

**Location** **Former Golders Green Delivery Office 2A St Georges Road  
London NW11 0LR**

**Reference:** **23/0757/FUL** Received: 22nd February 2023  
Accepted: 23rd February 2023

Ward: Golders Green Expiry 20th April 2023

**Case Officer:** **Josh Mclean**

Applicant: Georges Road Ltd

Proposal: Extension to existing building to form new setback penthouse level to provide 3no. residential units at third floor level

### **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. Restriction of residential parking permits

Contribution of £5,000 towards the amending of the Traffic Management Order to restrict future occupiers from obtaining residential parking permits.

4. Monitoring of legal agreement

Contribution of £500 towards monitoring of the legal agreement.

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

200/- (SITE LOCATION PLAN & EXISTING SITE PLAN)  
233/A (PROPOSED SECOND FLOOR PLAN - RESIDENTIAL)  
234/A (PROPOSED THIRD FLOOR NEW BUILD PENTHOUSE)  
235/A (PROPOSED ROOF PLAN)  
S236/- (PROPOSED SOUTH & WEST ELEVATIONS)  
237/A (PROPOSED NORTH & EAST ELEVATIONS)  
238/- (PROPOSED SITE SECTIONS A-A & B-B)

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

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

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

- 3 a) Prior to their installation, details of the materials to be used for the external surfaces of the extension 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 Prior to occupation of the development hereby approved, cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that cycle parking facilities are provided in accordance with the

minimum standards, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

- 5 The flat roof on the third floor (other than approved flat 3.1 terrace) hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 6 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed has not been submitted by 29 September 2023, 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 provide a legal agreement to mitigate the impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

## Informative(s):

1. In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
2. The 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-infrastructurelevy>) 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. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990

(as amended) relates to this permission.

4. 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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located within the Temple Fortune Town Centre and comprises of a newly constructed and completed 3 storey building which currently provides Class E /F2 floorspace. The site previously comprised of the former Royal Mail Delivery Office. More recently, permission was granted for the conversion of the ground and first floor levels into 8no. residential units and use of the second floor to be used as either flexible B1a offices or as 4no. residential units. Further to these, permission was granted for the change of use of the ground floor from Class E to Mixed-Use (Class E and F2).

The site is situated on the western edge of the town centre, in an area which transfers from commercial and retail properties to the east and residential terraces to the west. The site fronts onto St George's Road to the south, where there is a single-storey MOT garage opposite. To the rear (north) of the site, lies the development to the rear of the Former Golders Green Police Station which consists of 9no. self-contained flats rising to five storeys in height.

The site has a PTAL rating of 2 and is situated within Flood Zone 1.

### **2. Site History**

There is a fairly extensive planning history with a number of applications relating to condition details, however, the main applications on this site are the following:

Reference: 22/0678/FUL

Address: 2A St Georges Road London NW11 0LR

Decision: Approved subject to conditions

Decision date: 10/08/2022

Description: Change of use of the ground floor from Class E to Mixed-Use (Class E and F2)

Reference: 21/5452/FUL

Address: Former Golders Green Delivery Office, 2A St. Georges Road, Temple Fortune, London, NW11 0LS

Decision: Approved subject to conditions

Decision date: 17/12/2021

Description: Conversion of ground and first floor offices into 8no. self-contained residential units including external alterations to windows and doors, provision of amenity space, refuse storage and cycle parking

Reference: 21/0204/192

Address: Former Golders Green Delivery Office, St George's Road, London, NW11 0LS

Decision: Lawful

Decision date: 25/02/2021

Description: Use of the basement level as a restaurant (Use Class E) with ancillary private hire use

Reference: 20/3095/FUL

Address: Golders Green Delivery Office, St George's Road, London, NW11 0LS

Decision: Approved subject to conditions

Decision date: 04/09/2020

Description: Use of second floor, either as flexible Class B1a offices or as 4 residential units, including external alterations to windows for residential option and amenity space at roof level

Reference: 19/6739/FUL

Address: Former Golders Green Delivery Office, St George's Road, London, NW11 0LS

Decision: Approved subject to conditions

Decision date: 11/03/2020

Description: Change of use to basement unit from Use Class B1 (Business) to flexible B1 (Business)/D2 (Assembly and Leisure)

Reference: 19/2753/NMA

Address: Golders Green Delivery Office, St George's Road, London, NW11 0LS

Decision: Approved

Decision date: 12/06/2019

Description: Non-material amendment to planning permission 17/5013/FUL dated 17/01/2018 for 'Demolition of the existing vacant building (previously used as Class B8 - Storage and Distribution) and the erection of a four-storey office building (Class B1(a)) comprising of basement, ground and two upper floors. Associated car and cycle parking and associated works'. Amendments to include alterations to the lift shaft position, alterations to west courtyard enclosed with flat roof and roof light, omission of one vehicular parking space and alterations to ancillary space, alterations to the position of the main entrance door and one window on the south elevation, alterations to the position of the windows and service access doors on the east elevation

Reference: 17/5013/FUL

Address: Golders Green Delivery Office, St George's Road, London, NW11 0LS

Decision: Approve following legal agreement

Decision date: 17/01/2018

Description: Demolition of the existing vacant building (previously used as Class B8 - Storage and Distribution) and the erection of a four-storey office building (Class B1(a)) comprising of basement, ground and two upper floors. Associated car and cycle parking and associated works.

### **3. Proposal**

The application seeks construction of an additional storey to provide 3no. residential units.

The proposal comprises of 3no. flats consisting of 1 x 2-bed units.

During the application, the following amendments were made:

- Removal of 2no. external balconies at third floor level on the eastern elevation.

### **4. Public Consultation**

Consultation letters were sent to 205 neighbouring properties.

11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment
- Increased density
- Insufficient amenity space

- Overlooking
- Loss of privacy
- Loss of light
- Pressure on parking
- Increased congestion
- No provision for rubbish

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The revised National Planning Policy Framework (NPPF) was published on 20th 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 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 for the next 25-50 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS8, CS9
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

#### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is



in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Adequate provision of amenity for future occupiers; and
- Highways and parking.

## **5.3 Assessment of proposals**

### Principle of development

The principle of additional units is considered to be acceptable given that permission for residential units has been granted on the ground, first and second floors. Residential is an acceptable use within the town centre location with existing residential properties surrounding the application site.

### Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Officers consider the proposal represent a modest extension to the existing building with the additional storey itself being set back from the perimeter of the main flat roof: by 1m to the north and east, by 4m to the South (St George's Road) and by between 1- 2m to the West.

It is considered that the modest nature of the proposal would have limited visual impact on the character and appearance of the surrounding area. The proposed stepped height would be comparative to the new development to the rear of the site which rises to five storeys in height.

The proposed materials would match those elsewhere across the existing building.

### Adequate provision of amenity for future occupiers

The London Plan and Barnet's Sustainable Design and Construction SPD outlines the

minimum gross internal floor area required for different dwelling sizes.

The proposal would consist of the following units:

- Unit 3.1 - 1-bed - 2 person - 50.4sqm
- Unit 3.2 - 1-bed - 2 person - 50.3sqm
- Unit 3.2 - 1-bed - 2 person - 50.4sqm

All of the units would comply with the minimum space standards of 50sqm for a 1B2P unit. Two of the units would have dual aspect outlooks, with the middle unit 3.1 being single-aspect (east facing). Overall, it is considered that the proposed units provide acceptable accommodation for future occupiers.

In terms of provision of external amenity space, only unit 3.1 is proposed with an external terrace. Officers requested the removal of external terraces to units 3.2 and 3.3 in order to protect the amenity of the existing properties to the east along Finchley Road. It is recognised that there are large parks/ open spaces within short distances of the application. Given that the site is located within the town centre, and an existing building, the proposed development is on balance considered to be acceptable in regards external amenity space.

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

There are existing residential properties located to rear (north) and sides (east and west) of the application site.

To the east of the site are the rear elevations of properties fronting Finchley Road. During the course of the application, the proposed step-out terraces were removed from the proposed development. The distances between windows is approximately 14-15m and there is also a tree situated in between. It is not considered that the introduction additional residential units with this separation distances would result in a harmful level of overlooking in addition to what has previously been consented on the lower floors, that would warrant a refusal of the application.

To the west, there is a row of terrace properties along Temple Gardens. There are no windows proposed at third floor level which would face towards these properties.

Within the rear (north) elevation, the development is adjacent to the newly completed residential development siting to the rear of the former Police Station. No high level window is proposed to serve a kitchen/living/dining room within flat 3.3. The height of this window will ensure no material harm by way of overlooking to these newly completed flats.

In terms of potential impact on daylight and sunlight to neighbouring properties, Officers consider that the proposed setbacks would adequately mitigate against any harm to amenity levels.

#### Highways and parking

The proposal does not provide any off-street parking. Barnet policy DM17 states that where there is limited or no parking within a CPZ, where it can be demonstrated that there is sufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.

As part of the previous application (ref: 21/5452/FUL) for conversion of the ground and first floors into 8no. units, a parking survey was submitted in support. It concluded that at that time there was an 81% car parking stress on the streets surrounding the site. The applicant also provided the results of a Car and Van ownership census which demonstrated data that the proposed eight new dwellings will generate demand for five cars. An additional five cars parking in the adjoining CPZ would increase the on street parking stress by 4%, from 81% to 85%. Within that application, the Highways Officer reviewed the survey and commented that the proposed development would not be expected to have a significant detrimental impact on the surrounding public highway and raised no objection on highways grounds.

Notwithstanding the previous findings, the applicant has agreed to enter into a legal agreement to restrict future occupiers of the proposed units from obtaining residential parking permits. Therefore, the potential further parking demand will not be increased above the previous permissions.

#### **5.4 Response to Public Consultation**

The majority of comments raised have been addressed within the report.

On refuse, new dedicated internal bin stores which are accessed via the side alleyway will be provided. This alleyway is also the location of the bins associated with the retail units along Finchley Road which is outside the control of the applicant.

#### **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 or on highways grounds. This application is therefore recommended for approval subject to the completion of a legal agreement.

