

**Location** **Development Site North Of Park House At Former 12 - 18 High Road London N2 9PJ**

**Reference:** **21/6385/S73** Received: 7th December 2021

Accepted: 7th December 2021

Ward: East Finchley Expiry 8th March 2022

**Case Officer:** **Shay Bugler**

Applicant: Mr Can Deniz

Proposal: Variation of Condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space' Amendments include correction to the line of the boundary wall and introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site.

## **OFFICER'S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

## **RECOMMENDATION I:**

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

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

3. Deed of variation to legal agreement in relation to permission 18/5822/FUL to secure the following:
  - o A contribution of £930,000 towards off site Affordable Housing
  - o A contribution of £34,000 towards off site carbon savings
  - o A contribution of £10K towards travel plan monitoring
  - o A contribution of £7.5k towards sustainable plan measures/incentives
  - o A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
  - o A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022
  - o Monitoring of the Agreement - £20,270
  - o Car club associated with the development

## **RECOMMENDATION II:**

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

- 1 This development must be begun within three years from the date of the original grant of consent under 18/5822/FUL on 17/06/2020

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 and documents:

Drawing numbers: HR-H-AE01A; HR-H-AE02A; P-A204 Rev. P1; HR-H-AE04A; P-A203 Rev. P1; P-A202 Rev. P1; P-A201 Rev. P1; P-A301 Rev. P1; HR-H-AE09A; HR-HAE10A; HR-H-AE11A; P-A102 Rev. P1; P-A103-1 Rev. P1; P-A104 Rev. P1; P-A105-1 Rev. P1; P-A101 Rev. P1; P-A102 Rev. P1; H P-A103 Rev. P1; P-A104 Rev. P1; P-A105 Rev. P1; P-A106 Rev. P1; P-A106 Rev. P1; 200 Rev P1; D101 Rev P2; D103 Rev P1; D104 Rev P1; D105 Rev P1; D102-1 Rev P3; D105 Rev P3; D201 Rev P2; D202 Rev P2

- o Cover letter by Peacock and Smith dated 6 December 2021
- o Sustainable Urban Drainage Strategy Prepared by jms Civil & Structural Consulting Engineers. 12-18 High Road, East Finchley, London. JMS Project

Reference: EX2011907 Rev B

- o Thames Water: Notice of consent to connect to a public sewer/public lateral drain (letter dated 17 February
- o Accommodation schedule dated September 2019
- o Transport Assessment produced by Trace Design Consultants dated July 2019
- o Framework Travel Plan produced by Trace Design Consultants Limited dated July 2019
- o Design and Access Statement-September 2019
- o Planning Statement produced by GL Hearn dated October 2018
- o Heritage Appraisal of the existing building onsite by Martin O' Rourke consultants dated April 2017
- o Environmental Sustainability Statement by Aecom dated 28.10.2019
- o Construction Management Plan by Trace Design Limited dated August 2018
  
- o Daylight and Sunlight Assessment by GLA Hearn dated 13 November 2018
  
- o Utilities Assessment by Building Services Solutions dated 6 February 2019
  
- o Ventilation Strategy by Building Services Solutions dated 6 February 2019
- o Drainage Strategy drawing no: 200 Rev A
- o Waste & Recycling Schedule by Award Design Limited dated 11 March 2019
  
- o Financial Viability Report by GL Hearn dated 20 December 2018
- o Planning Statement by
- o Refuse and Recycling schedule
- o Air Quality Assessment by Air Quality Consultants Limited dated March 2016
- o Tree Impact Assessment and Method Statement by Bartlett Consulting dated July 2018, including Tree site constraints plan (reference no: JL/R180176R/sh dated 12 July 2018 & Tree Protection Plan (reference no: JLR180176R/sh dated 12 July 2018).
- o Planning Statement dated November 2018
- o Environmental Noise Report by HRS Services Limited (ref: 128187-AC-2v1 dated 13/03/2018
- o Environmental Sustainability Report by AECOM dated October 2019
- o Document entitled "Carbon emission modelling" by AECOM dated June 2016
  
- o Energy assumption information sheet by L16 Design dated 25.07.2017
- o Masonry Cavity wall insulation details (version 1.0)
- o Regulations compliance report by Stroma - version 1.0.4.8 dated July 25 2017
- o Storm sewer design details (existing and proposed), by Micro Drainage Consultants dated 16.06.2019
- o Foul sewer design details (existing and proposed) by Micro Drainage Consultants dated 16.06.2019
- o Greenfield run off rates by Micro Drainage Consults dated 19.06.2019

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).

- 3 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 3 (site levels) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall 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).

- 4 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 4 (materials) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 D1 and D4 of the London Plan (2021).

- 5 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 5 (Refuse and Recycling facilities) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 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) and the Sustainable Design and Construction SPD (adopted October 2016), policies SI 7 & SI 8 of the London Plan (2021).

- 6 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 6 (Wheelchair accessible or easily adaptable) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and policies D5 & D6 of the London Plan

(2021).

- 7 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 7 (means of enclosure and boundary treatments) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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

- 8 The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 8 (contract for works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 9 The details approved under planning ref: 20/4189/CON dated 21.10.20 pertaining to condition 9 (land contamination risk assessment) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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).

- 10 a) The details approved under planning ref. 20/4137/CON pertaining to condition 10 (sound mitigation measures) pursuant to planning ref. 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under and retained as such thereafter.

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 (adopted April 2013), and policy D14 of the London Plan (2021).

- 11 a) The details approved under planning ref: 20/4137/CON dated 20.10.20 pertaining to condition 11 (ventilation/ extraction plant) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- 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 D14 of the London Plan 2021.

- 12 The level of noise emitted from the 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 D14 of the London Plan 2021.

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwelling houses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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 DM01 of the Development Management Document (2012) and policies D5 & D6 of the London Plan (2021).

- 14 a) The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 14 (landscaping works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the

details as approved prior to the first occupation of the development and retained as such thereafter.

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 April 2013).

- 15 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 15 (Sustainable Urban Drainage Strategy) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter

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 April 2013) and policy SI 13 of the London Plan (2021).

- 16 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and policy S4 of the London Plan (2021).

- 17 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 17 (Cycle parking) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 18 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 18 (privacy screens and balconies) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development 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 April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 19 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); D14 & SI 1 of the London Plan (2021).

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

Reason: 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 and T4 of the London Plan (2021)

- 21 Prior to the first occupation of the new dwelling house(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 SI 5 of the London Plan (2021).



- 22 Prior to the first occupation of the development hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to show that the development has been constructed incorporating carbon dioxide emission reduction measures in accordance with the Environmental Sustainability Statement by Aecom dated 28.10.2019. 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 3 of the London Plan (2021).

- 23 No parts of the roof of each floor shall be used as balcony, amenity or sitting out area, unless shown as such on the approved drawings.

Reason: To safeguard neighbouring amenity in accordance with Policy DM01 of the Development Management Policies DPD (Adopted) September 2012.

- 24 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 24 (the access and access road(s)) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure the safe form of access to the development and to protect the amenity of the area and to conform to 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 and policy T4 the London Plan (2021).

- 25 The buildings shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012; Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T3 & T4 of the London Plan (2021).

- 26 Before the development permitted is first occupied, details of the gated access system must be provided, including a maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway.

Reason: To control onsite parking in the interest of highway and pedestrian safety

in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T4 of the London Plan (2021).

- 27 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) 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, Policy DM17 of Development Management Policies (Adopted) September 2012 and policies T7 of the London Plan (2021).

- 28 a) The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 28 (tree protection measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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.

- 29 The details approved under planning ref: 20/4100/CON dated 27.10.20 pertaining to condition 29 (Development and Construction Management) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 D14; SI 1, SI 8 and T4 of the London Plan (2021).

- 30 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 30 (car parking layout plan) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

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 and T6 of the London Plan (2021).

- 31 The details approved under planning ref: 20/5651/CON dated 06.01.2021 pertaining to condition 31 (energy measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure compliance with policy S1 2 & S1 3 of the London Plan (2021) and policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 32 Within 3 months of occupation, a Framework (work and residential) Travel Plan that meets The criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non-car mode such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the Barnet's Travel Plan SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted September 2012), and T1, T2 and T3 of the London Plan (2021).

- 33 Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012), and policies D4 & D11 of the London Plan (2021).

- 34 No properties shall be occupied until confirmation has been provided that either:  
- all wastewater network upgrades required to accommodate the additional flows from the development have been completed;

Or

- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy DM04 of the Development Management Document (2012) and policies SI 12 & SI 13 of the London Plan (2021).

- 35 No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Reason: The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents, in accordance with policy SI 12 & SI 13 of the London Plan (2021).

- 36 The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 36 (public highway works (s)) pursuant to planning ref no: 18/5855/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

The applicant will be expected to enter into with the Highways Authority under Section 278/184 of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on the public highway are carried out to the satisfaction of the highway authority 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.

- 37 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with policy DMO4 of the Development Management Document (2012) and policy SI 1 the London Plan (2021).

- 38 a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining to condition 38 (air quality report) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- b) The approved measures 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 (adopted October 2016) and policy SI 1 the London Plan (2021).

- 39 a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining to condition 38 (air quality mitigation) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- 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 (adopted October 2016 ) and policy SI 1 of the London Plan (2021).

- 40 a) Prior to first occupation, details of measures to improve biodiversity across the site shall be submitted to and approved in writing by the Local Planning Authority.
- b) The measures shall be implemented prior to first occupation and retained thereafter.

Reason: To enhance biodiversity in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016) and policy G6 of the London Plan.

- 41 The basement and ground floors of block A shall be used for offices and for no other purpose (including any other purpose in Class E 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, in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

### **RECOMMENDATION III:**

- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 August 2022 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals do not include the provision of the necessary mitigation and as such the proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution

towards affordable housing in the local area. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan

Core Strategy and Development Management Policies Document (both adopted September 2012), policies H4, H6, H7 of the London Plan (2021), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February

2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing Supplementary Planning Guidance.

The proposed development does not include mitigations and provision for appropriate Carbon offsetting. As such, the proposed development would fail to address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy

(adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

### **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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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).

- 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 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.

- 6 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

Information on application for a croosover can be obtained from London Borough Of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, NW9.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services,.

- 7 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.

- 8 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.
- 9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 10 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.
- 11 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.

- 12 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 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.

- 13 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.
- 14 Prior to commencement of the development a Condition Survey of the existing public highway shall be undertaken and the result submitted to the Local Highway Authority. Within one month of the construction work ceasing a second road condition work shall be undertaken and the results submitted to the Local Highway Authority. Thereafter, any damage to the public highway identified by the two condition surveys shall be rectified by the applicant in agreement with the Highway Authority within one year of the development being constructed.

A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

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 Highway 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 Highway 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.

No development shall commence until a highway condition survey 50 metres on either side of the development access has been carried out, and the details have been submitted to and approved in writing by the Local Highway Authority.

- 15 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 16 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works.
- 17 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.

Prior to the occupation of the development a Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Highway Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

## **OFFICER'S ASSESSMENT**

*This application was originally reported to the meeting of Committee A on the 8<sup>th</sup> June 2022 and was deferred for the measurements on the submitted plans to be checked on site by all parties. A site visit was conducted on Monday 15<sup>th</sup> August, the outcome of which is reported in the Addendum.*

### **1. Site Description**

The application site is located at the southern tip of High Road in East Finchley Town Centre, within the London Borough of Barnet administrative area. The site, which is 0.14 hectares in size, previously consisted of 2 buildings and a large car park, all of which were occupied by GLH, a taxi business operating under a mixed Sui Generis and B1(a) use.

The site generally has a flat topography with a slight upward gradient towards the sites entrance. Although located within East Finchley town centre, the site is not located within the Primary or Secondary Shopping Frontage.

The site adjoins a row of mixed use, three storey terraces to the north which are allocated under the development plan as Secondary Shopping Frontage. These predominately consist of commercial uses at ground floor with residential units or offices above. Directly opposite the site is the East Finchley Underground Station, which extends to three commercial storeys in height.

The site is not listed and not located within a Conservation Area.

## 2. Site History

Ref no: 18/5822/FUL

Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space.

Decision: Approved subject to conditions and legal agreement

Decision date: 17 June 2020

Ref no: 20/5035/CON

Description of development: Submission of details of conditions 3 (levels), 4 (external materials), 5 (refuse/recycling store), 6 (wheelchair access), 7 (enclosure), 14 (hard and soft landscaping), 15 (drainage strategy), 17 (cycle and storage facilities), 18 (privacy screens and balustrades), 24 (access and access roads), 30 (parking layout), 36 (detailed design drawings) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 22 March 2021

Ref no: 20/4137/CON

Description of development: Submission of details of conditions 10 (Sound insulation) 11 (Ventilation and extraction) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 20.10.20

Ref no: 20/4100/CON

Description of development: Submission of details of condition 8 (Contracts for demolition works), 28 (Tree protection plan) and 29 (Demolition and construction management logistics plan) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 22 March 2021

Ref no: 20/4189/CON

Description of development: Submission of details of conditions 9 (Preliminary Risk Assessment) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 21.10.20

Ref no: 20/4336/CON

Description of development: Submission of details of conditions 38 (Air quality neutral assessment) and 39 (Air quality assessment) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 30.10.20

Ref no: 20/5651/CON

Description of development: Submission of details of condition 31 (Energy measures) pursuant to planning permission 18/5822/FUL dated 17/06/2020

Decision: Approved

Approved: 06.01.21

Reference: 16/2351/FUL:

Address: 12-18 High Street

Decision: Approved subject to conditions and Section 106 Agreement

Decision date: 08/01/2018

Description: Demolition of existing buildings and construction of two 4 storey buildings providing 21 self-contained flats and 265sqm of B1 office space with associated refuse and recycling storage, cycle store 2 off street parking spaces and amenity space

Reference: 15/06475/FUL:

Address: 12-18 High Street

Decision: Withdrawn on 04/03/2016

Description: Redevelopment of the site to provide 24 apartments and B1 office space within two separate 4 storey buildings

Reference: C00050X/04

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 30/11/2014

Description of development: Change of use from offices (B1) to mixed use, part offices, part control and despatch for private hire vehicles (B1/sui generis)

Reference: C0050W/03

Address: 12-18 High Street

Decision: Approved subject to conditions

Decision date: 11/02/1004

Description: Change of use from Local Government municipal offices to educational facility for a temporary period expiring 31 December 2005

### **3. Proposal**

#### Background

The Committee report for the original planning application (ref no: 18/5822/FUL) describes the development, sets out the relevant material planning considerations and assesses and evaluates them in full. These documents also set out the conditions and Heads of Terms for the Section 106 Agreement recommended to the committee for this application.

Following the planning consent, and during construction works onsite, it became apparent to both the applicant and local residents that the approved contextual drawings showing the separation distance of block B to properties to the east on Ingram Road, the siting of the boundary wall to the east, and building line to the existing residential development to north of block B were incorrect.

Local Residents contacted the Local Planning Authority Enforcement team to advise that Block B development has been constructed 9.6 metres instead of 10.5 metres from the existing brick boundary onsite. This would be inconsistent with the approved plans under condition 1 of planning permission, 18/5822/FUL.

The subject proposal is a Section 73 (minor material amendment application) to vary condition 1 (Approved Plans) of planning permission reference 18/5822/FUL dated 17/06/2020 for 'Demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2no off-street parking spaces and amenity space' Amendments include correction to the line of the boundary wall and

introduction of 2no. angled windows on the 1st floor central section of the eastern elevation and corrections to the neighbouring buildings to the north and east of the site".

The following minor material amendments to be considered under this application are:

- o Amend contextual drawings showing the siting of building (Block B) and its proximity to boundary wall to the east of the site; existing properties at nos 5-13 Ingham road, amended the building line to existing building to the north Block B.
- o Replace clear glazing with of 2no. angled windows on the 1st floor (central section) on the eastern elevation on Block B.

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

Consultation letters were sent to 282 neighbouring properties on 16.12.2021. A site notice was also published on 16.12.2021, and advertised in the Barnet Press on 16.12.2021

A summary of the objections received are as follows:

oThe circumstances leading to the submission of this retrospective application to the Local Planning Authority was a breach of planning consent to the original approved inaccurate contextual drawings showing the distance between Block B and neighbouring boundary wall and existing properties to the east on Ingham Road. The inaccuracies on the approved drawings undermines the planning and decision-making process.

oThe approved drawing showed a distance of 10.5m from the ground floor rear wall to the boundary which accordance with the Councils adopted Residential Design Guidance SPD which seeks a minimum of 10.5m to the boundary. The proposal would reduce the separation distance from 9,4m at the south end and 9,8m towards the northern boundary, measured to the far side of the wall, which would be contrary to the Residential Design Guidance SPD.

oThe siting of Block B has been "built out" by approximately 1.5-2m m to the east than what was shown on the approved drawings. As a consequence, Block B would now be located closer to existing properties at nos 1-13 Ingham road. This would have an adverse impact on privacy and daylight and sunlight levels to these properties.

oResidents are not confident that the details and separation distances shown in the proposed drawings are correct, and request that a site visit is conducted by an independent surveyor to accurately measure and compare the built scheme against the approved and proposed drawings.

(Officer comment: The above matters are addressed within the assessment of the report, and also within the "response to public consultation" section of the report).

Other objections received which are not directly applicable to this subject Section 73 planning application.

oThe collection of waste from this site means that at least three lorries a week (domestic, commercial and recycling) would have to use this street and could have an adverse impact on highway safety and result in congestion during collection times. . It is not clear whether there would be sufficient turning circles for vehicles onsite before coming back onto the High Road. This would have a significant impact on the flow of traffic and the ability of pedestrians to use the pavement without having to step into the road to go around the parked waste lorry.

oThere is a significant gradient at the entrance to the site and so the other alternative of



the waste lorry parking illegally near the crossing on the High Street and then moving all the large waste containers in and out is also fraught with risk.

oThe applicant has not provided details of foul and surface water storage tanks or details of turning circles.

oThe proposed design of the development is out of character with the area.

(Officers comment: Specific to these grounds of objection, the subject Section 73 application would not present any new material planning considerations which were not already considered and addressed under the original planning consent ref no: 18/5822/FUL dated 17th June 2020, and are considerable acceptable, subject to appropriate conditions. The original committee report is attached as an appendix for Committee Members to refer to for ease of reference)

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

## Statutory Consultees

### Consultee comments

#### Transport for London (TfL)

Having considered the submitted details, TfL considers that the latest proposed amendments would not result in any transport impact materially differ from the consented proposal, therefore TfL has No Objection subject to all highway/ transport related planning conditions/ obligations will be carried forward/ re-secured in the new consent.

#### Metropolitan Police

There is no objection from the MPS in respect of this particular application.

"Should you issue a new decision notice upon any approval, then can I please respectfully request that condition 33 (Secured by Design compliance - planning ref 18/5822/FUL) remains as a formal planning condition for this site."

#### Local Lead Flooding Authority

The Local Lead Flooding Authority raise no further comments.

#### LBB Environmental Health team

LB Environment Health have raised no further comments.

#### LBB Highway team

Highways would raise no objection to the proposed changes but request that all conditions attached to the original application apply.

## 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 in July 2021. 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 Mayor's 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:

SD6 Town Centres and high streets

SD7 Town centres: development principles and Development Plan Documents

D1 London's form, character and capacity for growth

D2 Infrastructure requirements for sustainable densities

D3 Optimising site capacity through the design led approach

D4 Delivering good design

D5 Inclusive design

D6 Housing quality and standardsD7 Accessible housing

D8 Public realm

D11 Safety, security and resilience to emergency

D12 Fire Safety

D13 Agent of change

D14 Noise

H1 Increasing housing supply

H2 Small sites

H3 Meanwhile use as housing  
H4 Delivering affordable housing  
H6 Affordable housing tenure  
H7 Monitoring of affordable housing  
H8 Loss of existing housing and estate redevelopment  
H10 Housing size mix  
S4 Play and Informal recreation  
G6 Biodiversity and access to nature  
G7 Trees and woodlands  
SI 1 Improving air quality  
SI 2 Minimising greenhouse gas emissions  
SI 3 Energy Infrastructure  
SI 4 Managing heat risk  
SI 5 Water infrastructure  
SI 8 Waste capacity and net waste self sufficiency  
SI 9 Safeguard waste sites  
SI 12 Flood Risk Management  
SI 13 Sustainable Drainage  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking  
T7 Deliveries, servicing and construction  
T9 Funding transport infrastructure through planning  
DF1 Delivery of the Plan and Planning Obligations  
M1 Monitoring

### 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, CS4, CS5, CS9, CS11, CS12, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, DM17

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

### Supplementary Planning Documents

- o Residential Design Guidance (2016)

- o Sustainable Design and Construction (2016)

## 5.2 Main issues for consideration

The original planning permission considered the following:

- o Context and background of this application.
- o Principal of development
- o Heritage issues
- o Whether the proposed design would cause harm to the character and appearance of the existing building, the street scene and the wider locality;
- o Whether the dwelling mix and affordable housing matters are acceptable
- o Whether harm would be caused to the living conditions of neighbouring residents.
- o Whether the scheme would provide an adequate standard of accommodation for future residents.
- o Highway and parking matters
- o Energy and Sustainability
- o Trees and biodiversity

Following the original planning permission dated 17th June 2020, the London Plan was adopted in March 2021. The relevant London Plan policies have been considered within the assessment of the report, and in terms of planning considerations listed above, would not materially impact on these matters. Moreover, this subject Section 73 application would not present any new material considerations on the abovementioned planning considerations, and therefore are not discussed within this report. The original Committer report is attached as an appendices to this report and should be read and considered in conjunction with this report.

The main issues for consideration pertaining of this application are follows:

- Whether the proposal would cause harm to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers of Block B

## 5.3 Assessment of proposals

### Whether harm would be caused to the living conditions of neighbouring residents

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 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 a distance of 10.5 metres or more should be maintained between the windows of habitable rooms in new development and neighbouring gardens. These distances relate particularly to typical two or more storey development, where first floor windows can

overlook neighbouring properties. The purpose of setting the 10.5 metre distance in the Sustainable Design and Construction SPD is to ensure that there is sufficient privacy for residential properties.

The approved drawings showed a separation distance of approximately 10.5 metres between Block B and the boundary wall to the east. The proposed block B as built onsite is located approximately 9.4m at the south end and 9.8m towards the northern boundary, from this boundary wall.

Whilst this would fall short of the SPG Guidance, it is considered to be marginal, and on balance would not materially or unduly compromise residential amenity relative to the approved scheme. It is considered that the public benefits associated with the proposal would also outweigh the relatively minor shortfall between the separation distances.

The approved drawings show a separation distance of a minimum of 21m from Block B to existing habitable rooms and properties to the east on 5-13 Ingram Road. Block B "as built" and as shown on the retrospective drawings shows a separation distances of a minimum of approximately 21 metres from properties at nos 5,7, 11 and 13 Ingram road, in accordance with policy. The separation distance between the part of block B directly facing no 9 Ingram road is approved at 18 metres (thereby less than 21 metres).

In order to address this matter, and to ensure that windows on the first floor at Block B would not result in direct undue intervisibility between habitable rooms, the proposal would replace the approved rear facing clear windows with 2no. angled windows comprising of clear glass facing north east and obscured glass to the south eastern section of the window (up to 1.7 metres high) to ensure there would be no overlooking or loss of privacy to residents of no. 9, but also that the amenities of numbers 5, 7, 11 and 13 would not be compromised.

Similar style angled windows were approved on the earlier application to the rear of Block A, along its eastern elevation to ensure these respective windows would not compromise residential amenity. Further, the principle of angled windows has already been established and approved onsite, and thereby the introduction of these style windows at first floor level would continue to be respectful of the design and architectural integrity of the approved development.

The proposal would not materially alter the level of daylight and sunlight levels experienced to these properties, when considered against the approved development.

#### Whether harm would be caused to the living conditions of future occupiers of Block B

The approved scheme included clear rear facing windows to living/kitchen/dining rooms to two flats on the eastern elevation of block B at first floor level.

The proposed angled windows at first floor level to the habitable rooms would not compromise the residential amenity of future occupiers. Part of the windows would be clear glass facing north east to ensure future occupiers have acceptable outlook; and the proposed obscured glass to the south eastern section of the window (up to 1.7 metres high, to protect both the privacy to residents on Ingraham Road. The proposed units would continue to receive acceptable daylight and sunlight levels in accordance with BRE Guidelines.

Therefore, the proposed minor material amendments would continue to deliver good

standard of residential accommodation to block B.

## **5.4 Other matters**

### **5.5 Amendments to the original Section 106 Agreement**

Should this Section 73 (minor material amendment) application be approved, a new decision notice for the entire development onsite would be issued by the Local Planning Authority. As such, a Deed of Variation to the original Section 106 Agreement accompanying the planning application would be required in order to secure the same planning obligations which were included within the original Section 106 Agreement, associated with the original approved planning application. The following planning obligations are required in order to mitigate against the development:

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

- o A contribution of £930,000 towards off site Affordable Housing
- o A contribution of £34,000 towards off site carbon savings
- o A contribution of £10K towards travel plan monitoring
- o A contribution of £7.5k towards sustainable plan measures/incentives
- o A contribution of £30K towards road safety improvements at the junction of High Road/Bishops Avenue
- o A contribution of £2,000 towards the cost of amending traffic order to prevent residents of the development from obtaining parking permits -£2,022
- o Monitoring of the Agreement - £20,270
- o Car club associated with the development

### **5.6 Planning conditions**

Several of the conditions pursuant to the original planning permission ref no: 18/5822/FUL dated 17/06/2020 have already been discharged. These are conditions 3 (levels), 4 (external materials), 5 (refuse/recycling store), 6 (wheelchair access), 7 (enclosure), 14 (hard and soft landscaping), 15 (drainage strategy), 17 (cycle and storage facilities), 18 (privacy screens and balustrades), 24 (access and access roads), 30 (parking layout), and 36 (detailed design drawings). The details approved for these respective conditions, will be required to be implemented and retained thereafter. They would become compliance conditions to the new planning permission.

### **5.7 Response to Public Consultation**

All planning matters raised, including objections and concerns raised from local residents and the community have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application and are available to view online at the Councils website. All planning matters which are not directly applicable to this subject Section 73 application, but for the wider scheme in general have been fully assessed within the original committee report (attached as appendices).

It is unfortunate that the approved drawings (ref no: 18/5822/FUL dated 17 2020 inaccurately show the position of the boundary wall; rear gardens and properties at nos 5-

13 Ingram Road to the east of the Block B. In 2021, the Councils Planning Enforcement team were made aware of these inaccuracies and subsequently investigated this matter accordingly. Following this investigation, the applicant was advised to submit a retrospective Section 73 application with accurate contextual drawings in order for Planning Officers to consider whether the proposed amendments are deemed to be "minor material" in nature. As discussed within the Officers Assessment of this report, it is considered that the proposal would not compromise the residential amenity of future occupiers at block B or existing properties directly north, or properties at nos 5-13 Ingram Road, to the east of the site.

The Local Planning Authority is not required, nor is it standard practice to appoint an Independent Surveyor to conduct a site visit to confirm whether the measurements provided within the submitted drawings are correct. It is important to note that the onus is on the applicant to ensure that all the information provided on drawings is accurate.

Notwithstanding, the Councils Enforcement team conducted site inspection visits on a number of occasions and have taken measurements onsite. The Enforcement team have advised Planning Officers that the location of block B "as built", the boundary wall and properties to the east at nos 5-13 Ingram Road reflect the details provided within the submitted drawings accompany this subject application.

## **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**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene, and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and the quality and standard of residential accommodation is acceptable. This application is therefore recommended for approval, subject to conditions and legal agreement.

