

PLANNING COMMITTEE B –25th OCTOBER 2023

ADDENDUM TO OFFICERS REPORT

Pages 15-74

Item no 6

Ref no: 22/5485/FUL.

Temple Fortune Health Centre, 23 Temple Fortune Lane, London NW11 7TE

Clarifications

The Committee report (pg 34) notes 24 letters of support were received following re-consultation. The correct number of letters of support is 53.

Pg 16- Recommendation 1- Planning Obligation no 5 should read “A financial contribution of £45, 329 would be secured to mitigate against the loss of trees onsite.

Pg 25. Condition 30. The Landscaping and Ecology Management Plan would also include a Tree Maintenance Management Plan.

Pg 29- Under Recommendation III of the report- change date from 26 October 2023 to 26th January 2024 for completion deadline of the legal agreement or submission of unilateral undertaking otherwise agreed in writing.

Pg 30 Remove the following sentence from the site description as it incorrect. - *“The Temple Fortune Health Centre at 23 Temple Fortune Lane is located within the Garden Suburb Ward of the London Borough of Barnet,”*. This site is located within Golders Green ward as correctly stated on pg 15.

Pg 38 & 72 - amend from Noise “distance” to Noise-disturbance.

Pg 38- The sentence should read as follows: (Objection) - *“The proposed tank room at basement level and ventilation from the proposed health centre would cause undue noise disturbance to adjacent residential properties”*.

Pg 57 clarification Add “and in the interest of good air quality” to the following sentence: “Notwithstanding the above, Officers recommend further conditions be attached to a planning consent to ensure existing neighbouring occupiers do not suffer for undue noise disturbance, and *in the interest of good air quality*”.

Pg 64- final paragraph refers to 14 x no new trees to be planted across the site. This should be 17 x no new trees, as correctly identified on pgs. 42; 65 & 71 of the Committee report

Pg 66- Remove the following sentence on third paragraph: “The 2 surgeries currently onsite would not be reinstated as per the existing arrangement”. The paragraph should therefore read as follows: - “The proposed health centre would remain an NHS practice. The applicant has provided a detailed layout of the medical centre as discussed within this report. NCL ICB Primary Care have advised that the layout is acceptable, stating that the “proposed plans deliver a high quality and sustainable health centre facility.”

Pg 72 The sentence should read as follows: “The proposal would not result in undue noise disturbance to occupiers at adjacent and nearby existing residential properties, subject to compliance with conditions set out within this report”.

Conditions

Amendment to condition (*pg. 16 and 17 of the Committee report*) to read as following:

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

Existing Site Plan: 756-PL-010 P2;

Landscaping ground floor plan: 100L Rev A

Landscaping first floor plan: 101L Rev A

Landscaping third floor plan: 104L Rev A

Landscaping floor plan: 102L Rev A

Landscaping roof plan: 103L Rev A

Proposed basement plan: 756-10-099-P6

Ground floor contextual drawings 756-10-107-P6

First floor Plan 756-10-101-P7

Proposed first floor: 756-10-101-P7

First floor contextual dimensions 756-10-106-P8

Second Plan 756-10-102.P7

Second floor contextual dimensions 756-10-108-P2

Third floor Plan 756.10-103 P8

Third floor contextual dimensions 756-10-109-P2

Proposed roof plan 756-10-104 P7

756-10-110-P1 Roof Contextual dimensions

Proposed south west: 756-30-302-P8

Proposed north east 756-30-300-P5

Proposed south east 756-30-301-P7

Section AA 756-20-200 P5

Section BB 756-20-201 P5

Separation distances plans/sections: 756-10-200 P4

Contextual ground flood drawings 756-10-107 P4

Contextual first floor drawings: 756-10-106 P5

Materials reference sheet no: 501 Rev A

- Proposed area schedule table by General Practice Architecture and Design dated 12.09.2023

-Cover letter by MJP Planning dated 13th September 2023

- Planning Statement by MJP Planning dated June 2023

- Transport Statement by EAS Transport Planning Ltd dated June 2023

-Travel Plan by EAS Transport Planning Ltd dated June 2023

-BREEAM Pre Assessment by MWL dated September 2022 (updated)

-Energy and Sustainability Report by MWL dated June 2023

-Addendum Viability Strategy by Turner Morum LLP dated June 2023

-Design and Access Statement by CPAD dated June 2023

-Urban Greening Factor calculation report dated 15 June 2023 Rev A by John Davies Landscape

-Flood Risk Assessment and Sustainable Urban Drainage (ref no: FRA20124.2) by MJ Planning

- Air Quality Assessment by Redmore Environmental Limited dated 30th September 2022
- Phase 1 Desk Study (report ref G79966) BY Ensafe Consultants dated September 2022
- Daylight and Sunlight Assessment dated June 2023 by Herrington Consulting Limited
- Preliminary Ecological Assessment by Green Shoot Ecology rev 1-2 November 2022
- Fire Strategy by Fire Engineering dated 20 October 2022
- Heritage Statement by HCUK Group dated October 2022
- Material Reference sheet
- Noise Impact Assessment by ALN Acoustic Design dated October 2022
- Statement of Community Engagement by Local Dialogue dated October 2022
- Arboricultural Impact Plan (DS13112101.03)
- Tree Protection Plan: DS13112101.04
- Tree Survey report by Patrick Stileman Ltd Arboricultural Consultancy dated 9 September 2021
- Utility Statement report by MWL dated October 2022
- Additional Noise Assessment by ALN Acoustic Design Ltd dated 6 October 2023
- Document titled "Temple Fortune Lane Noise Assessment - Properties to the Rear of the Site" by ALN Acoustic Design Limited dated 20th October 2023

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).

New Conditions

No 37. Before the building hereby permitted is first occupied, all proposed window(s) on the southwestern (rear) elevation facing properties on Finchley Road (as shown on drawing no's 756-10-102.P7 and 756.10-103 P8) shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

Reason: To safeguard the privacy and amenities of occupiers of adjacent residential properties on Finchley Road in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Residential Design Guidance SPD (adopted October 2016); and Policies D3 and D6 of the London Plan (2021).

No 38. a) Prior to commence of works onsite, full details of sound insulation to the enclosed plant/tank rooms basement and roof level shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Councils Environmental Health department.

b) The details hereby approved under part a of this condition shall be implemented and maintained thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of adjacent properties from undue noise disturbance in accordance with policy D14 of the London Plan (2021); policies DM04 of the Development Management Policies DPD (adopted September 2012) (adopted September 2012), the Sustainable Design and Construction SPD (2016)

Additional objections received from local residents.

- The proximity of the proposed development to proposed development to adjacent properties at the rear of Finchley Road has not been fully appraised within the published Committee report.
- The noise impacts from the proposed plant/room at basement level and plant room at roof top level has not been fully assessed within the published Committee report.

Additional appraisal on the Impact on amenity to adjacent properties to the rear on Finchley Road

The applicant' has added additional detail to the proposed scaled drawings which states/marks up the separation distances from the development the properties and boundaries at no's 748; 750C; no 752 flat 2; no 752 flat 3; 754; 756 and 760 Finchley Road at ground; first, second and third floor levels. Importantly, *there are no changes to the proposal, these drawings are for illustrative purposes and for ease of reference.* The proximity of the proposed development metres (m), to the respective properties as shown on the drawings are set out below.

At proposed Ground floor Level (approximate distances)

- 13.15m from no 748 Finchley Road
- 10.m from property at 750C Finchley Road; and 1.6m from boundary at no 750C Finchley Road;
- 1.62m from boundary at flat 3 no 752 Finchley Road
- 10.10 m from property at flat 3, no 752b Finchley Road
- 3.4 m and 6.45m from property at no 754 Finchley Road; and 1 6m from boundary
- 3.41m from property at no 756 Finchley Road; and 1.6m from boundary
- 8.26 m from property at 758 Finchley Road; and 1.6m from boundary

At proposed First floor Level (approximate distances)

- 19.29 m from property at no 748 Finchley Road;
- 13.92 m from property no 750C Finchley Road; and 5.5 m from boundary /rear garden at 750C Finchley Road;
- 5.5 m from property at no 752b flat 2 Finchley Road;
- 13.93m from property at 752b Flat 3 Finchley Road, and 5.5 m from boundary at no 752b Flat 3
- 10m from property at no 754 Finchley Road, and 7.85m from boundary
- 10m and 15.9 m from property at no 756 Finchley Road, and 7.85m from boundary
- 9.26m from property at no 758 Finchley Road, and 1.6m from the boundary
- 9.1m from property at no 760 Finchley Road and 1.6m from boundary

At proposed Second floor level (approximate distances)

- 18.89 m from property at no 748 Finchley Road, and 6.3 m from boundary with no 748 Finchley Road
- 13.92 metres from property at no 750C Finchley Road, and 5.083m from boundary shared with no 750C Finchley Road
- 5.5m from property shared with no 752b Flat 2 Finchley Road
- 13.93m from property shared with no 752b Flat 3 Finchley Road
- 10 m from property at no 754 Finchley Road, and 7.85 from boundary
- 10 m and 15.9m from property at no 756 Finchley Road

- 9.26m from property at no 758 Finchley Road
- 9.3 from property at no 760 Finchley Road

At proposed third floor level (approximate distances)

- 16.69 m from property at no 750C Finchley Road, and 8.31m from the boundary
- 8.315 m from property at no 752b flat 2 Finchley Road
- 16.69m from property at no 752b flat 3 Finchley Road
- 10.07 m from property at no 754 Finchley Road; and 7.8m from boundary shared with no 754 Finchley Road
- 10m and 15.95m from property at no 756 Finchley Road
- 9.2, from property at no 758 Finchley Road
- 9.3m from property at no 760 Finchley Road

The separation distance from the proposed development to the rear boundary at no's 748-758 Finchley Road range from approximately 1.6 -3.41 m at ground floor. Although this is close, it would not differ greatly from the proximity of the existing medical centre to some of the existing residents. At first and second floor levels, the distance increases, ranging from approximately 5.64-7.8m to the boundary; and at third floor level, the distances further span by approximately 7.85- 8.3m.

The distances from the existing ground floor medical centre ranges from approximately 3 metres (no 752b flat 2) to 17.4 metres (no 748 Finchley Road). The existing distance from no 750C is approximately 13 metres.

At proposed ground floor level, the distance from adjacent properties ranges from 1.6m (no 752 flat 2) to 13 m (no 748). The proposed distance from property at 750C at ground level would be 10 metres, and therefore would be closer than the existing building onsite. .

The separation distances range from approximately 9.26-19.29 at upper floors levels. Whilst the proposal falls below the recommended distances of *18-21m between facing habitable room windows and 10.5 m to a neighbouring garden as set out within the Councils Residential Design Guidance SPD (2016) to protect privacy*, the proposal, on balance, provides acceptable mitigation measures to protect the privacy to adjacent properties, as discussed within the Committee report, and further appraised.

Throughout the decision-making process, Officers have sought amendments from the applicant following consultation responses from the Members of the public to alleviate their concerns. As a result, the number of residential units proposed has reduced from 15 to 11 flats. This is reflected in the reduction in floor area and volume of the proposal original submitted and the current proposal under consideration, as set out below:

Volume reduction

1. Original volume of the development was approximately 7955m³.
2. Proposed current volume of development is approximately 6998m³.

There has been an overall reduction of approximately 1,907m³, which equates to a 18.5% decrease in massing and build form onsite.

Floorspace Area reduction

3. Total GIA of the original development submitted was approximately 2556sqm.
4. Total GIA of proposed current development is approximately 2174sqm.

There has been a 15% reduction which all occurs above ground level.

Following the submission of the application, the massing of the development has been heavily reduced at the back (southwest elevation) of the building; the setbacks to the building has been done in order to minimise the daylight/sunlight impact on the properties at the rear of Finchley Road. In addition, 1.8m opaque privacy and acoustic screen was added at first floor level to prevent overlooking, as stated in pg. 56 of the Committee report.

The rear elevation (southwest elevation) building steps back on first and second floors, and third levels, thereby the proposal rises away from the neighbouring adjacent properties at no's 746-756 Finchley Road to protect their amenities by reducing its prominence, the stepped articulation of this façade, would reduce the overall perception of bulk and massing.

There are no clear glazed windows proposed which directly look onto Finchley Road properties as they are angled to prevent direct overlooking. On the southwest elevation on the upper floors, all windows would be obscured and fixed shut at all times. This would be secured by way of a planning condition. The habitable windows obscured are secondary windows provide additional natural light to bedroom or living/kitchen/dining rooms. As such, future occupier would receive good outlook from the primary clear glazed windows within the bedrooms.

The proposed windows, including to habitable rooms on the southwest elevation would be obscured and fixed shut at all times. This would be secured by way of a planning condition to ensure the proposal would not result in overlooking and loss of privacy to properties and gardens to the adjacent properties to the rear including no's 748-756 Finchley Road.

Further, the proposal includes a 1.8 m privacy screen on 1st floor level, as shown on the proposed southwest elevation to protect the privacy of flats to the rear of the site on Finchley Road, namely flats 750c and flats 2 and 3 of 752b Finchley Road. Prior to the occupation of development onsite, full details of the 1.8m obscured and acoustic glazed privacy screen at first floor level on the southwest elevation (as shown on drawing no: 756-30-302 P8) shall be submitted to, and approved by the Local Planning Authority in writing, and implemented and retained thereafter. This would be secured by way of a planning condition. (*condition no 29, pg 25 of the Committee report*) .

Daylight and Sunlight impacts have been assessed on pages 55 and 66 within the Committee report. 750C Finchley Road, is to the rear of the proposed building and is a single-storey, ground floor one bedroom unit. There is a single habitable living/kitchen/dining room which will have a view of the proposed development. When the two rear windows are examined individually, the loss in VSC is in the "minor adverse" category. The property would achieve VSC light levels, in accordance with BRE Guidelines. As such, the applicant's assessment concludes that the weight average results for all windows serving this room is fully BRE compliant.

Flat 2 752b Finchley Rad is a part one, part two storey residential development containing three flats. Flat 2 on the ground floor at the rear of this building is a one-bedroom unit. There are two habitable rooms in this property which will have a view of the proposed development,

a bedroom, and a kitchen/lining, 75% of windows tested meets the VSC standards. The applicants Daylight and Sunlight report states that the overall impact to a room is done by *“calculating the weighted average VSC for all windows. For this bedroom, the weighted average results for all windows servicing this room is compliant, experiencing a ratio of change of 0.80 meeting standards”*. The property would achieve compliance with the NSL test in accordance with BRE Guidance.

Flar 3, 752b Finchley Road on first floor level at 752b Finchley Road contains a bedsit with high level obscured window. The property would achieve compliance with NSL and VSC tests,

8-25 Charlton Lodge, 88 Temple Fortune Lane, 748; 750C; 752 Flat 2; 752 flat 3;756; 758; 760; 762; 753 -764 Finchley Road, 1 Farm Walk and 2 Farm Walk all are VSL standards, as detailed within the applicant’s Daylight and Sunlight Assessment

On balance, given the site constraints within its urban context, and proposed mitigation measures set out above, the development is considered to have an acceptable impact to the amenities at adjacent properties. Officers recommend several planning conditions to mitigate further against the development to ensure the development does not prejudice the amenities of occupiers of neighbouring properties, as detailed within the Committee and addendum reports.

Proximity to 21 Temple Fortune Lane (additional appraisal)

The impact and proximity of the development on properties at no 21 Temple Fortune Lane.

Supplementary text to pg. 55 of the Committee report is italicised below:

“The separation distance (as shown on plans) from the proposed development to adjacent flatted development (4 storey- 6 x no residential dwellings) at 21 Temple Fortune Lane, range from approximately 6.1m at ground level; 9.3-10m at first floor level; 12.2 8m at second floor level ; and 10.8-12.5m distance at first floor level.

64% of windows meet VSE standards; and 73% of windows meet VSL standards There are two single aspect bedrooms on ground at first floor (4 bedrooms) at no 21 Temple Fortune Lane that would experience a reduction in daylight using the VSC and NSL tests. Notwithstanding these reductions below the BRE Guidance, are considered to be “minor” or “moderate” reduction. In other words, there are no windows which would receive a “major adverse” reduction in daylight. After applying alternative targets using BRE recommended mirror image methodology, Daylight illuminance and Average Daylight Factor analysis, it has been shown that all of the affected windows and rooms are fully compliant with these additional BRE tests”.

The proposed windows to habitable room are angled on the-southeastern (side) elevation to prevent direct overlooking to self-contained units at no 21 Temple Fortune Lane. The eastern elevation would ensure no direct intervisibility of habitable rooms occurs. This is achieved by obscured windows to bathrooms and obscured secondary windows to some of the habitable rooms. As such, the proposal would not result in undue overlooking or loss of privacy to the proposed residential units. Moreover, most of the units would have dual aspect to habitable rooms”. (pg. 55 of the Committee report).

Noise Impacts from the proposed plant/tank room at basement level and plant room at roof level on adjacent properties to the rear of Finchley Road.

The applicant submitted a noise assessment to determine the impacts the proposed plant/tank rooms would have to adjacent properties and rear gardens. The assessed notes that the adjacent properties to the rear at Finchley Road are part one and part two-storeys and

therefore approximately 9m lower than the proposed installation height of the external air-source heat pumps (ASHPs) at roof level. The distance between the rooftop plant equipment and these receptors is approximately 15m or more (accounting for the horizontal and vertical components). The height differential enables the acoustic screening that encloses the ASHPs to attenuate noise much more effectively.

The plant noise level at the nearest properties to the rear of the site is calculated to be 30dB(A). The measured background noise is 46dB LAF90 during the day and 40 dB LAF90 at night. The plant noise would therefore be at least 10dB lower than the background noise level. This meets the requirement of the Barnet Supplementary Planning Document: *Sustainable Design and Construction* which states that plant noise emissions should not contribute to increasing the existing background noise level. The BS4142 assessment methodology also indicates that this level of plant noise would have minimal impact at the properties to the rear of the site.

The applicant has confirmed that the proposed basement plant/room rooms adjacent to some of the residential properties to the rear of the site would contain a water tank and a booster pump for domestic water (plus potentially a pump for the sprinkler system, although this would only be used in the event of a fire). The proposed equipment would not produce high levels of noise, as it within a fully enclosed plant room which would contain any noise generated.

A condition has been placed on the proposed permission noting that noise from the extraction and ventilation equipment can be minimised by adding suitable air duct noise silencers to the ventilation system. Top of Form This would be in consultation with the Councils Environmental Health department. The equipment to be approved would be installed using anti-vibration mounts, and retained thereafter, to protect the amenities of adjacent properties against noise disturbance (*condition 12, pg. 20 of the Committee report*).

Notwithstanding, the compliance condition attached to regulate noise emissions machinery within the rooms (*condition no 7- Pg 18 of the Committee Report*), the applicant would be required to submit full details of the materials of treat enclosures to plant rooms which shall be submitted to and approved in writing by the Local Planning Authority in writing, in consultation with the Councils Environment Health Department, prior to the commencement of works (including demolition works) onsite. This would be secured by way of a planning condition, to protect the amenities to adjacent properties. (*condition 38- within the addendum report*).

- **Objection- The application originally submitted in November 2022 did not include a Light and Noise Assessment to consider the impacts of the proposed development on residential amenities at adjacent properties rear of Finchley Road.**

(Officer response: The Light and Noise Reports submitted with the full planning application did not include an assessment on the respective impacts immediately adjacent properties to rear on Finchley Road. Officers understanding is that the applicant incorrectly identified the buildings to be non-residential. This was not a deliberate omission and upon knowledge of this error, a site visit was carried out by the applicant and the Local Planning Authority. Subsequently, the applicant issued updated Light and Noise reports to assess the impact on adjacent properties to the rear of Finchley Road, which residents.

Since early on in the application stage, all parties have been fully aware that the properties are in residential use. This resulted in amended plans and reports, which were re-consultation upon with local residents. The application has been assessed on this basis).

- **Objection- Lack of transparency and engagement with residents during the decision-making process.**

Officer response: The LPA has been transparent with residents throughout, and have responded to emails, providing clarity on points raised. Amendments to drawings and documents were re-consulted upon to ensure correct process and procedures are followed during the decision-making process.

In addition, re-consultation periods were extended beyond what is statutory required to afford local residents more time to engage with the planning process, and to submit their representations accordingly to the Local Planning Authority. Representation from the local community received during the initial consultation, and subsequent re-consultation on the respective amendments have been considered and assessed.

Committee Members were briefed on all matters in advance of the proposal prior to Committee to enable them to reach their decision on 25th October. Representations received from the local community are available to view online for Members to read in full.

Pages: 119 and 144

Item: 09

Reference: 23/2917/HSE

Address: 26 Renters Avenue, NW4 3RB

Amendment to Condition 1 Approved Plans – Email from agent, dated 18th October 2023.

Following publication of the report an additional email has been added to the approved plans confirming payment towards street tree/lighting. There have been no changes to proposed plans themselves.

Amendment to Informative 10 – It has been corrected to read as follows - Reinstating the existing crossover to footway and construction of a new crossover will involve works on the public highway for which a s184 license will need to be obtained by the applicant. Also, the council's street lighting and tree departments must be consulted on the proposed crossover.

The applicant is made aware that a payment will be required towards the CAVAT value of the street tree / street lighting, to facilitate removal and reprovision or relocation of these elements.

Pages: 163 and 184

Item: 12

Reference: 23/1099/FUL

Address: 19 Heriot Road NW4 2EG

- Amendment to Condition 1 Approved Plans to include additional drawing to condition 1 - 19HERIOTEXISTINGPLANSDWG (Existing Floor Plans)

Also, amended drawing: 19HERIOTEXISTINGELEVATION&ROOFPLANDWG (Existing Elevations and Roof Plans) - which now features the existing garage at the front elevation as opposed to the proposed front window.

Pages: 185 and 198

Item: 13

Reference: 22/2463/FUL

Address: Land Rear Of Danbury House 9 Sunningfields Road London NW4 4QJ

Removal of Condition 8 - Historic England have commented late on the scheme, confirming by email dated 17th October, "As the work is relatively small scale, it's unlikely to have an impact on significant archaeological remains and therefore I would recommend that no further archaeological work is necessary". Therefore condition 8 regarding archaeology is removed.