Use Class A2 Professional Services) with four flats on the upper floors.

The Proposals Map below shows the site is not subject to any special development control policies. The Hampstead Garden Suburb Conservation Area - Golders Green area is located to the east (red line), Hoop Lane Cemetery and Golders Green Crematorium are designated as Metropolitan Open Land (green) and an Area of Special Advertisement Control is purple.

There are two x plane Trees which are protected under a Tree preservation order (TPO/CA/398/G1).

2. Site History

Ref no: F/00550/11

Description of development: Extension to the time limit for implementing planning permission C/06012/AJ/07 dated 06/05/08 for 'Demolition of building and erection of a 5-storey building with offices (Class A2) at ground floor and 9 self-contained flats on upper floor. Provision of 11 car parking spaces at basement level accessed via Hoop Lane and associated landscaping.

Decision Approve subject to conditions

Decision date: 01.04.2011

Ref no: F/00275/14

Description of development: Submission of details for Conditions 24 (Excavation for Services in Relation to Trees), 25 (Temporary Tree Protection Details), and 26 (Arboricultural Method Statement) pursuant to planning permission F/00550/11 dated 06/05/2011.

Decision: Approved/discharged

Decision date: 24.04.2014

Ref no: 19/3857/FUL

Description of development: Demolition of the existing building and erection of a part single, part two and part five storey building comprising of 10no. self-contained flats

with 11 car parking spaces at basement level accessed via Hoop Lane; associated amenity space, refuse storage and cycle parking.

Decision: Withdrawn.

Decision date: 20.12.2019

Ref no: F/00275/14

Description of development: Submission of details for Conditions 24 (Excavation for Services in Relation to Trees), 25 (Temporary Tree Protection Details), and 26 (Arboricultural Method Statement) pursuant to planning permission F/00550/11 dated 06/05/2011.

Decision: Approved/Discharged

Decision date: 24.04.2014

3. Proposal

The proposal is for a demolition of the existing building and erection of part single, part two and part five storey building with A2 Office space at ground floor and 9 no self-contained flats (comprising 7x 2 bed & 2 x 3 bed units) on the upper floors with 11 car parking spaces at basement level accessed via Hoop Lane. It is closely similar to the extant planning permission which has been lawfully implemented.

4 Public Consultation

Consultation letters were sent to 412 neighbouring properties. A site notice was also published on 06.10.2020 and advertised in the press on 06.10.2020.

231 responses have been received, comprising 229 letters of objection, 2 letters of support.

The objections received can be summarised as follows:

- Exacerbate congestion
- Adverse impact on highway safety
- Loss of privacy, daylight, and sunlight to neighbouring properties
- Overlooking and overshadowing
- The proposal scale of development is excessive and would not be in keeping with the character and appearance of the area
- Lack of private amenity space onsite
- Noise disturbance
- The proposal would result in overdevelopment of the site.
- The proposal would result in loss of daylight, sunlight, and privacy to nearby residential properties
- The design, scale and height of the development of the residential building is excessive, which is not in keeping with the character and appearance of the area.
- The proposed submission documents do not address the impact the proposal would have on existing social infrastructure

- The proposal could result in an increase in anti-social behaviour and crime in the area.
- Increase in cars and traffic
- Cause noise and disruption
- Limited parking available
- The height of the proposed new building would block views of the church for various vantage points on the streetscene
- The proposal would have a detrimental impact on the heritage assets

All planning matters raised have been considered and addressed as part of the decision-making process. All representations have been summarised in the Officers report.

Statutory Consultees

Thames Water

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests that a condition is attached to a planning consent which requires no piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. This is to ensure that the piling works do not adversely disrupt or damage the local underground sewerage utility infrastructure and to ensure the safety and health of future occupiers is not compromised.

This would be secured by way of a condition.

London Fire Brigade

Insufficient information has been provided in relation to access and facilities for fire fighters. Prior to commencement of works onsite, the applicant would be required to submit full details of the access facilities for fire fighters, in consultation with London Fire Brigade Authority. This would be secured by way of a condition.

Metropolitan Police

Secure by Design do not raise any formal objections to the application but had some reservations and recommendations regarding the proposed undercroft at the front of the site, formed by an 'overhang'. The overhang still remains, and it may not be possible to remove this 'feature' of the design.

The Metropolitan Police do not raise any formal objection subject to a condition which requires that within 3 months of completion of the development, the applicant must be awarded Secure by Design accreditation, in consultation with the

Metropolitan Police. This is to ensure that the development is safe and secure for future occupiers.

LBB Environment Health

LBB Environment Health do not raise any formal objections, subject to the following conditions:

- Demolition and Construction Management Plan
- Noise Assessment, including noise mitigation measures
- Contamination Land
- Air pollution mitigation measures

LBB Trees and landscaping

Insufficient information has been submitted to demonstrate that the construction activities would not have an adverse impact on trees and specifically protected trees which have Tree Protection Orders. These two trees provide very high quality public tree amenity. The loss of these large established trees in the street scene would be significant and unacceptable in policy terms.

The trees growing on the footway would be damaged by the proposed and previously approved basement. By the removal of 50% of the rooting area/root plate the x 2 TPO trees

Section 106

Should the applicant provide an inadequate level of new tree planting, new street trees could be provided in the local area to offset this loss.

Section 106 agreements can be sought from developers by the council. They are to improve the community and local area and are commonly sought to improve the local amenity including parks and open spaces. The Planning Department and Tree Team can work together to ensure funding is sought where new planting schemes would be beneficial to the local community in the vicinity of developments.

When a council owned tree is required to be removed to facilitate a development, the Capital Asset Value for Amenity Trees(CAVAT) value of the tree will be required to mitigate the loss, and the money received from the developer used to support the planting targets discussed throughout this Policy.

The applicant would be required to make the following contributions for the loss of the two protected trees.

- o Tree no 1: £109, 554 (86cm diameter)
- o Tree no 2: £92, 445 (79cm)

The applicant would be required to submit the following details which would be secured by way of planning condition(s):

- Details of hard and soft landscaping
- Excavation for services to demonstrate the location of services would not harm the trees

- Tree Protection Method Statement for the 2 no x TPO trees to include a schedule of tree works
- Landscaping to frontage
- Bat Roosting survey

LBB Transport and Highways

LBB Highways team do not raise any formal objections subject to the following planning conditions:

1. Details of electric vehicle charging points;
2. Details of cycle parking spaces
3. Details of a servicing management plan including collection arrangements;
4. A Parking Management Plan;
5. Demolition and Construction Management and Logistics Plan;
6. A detailed Parking Layout Plan showing the exact dimensions of the existing/proposed access
7. A stage 1 safety audit of the proposed vehicular access and basement car park layout;
8. A "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion.

(Officers comment: The above would be secured by way of conditions).

5. Policy Context

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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 London Plan (2021)

The London Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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 relevant London Plan (2021) policies are as follow:

D1; D5; D6; D7; D8; HC1; T5; T6; SI 1; SI 2; G5; G6 & G7

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, CS3, CS5; CS6
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM08, DM14, DM15; DM16, DM17

Supplementary Planning Documents

- Sustainable Design and Construction SPD (adopted October 2016)
- Provides detailed guidance that supplements policies in the adopted Local Plan and sets out how sustainable development will be delivered in Barnet.
- Residential Design Guidance SPD (adopted October 2016).

6. Main issues for consideration

Background of the subject proposal

Planning permission was approved on 11th April 2011 subject to conditions for the demolition of building and erection of a 5 storey building with offices (Class A2) at ground floor and 9 self-contained flats on upper floor. Provision of 11 car parking

spaces at basement level accessed via Hoop Lane and associated landscaping (Ref no: F/00550/11).

The purpose of this subject planning application is primarily to increase the floor to ceiling height of the residential units. The previously approved scheme has a substandard floor to ceiling height of 2.2m. The original (September 2020) proposal involved a 1.7m increase in height to facilitate 2.7m floor to ceiling heights. The proposal now achieves 2.5m floor to ceiling heights for the upper floor residential levels and 2.80m for the commercial ground floor. This involves lowering the ground floor by 720mm.

The overall height of the development has increased by 1 metre in height.

The corner of the building has been re-designed to have a more subtle flat roof rather than tower element. As such, this element would not appear as a dominant structure on this prominent location. It would give rise to visual impacts on the streetscene. Moreover, the building proportions would be contemporary (top heavier than ground floor) which it would be considered harmful to the appearance of the building. During the course of the application, the balconies have been redesigned to reflect the extant consent. The height increase has been reduced to from 1.7m to 1m.

The main issues for consideration in this case are:

- The principle of land use onsite
- Design and its impact character and appearance of the area; and the setting of the adjacent Grade II Church Building and the nearby cemetery (designated heritage asset)
- Quality of residential accommodation
- Impact on neighbouring properties
- Impact on the highway
- Energy and Sustainability
- Impact on street Trees

The principle of land use onsite

The principle of residential development has already been established onsite, with the extant planning consent. The flatted nature of the development would not harm the residential character of the area, and is therefore considered acceptable.

Design and its impact character and appearance of the area; and the setting of the adjacent Grade II Church Building and the nearby cemetery (designated heritage asset)

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local

context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The Councils adopted Supplementary Planning Documents Residential Design Guidance SPD (2016) sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority

Policies DM06 and CS6 of the Local Plan (2012) and HC1 of the London Plan (2021) seek to ensure that development does not compromise the setting of listed buildings; Conservation Areas and other heritage assets.

The NPPF defines "setting" as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. As such, when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change".

The proposed ground floor is smaller in footprint to allow for arches at pavement levels with traditional shop windows along the walkway. The overall bulk of the building is similar to existing with the exception of the corner tower which projects marginally above the existing roof.

The two-storey element to the scheme closest to the church would be slightly different in design to the main block to allow for a transition between the locally listed building and the main building.

The gap between the proposal and the church is considered sufficient to allow for the development to look in character with the area and respect the pattern of buildings in this part of Finchley Road. In addition, the proposed footprint would relate well to surrounding development; and the proposal would respect the setting of the neighbouring locally listed building and would not impact detrimentally on the character and appearance of the nearby Conservation Area.

The site directly to the rear (east) has an implemented planning consent for erection of a four-storey building comprising 9 no. self-contained residential units, including 2 no car parking spaces, refuse area and cycle storage (F/01413/13).

The main changes to the previously approved residential planning consent are as follows:

- The ridge height of the 4-storey element is increased by 1 metre
- The height of the corner tower element is increased by 1387mm; and
- Each individual flat on the upper levels has been provided with a balcony

Since the original approval in 2008, and subsequent extensions, the Church of St Edward the Confessor has been statutorily listed and only recently, the Hoop Lane Jewish Cemetery behind the site became a registered Park and Garden, and now contains two statutorily listed structures within its site, the entrance gateway and prayer hall building. These designations now form a material consideration in determining this application.

Whilst the proposal would have an impact on views from these new heritage assets, the most pertinent issue in this matter now becomes the impact of the proposal on the setting of the listed church, to which it would become a neighbour. The listing entry makes it clear that the square lantern-tower dominates the building and can be considered an architectural element that is of high significance to the church. The applicant has submitted comparison drawings how compare the implemented scheme and the proposed scheme. These drawings shows that there is the minor increase in overall height which would not significantly alter the impact on the setting of the adjacent Grade II Listed Church.

Objection letters from the local community were received, in part on the grounds that the proposed height, scale and bulk, design features which includes protruding balconies would have a detrimental impact on the setting, character and appearance of the grade II Listed building. The corner of the building has been re-designed to have a more subtle flat roof rather than tower element. As such, this element would not appear as a dominant structure on this prominent location. It would give rise to visual impacts on the streetscene. Moreover, the building proportions would be coteremporary and are not considered harmful to the appearance of the building. During the course of the application, the balconies have been redesigned to reflect the extant consent. The height increase has been reduced to from 1.7m to 1m.

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 the development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

The proposed design of the building has been subject to extensive negotiations between the developer and planning Officers. The proposal is articulated around a corner tower at the junction of Finchley Road and Hoop Lane.

The ground floor is smaller in footprint to allow for arches at pavement levels with traditional shop windows along the walkway. The overall bulk, scale and massing is similar to the previously approved development onsite, and the existing building. The proposed Juliet balconies and window treatment is considered acceptable throughout

and subject to the use of appropriate materials (as conditioned above) the proposed building would result in a subordinate addition to the streetscene.

The two storey element to the scheme closest to the church would be slightly different in design to the main block to allow for a transition between the Locally Listed Building and the main building.

The gap between the proposal and the Church is considered sufficient to allow for the development to look in character with the area and respect the pattern of buildings in this part of Finchley Road. In addition, the proposed footprint would relate well to the surrounding development.

Whilst there would be some “harm” caused to its setting but that it would be “less than substantial harm”, under paragraph 196 of the NPPF and that Officers should weight any harm against the public benefits of the proposal. The proposal would deliver additional family sized accommodation, which is much need within the Borough.

On balance, it is considered that the proposed design, including its’ height, scale, bulk, massing and appearance, would respect the setting of the neighbouring Locally Listed Building and would not impact detrimentally on the character and appearance of the nearby Conservation Area.

Quality of accommodation

Dwelling mix

Policy DM08 of the Council's Local Plan documents identify 3 and 4 bed units as being of the highest priority types of market housing for the Borough. The need for a diverse range of unit sizes is also echoed within the London Plan (2021) policies H1 & H10.

The proposal makes provision for 7 x 2 bed units (78% of total); & 2 x 3 bed units (22% of total).

The proposed provision for 2 x 3 bed units is welcome as would assist in meeting a demand in the borough for family occupation. All of the proposed 2 bed units are suitable for 4 person occupancy. In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Councils Strategic Housing Needs Assessment. The proposed dwelling mix is supported by Officers and is policy compliant.

Internal design standards

The Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The proposal habitable rooms all meet minimum room size standards. Further, the proposal rooms would receive good outlook and generous daylight and sunlight provision to the habitable rooms.

Housing standards are set out in the Nationally Described Space Standards (NDSS), the London Plan and London Housing SPG and Barnet's Sustainable Design and Construction SPD.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
 - Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- The nationally described space standard sets a min. ceiling height of 2.30m for at least 75% of the floor area per unit.

The proposal achieves 2.5m floor to ceiling heights for the upper floor residential levels and 2.80m for the commercial ground floor, in accordance with policy.

All the proposed units meet the minimum room size standards:

- 1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 154sqm
- 1 x 3 bed (5 person) Policy Requirement 86sqm Proposed 131 sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 86sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 101 sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 86sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 101 sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 86sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 86sqm
- 1 x 2 bed (4 person) Policy Requirement 70sqm Proposed 70sqm

Further, all units would be dual aspect and the proposal rooms would receive good outlook, daylight, and sunlight to habitable rooms.

Private amenity space

The Council's adopted Residential Design Guidance SPD requires the provision of 5 sq.m of amenity space for each habitable room for flats. This applies to one, two, and three bed flats. Based on the details submitted, the following would be required:

- Flat 1: 1 x 3 bed Policy Requirement 25sqm Proposed 1sqm
- Flat 2: 1 x 3 bed Policy Requirement 25sqm Proposed 4sqm
- Flat 3: 1 x 2 bed Policy Requirement 15sqm Proposed 4sqm
- Flat 4: 1 x 2 bed Policy Requirement 15sqm Proposed 0sqm
- Flat 5: 1 x 2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm
- Flat 6: 1 x 2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm
- Flat 7: 1 x 2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm
- Flat 8: 1x2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm

Flat 9: 1 x 2 bed (4 person) Policy Requirement 15sqm Proposed 0sqm

As set out above, the proposal makes provision for 1sqm of private amenity space for flat 1 and 4sqm for both flats 2 and 3. The remainder of the units do not include private amenity space.

However, as set out at paragraph 2.3.32 of the Housing SPG states that where site constraints mean it is not possible to provide private open space the dwellings may instead be provided with additional internal living space equivalent to the open space requirement in area terms. All residential units exceed internal minimum unit size standards

The proposal makes provision 69sqm of usable communal amenity space (including communal amenity space) onsite, which exceeds the GLA requirement of 22.6sqm for this proposal. The applicant would be required to submit full details of the child playspace, which will be secured by way of a condition. It is considered that a reason for refusal could not be sustained in these circumstances based on the under-provision of private amenity space.

Children playspace

The proposed building is in an edge of town centre location where the Council considers development with limited private amenity space acceptable. Whilst some form of amenity space is provided in the form of a small garden to rear, the requirements of the SPD are not met. Where limited private amenity space for new residential units is provided this leads to subsequent pressure on the play areas/park and recreational areas provided by the Council. A contribution of £10,500 (plus £250 in monitoring costs) is required to address the lack of child playspace as part of the section 106 Agreement

Impact on neighbouring properties

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings of 18-21m between facing habitable room windows, and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

Given the separation distances and orientation of the proposed windows, the proposal would not result in an undue loss of amenity (including daylight, sunlight, shadowing, and privacy) to nearby residential properties on Hoop Lane and Finchley Road.

Impact on local highway

The site is situated at the corner of Hoop Lane and Finchley Road (A598), one of the main distributor roads in the borough. There are parking restrictions (yellow lines) in the vicinity of the site and the site is in a CPZ that operates Mon-Fri, between 11am-12noon.

The site lies in an area with a PTAL score of 6a (excellent). There are 15 bus roads that can be accessed from stops in the immediate vicinity of the site and within 7minutes walking distance of the site. Golders Green tube station is within 8 minutes walking distance of the site.

Car parking

Policy DM17 states 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:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms).
- 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 proposal seeks to provide 9 residential units (7x2bed & 2x3bed) and 255sqm of A2 use on the ground floor. Based on Policy DM17 of Barnet's Development Management DPD, the maximum allowable parking provision for the residential apartments is 9 -13.5 spaces. For the office, for outer London sites it is 1 space per 100-600sqm GIA which equates to 0.425 -2.55 spaces. The site has a PTAL of 6a with excellent access to public transport so Highways would accept 11 spaces including 2 disabled spaces (1 for the residential and one for the A2 use). The applicant proposes 11 spaces in a basement car park which is acceptable subject to converting two spaces to disabled bays.

Electric vehicle charging points are to be provided at 20% active and an additional 20% passive infrastructure which equates to 2 active points and 2 passive infrastructure for future provision. Hence, a total of 4 electric vehicle charging points are required (active and passive) in accordance with London Plan standards. The location and type of charging points to be installed are requested. Details of electric vehicle charging points would be secured by way of a planning condition.

Cycle storage

Secure cycle parking would be required for any additional units onsite in accordance with the following standards set out within the London Plan:

- 1 cycle space for each studio and 1-bedroom units; and
- 2 cycle spaces each 2-, 3- and 4-bedroom units

In accordance with Policy T5 'Cycling' of the London Plan (2021) new development should provide secure, integrated, convenient, and accessible cycle parking facilities. Table 10.2 of the London Plan (2021) set out the following minimum cycle space requirements as follows:

Long-stay (e.g., for residents or employees)

- 1 space per studio or 1 person 1 bedroom dwelling
- 1.5 spaces per 2-person 1 bedroom dwelling

Short stay (e.g., for visitors or customers)

- 5 to 40 dwellings: 2 spaces
- Thereafter: 1 space per 40 dwellings

Based on the above, the development would be required to make provision for 14 long term cycle spaces and 2 short term cycle storage spaces in safe and secure locations onsite.

For the A2 use, the proposal requires 2 long term spaces and 6 short stay cycle spaces. The proposal makes provision for 20 cycle parking spaces (2 tier cycle parking system) at basement level in a safe and secure location, in accordance with policy. These cycle parking spaces must be implemented and retained thereafter. This would be secured by way of a planning condition.

Refuse and recycling facilities

Although the applicant has provided some information with regard to refuse storage at basement level, further details of refuse and recycling arrangements for collections and access to the bin's stores, as well as internal dimensions shall be submitted to the Local Planning Authority for assessment. This would be secured by way of a planning condition.

Energy and Sustainability

Policies SI 1 and SI 2 of the London Plan (2021); policies DM01 & DM02 of the Development Management Document (2012) seeks to achieve specific levels of improvement in carbon dioxide emissions when compared the minimum Target Emission Rate requirements of the 2010 Building Regulations.

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. This would be secured by way of a planning condition to ensure that the development is sustainable and minimises carbon dioxide emissions.

In terms of water consumption, a condition would be attached to a planning permission to require each unit to receive water through a water meter and be constructed with water saving and efficiency measures to encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy SI 16 of the London Plan (2021).

Trees and Ecology

The importance of trees, ecology and landscape is recognised at every policy level, Nationally NPPF chapter 15; regionally London Plan policy G5, G6 & G7 of the London Plan (2021) and locally within Barnet Council's adopted policies DM01, DM04, DM15 & DM16 all require developers to consider, trees, ecology and landscape which builds biodiversity. In addition, the following references are also considered; Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, ODPM, 2005, London Biodiversity Action Plan, London Plan, 2016, London Regional Landscape Framework, Natural England, 2010.

Policy DM01 of the adopted Barnet Development Management advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size, and condition of trees. Trees should be retained wherever possible, and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

The two existing mature trees on the highway by the site are not protected by Tree Preservation Orders (TPOs). Notwithstanding, the proposal could have an impact on the health of on both trees respectively. As set out earlier within this report, the LPA's Arboricultural Consultant has reviewed the submission and recommends that conditions be attached to a planning permission to ensure that the roots and overall health of the trees are protected.

Notwithstanding, should the proposal result in substantial root damage to the point where the tree(s) would require removal in the worst-case scenario, the applicant would be required to make a payment of the Tree Amenity Values for the respective trees to the Local Planning Authority. The indicative Capital Asset Value for Amenity Trees (CAVAT) is £109,554 T1 and £92, 445 for T2. These moneys would be spent on tree planting elsewhere within the vicinity of the site.

Officers recommend that a clause would be included within a Section 106 Agreement to secure the above CAVAT financial obligations, if required to mitigate against the impacts associated with the proposed development. This clause and financial obligation would be applicable for up to five years from the construction date of the

proposed development. This approach was also applied and considered acceptable in the previous planning consent (Ref no: F/00550/11) which had a very similar footprint and impact on these subject trees.

Response to Public Consultation

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objections and concerns raised from residents and the local community have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application.

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. The proposal would not result in an over intensification of the use onsite. It is also considered that the proposal would have an acceptable impact on the local character of the area; would not compromise the amenity of local residential properties; and would not have a detrimental impact on highway safety.

On balance, the proposal would not have a detrimental impact on the setting of the Church of St Edward the Confessor as it is a statutorily listed and only recently, the Hoop Lane Jewish Cemetery behind the site became a registered Park and Garden, and now contains two statutorily listed structures within its site, the Entrance Gateway, and Prayer Hall Building. These designations now form a material consideration in determining this application. The proposal would not result in undue loss of daylight and sunlight to the church building and there is no evidence to suggest that the proposal would compromise the functionality of the church building.

The proposed A2 units on the ground floor are considered an appropriate use within the town centre and comply with local plan policies. A commercial use would have a positive contribution to the vitality of the nearby time centre.

The proposed public benefits of the proposal in its delivery of family sized accommodation would outweigh any concerns residents may have with the proposed development.

Overall, it is considered that the proposal is of high design quality and would have a positive contribution to local character and appearance of the area, whilst also optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development, in accordance with planning policy.

Concerns were raised that details submitted with the application were inaccurate. Several amendments to the proposal were issued to the Local Planning Authority for careful consideration during the assessment of this application since the application was submitted to the Local Planning Authority in September 2019. Officers were able to assess the proposal based on its planning merits.

8. 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.

9. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality and would provide suitable commercial and residential accommodation in accordance with national, regional, and local planning policy. The application is therefore recommended for approval subject to conditions and legal agreement.