

	<h2>FGG Area Planning Committee</h2> <h3>15 March 2019</h3>
<p style="text-align: center;"><b>Title</b></p>	<p><b>Deferral from the Finchley and Golders Green Area Planning Committee: 213 – 215 Golders Green Road, London, NW11 9BY</b></p>
<p style="text-align: center;"><b>Report of</b></p>	<p>Service Director Planning and Building Control</p>
<p style="text-align: center;"><b>Wards</b></p>	<p>Golders Green</p>
<p style="text-align: center;"><b>Status</b></p>	<p>Public</p>
<p style="text-align: center;"><b>Enclosures</b></p>	<p>Appendix A – Report considered by Finchley and Golders Green Area Planning Committee – 213–215 Golders Green Road, London, NW11 9BY</p>
<p style="text-align: center;"><b>Officer Contact Details</b></p>	<p>Josh McLean, Principal Planning Officer  josh.mclean@barnet.gov.uk  020 8359 6039</p>

### Summary

At a previous meeting of the Finchley and Golders Green Area Planning Committee on 8 January 2019, the Area Planning Committee voted to overturn Officer’s recommendation and approve the application subject to conditions.

The FGG Area Planning Committee is therefore requested to consider the proposed conditions and informatives. The conditions listed within the report below have been shared with the applicant.

### Recommendations

- 1. That the Planning Committee consider and approve the application subject to the conditions specified in this report.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 As the Area Planning Committee voted to overturn Officer's recommendation and approve the application, this report contains a list of the conditions and informatives that Officers consider relevant to the application.
- 1.2 The attached report was considered by the Finchley and Golders Green Area Planning Committee on 8 January 2019.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 As set out above, the application was initially recommended for refusal by Officers. However, at the meeting, the committee voted to overturn Officer's recommendation and approve the application subject to conditions.
- 2.2 Officer's consider that appropriate conditions are:

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

GGNRD - L301 (Pre-Existing - Location Plans)  
GGNRD - P301 (Pre-Existing - Ground Floor)  
GGNRD - P302 (Pre-Existing - First Floor)  
GGNRD - P303 (Pre-Existing - Loft Plan)  
GGNRD - P304 (Pre-Existing - Roof Plan)  
GGNRD - E301 (Pre-Existing - Front/ Rear Elevations)  
GGNRD - E302 (Pre-Existing - Side Elevation 1)  
GGNRD - E303 (Pre-Existing - Side Elevation 2)

GGNRD - L201 A (Existing - Location Plans)  
GGNRD - P201 A (Existing - Ground Floor)  
GGNRD - P202 A (Existing - First Floor)  
GGNRD - P203 A (Existing - Second Floor)  
GGNRD - P204 A (Existing - Loft Plan)  
GGNRD - P205 A (Existing - Roof Plan)  
GGNRD - E201 A (Existing - Front and Rear Elevations)  
GGNRD - E202 (Existing - Side Elevation 1)  
GGNRD - E203 A (Existing - Side Elevation 2)

GGNRD - L401 B (Proposed - Location Plans)  
GGNRD - P401 B (Proposed - Ground Floor)  
GGNRD - P402 B (Proposed - First Floor)  
GGNRD - P403 B (Proposed - Second Floor)  
GGNRD - P404 B (Proposed - Loft Plan)  
GGNRD - P405 B (Proposed - Roof Plan)  
GGNRD - E401 B (Proposed - Front and Rear Elevations)  
GGNRD - E402 B (Proposed - Side Elevation 1)  
GGNRD - E403 A (Proposed - Side Elevation 2)  
GGNRD - E404 B (Proposed - Front Street Elevation)  
GGNRD - S401 B (Proposed - Section AA')  
GGNRD - S402 (Proposed - Section BB')

GGNRD - D401 (Proposed - Cycle Storage)

GGNRD - RO401 (Proposed - Rear Outbuilding)

Planning, Design and Access Statement

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

- 2 The development shall be implemented in accordance with the materials stated on the application form and approved drawings. The materials to be used in the external surface of the new outbuilding shall match those used in the front building.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

3. a) Within 12 months of the date of the decision notice, a 'Construction Management and Logistics Plan' relating to the approved outbuilding and basement, shall be submitted to and approved in writing by the Local Planning Authority. The 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 contractor's 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.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety 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 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

4. a) Within 12 months of the date of this decision notice, an Activities Management Plan (AMP) shall be submitted to and approved in writing by the Local Planning Authority. The AMP should include, but not be limited to details of all events held throughout the year, hours of use and capacity and include details of any mitigation measures to be implemented during proposed activities in order to ensure there are no adverse noise impacts on neighbouring properties.

b) The activities on the site shall be carried out in strict accordance with the approved AMP

Reason: In the interests of the amenity of occupiers of neighbouring residential properties.

- 5 a) Within 12 months of the date of this decision notice, details of the insulation installed on the existing building to show how the development has been constructed/adapted so to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the D1 (Synagogue); 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.

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 7.15 of the London Plan 2016

6. a) Within 12 months of the decision notice, details/specification of all extraction and ventilation equipment that has been installed as part of the development, including any technical reports shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

7. a) Within 12 months of the date of the decision notice, details of the soft landscaping to the front forecourt area, including details of size, species,

planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority.

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

c) Any 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 7.21 of the London Plan 2016.

8. a) Within 12 months of the date of this decision notice, details of the means of enclosure, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

9 Within 12 months of the date of this decision notice, the development shall be implemented in full accordance with the refuse details as detailed on drawing no. GGNRD - P401 and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

10 Within 12 months of the date of this decision notice, the parking spaces within the front forecourt shown on Drawing No. GGNRD - P402 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy

DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

11. a) Within 12 months of the date of this decision notice, the cycle parking spaces within the front forecourt as shown on Drawing GGNRD - D401 shall be provided and marked out within the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking of cycles in connection with the approved development.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

12. The premises shall be used for D1 (Synagogue) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

13. The level of noise emitted from the installed ventilation / extraction 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 7.15 of the London Plan 2016.

14. Within 12 months of the date of the decision notice, the rear existing outbuilding shall be fully demolished.

Reason: To safeguard the character and visual amenities of the site and wider area.

15. Within 15 months of the date of this decision notice, alterations to the upper level residential units to reduce the number of units to 7no. units shall be fully carried out in accordance with the approved plans.

Reason: To protect the amenities of future residential occupiers in accordance with Policies DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

## **INFORMATIVE(S):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 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 adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other

charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 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.

- 5 The submitted Construction Method Statement and Logistics Plan shall include as a minimum details of:

- Site hoarding;
- Wheel washing;
- Dust suppression methods and kit to be used;
- Site plan identifying location of site entrance exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable;
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site;
- Confirmation that an asbestos survey has been carried out;
- Detailed vibration monitoring during any demolition or piling with a full methodology submitted to the LA for approval prior to any works commencing in accordance with condition 4.

2.3 The attached conditions and informatives have been shared with the applicant.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 As set out in the substantive report.

### **4. POST DECISION IMPLEMENTATION**

4.1 As set out in the substantive report.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2 As set out in the substantive report.

#### **5.3 Legal and Constitutional References**

5.3.1 The Council's constitution, permits a Chairman of an Area Planning Committee, to refer an application to the main Planning Committee, provided that it is referred before the vote is taken. The Chairman must give reasons for referring the application.

#### **5.4 Risk Management**

5.5 As set out in the substantive report.

#### **5.6 Equalities and Diversity**

5.7 As set out in the substantive report.

#### **5.8 Consultation and Engagement**

5.9 As set out in the substantive report.

**6. BACKGROUND PAPERS**

6.1 None.