

Location 961 Finchley Road London NW11 7PE

Reference: 21/5626/FUL Received: 22nd October 2021
Accepted: 22nd October 2021

Ward: Childs Hill Expiry 21st January 2022

Case Officer: Shay Bugler

Applicant: Mr. Chaim Menachem Frommer

Proposal: Demolition of existing school and erection of a four-storey building to provide 19 self-contained residential flats, private and communal amenity space, 3 car parking spaces (including one accessible car parking space), associated plant room, cycle parking and refuse storage

OFFICER'S RECOMMENDATION

Approve following Legal Agreement

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 by Unilateral Undertaking and any other legislation which is considered necessary for the purposes of 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. An offsite affordable Housing contribution of £100,000 with a review clause and support the application. Affordable housing review mechanism (early stage if progress has not been made onsite within 3 years from date of planning consent, and late-stage review upon disposal of 75% of the units onsite).
4. A carbon offset payment of £73,216.50. towards off site carbon savings
5. Section 287- off site highway improvement works
6. Mechanism to ensure that, prior to commencement of demolition works onsite, the re-provision (a total of 3155sqm in floorspace) of a school to include a Beit Midrash, dormitory for students, and dining room areas as approved under planning ref no's: 18/4689/FUL;

19/4108/S73; 20/4059/S73 and any future planning application(s) at linked site known as "Rear Of Sage Court, 200-210 Golders Green Road, NW11 9AQ", must be fully constructed and in operational use to ensure that an education use building is re-provided

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 this permission.

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

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

- 961FR-PP1-00 Existing site plan
- 961FR-PP1-01 Rev A Proposed Site Plan
- 961FR-PP1-02 Rev A Proposed Ground Floor Plan Proposed Roof Plan
- 961FR-PP1-03 Proposed Floor Plans
- 961FR-PP1-05 Proposed Elevations Proposed Section
- 961FR-PP1-01 Proposed Site Plan

- Design and Access Statement: by TAL ARC Ltd
- Planning Statement by Henry Planning Consultancy and Development
- Air Quality Assessment dated 27th August 2022 by eb7 consultants.
- Noise Impact Statement dated 7th October 2021 by DAA Group
- Bat Survey Reports dated 19 October 2021 and 2 May 202 from Phlorum Limited.
- Energy & Sustainability Statement dated 1st September 2021 by eb7 consultants, including Energy/Co2 calculations
- Sustainability Pre-assessment Stage Tracker by eb7 consultants
- BRURL Output Document dated 27th August 2021
- Transport Statement May 2021 by Caneparo Associates Limited
- Drainage & Utilities Assessment Sustainability Services dated 23 June 2021; 13 July 2021; and 8 April 2023 by eb7 associates
- Arboricultural Impact Assessment dated 16 August by SJ Stephen Associates
- Daylight and Sunlight Report dated 28 June 2021 BY Ecodesign Ltd
- Accommodate schedule (submitted with original application)

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012); Policy DM01 of the Development Management Policies DPD (adopted September 2012); and Policy D4 of the London Plan (2021).

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (2012); Policies DM01, DM04 and DM17 of the Development Management Policies DPD (2012), and Policies D4, D5, D8, SI 13, and G7 of the London Plan (2021).

5 a) Before the development hereby permitted is first occupied, details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of stores to make a provision for a minimum of 39 cycle parking spaces (37 long stay and 2 short-stay) shall be submitted to and approved in writing by the Local Authority.

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

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 Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012; Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012; and Policy T5 of The London Plan (2021)

6 a) Prior to commencement development, a revised parking layout plan showing the location/dimension of the existing crossover and any modifications proposed, including reinstatement of any redundant crossovers to footway, shall be submitted to and approved in writing by the Local Planning Authority.

b) The details hereby approved under part a of this condition shall be implemented

and retained 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; Policy DM17 of Development Management Policies (Adopted) September 2012); and policies T4 and T6 of the London Plan (2021).

- 7 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.

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

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016); and Policies SI 1, SI 7, D14 , T4 and T7 of the London Plan 2021.

- 8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of:
- (i) A Refuse and Recycling Collection Strategy and Service Management Plan, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service

provider,

(ii) Details of the enclosures, screened facilities, and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; in the interest of highway safety; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6, SI7, T4 and T7 of the London Plan (2021).

9 a) The applicant shall enter a Section 278 legal Agreement with the Local Highways Authority to deliver off site highway improvement works within the vicinity of the site.

b) Prior to first occupation of the development, all off-site highway works approved under part a of this condition shall be completed and agreed by the Local Highways Authority in writing.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with Policy CS9 of Core Strategy (2012); Policy DM17 of Development Management Policies (2012); and Policies T2 and T4 of the London Plan (2021).

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

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

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012); Policy DM04 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016) ; and policy S1 13 of the London Plan (2021).

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

(b) Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: To prevent any damage to nearby underground sewerage utility infrastructure in accordance with policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012); policy DM04 of the Managing Development Document (2012). Sustainable Design and Construction SPD (2016); and policy SI 13 of the London Plan (2021).

12 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the

Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016); and policy SD 1 of the London Plan (2021).

- 13 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed-use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) ; and Policies D13 and D14 of the London Plan (2021).

- 14 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 policy D14 of the London Plan 2021.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the

Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan (2021).

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

This sound insulation shall ensure that the levels of noise generated as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of the London Plan (2021).

- 17 a) No development other than demolition works shall take place on site until an overheating assessment, carried out by an approved consultant, which assesses the likely impacts of overheating within the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure the development would minimise the risk of the internal space of the dwellings overheating through design, layout, orientation, materials and incorporate of green infrastructure in accordance with policies CS5, CS12 and CS13 of the Local Plan Core Strategy (2012); DM01 and DM03 of the Development Management Document (2012); Sustainable Design and Construction SPD (2016); policies D3, D6, SI 2, and SI 4 of the London Plan (2021).

- 18 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>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies DPD (2012); and Policy SI1 of the London Plan (2021).

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI1 of the London Plan 2021.

20 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 policies DM04 and DM17 of the Development Management Policies DPD (2012). the Sustainable Design and Construction SPD (2016) and policies SI 1, SI 7, D14; T4, and T7 of the London Plan (2021).

21 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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 rainwater 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 DM04 of the Development Management Document (2012); and policy SI 5 of the London Plan (2021).

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM03 of the Development Management Policies Document (2012); and Policies D5 and D7 of the London Plan (2021).

- 23 a) Prior to occupation of the development, full details (including specification, location, and orientation) of biodiversity enhancement measures shall be submitted to and approved by the local planning authority. Biodiversity measures, shall include, but not limited to the following:

o Provision for 2 x no raised roof tile; 2 x no integrated bat roost boxes; 2 x no Woodstone bird nest boxes; 1 x no insect hotel; and 1 x no hedgehog house.

b) The ecological enhancement features shall be installed/constructed in accordance with details approved under part a of this condition and retained thereafter.

Reason: In the interest of preserving and promoting biodiversity onsite and ensure that any protected species present are not adversely affected by the development in accordance with policies CS5 and CS7 of the Local Plan Core Strategy (2012); policy DM16 of the Development Management Policies DPD (2012); the Sustainable Design and Construction SPD (adopted October 2016); and policy G6 of the London Plan (2021).

- 24 a) The development shall be implemented in accordance with the requirements, recommendations, and mitigation measures, including the timing of development works and special technique outlined below.

These precautionary measures shall include the following:

1) All site workers are to be briefed on of the current legislation protecting bats and their roosts, the precautionary measures to be undertaken when demolishing the building, and what to do in the unlikely event that a bat is discovered.

2) A precautionary approach will need to be adhered during the removal of the roof. Whereby the tiles and roof panels will be removed in a vertical rather than horizontal sliding motion. Roof timbers, leadwork, roofing felt, soffits and masonry are to be dismantled in line with best practice guidance as set out in Bat Mitigation Handbook, Mitchell et al. 2004).

b) In the event of any bats being discovered, the applicant must notify the Local Planning Authority in writing and all development works must cease immediately. A project Ecologist and/or Natural England must be contacted promptly as an appropriate licence will be required before the development (demolition and/or construction) works can resume onsite.

Reason: To ensure that any protected species present are not adversely affected by

the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016), and Policy G6 of the London Plan (2021).

- 25 a) With three years post completion and occupation of the development, a bat monitoring plan shall be submitted to and approval by the Local Planning Authority in writing. The bat monitoring methodology shall be in accordance with best standard practice of the Bat surveys for Professional Ecologists: Good Practice Guidelines - Guidance for professionals - (2014, 3rd edition Bat Conservation Trust).
- b) The post development bat monitoring plan as approved under part a of this condition shall be implemented and retained thereafter.

Reason: In the interest of preserving biodiversity, and the protection of the bat population on adjacent trees, hedgerow, and/or woodlands in accordance with NPPS (2021); policies CS5 and CS7 of the Local Plan Core Strategy (2012); 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 (2021)

- 26 a) Prior to the occupation of the development, full details of a Low Impact Lighting Strategy within the site shall be submitted to and approved writing by the Local Planning Authority. Any artificial lighting scheme designed for development, including off street and onsite external lighting, shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series.
- b) The details hereby approved under part a of this condition, shall be implemented, and retained thereafter.

Reason: In the interest of preserving biodiversity and to ensure that any protected species present are not adversely affected by the development in accordance with NPPS (2021); policies CS5 and CS7 of the Local Plan Core Strategy (2012); 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 (2021).

- 27 a) Should vegetation clearance works be carried out during the active bird nesting bird season (between March 1st to August 31st) a nesting bird check report shall be submitted to and approved in writing by the Local Planning Authority. Any active birds' nest discovered shall be protected by 5metre protective buffer is to be place around the nest(s) and shall be retained until such time until such time as the chicks have fledged.
- b) The development works shall be implemented in accordance with details approved under part a of this condition.

Reason: In the interest of preserving and promoting biodiversity onsite, and to ensure that any protected species present are not adversely affected by demolition and construction works in accordance Policy DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy G6 of the London Plan

(2021).

28 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities, and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012); Policy DM01 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies G5, G6 and G7 of the London Plan (2021).

29 a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long-term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012); and policies G5, G6 and G7 of the London Plan (2021).

30 a) Within 3 months of completion of the development, the applicant shall be awarded Secure by Design Accreditation, in consultation with the Metropolitan Police.

b) The development shall be carried out in accordance with security details and standards within the Secure by Design Accreditation and retained thereafter.

Reason: To ensure the development is safe and secure for future occupiers in accordance with policy CS5 of the Core Strategy (2012); policies DM01 and DM02 of the Development Management Document (2012); and policies D3, D4 and D8 of the London Plan (2021).

- 31 a) The development shall be installed with internal water sprinklers and retained thereafter.

Reason: In the interests of fire safety and to ensure the safety of all building users, in accordance with policy DM02 of the Management Development Document (2012); Barnet Supplementary Planning Document on Residential Design Standards (2016); and D12 of the London Plan.

32. a) Notwithstanding the Energy & Sustainability Report provided, a revised Energy and Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the development. The revised Energy and Sustainability Statement must demonstrate full compliance with the "Be Lean" energy targets set out in the London Plan (2021).

b) The development shall be carried out in accordance with the details approved under part a of this condition and retained 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 Policies D6, SI 2, and SI 4 of the London Plan (2021).

33. The obscured glazing to windows as shown on drawing number's 961FR-PP1-03 and 961FR-PP1-04 shall be permanently fixed shut and retained thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjacent residential properties on Hoop Lane 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).

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.

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.

- 3 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 4 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.

- 5 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.
- 6 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.

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed

as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

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

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

- 8 If a concrete lorry is operated from the public highway, then the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

- 9 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

- 10 Informative: - Biodiverse plantings and seeding
Soft landscaping should consist of 70/30 native grass to flowering plants to provide high quality habitat for pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22. A purpose-built wildlife friendly pond is advised to be created for the benefit of amphibians. Such a pond should ideally be shallow along the margins, planted with a variety of wetland emergent and submerged plant species and free of fish to encourage the presence of a diverse array of invertebrates and amphibians. For further details on the construction of wildlife ponds refer to Wildlife

ponds / RHS Gardening website.

Any proposed tree, hedgerows, and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 6th February 2024 unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs to mitigate against the impact of the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012); the Planning Obligations SPD (adopted April 2013); and Policy DF1 of the London Plan (2021).

OFFICER'S ASSESSMENT

1. Site Description

The existing site contains a two-storey building, which is used as a Yeshiva or theological college for 14-18-year-old adults who are studying to become Rabbis. The current Yeshiva is attended by 75 students of whom 54 are day pupils and 21 are borders.

The property is located on the west side of Finchley Road close to the junction with Hoop Lane. The side boundary of 961 Finchley Road abuts the rear garden area of 40/42 Hoop Lane which runs through to the Finchley Road. 40/42 Hoop Lane is a pair of 1930's semi-detached houses which have been used as residential accommodation for students for the Yeshiva for the last 25 years.

Levels drop by 2m across the site which has enabled the creation of basement accommodation at 961 Finchley Road. The site has mature planting to the front and a number of self-seeded trees. The surrounding streets are predominantly residential although a number of the large properties in Finchley Road have been converted to commercial and educational uses.

The surrounding area is predominantly characterised by 2 to 4 storeys residential buildings, including family dwellings and flatted developments.

The site is located within an area with a Public Transport Accessibility Level (PTAL) rating of 6a, which is an excellent rating (on a scale of 1-6 which 1 is extremely poor at 6 is excellent).

The site is not located within a conservation area.

2. Site History

The most relevant planning history applicable to this subject site, relates to an associated site, also owned by the same applicant at land rear of sage court, 200-210 Golders Green Road.

Site at land rear of Sage Court, 200-210 Golders Green Road, London, NW11 9AQ

Ref no: 18/4689/FUL

Demolition of existing ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage.

Decision date: 17.01.2019

Decision: Approved subject to a S106 agreement

Ref no: 19/4108/S73

Variation of condition 1 (Plan Numbers) pursuant to planning permission 18/4689/FUL dated 17/01/2019 for `Demolition of existing ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage.`

Amendments

- Provision of an additional emergency escape stairs at third floor level, internal layout alterations, enlargement of the plant enclosure at roof level, provision of mansafe fall safety system to flat roofs, alterations to brickwork, minor increase of height.

Decision date: 06.01.2020

Decision: Approved subject to legal agreement.

Ref no 20/4059/S73

Description of development: Variation of condition 1 (approved plans) of planning permission 19/4108/S73 dated 29/01/2020 for `Variation of condition 1 (Plan Numbers) pursuant to planning permission 18/4689/FUL dated 17/01/2019 for `Demolition of existing ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage.`

Amendments

- Additional emergency escape doors to dining room, alterations to internal layout, amendments to windows. Curved roof over main hall, provision of timber pergola at rear garden, alterations to zinc cladding, minor amendments to the refuse enclosure

Decision: 19.02.2021

Decision: Approved subject to a legal agreement

Ref no: 22/5000/FUL

Description of development: Construction of a new part 2-storey, part 3-storey, part 4-storey Beit Midrash (Jewish study hall), dormitory for students and caretaker unit, including a basement level, 13no. off-street parking spaces and associated site works

Decision: Pending decision

Planning history at no 961 Finchley Road

Ref no: F/00157/12

Description of development: Extension to the time limit for implementing planning permission reference F/04644/08 granted 03/02/09 for Erection of part two, part three storey building for use as a residential college (Talmudical). Provision of car and cycle parking facilities.

Decision: Approval subject to conditions

Decision date: 13.04.2012

Ref no: F/04644/08

Description: Erection of part two, part three storey building for use as a residential college (Talmudical). Provision of car and cycle parking

Decision: Approved subject to conditions

Decision date: 15.01.2009

Ref no: C00599E/07

Description of development: Erection of part two, part three storey building for use as a residential college (Yeshiva) and use of 40-42 Hoop Lane for staff accommodation. Provision of car and cycle parking facilities.

Decision date: 05.12.2007

Decision: Refused

Reason for refusal:

1. The proposed development by reason of its intensity of use, design, siting, scale, massing and bulk would be visually dominant and out of character in the street scene detrimental to the visual and residential amenity of the occupiers in the street scene detrimental to the visual and residential amenity of the occupiers of adjoining properties.

Ref no: C00599

Description of development: Extension of extension of existing theological college

Decision date: 14.02.1966

Decision: Approved

Ref no: C00599A

Description: Erection and extension of theological college

Decision date: 3.8.1966

Decision: Approved

Ref no: C00599B
Description: Extension to theological college
Decision date: 6.1.1967
Decision: Approved

Ref no: C00599C
Description: Formation of rooms in roof and dormer windows at front and rear
Decision date: 09.05.1973
Decision: Approved

Ref no: C00599D
Description: Two storey rear extension, enlarging lecture hall at ground floor and dining hall at basement
Decision date: 19.01.1977

3. Proposal

The proposal is for the demolition of existing school and erection of a four-storey building to provide 19 self-contained residential flats (comprising of 3 x 1 no bed units; 11 x no 2 bed units & 5 x no 3 bed units).

The proposal makes provision for 300sqm of communal open space and 30sqm of designated child play area at ground level. 3 x no. car parking spaces (one disabled space) and 36no long stay cycle spaces; and 4 x short term cycle parking for visitors near the entrance are provided onsite.

This proposal is sought to be linked to the Yeshiva site in Golders Green Road (Rear Of Sage Court, 200-210 Golders Green Road, London, NW11 9AQ) to ensure reprovision of educational floor space. This would be secured by way of a planning condition, and obligation within a Section 106 Agreement.

4. Public Consultation

Consultation letters were sent to 254 neighbouring properties on 16.11.2021; advertised onsite on 04.11.2021 , and in the Barnet Times 02.22.2021.

8 responses have been received, in objection to the proposed development.

The representations received can be summarised as follows:

- Excessive form of development; overdevelopment of the site.
- Out of character with the local area
- Inadequate provision for soft landscaping in communal areas
- Development may not meet building Regulation and Fire Safety standards.
- Overdevelopment of the site, excessive density
- Lack of public benefits or improvement to local communities
- Loss of daylight sunlight and privacy to neighbouring properties and gardens
- Would undue noise distance to the locality.
- Add to increase pressure on existing local amenities and services.
- Lack of onsite car parking spaces propose, resulting in additional pressure on the very limited parking available on these two roads.

- The proposal would be occupied by students, which would potentially result in noise disturbance to local residents.

All of the above objections received have been fully considered during the assessment of this planning application and addressed further within this Committee report.

Statutory Consultee comments

Thames Water

Thames Water do not raise any formal objections subject to the following condition:

- No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. This is to ensure the proposal does not have a harmful to the local underground sewerage utility infrastructure.

(Officer comment: The above would be secured by way of planning condition).

Local Lead Flood Authority

The applicant is required to submit a detailed Flood Risk Assessment and Sustainable Urban Drainage Strategy (SuDS) to be submitted to and approved by the Local Planning Authority and implemented thereafter. This would be secured by way of a planning condition to ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development.

(Officer comment: This would be secured by way of a planning condition).

LBB Highways

LBB Highways do not object to the proposed development subject to the following conditions and obligation within a legal agreement:

Conditions

- A revised parking layout plan showing the location/dimension of the existing crossover and any modifications proposed, including reinstatement of any redundant crossovers to footway.
- Details of cycle parking including the type of stands, gaps between stands, location of cycle parking
- Demolition and Construction Management and Logistics Plan
- Details of Refuse and recycling storage arrangements
- Section 278 legal Agreement to deliver off site highway improvement works.

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

The applicant would be required to enter into a s184 licence from the Council for any works on the public highway.

(Officer comment: This requirement is covered under Highways legislation)

Section 106 Agreement

The site is located within a Controlled Parking Zone. LBB Highways would encourage the applicant to enter into a S106 Agreement to Restrict future occupiers on the development for applying for off street car parking permits within the vicinity of the site, so as not to disadvantage or prejudice existing permit holders, and to encourage sustainable and active modes of travel for future occupiers

(Officers comment: LBB Highways team have confirmed such obligation cannot be insisted upon, and they are satisfied the applicants Parking Survey demonstrates sufficient availability for on street parking spaces within 200 metres of the site, As such, the recommendation does not include a requirement for a “Car Free” Agreement.

LBB Streetscene

This proposed bin (refuse and recycling) storage arrangement is acceptable.

Secure by Design/Metropolitan Police

Metropolitan Police do not object to this proposal subject to the applicant being awarded Secure by Design Accreditation, in consultation with the Metropolitan Police, to ensure the development is safe and secure for future occupiers onsite.

(Officer comment: This would be secured by way of a planning condition).

LBB Environmental Health

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

- Demolition and Construction Method Statement
- Air quality mitigation measures
- Impact of noise from development
- Restriction noise from plant
- Impact of noise from plant room, ventilation and extraction plant on development
- Insulation against internally/externally generated noise
- Overheating assessment

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

LBB Ecology

Based on the findings of the two reports no further survey will be required prior to determination as no bats were found to be roosting within the building. Given the small number of passing common pipistrelle surrounding the house any artificial lighting scheme for the property will need to be compliant with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series to limit the risk of artificial lighting on commuting bats.

The proposed development is acceptable subject to the following conditions:

- Provision of biodiversity enhancement
- Precautionary soft stripping of building to protect Bat population,
- Bat Monitoring Management Plan
- Low impact lighting to protect Bat population.
- Protection of nesting birds.

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

LBB Energy and Sustainability

LBB Energy and Sustainability Officer has reviewed the submitted Energy and Statement Reports are conformed they are acceptable subject to the following conditions and financial contribution to be secured within a Section 106 Agreement:

Condition

- Prior to occupation, a revised Energy and Sustainability Statement to demonstrate "Be Lean" London plan targets are met.

Section 106 contribution

- £73,216.50 contribution towards off site carbon savings to achieve net-zero carbon emissions.

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) 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 follows:

- 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 standards
- D7 Accessible housing
- D8 Public realm
- D10 Basement Development
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D13 Agent of change
- D14 Noise
- H1 Increase Housing Supply
- H4 Delivering affordable housing
- H6 Affordable housing tenure
- H7 Monitoring of Affordable Housing
- H10 Housing size mix
- S3 Education and childcare facilities
- S4 Play and informal recreation
- SI 1 Improving air quality
- S1 2 Minimising greenhouse gas emissions
- S1 3 Energy Infrastructure
- S1 4 Managing Heat Risk
- S1 5 Water Infrastructure
- S1 8 Waste capacity and net waste self sufficiency
- SI 12 Flood Risk Management
- T1 Strategic approach to transport
- T3 Transport capacity, connectivity and safeguarding

T4 Assessing and mitigating transport impact
T5 Cycling
T6 Car parking
S3 Education and Childcare facilities
S4 Play and informal recreation

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.

Core Strategy (2012)

Relevant policies

Policy CS NPPF National Planning Policy Framework
CS3 Distribution of growth in meeting housing aspirations
CS4 Providing quality homes and Housing choice in Barnet
CS5 Protecting and enhancing Barnet's character to create high quality places
CS9 Providing safe, efficient, and effective travel
CS10 Enhancing inclusive integrated Community facilities and uses
CS14 Dealing with our waste

Development Management Document (2012)

Relevant policies

DM01 Protecting Barnet's Character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM08 Ensuring a variety of sizes of homes to meet housing need
DM10 Affordable housing contributions
DM13 Community and education uses
DM16 Biodiversity
DM17 Travel Impact and parking standards

Supplementary Planning Documents

Residential Design Guidance (2016)
Sustainable Design and Construction (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle on the acceptability of the loss of an educational use and redevelopment onsite to provide residential development;
- Whether harm would be caused to the character and appearance of the site; the streetscene and the local area;
- Standard of accommodation
- Impacts the amenity of neighbouring properties;
- Impacts on the local highway; and
- Energy and Sustainability

5.3 Assessment of proposals

Principle of the proposed demolition of the existing building onsite

Policy S3 of the London Plan seeks to ensure there is a sufficient supply of good quality education and childcare facilities to meet demand and offer educational choice. Development proposals should ensure that there is no net loss of education or childcare facilities, unless it can be demonstrated that there is no ongoing or future need. Similarly, policy DM13 of the Local Plan states that "loss of community or educational use will only be acceptable in exceptional circumstances where the new Community or education use of at least equivalent quality and quantity are provided on the site or at a suitable alternative location; or there is no demand for continued community use, and that the site has been marketed effectively for such use; or the proposal includes a new community of education use.

New Community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres, and that new Community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety.

The proposed results in the loss of the education use onsite, which in isolation of other matters would be deemed unacceptable. However, when assessing the loss of the educational facility onsite, it is necessary to understand the planning history of a different site which is owned by the same applicant. The site is known as rear of Sage Court 200-210 Golders Green Road.

At present, this site is currently occupied by a series of ambulance enclosures. On 17.01.2019, planning permission was granted for the "Demolition of existing. An ambulance enclosure and removal of existing portacabins and sheds. Erection of a part single storey, part two-storey, part three-storey, part four-storey building to accommodate a Beit Midrash (Jewish study hall) and dormitory for students, including associated dining room. Associated alterations to hard and soft landscaping. Provision of 14no. parking spaces, 24no cycle storage, refuse and recycling storage" (Ref no: 18/4689/FUL). This decision was subject to conditions and Section 106 Agreement. There have been two subject S73 application, to make minor alterations to this original planning consent (ref no's: 19/4108/S73 and ref no: 20/4059/S73).

The approved educational facility on the associated site at rear of Sage Court 200-210 Golders Green Road is of a larger school, which is of superior design quality than the existing school on this subject site.

Officers are advised that both sites are owned by the same landowner. This planning application is linked to the Yeshiva site in Golders Green Road (Rear of Sage Court, 200-210 Golders Green Road, London, NW11 9AQ) to ensure re-provision of educational floor space at the Yeshiva site. The overall floor area of the existing building onsite at 961 Finchley Road is 534sqm; and the overall floor area of the school building to be re-provided at the associated linked site is 3155sqm (Rear of Sage Court, 200-210 Golders Green Road, NW11 9AQ). As such, there would uplift of approximately 2621sqm of education floorspace, which is welcomed by Officers.

The planning mechanism to re-provide the school would be secured within a Section 106 Agreement to ensure the Beit Midrash (Jewish study hall) and dormitory for students as approved at the linked site and is delivered. The S106 will ensure that:

“Prior to commencement of demolition works onsite, the re-provision (a total of 3155sqm in floorspace) of a school to include a Beit Midrash, dormitory for students, and dining room areas as approved under planning ref no's: 18/4689/FUL; 19/4108/S73; 20/4059/S73 and any future planning application(s) at linked site known as "Rear Of Sage Court, 200-210 Golders Green Road, NW11 9AQ", must be fully constructed and in operational use to ensure that an education use building is re-provided” . .

Subject to the completion of a legal agreement, the principle of residential development would be considered acceptable onsite as discussed below.

Principle of residential use onsite

Paragraph 11 of the NPPF outlines the presumption in favour of Sustainable development where for decision- taking this means approving development proposals that accord with an up-to-date development plan without delay. The use of developed (or previously developed land) to provide new high-quality homes in supported by adopted and local and national policies.

The London Plan (2021) identifies a need for 23,640 new homes in LBB between 2019/20 and 2028/29. To help achieve this the target net completions on small sites is 4,340 in the same time period.

Policy CS 1 of the Barnet Core Strategy (2012) outlines the strategic approach required to provide the required number of new homes over the plan period. The target at the time of adoption of the Core Strategy was circa 28,000 homes between 2011/12 and 2025/26.

The surrounding area is predominately characterised by residential development. As such, the principle of an element of residential development, subject to material planning considerations. The proposal would assist in the delivery of much needed housing within the Borough and assist in meeting the Councils housing targets as set out in the CS4 and DM08 of the Local Plan (2012) and H01 & H10 of the London Plan (2021).

Housing matters, including dwelling mix; affordable housing; and quality of accommodation are discussed in further section within this report.

Design- Impact on the Character of the Area

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6,D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high- quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The Councils adopted Supplementary Planning Documents Residential Design Guidance SPD (2016) specifically sets out requirements for roof top extension and dormer windows

and information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority sets out.

Height

The existing property onsite was originally a pair of two storey semi-detached houses extended over a number of years including the creation of a semi basement, rooms within the roof (via the addition of dormers to the front and rear roof slopes) and a two-storey flat roofed side extension. The surrounding area is predominantly characterised by 2 to 4 storeys residential buildings, including single family dwellings and flatted developments.

Although the neighbouring houses are two stories in height, the proposed height would be four storeys in height (2 storey plus roof)and would follow the same height as the tallest element of the previously approved development onsite. The proposal matches the roof ridge height of the neighbouring property at no 959 Finchley Road. Moreover, the proposed front elevation would not be highly visible from the streetscene and therefore sits comfortably within its plot, justifiable on townscape terms. Overall, the proposed height of the building is in keeping with the existing and emerging character of the local area.

Bulk, massing and appearance

The proposal is contemporary in appearance, shape, and materiality, including a glazed feature on the front elevation and the glazed roofing reducing the perception of bulk and massing, whilst also adding visual interest to the street scene. The front elevation reads as two separate buildings, separated by a full height glazing element located centrally on this elevation. This feature provides natural light and ventilation to internal circulation areas including the lobby area; corridors and hallway areas. In addition, this feature serves to reduce the overall length and bulk of the development. Moreover, the proposed setback to the main building lines at the front elevation serves to reduce the overall massing. Moreover, the proposed fenestration pattern provides symmetry and continuity across all elevations.

The proposal includes 9 x no dormer windows (four on the rear elevation; and five across the side elevations). All dormer windows are of appropriate size and well positioned to the centre of the roofslope. This provides a degree of uniformity and continuity to the form. Moreover, the 10 x Velux rooflights proposed (five to the front elevation; and five across the side elevations) are also suitably located to ensure the roof remain a subordinate feature to the development.

All elevations are well articulated with a variety of permeable and durable materials, which include red bricks; timber effect and zinc cladding; aluminium windows; glass balustrades and clay roof tiles. The use of a selection of robust materials would enhance different features and elements on the elevations separately, therefore adding to the overall design quality of the development. The applicant would be required to submit full specifications of all materials to the Local Planning Authority, prior to the commencement of works onsite. This is secured by way of a planning condition.

Overall, the proposal would contribute positively to the streetscene and is respectful of the existing character and appearance of the area.

Impact on Amenity of future occupiers/ Quality of accommodation

Dwelling mix

Policy H10 of the London Plan (2021) and policy DM08 relates to dwelling mix and requires all new residential development to provide a mix of dwelling sizes and types to cater for a range of housing needs in the area. In particular, LBB set a dwelling size mix requirement for new development in the borough with homes of 3 bedroom or more the priority, as there is growing a need and demand for 3 bed plus residential units within the Borough,

In recent years, 2 bed (4 person) units are increasingly considered to provide suitable accommodation for families and indeed, there is growing demand for this form of family accommodation, as evidenced with the Council's Strategic Housing Needs Assessment.

The proposal would make provision for 3 x 1 bed; 12 x 2 bed (of which three of these units are suitable for 4-person occupation) and 5 x 3-bedroom units. As such, the proposal makes provision for 8 x units which are suitable for family occupation. This equates to 42% of the total number of units proposed, which is substantial. The proposed dwelling mix would therefore assist with the delivery of much need family sized accommodation within the Borough, which is in accordance with policy, and welcomed by Officers.

Affordable housing

Policies H4 and H6 of the London Plan (2021); and policy DM10 (Affordable Housing Contributions) outlines that sites providing 10 or more units should have regard to the borough-wide target that 40% of housing provision should be affordable. Policy CS4 (Providing Quality Homes and Housing Choice in Barnet) supplements this through seeking an appropriate mix of affordable housing. It underlines that 60% of affordable housing should be social rented and 40% should be intermediate rent.

A Financial Viability Assessment (FVA) has been prepared by the applicant and is included within the planning application submission. The viability has been assessed using an industry standard methodology which compares the residual land value against the Site value benchmark. The FVA demonstrates the scheme cannot currently support affordable housing on site. Further, the delivery of the proposed 19 x no private units is necessary to generate sufficient funds to enable the delivery of the education facility at the linked neighbouring site.

The applicant's Affordable Housing Viability Assessment has been independently reviewed by a consultant appointed by the LPA, together with the LPA's Development Viability Officer. Following a rigorous assessment to test the viability of the scheme for its deliverability and provision of affordable homes., it was concluded that the proposal cannot deliver onsite affordable housing as to do so would compromise the viability and deliverability of the scheme at this time. Notwithstanding, an offsite affordable Housing contribution (payment in lieu of onsite affordable housing) of £100,000, with early and large stage Viability review mechanism would be secured in a Section 106 Agreement.

An early stage would be undertaken should an agreed level on progress on implementation is not made within two years of the permission being granted or agreed by the Local Planning Authority in writing. A late review would be required on disposal of 75% of the units onsite. These mechanisms enable the Council to revisit the viability of the scheme, which could potentially secure a financial contribution towards offsite affordable housing should viability improve at the early and late review stages. The basis for the reviews would reflect the current output of the agreed Financial modelled between the applicant and the Council.

Room size standards and layouts

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

Housing standards are set out in the Nationally Described Space Standards (NDSS), policy D6 of the London Plan (2021); and London Housing SPG and Barnet's Sustainable Design and Construction SPD.

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide.
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The development would deliver a high standard of residential accommodation for future occupiers. All proposed units are dual aspect and benefit from a minimum of 2.5m internal ceiling heights. The proposed west facing dormer windows (4 x bedroom windows in total) at roof level would be obscured and fixed shut at all times to prevent overlooking to rear of properties on Hoop Lane directly facing the development. Notwithstanding, these are secondary windows provide additional natural light to these rooms. Future occupier would enjoy good north or south facing outlook from the primary clear glazed windows within these respective bedrooms. All units would receive good outlook and would not experience undue overlooking or loss of privacy from nearby properties.

The applicant has undertaken a Daylight and Sunlight Assessment, which demonstrate that all the proposed habitable rooms within the scheme would achieve daylight and sunlight levels in accordance with BRE Guidance, and in accordance with policy.

Further, all units proposed meet or exceed minimum room standards, as detailed below:

2bed (3 person)	Policy Requirement 61m ²	Proposed 67m ²
3bed (5 person)	Policy Requirement 86m ²	Proposed 90m ²
1bed (2 person)	Policy Requirement 50m ²	Proposed 59m ²
3 bed (4 person)	Policy Requirement 74m ²	Proposed 85m ²
2bed (3 person)	Policy Requirement 61m ²	Proposed 63m ²
2 bed(3 person)	Policy Requirement 61m ²	Proposed 67m ²
3bed (5 person)	Policy Requirement 86m ²	Proposed 90m ²
1bed (2 person)	Policy Requirement 50m ²	Proposed 59m ²
2bed (4 person)	Policy Requirement 70m ²	Proposed 85m ²
2bed (3 person)	Policy Requirement 61m ²	Proposed 68m ²
2bed (3 person)	Policy Requirement 61m ²	Proposed 67m ²
3bed (5 person)	Policy Requirement 86m ²	Proposed 90m ²
1 bed (2 person)	Policy Requirement 50m ²	Proposed 59m ²
2 bed (4 person)	Policy Requirement 70m ²	Proposed 85m ²
2 bed (3 person)	Policy Requirement 61m ²	Proposed 68m ²
2 bed (3 person)	Policy Requirement 61m ²	Proposed 67m ²
3 bed (6 person)	Policy Requirement 95m ²	Proposed 96m ²
2 bed (4 person)	Policy Requirement 70m ²	Proposed 84m ²
2 bed (3 person)	Policy Requirement 61m ²	Proposed 62m ²

The internal layouts of the proposed flats and communal circulation areas allow for sufficient passages / width and door thresholds to meet the requirements of Part M4: 10% of the dwellings meet Part M4(3) of the Building Regulations and the remaining 90% of units meet Part M4(2) of the Building Regulations. A passenger lift is included as part of the design, and access to the building is step-free from the pavement.

Private amenity space

The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of a 5 sqm (minimum) of amenity space for each habitable room for flats. The Council's adopted Supplementary Planning Document entitled Residential Design Guidance requires the provision of a 5 sqm (minimum) of amenity space for each habitable room for flats.

The adopted policy and proposed provision for private amenity space is as follows:

2bed (3 person)	Policy Requirement 20sqm	Proposed 70sqm
3bed (5 person)	Policy Requirement 25sqm	Proposed 125sqm
1bed (2 person)	Policy Requirement 15sqm	Proposed 95sqm
3bed (4 person)	Policy Requirement 25sqm	Proposed 77sqm
2bed (3 person)	Policy Requirement 20sqm	Proposed 65sqm
2 bed(3 person)	Policy Requirement 20sqm	Proposed 0sqm
3bed (5 person)	Policy Requirement 25sqm	Proposed 0sqm
1bed (2 person)	Policy Requirement 15sqm	Proposed 0sqm
2bed (4 person)	Policy Requirement 20sqm	Proposed 0sqm
2bed (3 person)	Policy Requirement 20sqm	Proposed 0sqm
2bed (3 person)	Policy Requirement 20sqm	Proposed 0sqm
3bed (5 person)	Policy Requirement 25sqm	Proposed 0sqm
1bed (2 person)	Policy Requirement 15sqm	Proposed 0sqm
2bed (4 person)	Policy Requirement 20sqm	Proposed 0sqm
2bed (3 person)	Policy Requirement 15sqm	Proposed 5sqm
3bed (6 person)	Policy Requirement 25sqm	Proposed 0sqm
2bed (4 person)	Policy Requirement 25sqm	Proposed 0sqm
2bed (3 person)	Policy Requirement 15sqm	Proposed 5sqm

The total policy requirement of private amenity space across the development would be 360sqm, and the total amount of private amenity space across the development amounts to 442sqm.

Whilst the majority of the proposed units do not have access to private amenity area, the proposal provides large private amenity areas to ground floor units which greatly exceed minimum requirements. The proposed under provision of private amenity space is offset by 300sqm of communal amenity space at ground level and 20sqm designated child play area. The communal area is well located on the site, and it should provide good quality amenity space, and would not suffer from unnecessary shadowing, and thereby would be genuinely usable space.

A scheme of hard and soft landscaping would be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development. This would be secured by way of a planning condition.

Impact on Amenity of neighbouring occupiers

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

Policy D6 of the London Plan "Housing Quality and Standards" states that "d". The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding heating minimising, overshadowing and maximising the usability of outside amenity space.

Daylight Assessment

The BRE Guidance's state that the main rooms should be tested, this would include living rooms, dining rooms, kitchens and bedrooms.

Vertical Sky Component (VSC)

The VSC calculation is the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. The standard CIE Overcast Sky is used, and the ratio is expressed as a percentage. For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidance suggests that a minimum VSC value of 27% should be achieved. When assessing the impact of a new development on an existing building the BRE Guidelines sets out the following requirements:

If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable. This means that a reduction in the VSC value of up to 20% its former value would be acceptable and thus the impact would be considered negligible.

No Sky Line

The NSL, or sometimes referred to as No Sky View method, describes the distribution of daylight within rooms by calculating the area of the "working plane", which can receive a direct view of the sky. When assessing the potential impacts in the daylight available to the neighbouring properties, the BRE Guidance states that if the area within a room receiving direct skylight is reduced by less than 0.8 following the construction of a new development, the impact will be noticeable to the occupants. This is also true if the NSL encroaches onto key areas like kitchen sinks and workshops.

Sunlight (Annual Probable Sunlight Hours)

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. The BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed. Annual Probable Sun Hours (APSH) represents the sunlight that a given window may expect over a year period. APSH is expressed as the percentage of direct sunlight hours divided by number of hours when sky was clear with sun.

Impact on neighbouring properties

The applicant submitted a Daylight and Sunlight report, which assess the impact the proposed would have on the nearby properties located on no Finchley road, to the north and south of the site; to properties on the opposite side of the road to the east on Finchley road, and properties to the west on Hoop Lane.

The windows with aspect to, and closest distance to the development are:

- Existing windows located at the side of 959 Finchley Road, facing the proposed development.
- Existing Windows located on at the rear of 959 Finchley Road, facing their back garden.

Due to the location of the building (having a significant garden area around it and thus nearby buildings being a bit far, (as well as the orientation), very few buildings and windows are going to be impacted in terms of daylight. The existing windows side to no 959 Finchley Road, facing the proposed Development, and the existing rear windows to no 959 Finchley Road, facing their back garden, would continue to receive daylight levels in accordance with standards set out within the BRE Guidance.

All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

Impact on properties the opposite side of the road on Finchley Road (to the east of the site) and properties and rear gardens at Hoop Lane (to the west of the site)

BRE Guidance stipulates that:

- If any part of a new building or, measured in a vertical section perpendicular to a main window wall of an existing neighbouring building, from the centre of the lowest window, subtends an angle of more than 25 degree to the horizontal, then it is unlikely to have a substantial effect on the existing enjoyed by the existing building.

-If a living room of neighbouring property has a main window facing within 90° of due south, and any part of a new development subtends an angle of less than 25 degree, the neighbouring would continue to receive acceptable. sunlight.

As per the recommendations of the BRE Guidance, the 25-degree line was tested for nearby windows that were located within distance to determine whether the proposed development lies below this 25-degree line. The applicant's assessment concludes that "the properties located on the opposite side of the road on Finchley Road are far enough so that a 25-degree plane from the middle of the ground floor windows is above the proposed development. In other words, the proposed development is entirely below the 25-degree line and hence for all these windows it is unlikely that there would be a harmful impact on existing windows on these properties, as suggested by the BRE guide". Further, the assessment concludes that properties texted at 40-42 Hoop Lane (to the west of the site) also meets this set.

Privacy

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

There are no clear glazed window proposed within 21 metres of neighbouring habitable room windows or within 10.5 metres of neighbouring gardens to ensure the proposal would not result in loss of privacy to these properties. As such, the proposal would not result in undue overlooking to neighbouring habitable room windows or residential amenity space as there would be no direct intervisibility between habitable rooms.

The proposed west facing windows on the upper floors with aspect to neighbouring properties on Hoop Lane are secondary windows to habitable rooms and/or bathrooms and would be obscured and fixed shut to ensure to prevent overlooking to rear gardens on Hoop Lane.

Impact on local highway

The road fronting the application site is Finchley Road (A598), a major north-south route through the borough. This section of Finchley Road is mainly residential in nature and the site is in a CPZ that operates (Mon - Fri, 11am - midday). There are single yellow lines which operate between Mon-Fri, 4pm-7pm in front of the site and on the opposite of the road, the restrictions are in force from 7am-10am. The site lies within an area with a PTAL rating of 6a (excellent) on a scale of 1 to 6, where 1 denotes poor, and 6 denotes excellent accessibility to public transport. There are 13 bus routes which can be accessed from stops within 8 minutes walking distance of the site and the closest bus stop served by routes 13, 103, 460 is directly in front of the site. Golders Green tube station is within 8 minutes walking distance of the site.

Car parking

London Plan (car parking standards for residential developments).

Policy T6.1 of the London Plan (2021) sets out the following car parking provision requirement for residential units. No onsite car parking is required to site location within PTAL 5-6.

Policy DM17 of the London states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms).
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

Based on Policy T6 of the London Plan (2021), the proposal is not required to make provision for onsite car parking spaces. Based on policy DM 17 of the Local Plan (2021), the proposal would generate a car parking requirement for approximately 16 car parking spaces.

The proposal makes provision for 3 x no car parking spaces onsite, including one disabled car park space. Up to 13 vehicles could be displaced on-street. The applicant submitted a Car Parking survey to determine whether there would be sufficient on street car parking spaces within a 200metre radius of the site to accommodate for additional overspill of off street car parking spaces. The results showed that there were 41 vehicles parked, and 44 spaces were available within a 200 metres distance of the site, which is accepted by the Local Highway Authority.

Although Officers are satisfied the applicants Parking Survey demonstrates sufficient availability for on street parking spaces within 200 metres of the site, the Local Highways Authority recommends an obligation within a Section 106 to restrict future occupiers from applying for car parking so not to disadvantage or prejudice existing permit holders, and to encourage sustainable and active modes of travel for future occupiers. Notwithstanding, the Local Highways Authority also advise that imposing such restriction, cannot be insisted upon, and the applicant is unwilling to enter into a "Car free" Agreement, as there is no legal requirement for them to do so. As such, a reason for refusal on this ground could not be sustained.

The following would be secured by way of planning conditions:

- A revised parking layout plan showing the location/dimension of the existing crossover and any modifications proposed, including reinstatement of any redundant crossovers to footway, shall be submitted to and approved in writing by the Local Planning Authority. This is 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.

Cycle storage

Secure cycle parking would be required for any additional units onsite in accordance with the following standards set out in policy 6.3 (Cycling) of the London Plan (2016):

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

In accordance with policy, the development requires a minimum of 37 long stay and 2 short stay cycle spaces. The proposal makes provision for 36 x no long stay and 4 short stay cycle spaces which is considered acceptable. Out of the total number of cycle spaces required, 5% should be designed to accommodate larger bicycles. Long-stay cycle parking needs to be provided in a covered, sheltered, secure, lockable, and enclosed environment while short stay cycle parking needs to be in a covered, secure, and lockable environment. The type of stands used must allow both wheels and the frame of the bicycle to be locked and retained thereafter. . Further details of cycle parking are therefore required, which would be secured by way of a planning condition, in accordance with policy T5 of the London Plan (2021). This would be secure by way of a planning condition ensure that adequate and satisfactory provision is made for the parking of bicycles onsite in the interests of highway safety and to promote sustainable modes of transport.

Servicing arrangements

Policies S1 8 of the London Plan (2021) and CS 14 of the Core Strategy (2012) seek to ensure that adequate waste and recycling provision is made for all developments in secure; and accessible locations for days of collection.

The proposal provides the location of the refuse and recycling storage area, to be located at ground floor level. The applicant is advised that bin storage location must be within the 10m drag distance from the proposed refuse and recycling storage area. Notwithstanding the details submitted with the application and otherwise hereby approved, the applicant would be required to submit details of A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider. This would include plans showing satisfactory points of collection for refuse and recycling. This would be secured by way of a planning condition to ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities within the vicinity of the site.

Energy and Sustainability

Policies SI 16 of the London Plan (2021) and policy CS13 of the Barnet Core Strategy (2012) requires residential developments with water saving and other measures to encourage the efficient use of water. Policies SI 1 and SI 2 of the London Plan (2021); policies DM01 & DM02 of the Development Management Document (2012) seeks to achieve specific levels of improvement in carbon dioxide emissions when compared the minimum Target Emission Rate requirements of the 2010 Building Regulations.

In terms of water consumption, it is proposed that all residential units will obtain 100% of their water supply through water metres. Notwithstanding, a condition would be attached to a planning permission to require each unit to receive water through a water meter and be constructed with water saving and efficiency measures to encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy SI 16 of the London Plan (2021).

The applicant's Energy and Sustainability Assessment outlines the development's approach to energy efficiency, energy use and carbon reduction. The approach taken aligns with that of the London Plan (2016 and GLA Guidance 2020) and Barnet's Local Plan. The site achieves an CO2 emissions reduction beyond Part L of Building Regulations of 63.1%, exceeding the London Plan's target of 35% improvement. The London Plan target for the Be Lean (energy efficiency) aspect, for non-dwellings, is 15%. LBB Energy Officer has reviewed the Energy and Sustainability Strategy and confirm that appropriate measures to maximise energy efficiency have been applied. The development has energy efficiency in its design and has provided details of energy efficiency values that go beyond Part L requirements, The proposed design is predicted to meet the BREEAM 'Very Good' requirement.

The required Zero-carbon emissions target can also be achieved through a cash in lieu contribution of £73, 216.50 to the borough's carbon offset fund. This would be secured in a Section 106 Agreement.

Overheating Assessment

The proposed does provide a good standard of accommodate for all 11 x no residential units proposed, which is supported by Officers and discussed within the report. Notwithstanding, the applicant would be required to undertake a Summertime Overheating Assessment to determine whether the proposed development would minimise the risk of the dwellings

overheating in extreme heat conditions, through design, layout, orientation, and materials proposed, in accordance with Building Regulation Requirements.

The report would assess the likely impacts of overheating within the development and propose mitigation measures to minimise risk. For example, mitigation measures can include the installation of external mechanical ventilation; inclusion of external shading to bedrooms to alleviate potential for overheating bedrooms at night in extreme heat conditions; the installation of external solar shading to upper floor balconies and terraces to create a more usable areas during extreme heat conditions, whilst also providing better thermal comfort within the dwellings. The Overheating Assessment would be secured by way of a planning condition to ensure the development would minimise the risk of overheating to internal space with all dwellings in accordance with policies CS5, CS12 and CS13 of the Local Plan Core Strategy (2012); DM01 and DM03 of the Development Management Document (2012); Sustainable Design and Construction SPD (2016); and Policies D3, D6, SI 2, and SI 4 of the London Plan (2021).

5.4 Response to Public Consultation

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

- The proposal would result in the loss of daylight; sunlight and privacy; and result in overshadowing to neighbouring properties.

(Officer comment: The applicant has undertaken a Daylight and Sunlight Report to assess the impacts the proposal surrounding residential properties as discussed within the report. In line with the assessment criteria prescribed by the BRE Guidelines, it has been shown that the reduction in daylighting to the windows and rooms to the majority of the existing neighbouring buildings would be within the acceptable limits set out within the BRE Guidelines. Although a small number of windows to habitable would experience a potential "reduction", the mitigating circumstances have been explored in each case. Given the site constraints and the urban context of the site, a reason for refusal based on the loss of daylight and sunlight to neighbouring properties could not be sustained).

The proposal would not result in overlooking or loss of privacy as discussed within the report).

- The scale of development is excessive.

(Officer comment: The proposed development follows the height of the previously approved development onsite in 2009 and 2012. Further, within the wider local area, there are examples of four storey developments. The proposed front elevation would not be highly visible from the streetscene. The proposed scale and contemporary design approach to the site would not be out of character with the immediate area generally. The scale of development sits comfortably within this plot of land).

- Overdevelopment and over intensification of the site.

(Officer comment: It is considered that the proposed density is suitable for this site, and the overall design ensures that the proposal would not present any symptoms associated with overdevelopment of the site, such as sub-standard accommodation, inadequate daylight, sunlight levels, poor outlook, and privacy to future occupiers and/or loss of amenity to existing residential properties).

- Increase car parking- put pressure on the local highway safety; exacerbate problems associated with congestion.

(Officer comment: LBB Highways team do not consider that the proposal, would unduly exacerbate the existing problems associated with congestion on the local highway. LBB Highways have recommended a list of planning conditions to mitigate against the impact on highway safety as set out with the recommendation section of this report).

- Lack of public benefits or improvement to local communities

(Officer comment: The proposal makes provision for 8 x no units which are suitable for family occupation, which is a benefit to the community, as it would assist with the delivery of much sought after family sized accommodation within the Borough.

Further, the applicant would be required to make appropriate Levy payments towards local social infrastructure such as schools; local sports facilities; and doctors' surgeries to mitigate against the impact it would have on existing facilities, in accordance with Community Infrastructure Levy (CIL) requirements and regulations. The CIL is a planning charge that Local Authorities and the Mayor of London set on new development to help pay for community infrastructure).

- The proposed development would result in undue noise disturbance to existing neighbouring properties.

(Officer comment: With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations. LBB Environmental Health do not object to the proposed development, subject to conditions set out within this report to protect both existing local residents and future occupiers against undue noise pollution).

- Increase Dust and Air Pollution

(Officer comment: The applicant would be required to submit a Demolition, Construction and Logistic Management Plan to be approved in writing by the Local Planning Authority, prior to the commencement of works onsite. This would include details of sustainable and efficient means of suppressing dust, including the adequate containment of stored or accumulated materials so as to prevent it becoming airborne at any time and giving rise to nuisance. Moreover, details of all noise mitigation measures from the operational plant and processors during the demolition and Construction process are required for approval, in the interest of high safety, noise and air quality).

All representations received were fully considered and assessed during the decision-making process, prior to reaching Officers recommendation to approve this planning application, subject to conditions and planning contributions secured in a legal agreement to mitigate against the development.

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 and completion of a legal agreement, the proposed development would have an acceptable impact on the character and appearance of the application site, the streetscene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

Site Location Plan

