

MEETING

PLANNING AND ENVIRONMENT COMMITTEE

DATE AND TIME

THURSDAY 14TH JUNE, 2012

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF PLANNING AND ENVIRONMENT COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice (Chairman),
Vice Chairman: Councillor Maureen Braun (Vice-Chairman)

Councillors

Anita Campbell	Mark Shooter	Andreas Tambourides
Jack Cohen	Agnes Slocombe	Jim Tierney
John Marshall	Stephen Sowerby	

Substitute Members

Alison Cornelius	Lord Palmer	Reuben Thompstone
Claire Farrier	Barry Rawlings	Darrel Yawitch
Sury Khatri	Alan Schneiderman	
Graham Old	Andrew Strongolou	

You are requested to attend the above meeting for which an agenda is attached.

Aysen Giritli – Head of Governance

Governance Services contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

CORPORATE GOVERNANCE DIRECTORATE

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	
2.	Absence of Members	
3.	Declaration of Members' Personal and Prejudicial Interests	
4.	Public Question Time (if any)	
5.	Members' Items - (if any)	
6.	Reports of the Assistant Director of Planning and Development Management	
	Mill Hill Ward	
a)	Former Wyevale Garden Centre, Daws Lane, London, NW7 4SL	1 - 92
	West Finchley Ward	
b)	401-405 Nether Street, London, N3 1QG (Adastra House)	93 - 178
	Woodhouse Ward	
c)	886-902 High Road, London N12 9RN	179 - 300
7.	Revisions to Planning Delegated Powers	301 - 306
8.	Any items that the Chairman decides are urgent	

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LOCATION: Former Wyevale Garden Centre, Daws Lane, London, NW7
4SL
REFERENCE: H/04210/11
WARD: Mill Hill

Received: 12 October 2011
Accepted: 14 October 2011
Expiry: 09 December 2011

AGENDA ITEM 6a

APPLICANT: C/O Etz Chaim Primary School

PROPOSAL: Change of use from current A1 use (Garden Centre) to proposed D1 use (Education). Proposals involve the retention and conversion of the existing building, additional windows on front elevation and modifications to existing facades. Removal of the existing central glass roof and glazed conservatory on the eastern side, followed by single storey extension. Opening up rear of the site to form an open courtyard, play area and soft landscaping. New front boundary treatment, additional planting and security hut, provision of 17 car parking spaces.

RECOMMENDATION I:

That the Applicant and any other person having a requisite interest be invited to enter into a planning obligation ('the New Obligation') supplemental to the existing planning obligation dated 29th March 2012 ('the Existing Obligation'), under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary to secure the following:

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

Special Site-Specific Obligation

Additional Clauses to augment the Existing Obligation in relation to the submission of a Community Access Plan, to provide for :

- Promoting and Publicising the agreed Community Access Plan within 2 months of approval and again within 2 months of occupation
- Procuring the implementation of the Final Community Access Plan approved by the Local Planning Authority
- Requiring surveys to be undertaken to monitor the impact of the Community Access Plan and requiring a review of the Community Access Plan in light of the outcome of that monitoring

RECOMMENDATION II:

That the Acting Assistant Director of Planning and Development Management and Building Control should be given the authority to make further minor amendments to the Existing Obligation under delegated powers as may be deemed necessary.

1. MATERIAL CONSIDERATIONS

Planning permission H/04210/11('the Permission') was granted for the development described above under the heading 'Proposal' on 30th March 2012, following completion of a Section 106 legal agreement dated 29th March 2012 (the Existing Obligation). This document secured contributions towards highway improvements, travel plan monitoring and the submission and implementation of a Community Access Plan (CAP).

The Council's Planning and Environment Committee had previously considered the Proposal on 31st January. The planning report that was considered by the Committee on 31st January is attached as an appendix to this report.

Since the granting of the Permission, the Council has received a letter before claim dated 25th April 2012, in connection with a potential legal challenge to the Council's decision to grant the Permission. One of the potential grounds of challenge raised concerns the 'enforceability' of the Community Access Plan...The current legal agreement contains the following clauses:

"3.7 The owners covenant with the Council that a draft Community Access Plan will be submitted in writing to the Council's Acting Assistant Director of Planning and Building Control (or such other officer as may be advised to the Owners) prior to this covenant taking effect pursuant to the terms of clause 2.7 hereof

3.8 Revise the draft Community Access Plan to incorporate any comments made by the Council within 6 weeks of submission to the Council of the draft Community Access Plan"

The ground of challenge is concerned with the wording of these clauses, and alleges that they require only the submission of a draft Community Access Plan, and do not require either the production of a 'final' Community Access Plan or its implementation.

The Council does not accept the proposition advanced in the letter before claim - namely that the benefits of the Community Access Plan will not be delivered; however in any event the Applicant has indicated it is agreeable to entering into a supplemental planning obligation to remove any doubt in relation to this matter and to render academic any complaints about the alleged inadequacy of the Existing Obligation. Accordingly, it is the view of officers that, in order to put the matter beyond question, the Applicant should be invited to enter into a supplemental planning obligation (the New Obligation) in order to clarify the position.

The Committee's authorisation is therefore sought for the Council to enter into the New Obligation to secure the submission of a 'final' Community Access Plan, as amended to the Council's satisfaction, and to secure its implementation thereafter.

SITE LOCATION PLAN: Wyevale Garden Centre, Daws Lane, London, NW7 4SL

REFERENCE: H/04210/11



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APPENDIX 1

REPORT TO THE PLANNING AND ENVIRONMENT COMMITTEE

31 JANUARY 2012

LOCATION: Former Wyevale Garden Centre, Daws Lane, London, NW7 4SL
REFERENCE: H/04210/11 **Received:** 12 October 2011
Accepted: 14 October 2011
WARD: Mill Hill **Expiry:** 09 December 2011

Final Revisions:

APPLICANT: C/O Etz Chaim Primary School

PROPOSAL: Change of use from current A1 use (Garden Centre) to proposed D1 use (Education). Proposals involve the retention and conversion of the existing building, additional windows on front elevation and modifications to existing facades. Removal of the existing central glass roof and glazed conservatory on the eastern side, followed by single storey extension. Opening up rear of the site to form an open courtyard, play area and soft landscaping. New front boundary treatment, additional planting and security hut, provision of 17 car parking spaces.

SUMMARY

What is the Etz Chaim school proposal?

The proposal involves a change of use of the former Wyevale garden centre in Daws Lane into a single form entry primary school (the Etz Chaim Primary School). The garden centre closed in September 2011. The School has already opened a nursery and reception class on a temporary site at 80 Daws Lane which opened in September last year. The proposal for a permanent school on the former Wyevale site includes the removal of the existing covered glasshouses and structures to the rear of the main building to create an external play space and the conversion of the building to provide school accommodation. Parking would be provided on site for staff and disabled visitors.

It is intended that the school will be available for use by the wider community, principally outside school hours.

What are the material considerations to be taken into account when considering the application?

The report details the relevant policies that should be taken into account and all the responses received to the consultation on the planning application. It assesses the planning considerations under the following broad headings:

- Green Belt issues
- Need for a new school
- Principle of the change of use
- Transport issues
- The Equalities Act 2010 and implications arising from the proposals
- The impact on the amenities of nearby occupiers

- Design and access issues

Some of the main issues raised are summarised below:

Is there a need for a new school in Mill Hill?

The school is one of the first Free Schools to open following government approval last year. It has been set up in response to the local Jewish community need for an orthodox Jewish primary school in Mill Hill. The school's admission policy meets the Free School criteria with up to 50% of the intake based on religious grounds.

There is insufficient capacity in Barnet's primary schools to meet current and projected demand. Sustained additional demand for Reception places in this area of the borough is projected over the next few years. There is also borough-wide pressure for Jewish primary school places.

This proposal will help meet parental preferences and provide much needed school places. The majority of pupils who currently attend the school live within 2km of the site.

What are the implications and impacts for residents from the closure of the Garden Centre last year?

A great number of local residents object to the closure of the garden centre. They say that it was a well used and valuable local facility, particularly for the more elderly or disabled members of the community who were unable to walk far or unable to use public transport to travel elsewhere. For many of them the garden centre provided a useful shop with café and toilet facilities which they could easily access and where they could meet friends and socialise in a peaceful environment. Services run for the elderly or disabled groups visited the garden centre on occasion.

Many respondents claim that if planning permission is granted, the Council will be in breach of the Equalities Act 2010 which requires the Council to pay due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics and foster good relations between different groups when discharging its functions, due to the disproportionate impact on the elderly and disabled.

The Council consulted very widely on this planning application and officers analysed the responses received to see where the objectors and supporters lived and which were the main areas of concern and reasons for support.

This analysis reveals that the vast majority of objectors are from roads local to the site and wider Mill Hill whereas a significant number of supporters (two thirds) live outside the Mill Hill NW7 postcode area.

As part of the consideration of the application, officers have looked at the alternative facilities available for residents in the local area that could provide similar facilities to those previously provided by the garden centre. A significant level of support for the proposals was also received, citing the educational benefits of the new school for children. The report also details the need for additional school places.

As well as considering the impact of the proposals on the local community, the report also considers those factors which weigh in favour of the development.

How will the school impact on traffic in the area?

One of the main considerations is the impact of the new school on traffic in the area and pressure for on-street parking, particularly during school drop off and pick up times. The Council's highway officers have carefully looked at the school submissions – the Transport Statement and current School Travel Plan - as well as the concerns raised by residents about the traffic and parking situation arising from the existing school in its temporary location.

The majority of the pupils at the school live within 2km but the catchment is larger than was envisaged prior to the school opening. The number of parents who say they walk to school with their children is less than was envisaged prior to opening. Officers have undertaken their own surveys of parking in the area, the availability of parking spaces in car parks and on-street, and parking levels associated with other Jewish schools. They conclude that when the school reaches full capacity, there are likely to be approximately 60 trips associated with drop-off and pick-up of the children and that the traffic impact for this proposal, subject to suitable mitigation measures, can be accommodated on the existing highway network.

Is the site a suitable location for a school?

As well as concerns raised about the suitability of the site for a school due to the impacts on traffic, parking and pedestrian safety, concerns have also been raised about whether the use is acceptable on this site in the Green Belt and whether its location near busy traffic routes makes it an appropriate location for school children due to noise and poor air quality.

Change of use of existing buildings in the Green Belt is not inappropriate provided that there is no significant harm, principally to openness. In this case the large structures at the rear of the site closest to the boundary with Mill Hill park are to be removed. Although a security hut is proposed to the front of the site together with railings, overall there is increased openness across the site.

The application is accompanied by noise and air quality reports which highlight potential issues. Any problems can be mitigated through the building's design and management of the future use of the internal and external areas and these measures can be secured by conditions.

How will the amenities of existing residents be protected?

Any impacts on local residents will be through the vehicular activity associated with the drop off and pick up of children but potentially also through any out of hours use. The community (non-school) uses of the site will be set out in the Community Access Plan. Particular care will be needed to ensure that there are adequate controls on the nature of these uses and the hours the building is used to safeguard amenity and these controls will be secured through the proposed planning obligation and conditions.

How will the impacts of the proposal be mitigated?

Impact of the school on local residents:

The traffic impacts arising from the school itself are addressed through the proposed mitigation measures for example, the highway improvements, adoption of a School Travel Plan and associated action plan, which are all to be secured through a legal agreement and planning conditions. Other potential impacts on local residents' amenities can be addressed by the imposition of conditions attached to the permission and within the Community Access Plan.

Impact on children attending the school:

The potential impacts arising from noise and air pollution can be addressed through the mitigation measures put in place through the design of the school and which can be secured by conditions.

Impact on residents from the loss of the garden centre:

Although the garden centre has closed, this site was clearly for many local people a valuable facility. The closure of the garden centre has had an adverse impact particularly on elderly and disabled residents in the area. However an analysis of the alternative facilities available in the area show that, for many people, the facilities provided by the former garden centre can be accessed elsewhere. The site is next to Mill Hill park with its recreational facilities and indoor café. The site is close to Mill Hill town centre with numerous shops and cafes. There is also another garden centre within Mill Hill although this is not as readily accessible to non drivers and does not have the same café facilities.

This summary highlights some of the issues arising from the proposed development and they are considered in detail below within the report.

RECOMMENDATION:

That the planning application is approved, subject to a Section 106 legal agreement

RECOMMENDATION PART I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Highways Improvement (local to the site) £10,000.00**

A contribution towards the installation of school keep clear crossing markings, review of on-street parking on neighbouring roads and implementation of additional waiting restrictions that may include extension of existing Controlled Parking Zone together with making or amending the associated existing Traffic Orders.

- | | | |
|----------|---|------------------|
| 4 | Highways Improvement (local to the site) | £3,000.00 |
| | A contribution towards the implementation of dropped kerbs and alterations to the existing refuge at the junction of Daws Lane/ Wise Lane. | |
| 5 | Special Site-Specific Obligation | £5,000.00 |
| | A contribution towards the monitoring of the School Travel Plan | |
| 6 | Special Site-Specific Obligation | £0.00 |
| | Submission of a Community Access Plan which shall set out how the school will ensure the site is available for community use. The Plan shall include details of the facilities that will be available, pricing policy, hours of use, access by non-school users, management responsibilities, a timetable for implementation of the Plan and include a mechanism for review | |
| 7 | Monitoring of the Agreement | £650.00 |
| | Contribution towards the Council's costs in monitoring the obligations of this planning agreement. | |

RECOMMENDATION PART II:

That the application be referred to the Greater London Authority (Under Article 5 of the Town and Country Planning (Mayor of London) Order 2008) and to the Secretary of State.

RECOMMENDATION PART III:

That upon completion of the agreement and no direction being received to refuse the application and no direction being received that the application is called in for the Secretary of State to determine, the Assistant Director of Planning and Development Management approve the planning application reference: H/04210/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Planning, Design and Access Statement; 282 EX(01)01 rev B; 282 EX(01)02 rev B; 282 EX(02)01 rev A; 282 EX(03)01 rev A; 282 EX(03)02 rev A; 282 EX(04)01 rev A; 282 EX(04)02 rev A; 1052.03; 2050.01; 2052.01; 2053.01; 2054.01; 2056.01, 2057.01, 3571/L02 rev 02, 3571/P01 rev 02, 3571/P02 rev 01

Reason:

For the avoidance of doubt and in the interests of proper planning, in accordance with policies GSD, GBEnv1, GBEnv2, GBEnv4, O1, O2, O3,

O6, D1, D2 of the Barnet UDP 2006 and policies 5.1, 5.2, 7.4, 7.16 of the London Plan 2011 .

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

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 The premises, as shown on the approved plans, shall be used only by the Etz Chaim Mill Hill Jewish Free School and associated community uses as set out in the Community Access Plan and for no other purpose (including any other purpose in Classes D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area, in accordance with policies GBEnv1, GBEnv4, D2, D10, M10, M11, CS4 and CS5 of the Barnet UDP 2006 and policies 3.16, 7.1, 7.2, 7.4 of the London Plan 2011 .

- 4 The use of the premises for the purposes hereby permitted shall only take place between the hours of 7.00am and 9.00pm on weekdays, and, between 9.00am and 7.00pm on Saturdays and Sundays or as agreed in the Community Access Plan.

Reason:

To ensure that the use does not prejudice the amenities of occupiers of neighbouring residential properties, in accordance with policies GBEnv1, GBEnv2, D2, D10, CS4, CS5 of the Barnet UDP 2006 and policies 7.1, 7.4 of the London Plan 2011 .

- 5 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with the details hereby approved which shall be 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 GBEnv1, GBEnv2, GBEnv4, O1, O2, O3, O6, D2, D9, D10, M13 of the Barnet UDP 2006 and policies 6.10, 6.11, 7.3, 7.4 of the London Plan 2011 .

- 6 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied and shall be 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 GBEnv1, GBEnv2, GBEnv4, O1, O2, O3, O6, D2, D9, D10, M13 of the Barnet UDP 2006 and policies 6.11, 7.4 of the London Plan 2011 .

- 7 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties, in accordance with policies GBEnv2, D1, Env12, Env13 of the Barnet UDP 2006 and policies 7.4, 7.15 of the London Plan 2011 .

- 8 Before development hereby permitted is occupied, parking spaces, disabled parking spaces, electric vehicle charging points and cycle parking, shall be provided and marked out within the site in accordance with the plans hereby approved and shall be retained as such and used for the purposes specified thereafter.

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 policies GBEnv2, D1, M11, M12, M13, M14 of the Barnet UDP 2006 and policies 5.1, 5.2, 6.13 of the London Plan 2011 .

- 9 Two months prior to the school opening a School Travel Plan that meets the current Transport for London criteria as detailed in the document 'What a School Travel Plan should contain' shall be submitted to and approved in writing by the Local Planning Authority. The documents shall set out the school's transport policy to incorporate measures to reduce trips to school by the private car and encourage non car modes such as walking, cycling and public transport. Details of the start and finish times for pupils shall also be incorporated in order to minimise conflict on the local highways network. The scheme as submitted shall be approved in writing by the local planning authority and the use shall be carried out in accordance with the School Travel Plan as approved.

The School Travel Plan should include the appointment of a School Travel Plan Champion, measurable targets and a clear action plan for implementing the measures. The School Travel Plan should be reviewed annually in accordance with the targets set out in the Plan.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and M3 of the Barnet UDP 2006.

- 10 The demolition and construction of the development hereby approved shall be carried out in accordance with a method statement and Construction Management Plan, which shall have been submitted to and approved in writing by, the local planning authority at least one month prior to the commencement of the demolition.

Reason: In the interests of highway safety in accordance with policies GBEnv1, GBEnv2, M10, M11, M12 of the Barnet UDP 2006 and policies 6.11, 7.4 of the London Plan 2011 .

- 11 Before the development is commenced, the access points (pedestrian and vehicular) and footways shall be implemented in accordance with the details shown on the approved drawings and shall be retained as such thereafter.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with policies GBEnv2, D1, M10, M11, M12 of the Barnet UDP 2006 and policies 6.11, 7.4 of the London Plan 2011 .

- 12 Before the development commences details of the refuse collection and servicing arrangements shall be submitted to and agreed by the Local Planning Authority and shall be maintained as such thereafter.
- Reason: In the interest of highway safety in accordance with policies GBEnv1, M13 of the Barnet UDP 2006 and policy 6.11 of the London Plan 2011 .
- 13 The development shall be implemented in accordance with the details specified in the Accessibility Statement dated 11 October 2011 and shall be maintained as such thereafter.
- Reason:
To ensure adequate accessibility within the development. , in accordance with policies GBEnv2, D1, CS4, CS5 of the Barnet UDP 2006 and policies 3.1, 3.16, 7.2 of the London Plan 2011 .
- 14 Before the development hereby permitted is brought into use or occupied, the hard and soft landscaping shall be implemented in accordance with the details hereby approved.
- Reason:
To ensure a satisfactory appearance to the development, in accordance with policies GBEnv1, GBEnv2, GBEnv4, O1, O2, O3, O6, D1, D2, D3, D11 of the Barnet UDP 2006 and policies 5.10, 7.2, 7.4, 7.16 of the London Plan 2011 .
- 15 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.
- Reason:
To ensure a satisfactory appearance to the development, in accordance with policies GBEnv1, GBEnv2, GBEnv4, O1, O2, O3, O6, D1, D2, D3, D11 of the Barnet UDP 2006 and policies 5.10, 7.2, 7.4, 7.16 of the London Plan 2011 .
- 16 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 GBEnv1, GBEnv2, GBEnv4, O1, O2, O3, O6, D1, D2, D3, D11 of the Barnet UDP 2006 and policies 5.10, 7.2, 7.4, 7.16 of the London Plan 2011 .

- 17 The non-residential development is required to meet the BREEAM standard of good. Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and in accordance with policies GSD, GBEnv2, D1 of the Barnet UDP 2006 and policies 5.1, 5.2, 5.3, 5.7 of the London Plan 2011 .

- 18 The development shall be built to incorporate the measures set out in the Planning Design and Access Statement and Energy Strategy. Prior to the commencement of development details of the PV Cell system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved and the measures specified shall be maintained as such thereafter.

Reason:

To ensure that the development is sustainable and in accordance with policies GSD, GBEnv2, D1 of the Barnet UDP 2006 and policies 5.2, 5.3, 5.4, 5.7 of the London Plan 2011 .

- 19 No external lighting, floodlighting or other means of external illumination shall be affixed to the external elevations of the buildings, or placed/erected within the site other than those shown on the approved plans without the prior written consent of the local planning authority. Any external lighting, floodlighting or other means of external illumination shall be installed and thereafter retained in full accordance with the approved details.

Reason:

To enable the local planning authority to retain control over these matters in the interests of the amenities of the adjoining properties, in accordance with policies GBEnv1, GBEnv2, GBEnv4, O1, D1, D2, Env6 of the Barnet UDP 2006 and policies 7.4, 7.16 of the London Plan 2011 .

- .
- 20 Notwithstanding the provisions of Part 32, Class A to schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that order) no extensions to the school hereby permitted shall be erected without express planning permission first being obtained.

Reason:

To enable the local planning authority to retain control over these matters in the interests of controlling the intensity of use and safeguarding the green belt and appearance of the locality, in accordance with policies GBEnv1, GBEnv2, GBEnv4, O1, O2, O3, O6, D1, D2 of the Barnet UDP 2006 and policies 7.4, 7.16 of the London Plan 2011 .

- 21 The development hereby permitted shall be carried out in full accordance with the details shown on the approved plans.

Reason:

To ensure the permission is implemented as approved, in accordance with policies GSD, GBEnv1, GBEnv2, GBEnv4, O1, O2, O3, O6, D1, D2 of the Barnet UDP 2006 and policies 5.1, 5.2, 7.4, 7.16 of the London Plan 2011 .

- 22 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced and retained as such thereafter.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of nearby residential properties, in accordance with policies GBEnv2, D1, Env12 of the Barnet UDP 2006 and policies 7.15 of the London Plan 2011 .

- .
- 23 The level of noise emitted from the any site 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 number 57A Daws Lane.

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 that property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties, in accordance with policies GBEnv2, D1, Env12, Env13 of the Barnet UDP 2006 and policy 7.15 of the London Plan 2011 .

- 24 A hazardous building materials survey shall be undertaken prior to the development commencing.
- Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety, in accordance with policy Env14 of the Barnet UDP 2006 and policy 5.21 of the London Plan 2011 .

- 25 Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the end users are protected from the poor air quality in the vicinity, in accordance with policy GBEnv2, D1, Env7 of the Barnet UDP 2006 and policy 7.14 of the London Plan 2011 .

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- 26 The number of pupils attending the primary school and nursery shall not exceed 240.

Reason:

To enable the Local Planning Authority to control the intensity of the use and safeguard the amenities of neighbouring occupiers, in accordance with policies GBEnv1, GBEnv2, D1, D2 of the Barnet UDP 2006 and policy 7.4 of the London Plan 2011 .

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- 27 An Environmental Management Plan as indicated in the Air Quality Impact Assessment dated 15th April 2011, shall be submitted to and approved in

writing by the Local Planning Authority before any on-site work begins. The development shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure the development can be implemented and occupied with adequate regard to environmental and public safety, in accordance with policies Env7, Env13, Env14 of the Barnet UDP 2006 and policies 5.21, 7.14, 7.15 of the London Plan 2011 .

28 Part 1

Before development commences other than for investigative work:

- A desktop study 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 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.-
- 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:-
 1. a risk assessment to be undertaken,
 2. refinement of the Conceptual Model, and
 3. 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.

- 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

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 Env14 of the Barnet UDP 2006 and policy 5.21 of the London Plan 2011 .

29

Before the use hereby approved commences, details of the measures to be implemented by the developer to address the findings of the Noise Survey Report shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before use commences and shall be retained thereafter.

Reason: To safeguard the amenities of future occupiers, in accordance with policies GBEEnv2, D1, Env12, Env13 of the Barnet UDP 2006 and policy 7.15 of the London Plan 2011 .

INFORMATIVE(S):

1

REASONS FOR APPROVAL

The reasons for this grant of planning permission are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in the Mayor's London Plan 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

London Plan (2011): 3.1, 3.16, 3.18, 5.1, 5.2, 5.3, 5.4, 5.7, 5.10, 5.13, 5.17, 5.21, 6.3, 6.9, 6.10, 6.11, 6.13, 7.1, 7.2, 7.3, 7.4, 7.14, 7.15, 7.16, 7.19

Adopted Barnet Unitary Development Plan (2006): GSD, GBEEnv1, GBEEnv2, GBEEnv3, GBEEnv4, GRoadNet, GParking, GCS1, ENV6, ENV7, ENV12, ENV13, ENV14, D1, D2, D3, D4, D5, D9, D10, D11, O1, O2, O3, O6, M3, M5, M10, M11, M12, M13, M14, CS1, CS4, CS5, CS6, TRC19, L8, IMP1, IMP2.

Core Strategy (Submission Version) 2011: CS1, CS5, CS7, CS8, CS9, CS10, CS12.

Development Management Policies (Submission Version) 2011: DM01, DM03, DM04, DM13, DM15, DM16, DM17

ii) The proposal is acceptable for the following reason(s): -

The proposal is considered to be acceptable with regard to development plan policies subject to appropriate planning conditions. It would introduce valuable education accommodation in the borough, having an acceptable impact on the character and appearance of the site, wider locality and its Green Belt location. The proposal would have no significant impact on the amenities of neighbouring occupiers and can be accommodated on this site without significant adverse impact on local roads and the highway network. Having taken all material planning matters into consideration and having paid due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, officers conclude that, the benefits to the wider community of the provision of new educational facilities outweighs the adverse impact on those with protected characteristics.

The proposal is therefore considered to be in accordance with relevant national planning policy guidance, the London Plan, the Adopted Barnet Unitary Development Plan and emerging Local Development Framework.

- 2 The documents supporting this application are:- Planning, Design and Access Statement; Statement of Community Involvement April 2011; School Travel Plan 2011-2012; MLM Transport Statement Rev E; Environmental Noise Survey Report 28 April 2011; Air Quality Assessment dated 15 April 2011; Bat Survey dated May 2011; Arboricultural Assessment Report dated April 2011; Biodiversity Assessment dated April 2011; Mechanical and Electrical Services dated 6 June 2011; Renewable Energy Strategy Report Rev 02 dated 5 August 2011; Accessibility Statement dated 11 October 2100; Schedule of Materials for External Works rev 01 dated 18 August 2011, letter from Friends of Etz Chaim School dated 25th November.
- 3 Details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site. The method statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (excavation, site

preparation and construction) and the provision on site of a storage /delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

4 Any and all works carried out in pursuance of this planning permission will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

5 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;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 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.

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.

6 You are 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 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) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has 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 – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting further away from source of poor air quality.

- 7 For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

MATERIAL CONSIDERATIONS

RELEVANT PLANNING POLICY

1.0. National Planning Policy Guidance/ Statements:

- Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
- Planning Policy Guidance Note 2 (PPG2): Green Belts
- Planning Policy Statement 4: (PPS 4) Planning for Sustainable Economic Growth

- Planning Policy Guidance Note 13 (PPG13): Transport
- Planning Policy Guidance Note 17 (PPG17): Planning for Open Space, Sport and Recreation
- Planning Policy Statement 24 (PPG 24): Planning and Noise
- Planning Policy Guidance Note 25 (PPG25): Development and Flood Risk

1.1. Draft National Planning Policy Framework: July 2011
Two policy areas are particularly relevant to this case:

1.1.1. *Facilitate social interaction and inclusive communities*

Paragraph 125 states: “The planning system can play an important role in facilitating social interaction and creating inclusive communities....Planning policies and decisions, in turn, should aim to design places which promote:

- Opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments which bring together those who work, live and play in the vicinity;
- Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and,
- Accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.”

1.1.2. *Deliver community facilities and local services*

Four criteria are outlined in paragraph 126 as ways in which planning policies and decisions should deliver the facilities and services the community needs. One of these is:

- Safeguard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs

1.1.3. Paragraph 127 goes on to say: “Local authorities should take a proactive, positive and collaborative approach to the development of schools by working with schools promoters to identify and resolve key issues before applications are submitted. In determining planning applications for schools, local planning authorities should:

- Attach very significant weight to the desirability of establishing new schools and to enabling local people to do so
- Seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate; and
- Only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area

1.2. Policy Statement - Planning for Schools Development: August 2011

This policy statement sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning

system. A number of principles should be applied, one of which is that: “There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.”

1.3. The Mayor's London Plan: 2011:

Policies: 3.1 (ensuring equal life chances for all), 3.16 (protection and enhancement of social infrastructure), 3.18 (educational facilities), 5.1 (climate change mitigation), 5.2 (minimising carbon dioxide emissions), 5.3 (sustainable design and construction), 5.4 (retrofitting), 5.7 (renewable energy), 5.10 (urban greening), 5.13 (sustainable drainage), 5.17 (waste capacity), 5.21 (contaminated land), 6.3 (assessing transport capacity), 6.9 (cycling), 6.10 (walking), 6.11 (smooth traffic flow and tackling congestion), 6.13 (parking), 7.1 (building London's neighbourhoods and communities), 7.2 (inclusive environment), 7.3 (designing out crime), 7.4 (local character), 7.14 (air quality), 7.15 (reducing noise and enhancing soundscapes), 7.16 (green belt), 7.19 (biodiversity and access to nature) and 7.21 (trees and woodlands).

The London Plan is generally supportive of proposals for new schools and the text supporting policy 3.18 states (page 108):

“Access to a high quality school education is a fundamental determinant of the future opportunities and life chances of London's children and young people. London's population will continue to be younger than elsewhere in England and Wales and by 2031, its school age population is projected to increase by almost 17 per cent. At the same time, national education policy favours greater diversity in the nature of supply through the Academies Act 2010 and the setting up of the Free Schools, alongside greater devolution of responsibilities from local authorities to schools. Local authorities' strategic role in the new system will be to promote a good supply of strong schools and to encourage the development of Academies and Free Schools. Local authorities will still be required to fulfil their statutory duty to secure sufficient school places within their areas.”

1.5. Relevant Unitary Development Plan Policies:

GSD(sustainable development), GBEnv1 (character), GBEnv2 (design), GBEnv3 (safe environment), GBEnv4 (special area), GRoadNet (road network), GParking (parking), GCS1 (community facilities), ENV6 (light pollution), ENV7 (air pollution), ENV12 (noise generating development), ENV13 (minimising noise disturbance), ENV14 (contaminated land), D1 (design), D2 (character), D3 (spaces), D4 (overdevelopment), D5 (outlook), D9 (designing out crime), D10 (community safety), D11 (landscaping), O1 (green belt), O2 (green belt-new buildings and uses), O3 (extensions to buildings), O6 (re-use of buildings), M3 (travel plans), M5 (pedestrians and cyclists), M10 (reducing traffic impact), M11 (safety of road users), M12 (safety of road network), M13 (safe access), M14 (parking standard), CS1 (community and religious facilities), CS4 (educational facilities), CS5 (shared use), CS6 (new school sites), TRC19 (neighbourhood centres, shopping parades and local shops), L8 (tourist facilities – retention), IMP1 (priorities for planning obligations) and IMP2 (use of planning obligations) .

1.6. Relevant Supplementary Planning Guidance (SPG) and other corporate documents:

- Mayor of London SPG: Sustainable Design and Construction (May 2006)
- Barnet's Sustainable Construction and Design Supplementary Planning Document (SPD) (Approved May 2007)
- Barnet's Three Strands Approach
- A Sustainable Community Strategy for Barnet 2006-2016
- London Borough of Barnet Corporate Plan 2007/08- 2010/11
- Cabinet report 'Investment strategy to meet demand for primary school places' dated 6 September 2010
- Cabinet report 'Proposed phasing of primary school expansions and investment strategy to meet demand for secondary school places' dated 3 November 2011

1.7. Core Strategy (Submission Version) 2011

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and the Development Management Policies DPD.

- 1.7.1. The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.
- 1.7.2. The Council submitted its LDF Core Strategy Submission Stage document in August 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications. The Development Management Policies DPD provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making. The Council submitted its LDF Development Management Policies Submission Stage Document in September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.
- 1.7.3. Of relevance is section 15.7 (Provision for children and young people) of the Core Strategy which states:
"We will continue to identify opportunities to improve the condition of secondary schools in Barnet and to provide sufficient school places.....
Barnet has a uniquely diverse range of schools with high numbers of Church of

England, Catholic and Jewish schools, as well as several single sex and selective secondary schools. Meeting parental choice for particular types of school remains a priority. We welcome approaches from schools within the independent sector that want to join the maintained sector, or from groups wishing to set up a 'Free School', where parental demand is proven and the school provides premises that conform with basic school requirements as set out in relevant guidance from the Department for Education (DfE). "

1.8. Relevant Core Strategy Policies:

Policies: CS1, CS5, CS7, CS8, CS9, CS10, CS12.

Relevant Development Management Policies:

Policies DM01, DM03, DM04, DM13, DM15, DM16, DM17

1.9. The Three Strands Approach

In 2005 the Council developed the Three Strands Strategy to protect all that is excellent about Barnet whilst enabling the Council to respond to the needs of the community. The Three Strands approach is based around the three strands of protection, enhancement and consolidated growth. The purpose of the Core Strategy is to guide the growth identified in the borough to ensure that the qualities that make Barnet an attractive place to live are maintained and enhanced.

1.10. RELEVANT PLANNING HISTORY

W02809B – Change of Use from Swimming-pool to leisure centre – Approved 23/2/81

W02809C – Erection of two covered training swimming pools – Approved 23/2/81

W02809D – Adaptation of existing buildings and new building for leisure centre, incorporating multi purpose hall, gymnasium, beauty salon, sauna, Jacuzzi, bar and restaurant – Approved 21/3/85

W02809E – New Garden centre with ancillary buildings for the sale of plants and associated products, access and car parking – Approved 4/2/1987

W02809H – New trellis fencing along Daws Lane car park – Approved 10/2/88

W02809M – New glass house over existing open sales area – Approved 12/3/91

W02809P – Variation of condition 8 of planning permission W02809E to extend restaurant hours – Approved 16/3/93

W02809R – Use of garden centre for display and sale of aquatic products, antiques and collectables (Variation of condition 11 of permission W02809E) – Approved 23/3/94

W02809T – Erection of glass house over existing open sales and display area – renewal of planning permission W02809M approved 18th March 1991 – Approved 19/3/96

W02809U/01 – Renewal of planning permission W02809T approved March 1996 for the erection of a glass house over the existing open area sales display- Approved 2/4/01.

W028029V/04 – Installation of 5no conservatories to be used as a show site – Approved 22/4/04.

W02809W/04 – Installation of 2no. conservatories to be used as a show site – Approved 2/2/05

W02809X/06 – Renewal of planning permission W02809U/01 dated 2/4/01 for the erection of a glass house over the existing open sales display, dated area – Approved 3/4/06

H/01226/11 – 80 Daws Lane – Temporary change of use of part of ground floor to Class D1 (Education) – Approved 11/5/11 for a temporary period expiring 31/7/12

H/01702/11 – Change of use from current A1 use (Garden Centre) to proposed D1 use (Education). Proposals involve the retention and conversion of the existing building, additional windows on front elevation and modifications to existing facades. Removal of the existing central glass roof and glazed conservatory on the eastern side, followed by single storey extension. Opening up rear of site to form an open courtyard, play area and soft landscaping. New front boundary treatment, additional planting and security hut, provision of 17 car parking spaces – Approved 2/9/11 (**Copy of officer report, addendum and minutes attached as appendix 1**)

H/04220/11 - Environmental Statement: Screening Opinion (in relation to current planning application) – Environmental statement not required dated 13.12.11

1.11. CONSULTATIONS AND VIEWS EXPRESSED

The planning application was registered on 14/10/11 and letters sent to residents and other occupiers allowing a 5 week period for responses to be received (**Copy at appendix 2**).

Neighbours consulted: Approximately 3800

Number of residents/ occupiers who have submitted representations objecting to the application: Approximately 1550

Number of residents/ occupiers who have submitted representations supporting the application: Approximately 980

Neighbours wishing to speak: 135

Date of site Notice: 20/10/11

The application was advertised on site at two locations at either end of the site on Daws Lane. The application was also advertised in the local press.

1.12. Previous consultation

At the outset of the consultation period officers indicated that, in determining the Application, the Council would have regard to consultation responses generated in respect of the previous application H/01702/11 in respect of which permission was granted that is currently the subject of judicial review proceedings. These 'earlier' consultation responses are discussed later in this report.

1.13. ANALYSIS OF CONSULTATION RESPONSES

For the purposes of analysing the comments made, the number of representations received have been divided into those from four areas. The majority of respondents sent in one of two standard letters (**copies in appendices 3 and 4**) which they had signed and many of those included space for the respondent to indicate their age and whether they considered themselves to have a disability. A large number of individual representations (letters, emails and on-line comments) were also submitted. Some people submitted more than one response and some letters had more than one signatory. This is the reason why the number of representations referred to in the following tables is greater than the number of residents/ occupiers recorded above. The figures referred to are approximate but provide an indication of the nature of the comments made by residents from particular areas.

Objections to current application

Table to show breakdown of representations received by area:

	Streets local to the site	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Total no. of representations received
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No. of representations received	235	1177	206	94	1712
% of total representations received	14%	69%	12%	5%	

- i. streets local to the site: **235 representations received** (largely comprising an area known as 'Poets Corner' (Birkbeck Road, Marion Road, Victoria Road, Albert Road, Byron Road, Shakespeare Road, Milton Road, Tennyson Road and Daws Lane)
- ii. wider NW7 postcode: **1177 representations received** (this included over 100 representations from residents of the Chalet and Marshall Hall Estates in Hammers Lane, which comprises mainly housing for the elderly).
- iii. rest of borough of Barnet: **206 representations received**
- iv. outside Barnet: **94 representations received.**

1.14. Although the figures referred to below are not precise (not all letters included age and disability information pertaining to the respondents), from all the responses received an indication of the number of residents over 65 and the number who consider themselves to have a disability can be obtained. The breakdown from the four geographical areas is as follows:

Table to show breakdown of representations received where respondents indicated that they were over 65 and/ or had a disability or cared for someone with a disability

	Streets local to the site*	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Total no. of representations received
No. of respondents over 65 and / or with a disability**	62	458	79	23	1712
% of responses received from this area	26%	39%	38%	24%	
% of total responses received	4%	27%	5%	1%	37%

- i. streets local to the site: **62** of the respondents indicated they were over 65 and/ or had a disability or cared for someone with a disability (26% of the total from this area)
- ii. wider NW7 postcode: **458** of the respondents indicated they were over 65 and/ or had a disability (39% of the total from this area). A number of these letters were from residents of the Chalet and Marshall Hall Estates in Hammers Lane which is housing catering for the elderly
- iii. rest of borough of Barnet: **79** of the respondents indicated they were over 65 and/ or had a disability (38% of the total from this area)
- iv. outside Barnet: **23** of the respondents indicated they were over 65 and/ or had a disability (24% of the total from this area)

1.15. The issues raised by respondents are summarised below, with approximate numbers of the respondents from each area who raised that particular issue:

Table to show responses on issues receiving greatest number of comments

	Streets local to the site*	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Responses from all areas
	No. of responses <i>(responses as a % of representations from that area)</i>				
a) loss of community facility	195 83%	1138 97%	195 95%	84 89%	1612 94%
b) traffic issues	195 83%	1060 90%	159 77%	70 74%	1484 87%
c) pedestrian safety	161 69%	981 83%	151 73%	66 70%	1359 79%
d) changes to frontage/ green belt	161 69%	985 84%	151 73%	66 70%	1363 80%
e) breach of Equalities Act 2010	151 64%	971 82%	151 73%	10 11%	1283 75%
f) loss of shopping facility	89 38%	359 31%	50 24%	16 17%	514 30%
g) alternative sites	84 36%	346 29%	50 24%	11 12%	491 29%
h) loss of tourist/ economic site	80 34%	327 28%	46 22%	10 11%	463 27%
i) inadequate community use proposals	79 34%	332 28%	48 23%	10 11%	469 27%

j) breach of equal access policies	79 34%	326 28%	47 23%	10 11%	462 27%
k) not responding to local citizens needs	77 33%	332 28%	46 22%	10 11%	465 27%
l) waiving £330,000 entitlement from lease assignment	79 34%	330 28%	46 22%	10 11%	465 27%
m) site unsuitable for any school	91 39%	327 28%	56 27%	10 11%	484 28%

1.16. A summary of all the issues raised is as follows:

a) Loss of valuable community use meeting local needs

Until recently, the site was functioning as a garden centre, a community use. Such a use could easily be reinstated if this application were refused. The specific characteristics of the site enable such unique community uses to thrive, ie the footprint and openness of the site, its location and incorporation of a number of green spaces alongside buildings that may house sizeable groups make this site key for community use. The site catered regularly for large groups of disabled and elderly users and their carers for dedicated activities. High number of former users have no viable alternative to the use of the site. No other site in and around Mill Hill provides any like amenity for daytime use for disabled and elderly users. **(1612 responses in total).**

b) Traffic congestion and inadequacy of travel plan

Concerns relating to increased traffic at peak times compared to the garden centre use and given number of schools in area and existing traffic conditions in Daws Lane. There will be an increase in traffic at peak times_of over 200 vehicles. Contrary to Barnet UDP which identifies the school run as a key factor in contributing to peak hour congestion. Majority of traffic generated by schools within this area travel away from Daws Lane. This invites school traffic into Daws Lane. Transport assessment fails to identify and appropriately address this and other impacts. Proposed entrance and exit to car park is at present unsustainably overcrowded with vehicles and there will be a significant increase in number of vehicles attending the site, Travel Plan not adhered to, young children do not walk to school **(1484 responses in total).**

c) Pedestrian safety

Concerns relating to volume of traffic together with additional children will make area far more dangerous for pedestrians. Introducing crossing patrols or lights will cause further traffic congestion. **(1359 responses in total).**

d) Negative changes to frontage of building and green belt breaches

Concerns over 6 foot high railings along frontage, security measures and

increase in solid ceiling height at rear, detrimental to appearance of area and contrary to green belt regulations. **(1363 responses in total)**.

e) Discriminatory policies and breaching the Equalities Act 2010

Section 149 subsection 5 of the Equalities Act 2010 requires a public authority to exercise its functions with due regard to fostering of good relations between persons who share a relevant protected characteristic and persons who do not share it. Recent court judgements indicate that the elderly and disabled should be given priority. Garden centre site is a primary centre for interaction between the mentally and physically disabled and able-bodied members of the community. Barnet's LDF Statement of Community Involvement states 'We are also committed to making Barnet a place where disabled people can lead fulfilling lives and play a full part in society.' Any rhetoric and statements made by government ministers and CLG statements cannot possibly match legislation enacted by Parliament.

As landowner the Council has a duty to pay due regard (interpreted as giving a 'priority') to those with protected characteristics. This is enhanced by the special and unique circumstances in this location ie surrounded by housing restricted to the elderly and disabled, always had a community asset in this location, focus of support and visitation by large number of mental health charities many of whom receive funding from Barnet Council, is a residential area 'fenced' off from The Broadway and many residents will not and cannot use the underpass because of safety concerns, the Council own the land which has a 103 year restricted lease, purchased originally by the Council and protected by positive covenant for use by community 'for ever' and is protected as green belt land.**(1283 responses in total)**.

f) Diminution of shopping facilities where is no accessible alternative

UDP says isolated shops will not be permitted to change use unless no significant diminution of local shopping facilities and particularly available by public transport. Core Strategy states 'The dominance of small occupiers in Barnet means that there is a strong case to safeguard those sites which would appear to meet local demand.' No alternative to garden centre and aquatics centre that is accessible by public transport for the elderly, disabled or children of the community. **(514 responses in total)**.

g) Alternative sites

Alternative sites are not true alternatives and demonstrate a complete disregard for this significant material planning consideration. Other sites rejected because too far away (10 sites over 7 miles away so clearly not relevant), 7 rejected because 'unavailable (including one which has been a school for 70 years), 2 require renovation (appear arbitrary as construction costs for Wyevale site are over £2.4 million), 4 allegedly 'not value for money'. Unreasonable to make such an uninformed assessment as Wyevale site costs public approx. £5 million. Alternative sites within 2 miles of Daws Lane demonstrate there are no 'exceptional circumstances' requiring use of this site

for a brand new school. Department of Education have failed to indicate why other sites considered were rejected save for two criteria – cost and timeliness. By the end of the project the cost of the site will far exceed the £7 million originally estimated and the site will be unlikely, considering legal challenges, to move ahead for many years. **(491 responses in total)**.

h) Destruction of tourist and economic site

UDP policy requires support, promotion and protection of tourist facilities, the garden centre is defined as a tourist facility. Core Strategy states: ‘to enable communities to become confident and cohesive by providing facilities through which residents can play a part, diversity is valued and local pride is promoted’. This site is central focus of community and permission should only be granted for a facility to enhance and support this site as a daily, accessible focus of community activity. Garden centre was one of company’s most successful sites. **(463 responses in total)**.

i) Inadequacy of the applicant’s proposals as to community use

Proposed community use doesn’t provide a replacement for what is lost. No significant interaction capability for elderly and disabled. Basically what is proposed is a kosher venue for hire on some evenings and weekends. It does not secure any ‘community use’ but supports a potential aspiration. Four of the seven facilities to be made available would only be available when not used by the school. In reality because of security issues any community use likely to be used outside school hours, no independent community use of ‘school vegetable plots’ is envisaged and no certainty that the ‘community café’ will be delivered and even if it were, it cannot replace the facilities lost. Pricing policy would not allow free use of the building independently. **(469 responses in total)**.

j) Breaching equal access policies

The elderly, a growing section of the community, rely on the facility the garden centre provides. Barnet’s Equality Policy, Putting the Community First, states ‘Every resident and service user has equal access to high quality services that meet their needs. We recognise that there are some people who may need support in receiving this entitlement’. The Core Strategy emphasises the importance of ‘integrated community facilities’. It is the Council’s responsibility to not grant planning permission or assign a lease which does not preserve residents’ entitlement to a community focal point that has been there over 80 years. **(462 responses in total)**.

k) Not responding to local citizens and their needs

Local residents must be at centre of planning decision-making as set out in Government directives eg Planning for Schools Consultation Paper and Ministerial statement July 2010. Emphasis on local control reflected in Barnet’s Core Strategy. A school for 220 people cannot match the over 5,500 local

residents who wish to keep a meeting and focal point for the entire community in Daws Lane. Majority of supporters are not impacted by the school as live too far away and demonstrate no previous usage of garden centre previously. The application negatively impacts on the lives of almost 1000 elderly and disabled local residents the entirety of who live within the catchment area of the school as well as another 1000 residents who live in the catchment area. The school benefits only 230 parents. The school supporters have falsified the responses and it is impossible to truly estimate how many people support the school. **(465 responses in total).**

l) The council waiving £330,000 entitlement from the assignment
How can the Council justify to resident taxpayers and Council service users rejection of £330,000 that the Council is entitled to receive for assignment of the lease. **(465 responses in total).**

m) Site unsuitable for a school (484 responses in total).

1.17. The following issues were raised by fewer than 20 respondents:

- n) Area well served by schools**
- o) Don't need a Jewish school**
- p) No need for a new school in this area**
- q) No need for a faith school in Mill Hill, but a community one**
- r) Noise and pollution will affect amenities of residents and park users**
- s) Unsuitable for children because of air pollution**
- t) Negative Impact on Jewish population in the area because of bad feeling generated by the proposal.**
- u) Security measures will make people feel alienated especially due to position next to park**
- v) Not all children live in the catchment area as suggested in previous application**
- w) The school will face a security problem**
- x) Possible future encroachment onto park**
- y) Council supporting only because a Free School**
- z) Planning conditions not appropriate.** Council is freeholder so any planning conditions unenforceable. All matters should therefore be resolved at application stage.
- aa) The applicant has falsified the results of their traffic surveys**

1.18. **Mill Hill Preservation Society raise the following objections:**

- Original loss of the swimming pool was much regretted but garden centre was accepted by residents, and, to some extent, remained as a true communal facility. The restaurant, toilet and wet weather facilities were superior to those provided in the park and were much used by members of special needs groups

- High level of security will be perceived as intimidatory, the school children are likely to use the park facilities accompanied by security guards which will inhibit the local population
- In the long run the school may try to acquire park land and this would be unacceptable
- Does proposed use breach the 1920s covenant?
- Loss of garden centre retail facility would adversely affect the balance of shopping in The Broadway with the loss of the largest retail unit. No other garden centres accessible without a car
- Targets for catchment area and number of children walking to school as set out in Travel Plan have not worked causing congestion in roads of Poets Corner
- Alterations to frontage with high fence and increased security measures will adversely affect the open appearance of the area
- Security hut is a new building intruding into the green belt
- Insufficient green space for pupils to use
- Car spaces proposed have inadequate room for turning
- New structures in open area to rear eg a succah and a bandstand. This suggests use by the wider Jewish community
- This 'free school' is in effect a private faith school and does not provide access for the entire community
- Proposed community uses should be made public and available for scrutiny before any planning permission is granted
- Mill Hill ward has a higher dependency on cars than the rest of Barnet. Misleading to suggest 80% of pupils will walk to school
- Capacity of Daws Lane already reduced by parked cars and there will be an increase in traffic congestion at least three times a day
- If parking becomes too onerous the Council may propose a CPZ which the Preservation Society would oppose
- Danger to pedestrians because of volume of traffic and the additional children
- This school will not keep the green belt open in contravention to PPG2 and therefore needs to show 'special circumstances' which it does not. This application is an expression of the 'preferred' but not necessarily the only site on which the school could be founded

1.19. **Mill Hill Residents Association wishes to make the same objections as to the previous scheme but in addition raises the following objections:**

- Increased traffic at peak times.
- Intrusive nature of railings and tree/ shrub screen would affect open appearance of Daws Lane. Security hut is new build in the Green Belt.
- Due to the constraints proposers have eg security, dietary, Shabbat, it is difficult to see what is offered to people who are not part of the school's own community.

- Proposals seem to be for one section of the community only
- Since garden centre shut residents have lost excellent local café and toilet facilities. We are left with the second rate ones in the park provided by the council. Will they be upgraded?
- School should offer 14 places to children from other faiths in the local community but this is unlikely to happen.
- Council has stated policy to encourage enlargement of schools and for them to make use of adjacent open space. How will the long term protection of the park be safeguarded?
- The proponents have submitted an application breaching critical local planning issues, are foisting an unpopular scheme on the wider local community and offering nothing in return.

1.20. Additional Consultation

In addition to the standard consultation, letters were sent to 22 individual residents and 27 groups and service providers most of whom had been identified by the Mill Hill Action Group previously as having used the garden centre or having being particularly impacted by the loss of the garden centre. This letter sought more information about the use of the garden centre by those particular groups or individuals (**copy at appendix 4**). The groups written to included places of worship, community service providers and management groups for residential developments catering for the elderly. The service user groups included Barnet College, Edgware Community Hospital, Barnet Adult and Children Services and day centres.

1.20.1. Nine replies were received from residents. One lives near Poets Corner, two in the Marshall Estate, Hammers Lane, three elsewhere in Mill Hill, one in Edgware and one in Burnt Oak. Some residents visited a couple or up to five (one resident) times a week, others a number of times a month. Some visited to shop and all mentioned visiting to meet friends, for social interaction and some with a care worker. Some walked and others got the bus.

1.20.2. Twelve replies were received from groups, either submitted proactively or in response to the Council's letter – A Good Neighbour Scheme, Darby and Joan Club, a Rainbow Brownie Guide group, two local primary schools, 'The Willows', an Abbeyfield Home for the elderly in Kingsbury, the 'Henry Nihill House Home with Nursing' in Edgware, the Winterstoke Gardens Freeholders Society, Lawrence Street Allotments and Gardens Association, a worker at SENSE, an organisation for deafblind people, an organiser of a club affiliated to Mencap and Director of Disability Action in Barnet.

- The Good Neighbour Scheme received a number of comments from their clients, mainly single men and women in their '80s and '90s for whom the closure of the centre has greatly reduced their choice of day to day

activities. Some of the clients drove to the garden centre, others got the bus and others walked or were pushed in wheelchairs.

- A particular Darby and Joan Club from Burnt Oak with 25 members visited twice a year.
- 2 local primary schools used the centre and considered it a valuable resource. Children walked to the centre from one school to buy seeds and plants and the staff were open to questions.
- The Rainbow pack used the facility regularly to buy plants and see how things grow, the families of all the girls used the garden centre
- The Friends of 'The Willows' organised monthly trips to venues within 10 miles of Kingsbury and greatly enjoyed this garden centre
- Severely disabled and elderly residents from Henry Nihill House were taken on frequent visits. Had easy wheelchair access.
- Winterstoke Gardens Freeholders Society – specially concerned with withdrawal of community use for the 11 of the residents who are elderly and disabled .
- Lawrence Street Allotments – No longer have a trading hut and many members used Wyevale, it was only 5 minutes away. The Finchley Nursery is not so convenient or well-stocked. Also concerned about ability to assign a long lease to the garden centre, now the school, as Federation of Barnet Allotments is struggling to get a 38 years lease.
- SENSE worker regularly took deafblind people to Wyevale as they could enjoy the touch, feel and smell of the flowers and the café was quieter than the one in the park
- Organiser of local club affiliated to Mencap considers garden centres and cafes a lifeline to mentally and physically disabled people.
- Director of Disability Action in Barnet supports retention of this amenity and states that the access and transfer infrastructure make the garden centre an ideal location for enhancement of clients' quality of life

1.20.3. One reply was received from a service provider for people with autism. The letter stated that they visited the garden centre with users because it was a quiet environment where users could enjoy the sensory aspects of the centre. It was a stop-off point for a drink when walking to and from the park, the café in the park being frequented by young children and babies and hence too noisy. Also had a good disabled toilet and staff were very welcoming. Plants and gardening products were purchased for the garden of the day centre which users tended. They had hoped to look at work opportunity experiences for certain users. Although nothing compares with Wyevale for the sensory/therapeutic/ calming and supportive aspects all a short walk away, the users did visit other local places eg coffee shops in Mill Hill and larger pubs in the area for meals.

1.20.4. A response was received from a manager in Barnet's Adult Social Care and Health Service, confirming that service users of some of Barnet's day centres visit garden centres to purchase plants etc. for gardening projects. The Flower

Lane Autism Service used the Wyevale centre, either travelling on foot or by minibus. The author of the response stated that since there are other gardening facilities in the Borough within easy reach of all the Learning Disability services, she considers that there will not be a major impact on the lives of the people supported.

1.21. Representations of Support to current application

The number of representations received have been divided into those from four areas (it should be noted the number of representations does not correspond to the number of residents replying as some people submitted more than one response):

Table to show breakdown of representations received by area:

	Streets local to the site	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Total no. of representations received
No. of representations received	28	286	266	436	1016
% of total representations received	3%	28%	26%	43%	

- i. streets local to the site: **28 representations received** (largely comprising an area known as 'Poets Corner' (Birkbeck Road, Marion Road, Victoria Road, Albert Road, Byron Road, Shakespeare Road, Milton Road, Tennyson Road and Daws Lane).
- ii. wider NW7 postcode: **286 representations received**
- iii. rest of borough of Barnet: **266 representations received**
- iv. outside Barnet: **436 representations received**

1.22. The reasons for support can be summarised as follows:

Table to show responses on issues receiving greatest number of comments

	Streets local to the site*	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Responses from all areas
	No. of responses <i>(responses as a % of representations from that area)</i>				
a) Educational benefits of a school	8	114	90	149	361
	29%	40%	34%	34%	36%

b) Building use for wider community facility	11 39%	60 21%	37 14%	50 11%	158 16%
c) Garden centre no longer commercially viable	4 14%	32 11%	13 5%	7 2%	56 6%
d) Traffic improvements	4 14%	19 7%	9 3%	6 1%	38 4%
e) Good site for a school	3 11%	49 17%	31 12%	26 6%	109 11%
f) Potential for site to lie dormant or for other less suitable uses	4 14%	12 4%	9 3%	11 3%	36 4%

1.23. A summary of the issues raised is as follows:

- a) **Educational benefits of the school** (361 comments in total)
- b) **Building offers wider community facilities** (158 comments in total)
- c) **Garden centre no longer commercially viable** (56 comments in total)
- d) **Traffic Improvements**
Traffic has improved since the garden centre has closed. Parking is proposed for the school and many children are likely to walk to school (38 comments in total)
- e) **Good site for a school** (109 comments in total)
- f) **Site would otherwise lie dormant or be used for other less suitable uses** (36 comments in total).

1.24. The following comments were made by fewer than 20 respondents:

- g) **Other garden centres nearby**
- h) **Proximity to park**
- i) **Will enhance appearance of existing building**
- j) **Garden centre was a profit-making business only**
- k) **Café requirement met by nearby park café**

1.25. During the course of officers' evaluation of the application, an objector provided to the Council a copy of an email which suggested that some 'representations made in support' of the application may not have been wholly reliable – insofar as it appeared that one of the supporters of the project had undertaken to make submissions in the name of others. Officers took up this matter with one of the applicant's representatives and sought an explanation as to what had occurred. The applicant has now provided email correspondence relating to this issue, so that officers no longer have reason to believe that the representations made in support of the application are anything other than genuine.

- 1.26. A letter of support was received from the Friends of Etz Chaim Jewish Primary School which outlines the arguments behind their support for the school and its current planning application. These arguments can be summarised as follows:
- The school is a major investment into Mill Hill by central government and will employ some 30 staff
 - Will help fill an education gap in Barnet
 - Will be a hub of the community
 - Need for another school in Mill Hill accepted by department for Education and Barnet
 - The school trust who own the lease have resolved not to sell the site but to pursue a planning permission
 - The benefit of a school goes beyond the education of its pupils, it is the root of a great society
 - The selection of the site has gone through stringent Government approved tests. Partnerships for Schools, the Government's school building delivery agents considered 27 potential sites and this was the only one they recommended. The site is well placed to serve its catchment, well served by public transport, adjacent to a very large and recently enhanced public park, next door to a public car park, will include spacious classrooms, communal facilities, should cost less than a new build project and be delivered faster, alternative sites initially looked at failed most tests set by the Government, Barnet and the Trustees
 - Understand certain elements of the wider Mill Hill community were upset to see the garden centre close
- 1.27. In response to the 11 points contained in the standard objection letter the Friends respond as follows:
- a. Traffic congestion:** Concern about the activities of the Action Group in photographing cars – this has been distressing to parent group and children. The School acknowledges the travel plan is to seek to reduce car journeys not eliminate them. It will require continual and ongoing monitoring and refinement. The Friends have filmed the traffic in Daws Lane between 08:50 and 09:05 for a week and submitted a dvd that shows very little, if any, congestion on Daws Lane at that time of day.
 - b. Pedestrian safety:** It is for the Council's Highway department to decide whether it is prudent to provide assistance to pedestrians.
 - c. Impact on the Green Belt:** The railings are not solid and allow views through and to the park and soft landscaping will be provided, most schools have security measures, the school is working with the garden centre at Finchley Nurseries to create a 'Josiah Wedgewood Community Garden' at the rear of the site.
 - d. Destruction of tourist and economic site:** Decision by previous long leaseholder to sell is not a planning matter, site not classified as a tourist attraction, matter in question is a change of use from A1 retail outlet to D1 non-

- residential institution, a larger garden centre is situated less than 1 mile away and has been part of Mill Hill for 86 years, from the negotiations with the garden centre it was clear that this was not a good commercial site.
- e. **Diminution of shopping facilities:** We understand many of the signatories to the petition to save the garden centre were not against a school but attempting to persuade the garden centre to stay open. In the last 12 months no other retailer, garden centre or otherwise has approached the former long leaseholder.
 - f. **Breach of the Equalities Act 2010:** The garden centre was never to our knowledge designated as a community centre or facility. There are 2 other facilities in the area offering garden centre facilities – Homebase at Pentavia Retail Park and Finchley Nurseries on The Ridgeway. Mill Hill Broadway, with excellent transport links, has a wealth of restaurants, cafes, public house, library, social clubs and places of worship, offering numerous alternatives for all elements of the community to meet. The school has offered use of the site to wider community and has offered to discuss this with the Action Group. The School have also contacted over 60 community groups in recent weeks to engage with them and establish the best way the community can benefit from the site including charities, play groups, sports clubs, places of worship and groups catering for the older members of society.
 - g. **Inadequacy of applicant's proposals for community use:** The Garden centre was not run as a form of community facility, it was the Board of the Garden Centre Group who chose to sell the long leasehold lease not the council. The School approaches the site not from a commercial perspective but as a community school wanting to have community activities. Accept can be improvements to the proposed community plans but also conscious that suggestions need to come from the community not just the school. A communal survey is to be launched seeking volunteers and feedback.
 - h. **Breaching Equal Access policies:** Site not previously operated as a community facility, School has offered to discuss development of Community Plan with the Action Group, but the Group have made it clear they do not want such a discussion. There are numerous alternative facilities in the neighbourhood.
 - i. **Not responding to local citizens and their needs:** One of the reasons the Free School movement was set up was to allow local citizens to establish schools to fit their needs. It is not demonstrated that all opponents of previous application who signed petition were opposed to a new school, just the garden centre closing. Benefits of a school go far beyond the pupils, Will employ staff, local businesses and creation of extra school places will free up places in other schools.
 - j. **Council waiving £330,000 entitlement from the assignment:** As a landlord it is up to Barnet to act in what it believes to be its best interests.
 - k. **Alternative sites:** Suitability or not of alternative locations is irrelevant. The planning application is for this site. As stated earlier, the Trustees undertook an extensive exercise to identify sites and this one was considered appropriate.

1.28. **Consultation on amended plans**

An amended Transport Statement and the most up to date Travel Plan that contains the results of an additional parental travel survey that was requested to be completed by officers have been submitted. Additional details of proposed Community Access have also been submitted on behalf of the School.

These have been the subject of additional consultation on December 16th. The period in which to make comments expires on 25th January. At the time of writing this report, 18 respondents raised objections and 2 respondents expressed support. Further responses will be reported in the addendum to this report. Of those respondents who commented on the updated information the following comments were made and these matters are largely addressed in the report:

- The Travel Plan is not accurate
- The school encourages parents not to park in Daws Lane so they are not counted in any surveys
- Other users of the park or parents collecting from other schools can no longer use the Mill Hill park car parks as they are full
- Some families are renting in Poets Corner and will return to permanent homes. This should be accounted for.
- The Travel Plan doesn't include all children and therefore the full catchment area as not all parents responded to the survey.
- Contrary to the Community Access Plan proposals, the school will not be available to all the community
- Much is made of the out of hours use of the school. This will not benefit the elderly who do not go out in the evenings
- The Plan was only put forward to make sure permission was granted but will not happen
- The Travel Plan mentions use of the school by Mill Hill Synagogue. Have the traffic implications of this been considered?

1.29. **Previous application H/01702/11 consultation**

Objections to previous application

In connection with the previous application on the site, application H/01702/11, 2342 residents/occupiers were consulted. More than 2500 representations of objection were received to the application and more than 1700 representations in support.

A petition with 3000 signatories was also received objecting to the application

The majority of the objections were by a standard letter (**copy at appendix 5**) raising a number of concerns about the scheme. The comments can be summarised as follows:

Table to show breakdown of representations received by area:

	Streets local to the site	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Total no. of representations received
No. of representations received	319	1164	769	386	2638
% of total representations received	12%	44%	29%	15%	

- i) streets local to the site: **319 representations received** (largely comprising an area known as 'Poets Corner' (Birkbeck Road, Marion Road, Victoria Road, Albert Road, Byron Road, Shakespeare Road, Milton Road, Tennyson Road and Daws Lane)
- ii) wider NW7 postcode: **1164 representations received**. Approximately 88 of these were from residents of the Chalet and Marshall Hall Estates in Hammers Lane which is housing catering for the elderly.
- iii) rest of borough of Barnet: **769 representations received**
- iv) outside Barnet: **386 representations received**

Table to show responses on issues receiving greatest number of comments

	Streets local to the site*	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Responses from all areas
	No. of responses (responses as a % of representations from that area)				
a) loss of community facility	297 93%	1146 98%	766 100%	381 99%	2590 98%
b) traffic issues	310 97%	1153 99%	762 99%	378 98%	2603 99%
c) Pedestrian safety	286 90%	1131 97%	758 99%	373 97%	2548 97%
d) changes to frontage/ green belt	284 89%	1134 97%	759 99%	374 97%	2551 97%
e) loss of tourist/ economic site	282 88%	1123 96%	758 99%	374 97%	2537 96%
f) loss of local shopping facility	289 91%	1131 97%	759 99%	377 98%	2556 97%

g) breach of Equalities Act 2010	282 88%	1124 97%	758 99%	373 97%	2537 96%
h) reliance of the elderly on the community facility. Barnet must preserve this entitlement	283 89%	1126 97%	759 99%	379 98%	2547 97%
i) Government advice is that local residents must be at centre of decision making	297 93%	1146 98%	766 100%	381 99%	2590 98%
j) waiving £330,000 entitlement from lease assignment	268 84%	1122 96%	709 92%	357 92%	2456 93%
k) not a suitable location for a school	288 90%	1127 97%	760 99%	376 97%	2551 97%

1.30. A summary of all the issues raised is as follows:

a) **loss of valuable community facility**

The garden centre site is a focal point for this community on a daily basis. Any permission should ensure a facility that has wide-scale daily community focus and use. Majority of residents state that a school will not provide this. **(2590 responses in total).**

b) **Traffic issues**

Increase in traffic at peak times. Entrance and exit to car park already overcrowded. Traffic associated with garden centre is irregular during long hours. Do not accept applicant's traffic generation figures. Already one of the worst traffic hot spots. Majority of traffic in area travels away from Daws Lane, this will invite traffic in which is 'unreasonable'. **(2603 responses in total).**

c) **Pedestrian safety**

Volume of traffic and additional children will make area more dangerous for pedestrians, majority being young children. Introduction of crossing patrols etc. will cause further traffic congestion. **(2548 responses in total).**

- d) **Changes to frontage and green belt breaches**
6 foot high railings and other security measures will change street perception of Daws Lane. New solid ceiling height will illegally exceed rear wall and current tarpaulin ceiling by many feet in breach of green belt regulations. **(2551 responses in total).**
- e) **Loss of tourist/ economic site**
UDP states council will 'support', 'promote' and 'protect' tourist facilities. Garden centre is defined as a tourist facility. Core Strategy states 'to enable communities to become confident and cohesive by providing facilities through which residents can play a part, diversity is valued and local pride is promoted.' This site is a central focus for our community and planning permission should only be granted for a facility to enhance this site as a daily, accessible focus of community activity. The site is one of Wyevale's most successful and any change of use should provide a similar 'tourist' or 'economic' attraction. **(2537 responses in total).**
- f) **Loss of local shopping facility**
UDP says isolated shops should not be permitted to change use unless is no significant diminution of local shopping facilities available by public transport. Core Strategy states that 'the dominance of small occupiers in Barnet means that there is a strong case to safeguard those sites which would appear to meet local demand.' Is no alternative to garden centre or aquatics centre accessible for the elderly, disabled or children in community. The petition to save the garden centre is evidence of local demand. **(2556 responses in total).**
- g) **Breach of duty under Equalities Act 2010**
The garden centre site is the primary centre for interaction between the mentally and physically disabled and able-bodied members of the community. Any permission should enhance the site's focus on such social interaction. **(2537 responses in total).**
- h) **Reliance of the elderly on the local facility**
Barnet's Equality Policy states that 'Every resident and service user has equal access to high quality services that meet their needs. We recognise that there are some people who may need support in receiving this entitlement.' Any planning permission or lease assignment must preserve residents' entitlement to a community focal point in Daws Lane for the elderly, the young and the disabled. **(2547 responses in total).**
- i) **Local residents must be at the centre of decision making**
This is set out in government March 2011 Budget and Growth Review, Planning for

Schools Development Consultation Paper and July 2010 Ministerial Statement. Latter states that council's should 'refuse permission for a new school if adverse planning impacts on local area outweigh desirability of establishing a school in that area'. Power and opportunity is to be devolved to community groups, neighbourhoods and individual citizens. Barnet's Core Strategy states that one of the key principles of the Future Shape Programme is 'to develop a new relationship with citizens.' The majority of citizens must have an influence. A school for 200 cannot match the more than 2000 people who wish to keep a meeting and focal point in Mill Hill. **(2590 responses in total).**

j) Waiving £330,000 entitlement from assignment of lease

This money could be used to significantly benefit the entire community. How can the rejection of this be justified to resident taxpayers and Council service users. **(2456 responses in total).**

k) Not a suitable location for a school (2551 responses in total).

1.31. The following issues were raised by fewer than 20 respondents:

- l) There are other more suitable locations for a school**
- m) No need for a new school here**
- n) Loss of part of the park**
- o) Why not expand existing Jewish schools**
- p) Faith schools are a bad idea**
- q) School for a minority group not needed**
- r) Increase in noise and disturbance for residents from school and evening activities**
- s) Will be negative effects on local businesses from loss of garden centre and extra traffic**
- t) Impacts on biodiversity. May be protected species eg bats where mitigation is required**
- u) Health and safety implications for children from location next to a major road**
- v) Security lights will be unacceptable – light pollution will affect local observatory**
- w) Will be pressure for people to hard surface their front gardens for parking which will be detrimental to the area**

1.32. The Action Group, Mill Hill Preservation Society and Mill Hill Residents Association submitted extensive objections to the scheme on a number of issues. As well as the main points raised above their concerns were as follows:

- Traffic accidents highlighting there was an incident resulting in a fatality in Daws Lane

- Impact on the conservation area
- Impact to Biodiversity including bats
- Increase in light pollution
- Application lacks specific detail
- Possible future school expansion and use into the Park
- Legal matters concerning property issues around agreeing the change of use. Breach in the underlying gift of the land to public use in the 1920's
- Garden Centre users will have to travel further away and therefore more reliant on the car
- Lack of greenspace for pupils
- Lack of car parking spaces and dangerous manoeuvring required
- Out of hours disruption out side school hours detrimental to the amenities of neighbouring occupiers
- Local car park will be lost for the community
- Any proposed Controlled Parking restrictions will be objected to
- Proposal would be detrimental to the history of the site

1.33. Support for previous application

Table to show responses on issues receiving greatest number of comments

	Streets local to the site	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Total no. of representations received
No. of representations received	31	366	502	862	1761
% of total representations received	2%	21%	29%	49%	

- streets local to the site: **31 representations received** (largely comprising an area known as 'Poets Corner' (Birkbeck Road, Marion Road, Victoria Road, Albert Road, Byron Road, Shakespeare Road, Milton Road, Tennyson Road and Daws Lane)
- wider NW7 postcode: **366 representations received**
- rest of borough of Barnet: **502 representations received**
- outside Barnet: **862 representations received**

Table to show responses on issues receiving greatest number of comments

	Streets local to the site*	Wider NW7 postcode	Rest of Barnet	Outside Barnet	Responses from all areas

	No. of responses (responses as a % of representations from that area)				
a) general support for proposal	3 10%	72 20%	114 23%	212 25%	401 23%
b) Traffic issues	14 45%	126 34%	199 40%	379 44%	718 41%
c) Proximity to school	14 45%	98 27%	191 38%	373 43%	676 38%
d) scale of proposals appropriate, no loss of light or privacy to neighbours	13 42%	103 28%	210 42%	423 49%	749 43%
e) respects appearance of building and green belt	13 42%	132 36%	204 41%	388 45%	737 42%
f) positive benefits to whole community	19 61%	185 51%	247 49%	486 56%	937 53%
g) need for new primary school in the area	6 19%	131 36%	132 26%	156 18%	425 24%
h) Addresses residents concerns	1 3%	34 9%	19 4%	51 6%	105 6%

1.34. A number of representations were by a standard letter (**copy at appendix 6**). A summary of all the issues raised is as follows:

- a) **General support for proposal to develop a school on this site (401 responses in total).**
- b) **Traffic issues**
Traffic impact is to be managed by the school ie maximum number of children on site, staged start and finish times, before and after school clubs, 17 parking spaces on site. **(718 responses in total).**
- c) **Proximity of children to school**
Vast majority of the children will live within 1 mile of the school and are likely to walk, if the school was not here children would have to be driven elsewhere in the borough **(676 responses in total).**
- d) **Scale and impact of proposals**

The scale of the proposals is appropriate and there will be no loss of light or adverse effects on the privacy of neighbouring residents **(749 responses in total)**.

e) **Appearance/ Green Belt**

Plans respect the appearance of the existing building and its Green Belt setting **(737 responses in total)**.

f) **Positive benefits**

A school is the cornerstone to any community and the school's community use plans will have a significant and positive impact on the area and the whole borough **(937 responses in total)**.

g) **Need for a new primary school in the area (425 responses in total)**.

h) **Addresses residents concerns**

The school proposers have sympathetically addressed the concerns of local residents **(105 responses in total)**.

1.35. The following issues were raised by fewer than 20 respondents:

- i) **A Jewish school will contribute to the community as a whole**
- j) **A school is a better use for the site than a garden centre, a different retailer or the site being left derelict**
- k) **There are alternative garden centres and cafes locally**
- l) **Location of the school near main roads and public transport avoids too much disturbance to local communities**
- m) **Will be good for businesses in the area, bringing in customers and investment**
- n) **Will encourage families to move into the area**
- o) **Proximity to the park is a benefit for the children**
- p) **Saddened by split in the community and anti-Semitic feeling in the area generated by a few objectors**

1.36. **Responses from internal consultees:**

Traffic & Development - No objections subject to conditions. Comments are included in the body of the report.

Environmental Health - No objections subject to conditions. Comments are included in the body of the report

Childrens' Service - Support the proposals for a new one form entry primary school

1.37. Responses from external consultees:

Greater London Authority and Transport for London (GLA and TFL) - The Mayor of London considered the application on 1st December 2011 and issued a Stage 1 response to the Council.

The Mayor considers that the application is broadly acceptable in strategic planning terms but, on balance, does not fully comply with the London Plan and suggests the following information is required:

- **Education and community uses:** Further clarification on the means by which the school will be made available for community use is required.
- **Equalities:** Given the context of this planning application, an assessment of the impact of the proposal in terms of the loss of the existing garden centre as a community resource should be provided to the Mayor as part of the Stage 2 referral.

Further information has been submitted in respect of the potential community use of the site. This and the assessment of the impact of the proposal on former users of the garden centre forms part of the officers assessment of the application included within this report. This will form the basis of the Stage 2 referral to the Mayor.

Secretary of State (SoS) - Has advised that the Council should notify the Secretary for State, if minded to approve the application. Having considered the application the Secretary of State will issue a letter of either non-intervention, allowing the Council to take the decision on the application or call-in, stating that the application will be considered by an Inspector at a public inquiry prior to the Secretary of State determining the application.

Metropolitan Police Crime Prevention Design Advisor - No objection to the application but suggest that the principles of the Design Guide 'Secured by Design Schools 2010' should be considered.

Highways Agency - No objection to the application

1.38. ENVIRONMENTAL IMPACT ASSESSMENT

H/04220/11 - A screening opinion was issued on 13th December 2011.

This considered whether the proposals required Environmental Impact Assessment.

The proposals comprise a development within Schedule 2 of the EIA Regulations by reason of the fact that the development is an urban infrastructure project on a site in excess of 0.5ha in size.

Officers considered that given the nature, characteristics etc of the development, it did not comprise EIA Development accordingly an Environmental Statement is not required.

2. PLANNING APPRAISAL

2.1. Site Description and Surroundings:

- 2.1.1. The application site is the former Wyevale Garden Centre site, located on the south side of Daws Lane, NW7. Daws Lane is a classified road which links Hammers Lane to the east and Watford Way to the west.
- 2.1.2. The site is located within designated Green Belt and adjoins a public car park to the east and the former Civil Defence Building just beyond. Mill Hill Park is situated at the back of the site to the south and the Post office Sorting Depot to the west.
- 2.1.3. The freehold of the site is owned by Barnet Council and it was formerly leased to Wyevale Garden Centre. The lease has recently transferred to the Trustees of the Etz Chaim school.
- 2.1.4. The existing building is an inter-war property originally constructed as a lido for outdoor recreation use, which closed in the 1980's. The building is single storey with a large steeply pitched roof containing six dormer windows sited in the north elevation facing Daws Lane. The building is laid out in a horse-shoe arrangement and has been modified over the years, with for instance the provision of additional covered glazed area and conservatory addition to the rear.
- 2.1.5. The site frontage is open and is largely hard surfaced with a planting strip abutting the footway. The rear of the site was formerly used for plant and product sales and is hard surfaced.

2.2. Proposal:

- 2.2.1. The scheme is essentially the same as the one submitted in planning application H/01702/11. Planning permission was granted in September 2011 but is the subject of judicial review proceedings that are not opposed by the Council. Minor alterations have been incorporated, namely a reduction in the size of the retained and replacement buildings and slight reconfiguring of parts of the internal space although the layout is largely the same.
- 2.2.2. The supporting documents have been updated to incorporate changes made to them during the determination of the previous application and to reflect the current situation now that the school has opened in temporary premises at 80 Daws Lane. The main differences are within the Transport Statement and Travel Plan and reflect the up-to-date school catchment and recent survey of travel mode.
- 2.2.3. The planning application seeks permission for a change of use from A1 (retail) Garden Centre to D1 (Education) to accommodate the Etz Chaim Mill Hill Jewish Free School.

- 2.2.4. The primary school is one of the first Government funded Free Schools in the country and one of the first to open in September 2011. The School currently has nursery and reception classes and is operating from 80 Daws Lane which is subject of a temporary permission, expiring in July 2012.
- 2.2.5. Free Schools are all-ability, state-funded schools, set up in response to parental demand. They are publicly-funded independent schools, free from local authority control. The Etz Chaim Free School has been set up in response to the local Jewish community need for an Orthodox Jewish Primary School in Mill Hill. The schools admission policy is not restricted to only Jewish Children with only 50% of the intake being on religious grounds with the remainder selected on a proximity basis.
- 2.2.6. The proposed change of use of the existing building from a retail use to an education use would provide a 1 form entry Primary School for 236 pupils (7 Classes of 30 pupils and 1 nursery of 26) and employ 20 members of staff.
- 2.2.7. The proposals involve the retention and conversion of the existing main building, with alterations as highlighted below.
- 2.2.8. The proposal would involve the removal of the following elements of the building -
- The central glazed roof and attached poly carbonate canopy (approx 1200 sqm)
 - The glazed canopies and conservatory on the eastern side of the building (approx 290 sqm)
- 2.2.9. The development includes the following additions and alterations:
- A replacement side extension on the eastern side of the site which would be approx 205 sqm (as opposed to 275.8 sqm in the previous scheme) and would accommodate a similar footprint to the existing structure.
 - The provision of 17 car parking spaces of which two would be allocated for disabled use. The car parking spaces would be accessed from the existing vehicular access point from Daws Lane at the western end of the site.
 - A new front boundary treatment along Daws Lane which would consist of 1.8m in high steel palisade railings, across the full width of the site.
 - Planting is proposed in front of the railings on the grass verge area.
 - A proposed new security hut which would have timber elevations and pitched roof sited in front of the railings near the entrance to the car park. It would measure approx, 3m in width, 2m in depth and 3m in height to the top of the roof.
 - Opening up the rear of the site to form an open courtyard and play area with additional soft landscaping.

2.3. Planning Considerations:

The main planning issues and the issues raised in objection and support to both this and the previous application are considered within the following broad topic areas:-

- Green Belt issues
- Need for a new school
- Principle of the change of use
- Transport issues
- The Equalities Act 2010 and implications arising from the proposals
- The impact on the amenities of nearby occupiers
- Design and access issues

3. **Green Belt Issues:**

- 3.1. The application site falls within identified Green Belt land. National Government advice on land within the Green Belt is provided through Planning Policy Guidance Note 2 (PPG2).

Within the guidance it sets out that there are five reasons for including land in the Green Belt. These are:

- To check the unrestricted sprawl of large built-up areas, in this case London;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 3.2. As set out in paragraph 3.4 of PPG2, the construction of new buildings in the Green Belt is inappropriate development unless for specified purposes. Such development is by definition harmful and to be justified there must be very special circumstances to overcome the harm caused.

- 3.3 The proposal is for re-use of the building and advice is given within paragraphs 3.7 and 3.8 of PPG 2, which state that -

"With suitable safeguards, the re-use of buildings should not prejudice the openness of Green belts since the buildings are already there, and;

The re-use of buildings inside a Green Belt is not inappropriate development providing –

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the

openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);

- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out)."

3.4 With regard to visual amenity, paragraph 3.15 of PPG2 states that -

"The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green belt which, although they would not prejudice the purposes of including land in Green belts, might be visually detrimental by reason of their siting, materials or design."

3.5 When considering whether the nature of the proposed use would have materially greater impact in green belt terms than the existing use, officers recognise that the site was open 7 days a week with no control on numbers of employees or customers. The building's previous use involved the sale of plants, garden material and associated products. The proposed school would operate at different times with a concentration of activity during the school day and during school terms. Community use of the school site at other times would be set out in the Community Access Plan. In terms of activity and intensity of use, the proposed school use would be likely to result in less activity, other than at school drop-off and collection times, than the existing use. At weekends activity associated with the site would be likely to be less in comparison to the existing use. Officers consider that, from a green belt policy perspective, the proposed use, in terms of the intensity of use and associated activity would be no more harmful than the lawful use of the site.

3.6 Existing canopies and structures to the rear of the building and on the eastern part of the site would be removed as part of the proposals. The replacement extension on the eastern side of the site, would be within the envelope of the current building and overall there would be a significant reduction in built form and floorspace. The new extension to provide the school hall would equate to approximately 205 sq.m. of floor space (the previous scheme was 275.8 sq.m.) which is significantly less than the area covered by the internal glazed roof and polycarbonate canopy structures which would be removed. These existing structures together cover an area of approximately 1223 sq.m. Smaller glazed canopies and a conservatory would also be removed and there would therefore be a significant reduction in floorspace.

3.7 The proposal also involves the erection of new palisade railings which would be 1.8m in height to the front of the building. Each railing post would be evenly spaced in order to allow for views in and out of the site and would be set back from

the footway by 2.5m. This would allow additional planting on the existing grass verge to soften the appearance of the railings in the streetscene. The provision of railings along the front of the site would provide the proposed school with necessary security measures, as advised by the Community Security Trust. A timber-clad security hut of 5.1 sq.m. would be erected to the front of the railings on the existing grass verge which forms part of the application site. Although there are currently no buildings in this location, the hut would be near to, but behind, an existing bus shelter. The security hut is considered to be of small scale in relation to the main buildings on the site. Although the security hut and railings introduce built form into a currently open part of the site, taking the development overall there is a significant reduction in built form. The security hut itself could be held to be inappropriate development within the Green Belt in accordance with paragraph 3.4 of PPG2 as it is a new building, however in this case the small scale ancillary nature of the hut, together with the reduction in buildings and structures across the site as a whole is considered by officers to amount to increased openness over the site as a whole and officers conclude that this would amount to very special circumstances to justify the provision of the security hut.

- 3.8 The siting of the existing garden centre building prevents views into the park and further Green Belt land beyond. The new railings would be set back from the footway and designed to allow views through, with landscaping to be planted at the front. The provision of the security hut and new railings along the front, whilst having some impact on the streetscene, would not compromise the sense of openness or harm the visual amenities of the Green Belt.
- 3.9 Officers consider that the proposed development would result in a significant reduction in built form ensuring increased openness at the rear of the site. The proposals would be in accordance with the advice in PPG 2 on the re-use of buildings within the Green Belt, would improve the overall openness of the site and would therefore not amount to inappropriate development or conflict with the purposes and functions of land within the Green Belt, The development is considered compliant with Green Belt policy, particularly PPG2 and policies O1, O3 and O6 of the Adopted Barnet Unitary Development Plan.

4 Identifying a Need for a School

- 4.1.1 The planning application has been submitted, following approval from the Department of Education for a Jewish Free School in Mill Hill.
- 4.1.2 It is acknowledged that there is an identified continuing demand for primary school places in the borough. This is set out in Barnet Cabinet meeting and report (dated 6 September 2010) 'Investment Strategy to meet demand for primary school places'. This report concludes that there is an unprecedented demand for primary school places in the borough and between 2004 and 2009 births rose by 18% in the borough. There is insufficient capacity in Barnet's primary schools to meet current and projected demand. The Local Authority has a statutory duty to ensure

that there are sufficient primary school places within close proximity to each child's home. In addition, school sites should be located within areas close to demand.

- 4.1.3 For the purposes of primary school place planning, Barnet is split into six areas. The location of Etz Chaim free school is in the Hale, Mill Hill, Edgware and Totteridge planning area. The latest available pupil projections indicate that there is sustained demand for at least an additional 60 Reception places in this area from 2012 onwards. There is also pressure borough wide for Jewish primary school places. There are currently 411 Jewish Reception places in Barnet and at least an additional 60 children who indicate a preference for a Jewish place but do not take up a place in a maintained Jewish school.
- 4.1.4 Barnet's children benefit from diverse educational provision and the Council recognises the role that Free Schools can play in helping to meet parental preference and providing much needed school places.
- 4.1.5 At the time of the previous application, H/01702/11, there were 793 permanent places in the Hale, Mill Hill, Edgware and Totteridge planning area (**Table 1 in Appendix 7**).
- 4.1.6 The area has been experiencing a significant shortfall in places for the last two years and this shortfall is predicted to continue. Sustained additional demand for Reception places in this planning area is projected for the next five year planning period. Projections are updated yearly to ensure they reflect changes in Barnet's demographics. The most recent 2011 projections at the time of the previous application are shown in **table 2 of Appendix 7**. Classes are usually organised in blocks of 30 pupils, and therefore the additional demand is given in forms of entry (FE). The significant fact is that at least 60 places (or 2 new classes) will be needed for the foreseeable future, with it rising to a possible 90 places in Sep 2015.
- 4.1.7 Birth rates are increasing in the area having a direct effect on the demand for primary school places. **Table 3 in appendix 7** shows the number of children born to mothers in the Hale, Mill Hill, Edgware and Totteridge areas since 2002/03 confirming a sustained rise in number of births.

4.2 Demand for Jewish primary school places

Pupil projections do not indicate whether pupils would only attend or would prefer to attend a religious school. However in the past, pupils applying for a place at an orthodox Jewish school rarely list other non-Jewish state-maintained schools on their application form. For September 2010 Barnet received 480 applications with a first preference for a Jewish school compared to 381 available places (**Tables 4 and 5, Appendix 7**).

- 4.2.1 There are 10 voluntary aided Jewish schools in the borough, which includes the introduction of Edgware Jewish Primary school. In 2011, applications for reception

classes in these schools were 469, compared with the 411 permanent places that were available (**table 6, appendix 7**). An assessment into the expansion of these existing schools was undertaken. This assessment concluded that there was little capacity to increase pupil numbers in these locations.

4.3 Update November 2011

- 4.3.1 Cabinet Report 'Proposed phasing of primary school expansions and investment strategy to meet demand for secondary school places 3 November 2011.
- 4.3.2 This report refers to the latest Greater London Authority projections which show that demand is projected to continue in Barnet rising to a shortfall of 22 forms of entry (660 Reception places) by 2018/19. The projections take into account birth data, migration trends and regeneration and are updated on a yearly basis.
- 4.3.3 They show that Barnet will need approximately 400 additional Reception places for each of September 2012 and 2013, rising to at least 500 in September 2014 and more in the years beyond. These are conservative estimates as they do not factor in any surplus of places, whereas a surplus of 5% is often recommended to allow for parental preference and any under projections.
- 4.3.4 For September 2011, Barnet have provided an additional 330 temporary places across 11 school sites to meet demand. This is in addition to the 60 permanent new Reception places added through the expansion of Colindale (and additional resourced provision for young children with Special Educational Needs), Parkfield and St Catherine's schools in 2009, the 30 Reception places provided through Edgware Jewish Primary school joining the maintained sector in January 2011, and 30 further permanent places provided by the opening of Etz Chaim in September 2011.
- 4.3.5 Barnet is also experiencing an increasing pressure on Year 1 and Year 2 places. Last year, an additional Year 1 class was provided to accommodate children who moved into the borough during the year. The Council is currently experiencing a very high number of children requiring places in Year 1 and Year 2 and is seeking to provide additional temporary places in these year groups within the west of the borough. Pressure is also being felt on special school places and resourced provision for children with Special Educational Needs.
- 4.3.6 The Cabinet report on the 6 September 2010 report recognised that continuing to meet the majority of demand via temporary places was not sustainable; that the Council is fast running out of viable options for temporary additional classes in the areas of highest pressure; and that expanding across a large number of sites for a single 'bulge' year does not represent good value for money. It recognised the need for investment in permanent provision in the areas of highest demand.

- 4.3.7 Based on Greater London Authority projections, sustained demand is projected over the next five years in the following planning areas, in order of demand:
- Colindale, West Hendon, Burnt Oak and Hendon
 - Hale, Mill Hill, Edgware and Totteridge
 - East Barnet, Brunswick Park and Oakleigh
 - Coppetts, West Finchley, Woodhouse, East Finchley and Finchley Church End
 - Childs Hill, Garden Suburb and Golders Green.
- 4.3.8 Edgware Jewish Primary School entered the maintained sector in January 2011, Etz Chaim opened in September 2011 and Broadfields is being permanently expanded by 1FE. For September 2012 (including Etz Chaim) there will be 823 permanent Reception places in the Hale, Mill Hill, Edgware and Totteridge planning area as shown in **table 7, appendix 7**.

4.4 Admissions Criteria

Officers consider that the applicants have made out the need for a school within this location. Although it is proposed that the school be a Jewish faith school, it is important to note that proximity to the school is key to admissions criteria for new intake and anyone can apply regardless of faith.

4.4.1 The applicants state the following -

- If 28 or less children apply, then all of them will be offered a place regardless of faith.
- If more than 28 children apply, after the admission of children with statements of Special Educational Needs where the School is named on the statement, the criteria will be applied as follows -
 - children in public care;
 - admission of up to 50% of pupils on the basis that they can demonstrate through the possession of a relevant and recent Certificate of Religious Practice (CRP) that they are practicing Jews fully engaged with the Jewish community.
 - admission of pupils on the basis of proximity to the Reception.

4.4.2 Should the school be oversubscribed then the 50% policy (14 children) will be selected on the basis of faith with the closest first taking priority and the remaining 50% (14 children) on the basis of proximity to the school (regardless of faith).

4.4.3 Should there be, for example 100 applicants for the 28 places and all applicants hold a CRP certificate then the 28 places will be offered on the basis of proximity to the school.

- 4.4.4 If there are 100 applicants for the 28 places of which 70 hold CRP certificates and 30 do not; the 50% (14) will be offered first from the 70 CRP holders on the basis of proximity (closest first). The remaining 14 places will be offered to the closest 14 applicants of the remaining 86 applicants (i.e. the 56 with CRP and 30 without). The 14 'faith' places will simply be allocated on the basis of distance.
- 4.4.5 For applications in 2012 and after, the applicant states that children with Statements and/or in Care and siblings of children who attend Etz Chaim Jewish Primary School will be prioritised.
- 4.4.6 Concern has been expressed by some local residents that the school will not meet the needs of the community, but only those of the Jewish faith. The admissions criteria for the school are not wholly faith-based however. The school will meet the needs of the Jewish community but can also meet the need of those who do not observe that faith.

4.5 Site Selection Process

The applicants have carried out an assessment of the existing Jewish Primary Schools (Voluntary Aided) to determine whether there is scope for expansion. This assessment concluded that there is little or no scope to develop existing voluntary aided Jewish Primary schools in the borough in order to meet the identified need.

- 4.5.1 The applicants have provided supporting documentation in assessing a number of other potential alternative sites they considered as alternative premises. These are set out below together with officer comments on each site:
- The MIL Building, The Ridgeway, NW7
The applicant states that this former missionary training college would require extensive renovation and would need an extension and access issues were identified as a problem. Potential of the premises is limited due to its size.
(Officer comment - This building is adjacent to the listed Holcombe House and officers agree extensions and alterations would need very careful consideration in light of the listed status, conservation area and green belt location. Access to the site is also constrained and there are existing highways and on-street parking problems in the vicinity. Officers agree that this site is not a realistic option for a school of this size given the constraints of the site).
 - Holcombe House, The Ridgeway, NW7
The applicant states that this is a Grade II listed ten bedroom house, requiring renovations and extensions. Additional reasons why it is unsuitable are its limited size and access issues.
(Officer comment – the site is adjacent to and within the same curtilage as the MIL building above. Officers consider it would not be suitable due to

the constraints of small size, listed building status, green belt location and highway access).

- St Joseph's College, The Ridgeway, NW7
The applicant states that the site is extensive and is a grade II listed building. Its cost and required renovation prevent further investigation.
(Officer comment – there is an extant planning permission for conversion to a residential care home. Alterations would need careful consideration due to the listed status of the building, conservation area and green belt location. Size of the building exceeds requirements for a one-form entry school. Officers agree that this site is not a realistic option).
- Littleberries, The Ridgeway, NW7
Applicant states that the site is too large and expensive.
(Officer comment - There is an extant planning permission for residential conversion and redevelopment which has commenced. Given the site has planning permission for residential development, officers agree this is not a realistic option).
- Mill Hill Golf Club
The applicant has stated that this was not for sale or available within the timescale as the club are seeking to realise the planning permission for a new clubhouse building.
(Officer comment – there is an extant planning permission for a new clubhouse which involves the demolition of the existing building and reversion of that part of the site to open land. The existing and proposed buildings are in the green belt. Officers agree this is not a realistic option).
- Inglis Barracks, Mill Hill East
The applicant states that the site is subject to comprehensive redevelopment and not for sale.
(Officer comment - a new primary school is already planned as part of the redevelopment of this extensive site).
- Edgware Abbey, Hale Lane, HA8
The applicant states that the building is a grade II listed building. The site is constrained by its one way access and egress
(Officer comment – Only part of the abbey building is available- the remainder of the site is to be retained for residential including an existing home for the elderly. Access is constrained and the site would not be suited to a school of this size. Officers agree this is not a realistic option.)
- Bunns Lane site
The applicant states that this is a brownfield site located in between the M1 and mainline railway. Its location in an area of light industrial buildings and

transport routes would be inappropriate for a primary school.

(Officer comment – . Officers agree that the site constraints related to its location do not make this a realistic option).

- Block of Flats, Hale Lane

The applicant states that the site is no longer available

(Officer comment – loss of residential use would be contrary to policy therefore agree is not a realistic option).

The applicant states that a number of alternative sites were suggested by members of the public:

- Mill Hill Synagogue

There is insufficient space to accommodate a new one form entry school.

(Officer comment – agree there is no scope for a school of this size so not a realistic option).

- Copthall site

The applicant states that this site has been referred to as a possible alternative to the current garden centre location. However, the site is located in Green Belt land and does not contain any buildings which are suitable for conversion. The development of new buildings in the Green Belt would be required and therefore in greenbelt terms the application site is more sequentially preferable.

(Officer comment – the proposal would involve new building in the green belt and any proposal would need to be supported by very special circumstances to overcome policy constraints. There is a current planning application for development of the wider Copthall site for sports facilities. Officers agree this is not a realistic option.).

- Holland House School

The applicant states that this is a fee paying school outside the catchment area

(Officer comment – there would be no scope to extend the existing school which is located in a former residential building).

- Woodcroft School

The applicant states that this is an existing functional primary school with limited scope for the proposed use.

(Officer comment – this is an established community school. There is no scope to provide an additional school on the site and officers agree this is not a realistic option).

4.5.2 A number of other sites were also considered but rejected as being of inadequate size and too far away.

4.5.3 The applicant has considered the alternative sites specified above and listed the reasons why they could not be pursued. The applicant contends that the garden

centre site was selected as the preferred option as it was available at a more reasonable cost, is in a central location, easily accessible by public transport and close to local amenities, it has good access and adjoins a public car park and Mill Hill park. It is of adequate size and suitable for conversion to a primary school.

- 4.6 Given that the Council has identified need for additional primary school places in this part of the borough and the Department for Education has accepted the proposal for a Jewish Free School in Mill Hill, officers consider that the principle of a new school is acceptable. Officers consider that the proposal complies with Barnet UDP policy CS4 concerning the development of new educational facilities and emerging Development Management policy DM13.

5 Principle of the Change of Use

5.1 Loss of Garden Centre Use

Planning Policy Statement 1 (PPS1) advises:

"The Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens."

- 5.1.1 The application site has an extensive planning history, having previously been the Mill Hill Swimming Pool. Planning permission was granted in 1987 (ref. W02809E) for the use of the site for a Garden Centre with ancillary buildings for plant sale and associated products. This permission was subject to a condition (11) which restricted the sale of goods to only plant and related non-food material. The reason for this condition was due to the site's location outside a town centre, as an unrestricted A1 use would potentially harm the vitality and viability of the nearby town centre. The garden centre closed in September 2011.
- 5.1.2 The site is not within primary or secondary retail frontage of a town centre or within a local shopping parade identified in the UDP.
- 5.1.3 The Council's Unitary Development Plan (UDP) has no policies which specifically refer to proposals which result in a loss of garden centre use or floorspace. However policy TCR19 seeks to protect neighbourhood centres, free standing shopping parades and isolated shops. Changes of use resulting in loss of A1 will be resisted unless there will be no significant diminution of local shopping facilities, alternative shopping facilities are available, the proposed use is within A2, A3 or A4, A5 or meets an identified local need and there is no known demand for A1 use.
- 5.1.4 However in the opinion of officers this policy is designed to protect local shopping facilities that meet everyday needs. A garden centre does not predominantly sell the type or range of convenience goods expected of a local shopping facility.

Indeed, the introduction of a retail unit on this site selling a greater range of products normally found in a local shopping area would be contrary to established policy, as it would potentially harm the retail viability and vitality of existing parades and town centres.

- 5.1.5 Accordingly, it is the view of officers that the proposal does not materially conflict with the purpose of policy TCR19.
- 5.1.6 The garden centre was regarded by many objectors to the scheme as an important resource for the local area. The objections received state that the building's layout, form, range of goods sold, aquarium and cafe were popular and that the centre was an important community facility. The cafe sold drinks, sandwiches, cakes and similar snacks and had seating for about 20 people.
- 5.1.7 Although the garden centre use in land-use planning terms is not a community facility (falling as it does within class A1 of the Use Classes Order), it is accepted that the garden centre provided a valuable resource to some members of the community. The particular groups affected are identified as the elderly and people with disabilities.
- 5.1.8 Although officers recognise that for large numbers of local residents, the garden centre provided a much-loved local facility, they nevertheless consider that there are other places in the local area that can provide similar functions.
- 5.1.9 In this context, though officers note that it does not have the same café facilities as the former Wyevale centre, there is another garden centre in Mill Hill which sells plants, garden and aquatic products. This is accessible by the 240 bus from Daws Lane although there is a 5 – 10 minute walk from the bus stop and officers recognise the last part of the journey is via a rough roadway without a pavement. Accordingly, officers readily accept that this facility is not as accessible on foot as the Wyevale garden centre. However, this garden centre does have a small café facility with mainly outdoor seating, although there is some limited seating inside.
- 5.1.10 Furthermore, officers note that the Wyevale site is within a 5 minute walk of Mill Hill district town centre which provides a variety of shops, cafes and restaurants that could serve as replacement refreshment facilities for that formerly provided at the Wyevale site.
- 5.1.11 In addition, the Wyevale site is also adjacent to Mill Hill park, one of the borough's premier parks. The park itself has an indoor café with indoor seating for 20 plus and outdoor, partly covered, seating, a childrens' play area as well as sporting facilities. Again, it is recognised that the park does not provide an all-weather facility on the same scale as the former garden centre and that the café may not be as appropriate for certain users as the Wyevale garden centre.

- 5.1.12 However, for many people in the immediate area, similar facilities are available elsewhere locally on foot or by bus to offset the loss of the particular range of goods sold and facilities available at the garden centre.
- 5.1.13 It is recognised that the school can never provide the facilities that the garden centre provided in terms of all day use. However, future community use in line with that provided by many other schools and encouraged by national and local policy is part of the proposal.
- 5.1.14 The garden centre use provided employment for approx 24 members of staff, some of which are on a part time or seasonal employment basis. The proposed school use would employ approx 20 members of staff, representing a similar level of employment.
- 5.1.15 Many of the objection letters have referred to the garden centre as a tourist facility. Policy L8 of the Adopted Barnet Unitary Development Plan seeks to retain tourist facilities. However, the supporting information refers to a tourist as someone who does not normally live or work in the borough but visits for professional or domestic purposes, holidays or recreation. Such facilities include the RAF Museum and other museums within the borough but can include shopping facilities eg Brent Cross shopping centre, sports centres, arts and cultural facilities and areas of open countryside. Officers are of the view that the former garden centre did not constitute a recognised tourist facility that would attract people from outside the borough and it's loss is not considered to conflict with policy L8.

5.2 Proposed School Use

In principle Barnet's current UDP policies are generally supportive of new school development proposals. The Council as the Local Education Authority (LEA) has a statutory duty to provide primary and secondary school places for children aged from 5 to 16 years.

- 5.2.1 In order to meet the educational needs of Barnet's growing population, the Council will seek to ensure that there is an adequate provision of education facilities in the borough and encourages proposals for facilities which will help meet identified needs.
- 5.2.2 UDP Policy CS4 (Educational Facilities) confirms -
Proposals for the development of educational facilities will be permitted where they:
- are easily accessible by public transport, walking and cycling;
 - would not have a demonstrably harmful impact on the character of the surrounding area and amenities of nearby residential properties and other uses; and
 - are designed to be accessible by people with disabilities.

- 5.2.3 For reasons discussed elsewhere in this report, it is considered that the proposals would comply with these criteria and is therefore in accordance with UDP policy CS4.
- 5.2.4 Local Planning Authorities and the Planning Inspectorate are expected to take into account the Policy Statement on Planning for Schools Development and the presumption in favour of the development of state-funded schools as expressed in the National Planning Policy Framework as a material consideration when determining all planning applications for school development. In determining planning applications, local authorities are required to:
- attach very significant weight to the desirability of establishing new schools and to enabling local people to do so;
 - Seek to mitigate any negative impacts of development through the use of planning conditions or planning obligations, as appropriate; and
 - Only refuse planning permission for a new school if the adverse planning impacts on the local area outweigh the desirability of establishing a school in that area
- 5.2.5 These policy statements weigh in favour of the application proposals.
- 5.2.6 In line with these and earlier ministerial and policy statements, emerging policy DM13 of the Barnet Development Management Policies DPD supports the provision of new educational uses.
- 5.2.7 The application site is within a part of Daws Lane characterised by a range of different uses. There is the post office depot to the west, car park to the east, commercial and retail outlets to the north and residential dwellings to the north and further east along Daws Lane. The proposal to introduce an educational use on the site is not considered by officers to compromise the character or appearance of the local area. As discussed in the following section of this report, the site is considered to be accessible by public transport. Officers further consider that, with appropriate conditions, the proposed school can be accommodated without significant impact on the residential amenities of residents. Accordingly the provision of a school on this site is in accordance with emerging policy DM13.

5.3 Community use of new school

- 5.3.1 The applicants contend that they are committed to ensuring the premises are available for use by the local community. The proposals include a school hall (approx. 140 sq. m.) and a large external play space including a soft landscaped area that would offer a beneficial community resource. Draft community access proposals have been submitted by the applicants which indicate the possible future community availability and the actions being undertaken on behalf of the school to ascertain what the community may wish to use the building for. Full details of community use will be secured through the proposed section 106 agreement.

- 5.3.2 The Friends of Etz Chaim have recently formed as a support group for the school and are undertaking consultation with the local community, both residents and existing groups in the locality, to better understand the needs the wider community have and how these could be accommodated in the new school. They have consulted 56 groups by letter seeking their views.
- 5.3.3 The school claims that its vision is to “bring the Mill Hill community together at Etz Chaim Jewish Primary School through improved facilities, opportunities for elderly and disabled groups as well as individuals, and a new ‘venue’ for local community groups and events to be held.”
- 5.3.4 Furthermore, the school contends that it sees the site providing:
- An outstanding local school
 - At the heart of the local community
 - A facility that is equipped to bring the community together
 - Able to meet specific local needs
- 5.3.5 Three suggestions are made:
- The school would like to encourage older groups in Mill Hill to establish a social community centred around the school and would like to support the community in setting up a University of the 3rd Age group.
 - Improved disabled facilities – the site is being designed to be fully accessible and the Josiah Wedgewood community garden will create a therapeutic space.
 - A venue for other groups and events such as a rock choir, amateur dramatic groups, music groups, after school groups eg scouts, night school course, societies based in Mill Hill and martial arts courses.
- 5.3.6 Officers consider that to safeguard the wider community use of the school, whilst protecting the amenities of neighbouring residents, it is necessary that the grant of planning permission be subject to a legal agreement to ensure an appropriate Community Access Plan is put in place. This will ensure the facilities will be made available outside school hours and, where possible, also during the day. The Plan will need to include details of the range of community uses that could be accommodated and the proposed hours of use together with a charging policy. Officers consider that, although at this stage there is a degree of uncertainty about the exact nature of the future community use of the site, the school are taking appropriate steps at this stage to try and identify possible community uses and that, subject to final agreement of the Plan, wider community use can be secured. Concern has been expressed by some residents over the potential impacts certain uses may have on residents in the area and on traffic levels. The range of future community uses and appropriate controls will form part of the Community Access Plan.

5.4 Suitability of site for a school

Some residents have expressed concern that the site is not suitable for a school on highway safety grounds or due to noise and pollution. Highway safety issues are addressed in the section below. In relation to noise, air quality and land contamination, the Council's Environmental Health officer comments as follows.

5.4.1 **Air Quality**

To put the development into context, the proposed school site is bordered by two potential sources of air pollution, these being the road traffic on the A41 to the west, and Daws Lane to the north. The surrounding environment is made up of a combination of residential and commercial buildings, a car park, public playground within 100m and the Mill Hill Park that borders the east side of the proposed school.

5.4.2 The south west side of the proposed development is located within an area that is predicted to experience high levels of air pollution, the source of the pollutants being the traffic on the Watford Way (A41). Officers have brought to the applicant's attention a recent report by Clean Air London that lists schools in Greater London within 150 metres of road links with an all motor vehicle annual average daily flow estimate of greater than 10,000. The report states pollution from such roads could be responsible for 15% to 30% of all new cases of asthma in children.

5.4.3 The Council's Stage 4 Review and Assessment Report predicted that air quality for part of the site is likely to exceed the government's health based air quality standards for nitrogen dioxide.

5.4.4 Local Air Quality Management Technical Guidance LAQM.TG(09) provides guidance for when the air quality objectives should apply, in this case, the annual mean should be applied to the Building façade of a school.

5.4.5 On the basis of the submitted proposals, the elements of the scheme that would be most sensitive to air pollution would be the children's play space. Careful planning on the part of the developers would need to ensure that the play area does not fall within the nitrogen dioxide exceedence area and that air changes within the play area are sufficient to prevent a canyon effect build up of pollutants. The developers would need to work together with the environmental health department to ensure this is achieved.

5.4.6 However officers see no reason why this matter cannot satisfactorily be addressed. Indeed officers note that air quality was identified as an issue in the early stages of the development and as a result submission of an air quality report was a condition on the previous grant of permission and would be required again. The report should include mitigation measures using the design and lay out of the school and play space, examples of how this may be achieved would include a ventilation system that will enable the windows to remain closed and consideration given to the design and time spent in the outdoor play space.

5.4.7 In addition the implementation of a school travel plan is recommended with an aim to reduce vehicle emissions produced by school drop offs and idling of cars. This should include walk to school initiatives and yearly recording of how effective the school travel plan is.

5.4.8 Looking at these matters in the round, officers are of the view that satisfactory controls can be imposed so that issues of air quality can be addressed, and should not be a bar to a grant of planning permission.

5.4.9 **Land Contamination**

A further issue to consider in this context is land contamination. It is recommended that the structure is assessed, prior to alteration, for the presence of asbestos. This is due to the age of the building and the likelihood of use of asbestos in its construction.

5.4.10 The historical usage of the site indicates a lido with 2 pool areas that would have been filled in, possibly with soils from an unknown source. This would have pre dated any restrictions on potentially contaminated materials being used for this purpose. As a minimum, a desk top study is recommended to assess any potential risk that this may pose in light of the proposed usage of the development with the children as sensitive receptors.

Noise

5.4.11 Officers consider that all issues relating to noise can be addressed by way of condition.

5.4.12 The location is subject to noise from local and distant traffic. The layout of the building and its distance from nearby residential properties will provide attenuation, the proposed change of use is therefore not likely to have a significant impact on the present noise environment.

5.4.13 Any ventilation or extraction plant will need to be approved in terms of noise levels prior to use.

6 **Transport Issues**

6.1 **Proposal**

6.1.1 The building would accommodate a one form entry primary school of 236 pupils. This would equate to seven x 30 pupils and one nursery class of 26 (full time equivalent pupils). 20 full time staff would be employed. Parking provision would comprise a total of 17 parking spaces including 2 disabled parking spaces, 25 cycle parking spaces and several scooter parking spaces for pupils and staff. The school classes would be phased in therefore the school would not be fully occupied until 2017.

Location

- 6.1.2 Daws Lane lies to the eastern side of Mill Hill Park and has junctions with Hammers Lane on the East and A1 / A41 Watford Way on the West. Part of Daws Lane between its junction with A1 / A41 Watford Way and No. 45 Daws Lane is within a controlled parking zone (CPZ) which comprises a mixture of business and residential bays. Waiting restrictions are in force with a mixture of double yellow lines (All Day Waiting Restrictions) along the frontage of the site and at the corners of side roads whilst the single yellow lines operate between 11am to 12 noon from Monday to Friday, which correspond with the hours of the CPZ. Double yellow lines operate from the end of the CPZ to the common boundaries of 74/77 Daws Lane..
- 6.1.3 Daws Lane is served by bus route number 240 which provides a service every 10-12 minutes during the morning and afternoon weekday peaks from Golders Green Station to Edgware Station. There are additional bus routes which are within 530 metres of the site at Mill Hill Broadway and buses 118 and 186 run along the A41 close to the site.

School opening hours

- 6.1.4 The school has indicated that it intends to operate a 'wrap around care' regime which facilitates extended school provision. The school would offer wrap around care from 7am to 9am at the start of the day and from 3.30pm up to 6pm in the afternoon to further stagger the start / finish times. Officers agree that this would reduce the peak hour impact of the proposed school on the neighbouring highway network during the school am and pm peaks.
- 6.1.5 It is anticipated that the staff would arrive over a period of time between 7am to 8am. Pupils would arrive between 7am and 9am and lessons would start at 9am. The school would operate staggered finishing times. Nursery pupils would leave at 12.00 and 3.15pm. The reception pupils would leave at 3.30pm. Key Stage 1 pupils would leave at 3.40pm and Key Stage 2 at 3:50pm and pupils in wrap around care would leave by 6pm. The school am peak would therefore be between 8 – 9am and the pm peak between 3 – 4pm. In the event that parents have children in different years, the duration of waiting time is likely to straddle the staggered finishing times. In these cases, it would be necessary for the school to consider arrangements where the younger pupils can wait for the older siblings.

Parking Provision On site

- 6.1.6 The applicants are planning to convert the existing service yard into an area for staff parking. A total of 17 spaces (including the provision of two disabled spaces) and 25 cycle parking spaces and scooter storage for pupils and staff would be provided. The provision of staff parking off-street is welcomed. The updated Travel Plan includes a staff travel survey of the existing staff employed at the temporary school carried out in September 2011. Eight (73%) staff stated that they drive to

work. If this proportion remained the same for the permanent site, then this would equate to a demand for 15 spaces for full time staff. The proposed car park of 17 spaces could therefore reasonably be expected to accommodate the demand. At the request of TfL the School have also agreed to provide three electric vehicle charging points and three passive charging points.

- 6.1.7 The parking standards set out in the London Borough of Barnet Adopted Unitary Development Plan 2006 refer to Annex 4 of The London Plan which says parking provision for a D1 use (Non-residential Institution) should be assessed on an individual basis and should take account of the nature of the institution. Having taken into account the expected trips for staff from current data on the ETZ Chaim temporary school, it is considered that the site is proposing a level of parking in accordance with the number of full time staff expected on the site.

6.2 School Travel Plan

- 6.2.1 All schools who submit planning applications are required to produce a School Travel Plan (STP) and appoint a School Travel Plan Champion as part of the mitigation strategy. A STP incorporates measures to reduce all trips to the school by the private car and encourage more sustainable modes such as walking, cycling and public transport. The STP applies to both staff and pupils trips.
- 6.2.2 A STP has been prepared for the school and this covers the Nursery and Reception element of the school which has temporary permission at 80 Daws Lane. The Travel Plan for 2011-2012 has been submitted and will be subject to an annual update. Targets have been set and the school is committed to achieving a car reduction in pupil travel of 4% every year over five years and has had a part time Travel Plan Champion in place since September to progress the Plan. Since the last application in July and survey in September in 2011, the school intake has increased and the STP has incorporated a November school travel parent survey. All STP surveys have been undertaken by the school using standard methodology.
- 6.2.3 The school is located approximately 300 metres from the start of the main shopping parade in Mill Hill, and in close proximity to a number of residential areas and public transport modes. The applicant states that it is the school's ethos to teach the benefits of living a healthy lifestyle, including walking to school. As part of the STP, the school will also promote a Walking Bus Service that commences at the local Synagogue or similar location to be agreed which will be operated by members of staff who will escort pupils to school safely. The route of the walking bus will be selected based on requests made by parents living in the area. This is expected to help reduce trips to school by private car. Any route chosen will be risk assessed to ascertain whether it is an appropriate route. The school also encourages other forms of transport such as cycling and public transport.

School Travel Plan surveys

Staff Travel

- 6.2.4 As already indicated, as part of the STP a survey has been conducted of the staff travel. 73% travelled by car and 27% by bus. This amounted to eight total car trips in a complement of 11 staff. However, 27% of staff indicated a preference to reduce the car use and walk more. This provides scope for effective travel plan measures and there are targets in the STP to reduce staff car travel.

Pupil Travel

- 6.2.5 The School's September 2011 Travel Plan parental questionnaire showed that 21% of pupils walk to school, 37% arrive by car, 5% arrive by car then walk (park & stride) and 34% arrive by 'other'. None arrived by bus or cycle, or car shared. The category of 'other' does include a mixture of car and walking journeys. This has been updated by a November parental questionnaire, again carried out by the school. The sample was slightly higher (87% vs 81% in September). The current breakdown is that 26% of pupils walk to school, 32% arrive by car, 21% car share and 3% park & stride, and 18% other. Table 4.3 below from the Transport Statement shows that the proportion of walking has increased and single household car use decreased between the September and November surveys.

Table 4.3 Mode of travel summary for pupils (Sept - Nov 2011)

Travel mode (Parents responses)	Percentage of pupils (Sept 2011) currently using this mode	Percentage of pupils (Nov 2011) currently using this mode
Car (all the way)	37%	32%
Car share	0%	21%
Park & stride	5%	3%
Walk (all the way)	21%	26%
Bicycle	0%	0%
Bus	0%	0%
Rail (train or tube)	0%	0%
Other	34%	18%
No. of Pupils	47	48

- 6.2.6 The applicant has indicated that each pupil and parent would be required to sign a "Home School Agreement" when the child joins the school committing to measures within STP to reduce car traffic associated with the facility. The STP will actively promote other means of travelling to and from the school and has set targets to achieve this. At present, the Council does not impose sanctions on schools that don't meet their targets. However, it considers it important that schools progress with their Plan and works with all schools to assist them in achieving their targets.

If permission is granted the school should continue to liaise with the Council's Travel Plan Co-ordinator and should submit for approval an updated STP two months prior to the occupation of the permanent school building and reviewed annually thereafter.

Surveys by local residents:

- 6.2.7 A variety of observations have been conducted by local residents to provide information on how the parents travel to the school. Officers have been given details of one study which noted car registration numbers of cars arriving at the school. It is not clear whether it was a morning or afternoon survey or the times of the survey. Whilst Council officers do not condone the identification of individuals in this manner, it has received the information and notes that 35 cars have been identified as travelling to the school. This confirms that car use is a significant part of travel to the school.
- 6.2.8 The STP that accompanied the original application envisaged that 73% of pupils would walk to school. This was based on a snap shot survey of registered parents. Now the school is opened, the most recent parental questionnaire provides a more accurate picture confirming that drive to school from single household cars use is 32% and 26% walk. Other car trips to the school take place in varying degrees comprising car share rota 21%, park and stride 3%, and 18% alternate between walking and driving. The current intake of the school at the time of writing the report is 49. Single car use therefore equates to 16 cars, and the other categories combined show 21 cars. The level of car use accords with the resident's survey that has been noted above.

Conclusions

- 6.2.9 The Etz Chaim (STP), submitted by the school has been carefully assessed by the L.B. Barnet Travel Plan Coordinator against the most robust STP criteria from Transport for London (TfL) as identified in the booklet 'What a School Travel Plan should contain.' Officers consider it is acceptable as part of the mitigation strategy. It is not current practice in Barnet for sanctions to be put in place linked to a STP however the school will be expected to review their travel plan annually and where targets have not been met an explanation will be required and new objectives, targets and action plan will be set to address the identified issues.
- 6.2.10 A S106 contribution of £5,000 is required to monitor the STP to help ensure targets and objectives are met.
- 6.2.11 The number of cars identified in the resident survey corresponds with the current car use for pupils and staff as shown in the Transport Statement / parental questionnaire surveys. This would point to the probability that the responses in the questionnaires are not misleading and accurately represent the current situation, providing a sound basis for the Travel Plan.

6.3 Pedestrian and Vehicular Access

Two accesses are proposed as part of the redevelopment. One is proposed as a pedestrian entrance/ exit and the other will be to the staff car park. The proposed area allocated for staff parking was used for servicing the garden centre.

6.3.1 Parents would enter via a pedestrian entrance which will be controlled by a security person who will be on site throughout the day.

6.3.2 The servicing and delivery arrangements would remain the same as for the previous garden centre with vehicles unloading in the staff car park area. The frequency of service vehicles is not expected to be higher than the existing consented use and arrivals would be managed by ancillary staff.

6.4 Refuse Collection

A refuse collection point would be designated but the applicants are proposing to bring the containers to the public highway on days of collection.

6.5 Accidents

A report regarding pedestrian traffic accidents on Daws Lane over the latest three years has been collated. Three accidents have been recorded involving cars – one at the junction with Hammers Lane and two within close proximity of the junction with A1 / A41 Watford Way. One of the accidents involved pedestrians near the Albert Road junction but others were related to shunting movements between cars. In 2009 there was a fatality on the A41 involving a pedestrian aged 55. The notes on the TfL accident report state that the incident occurred as the drunk pedestrian attempted to cross the A41 at 11pm at a location close to the junction with Daws Lane. There have been no more road traffic personal injuries reported since the original application in July 2011.

6.6 Highway Impact

Catchment Area:

6.6.1 The updated STP includes maps based on postcode information that identifies the home locations within the catchment areas for existing nursery and reception pupils. This information is relevant and forms a basis for this application as the intention is to relocate the nursery and reception to the permanent site. The catchment area for the school is mostly within 2km. The updated STP confirms that approximately two-thirds of nursery and reception pupils live within 1.6km of the school (which was originally stated as 1.2km in the previous application). The

data shows that for the current admission only three of the 21 nursery pupils live within 0.8km of the site. The previous Transport Statement anticipated that all nursery children will live within 1.1km of the site and all reception children within 1.8km of the site. The location of reception children is also dispersed. Some live within 0.8km of the site but most are located within 1.6km of the site. This does not result in all pupils arriving by car as the November questionnaire indicates that walking trips are still made within the 1.6km radius. As a result of the dispersed home location, the pattern of travel has been affected and a lower level of walking is now shown in the latest September and November questionnaires compared to the level forecast for the original application in July (73% as opposed to 26% in November).

- 6.6.2 The July forecast was conducted in advance of the school opening requesting how parents intended to take their child to school. The September and November questionnaires are based on actual pupil admissions for the temporary school and provide a useful sample of travel patterns. Since its opening, two parental questionnaires have been conducted. In the intervening months (between September and November) pupil intake has increased by 1. The surveys show that there has been a drop in single household car use since the school opened with 37% car use in September and 32% in November and an increase in car rotas from 0 to 21%. Correspondingly, there has been an increase in walking trips from 21% in September to 26% in November.

Transport Statement

- 6.6.3 A Transport Statement (TS) has been submitted by the applicant. Two types of information have been included to explain how the scheme is expected to impact on the existing highway; traffic flows along Daws Lane and the level of trips expected to be generated by the school. A survey of existing traffic levels was undertaken by the applicant's consultants in March 2011. This found that existing traffic movements using Daws Lane were below the design capacity of 1000 vehicles each way, at 585 vehicles (two-way) during the am peak and 465 in the pm peak, which was shown to be 3pm to 4pm, the same time as most school classes will be finishing. Officers have visited the site at peak times and observed that the traffic movements are representative and in keeping with the function of Daws Lane as a classified road that serves accesses and local shops and caters for local movements. The table showing existing traffic flows is set out below

Peak Hour	Eastbound	Westbound
0800-0900	325	260
1500-1600	200	265
1700-1800	139	234

- 6.6.4 A car trip generation forecast was prepared using data from the TRICS database, for London primary schools (excluding nursery classes). TRICS is recognised good practice when existing trip data is not available. One of the school sites

chosen is located in Barnet. This exercise attempted to assess the trip generation associated with car pick-up / drop-off movements when the school is fully occupied, as well as staff trips. The applicants have stated that the trip generation for the school with 210 pupils in 2017 is expected to be approximately 23 vehicle trips arriving in the am peak of 8:00 – 9:00 and 11 departures. 11 vehicles are expected in the pm peak of 15:00 – 16:00 with 8 departures (Table 5.2 of the Transport Statement). This includes staff and pupils, and shows that in the context of the above traffic flows the impact would not be significant. The TA has made reference to the latest questionnaire that is contained in the STP but considered that making a forecast for a first form entry school on the basis of such a small sample would not be appropriate. The table setting out the expected trips for the full school is replicated below:

Table 5.2: Primary School (210 pupils) – (Year 2017)

Peak hour school	Arrivals	Departures	2-Way trips
AM Peak (8am-9am)	23	11	34
PM Peak (3pm -4pm)	11	18	29

Conclusion

6.6.5 Based on this information and taking into account the design capacity of Daws Lane, Officers do not consider that the proposed vehicles associated with the school will result in an unacceptable level of congestion on the public highway.

6.7 Surveys of similar schools in Barnet

6.7.1 The TS has been updated to incorporate the school's November STP surveys. In order to help confirm the robustness of the above TS's data and conclusions, and whether there have been changes in the pick up and drop off activity since the original application, Officers have conducted repeat surveys (November 2011) of two similar Faith schools (i.e. Mathilda Marks – Kennedy Jewish Primary School and Hasmonian Primary School) in Barnet that have existing one form entry intakes making them broadly comparable to that proposed by Etz Chaim. The frequency of pick-up and drop off was again recorded as well as the number of children per car. The surveys looked at the same parameters as before.

Pick-up and drop-off frequency

6.7.2 The information obtained for the two faith schools (Mathilda Marks – Kennedy Jewish Primary School and Hasmonian Primary School) indicates that during the

school am and pm peak the highway can expect to experience a range of pick-up and drop off movements, 63/4 for Mathilda Marks and 69-82 for Hasmonian. The catchment area for these schools is beyond 2km and is a wider area than for the application site. Therefore, it can be anticipated that the trip generation for the proposed one-form entry will be at the lower end of the range of trips experienced by these schools.

Double / Triple Car Occupancy

- 6.7.3 The November council surveys of the two faith schools reconfirm that approximately 50% of car drop-off and pick-up trips are double or triple passenger occupancy trips. This has proved beneficial in reducing the parking impact and promoting more sustainable travel for the areas around the school sites. It is envisaged that ETZ Chaim School would develop a similar practice and the school has committed to promoting this in its STP.
- 6.7.4 The September STP parental questionnaire of the current temporary school showed no car sharing. The proportion of car share trips in the November STP parental questionnaire has increased and is currently 21% as part of a car share rotas. It is expected that the proportion of car sharing and car occupancy would continue to increase as the pupil intake increases as potential trips will be made by siblings as well as pupils living close to each other.

Conclusion

- 6.7.5 The November surveys of the two similar Faith schools are comparable to the July surveys and show similar levels of pick-up and drop off activity as well as evidence that multiple occupancy car use remains significant. It is reasonable to expect that the trip generation for the proposed school will be around an average of 60 pick-up and drop-off movements and that there is good potential for an increase in car sharing beyond the current 21%.

6.8 Off Site Parking

Kerb Side Parking Availability Surveys

- 6.8.1 Since the application was considered in July, Officers have conducted further surveys to identify the potential kerb side parking and examine whether the proposed trips could be accommodated at peak pick-up and drop-off times. The temporary school was open when all the surveys were completed and no advance warning was given to the school about the days when the surveys were to take place.

November Surveys

- 6.8.2 Surveys were undertaken for the relevant peak hours along Daws Lane, Birkbeck Road, Marion Road, Byron Road and Tennyson Road.
- 6.8.3 The surveys indicate that during 8am – 9am the roads have capacity for the school drop-off activity, although Birkbeck Road and the kerb space along Daws Lane experience the highest level of parking activity at this time. During the afternoon pick-up peak hour, Daws Lane and the adjacent roads experience a similar level of parking pressure, but spaces are still available on street.

Comparison with July Surveys

- 6.8.4 There has been some shift in the level of availability of on-street parking in the am peak between the surveys conducted in July 2011 and the latest surveys in November. Although capacity is still available, there has been a reduction in available car parking spaces from approximately 100 car parking spaces to 80 spaces across the five streets in the am peak. During the pm peak the number of car spaces available has increased from 43 to 69. Therefore, the school related pick-up and drop-off activity predicted in the Transport Statement, and estimated from the surveys of the two other faith schools, is still able to take place in the vicinity of the school.

Conclusion

- 6.8.5 The latest officer survey carried out last November takes account of all day commuter parking outside the CPZ resulting from the removal of free bays. The surveys times corresponded to the times of day when pick-up/ drop-off activity is more pronounced and parking stress is more noticeable. The latest results have reconfirmed that there is a high level of on-street parking particularly along Daws Lane. It was noted that afternoon parking pressure has decreased since July. Proposed measures to stagger school afternoon pick-up time will mitigate the likely parking pressure resulting from the operation of the school. Notwithstanding the above, Officers consider that there is still an acceptable level of spare capacity across the five streets (60 spaces) to cater for the projected demand.

Daws Lane Public Car Park

- 6.8.6 There is an existing Council car park adjacent to the site. The car park has 98 parking spaces including five disabled spaces. It is presently a free car park and is not leased or reserved for the applicant's sole use and these Highway observations are based on the assumption that demand may also need to be met through the use of kerbside parking on local roads.

Additional Public Car Parks:

6.8.7 There are two other car parks close to the application site in the adjacent Mill Hill Park. The car parks can be accessed from Wise Lane. The car parks are located near paths that provide pedestrian access to the side of the park next to the application site. Approximately 29 car parking spaces, including two disabled spaces are available for use. These car parks are currently free.

Daws Lane car park occupancy:

6.8.8 Taking the above on-street surveys into account officers again conducted surveys in November of the occupancy of the Daws Lane public car park during the morning and afternoon peaks, in order to compare against the previous July surveys. The am peak survey indicated that although the car park had significant capacity at 8am, the capacity reduced by 9am. The afternoon survey between 3pm and 4pm indicated that the car park operated at capacity, being full most of the time. Cars were observed parked outside bays even when bays were vacant. No significant change in the occupancy of Daws Lane car park was observed between the July and November surveys. Therefore, on balance, with the availability of local on-street car parking in the am and pm peak, together with the availability of spaces in the car park and the staggered pupil arrival and departure times the likely impact of the proposed school can be accommodated, subject to appropriate mitigation measures.

Daws Lane car park charges:

6.8.9 There are plans to introduce parking charges in the car park during Spring 2012. As part of the proposed changes to this car park, bays will be provided for short term and long term stays. It is expected that up to 30 spaces will be set aside for short term parking. This may dissuade some parents from using the car park to drop-off in the am peak however as mentioned above, there are adequate on-street spaces available.

6.8.10 It is also likely that a proportion of the long stay drivers currently using the car park will instead seek to park in nearby residential roads, or other locations in Mill Hill, in order to avoid paying parking charges. This means that although on-street car parking for the pm peak school pick-up is likely to be limited, it can reasonably be expected that short term spaces will be available in the car park for parents or carers to collect children from the school. This is expected to facilitate the pick-up activity across the proposed staggered pm peak period.

Conclusion

6.8.11 Even though the abolition of the free bays in the CPZ has resulted in an increase in on-street parking in the five local roads, Council surveys have still identified over 60 spaces available for on-street car parking in the pm peak. It should also be noted that the Daws Lane car park was used by workers and visitors to the garden centre. This demand has now been removed with the closure of the garden centre.

Although charges are planned to be introduced in the Daws Lane car park, this will include short stay spaces that will be available for parents and carers to drop-off and pick-up children.

6.9 Free Flow of Traffic and Bus Routes

- 6.9.1 The bus 240 serves Daws Lane. It is important that the free flow of traffic, in particular buses is maintained. Daws Lane is approximately 9.3 metres wide for much of its length and a bus is able to pass along the road with cars parked on both sides of the carriageway.

6.10 Pedestrian Routes and Crossing Movements

- 6.10.1 There is an existing refuge located near the Daws Lane car park entrance. This served as a crossing point for the previous Garden Centre and can be utilised for the school. For pupils and parents travelling from the direction of Mill Hill Broadway and the A1, there is an underpass that connects with Daws Lane adjacent to the Post Office. There is also a shared pedestrian/ cycleway with dropped kerbs to assist with crossing nearer the junction of A41/ Daws Lane.
- 6.10.2 Children and parents will arrive at the school from different directions. For example, some will park or walk along Daws Lane on the same side as Mill Hill Park, others will cross Daws Lane after parking in the adjacent streets opposite the school.
- 6.10.3 Daws Lane will experience a steady movement of children crossing the road to approach the school at peak school hour times. Pedestrian movement associated with the existing school currently takes place with a number of parents walking with their children to the school or parking in available spaces in the streets near Daws Lane and crossing the road to the school. The number of crossing movements is likely to increase as the school expands.
- 6.10.4 Public concerns have been expressed regarding safety and the possibility of increased accidents as a result of the larger pupil intake when the school is at full capacity, and whether the existing crossings are suitable to cater for this demand.
- 6.10.5 The existing crossing facility close to the entrance to Daws Lane car park is expected to serve as the main crossing for the school. There is another island at the junction of Daws Lane/ Wise Lane. This is not a dedicated crossing facility and improvements to this island would be required in order to provide an appropriate pedestrian refuge. Officers have considered the feasibility of providing a more formal crossing (such as a zebra or a pelican) in the proximity of the school when it reaches full capacity and looked at enhancing the island at Daws Lane. With regards to the refuge outside Daws Lane car park, an assessment of peak

movement during the busiest hour of school pick-up and drop-off times was carried out which indicated that, there is not sufficient volume of pedestrian movement expected across Daws Lane to justify a more formal crossing when the school is fully occupied. With regard to the location at Wise Lane, opportunities to make the island pedestrian friendly have been identified and a S106 contribution of £3,000 is sought to carry out the necessary mitigation works including the provision of school keep clear markings.

- 6.10.6 Parents normally assist the safe movement by escorting younger children across the street. Pedestrian safety is also supported by maintaining sufficient visibility at the crossing point by the use of double yellow lines that prohibit parking close to the refuge at Daws Lane and school keep clear markings will be implemented.

Conclusion

- 6.10.7 Taking into account the concerns that have been raised regarding the suitability of crossing facilities in connection with the proposed school, and the relevant Guidance, it is considered that existing crossing facilities are sufficient and safe for the current volume of movement expected to cross Daws Lane to the school site, but that the situation will be monitored as the school intake rolls out.

6.11 Transport for London (TfL) comments

- 6.11.1 TfL opinion is that the proposed development would not have an unacceptable impact in transport terms on the strategic road network, subject to a travel plan and other mitigation measures being secured by condition, which are discussed and confirmed elsewhere in this report. In all other aspects, such as parking, cycle parking and the bus network, TfL find that the application also complies with the London Plan.

6.12 Conclusions

- 6.12.1 The updated surveys confirm that on-street parking in the vicinity of the proposed school is already under pressure, and this is more noticeable in the afternoon during 3-3.30pm. The Daws Lane car park is known to fill up on weekdays but capacity is available, particularly during the am peak drop-off period. The introduction of charges in the car park may result in displacement of parking from car park on to street locations. It can therefore be concluded that when the school reaches full capacity in 2017, it is likely that the roads in the vicinity of the school will already be experiencing a high level of parking pressure, including some associated with the school pick-up and drop-off activities. This is expected to particularly be the case during the pm peak pick-up. However, it is anticipated that there will be parking available in the short stay part of the car park which can be used by parents and carers.

- 6.12.2 Notwithstanding the above, recent council kerbside parking occupancy surveys demonstrate that whilst there has been some change in the overall situation on the public highway since the original application, the change is not significant. All the recent (November) surveys take into account the updated situation that has occurred since the opening of the temporary Etz Chaim School at 80 Daws Lane.
- 6.12.3 Whilst the current (November) parent questionnaire survey in the STP indicates more travel by car, in comparison to the July Report, it should be noted that the volume of those car trips means that spaces can still be found to conduct drop-off/pick up activity. Also for the proposed school there is much more scope through the STP, to implement measures to reduce car use as the primary mode of travel by pupils and staff as the school size increases and the children get older. This is in keeping with practice observed by other Barnet schools of comparable size and faith where on average a 23% mode shift from single household car trips has been achieved to date.
- 6.12.4 Pedestrian movement and facilities have been considered by Officers and measures to enhance, where appropriate, or monitor the future provision have been investigated.
- 6.12.5 In addition to mitigation measures to reduce car trips and enhance pedestrian facilities, School Keep Clear markings will be implemented and waiting restrictions in the vicinity of the site should be reviewed, and the Council should seek a contribution to this Review (£10,000).
- 6.12.6 As concluded in the TS, the proposed school does not result in an overall intensification of traffic movement compared to the previous use of the site. Officers therefore consider that, whilst there will be peaks of traffic activity, the proposed school will not result in unacceptable levels of congestion on the local highway network.
- 6.12.7 As with all schools it is recognised that there is an impact on-street during school drop-off and collection times. On balance, in light of the planned changes to the council car park and in conjunction with the STP and other mitigation measures, which will need careful and thorough monitoring by the school and the council it is considered that the traffic impact for this one-form entry proposal can be accommodated on the existing highway network.

6.13 Section 106 Contributions

- 6.13.1 If permission is to be granted, a S106 contribution for mitigation measures will be required to install school keep clear crossing markings, review on-street parking on neighbouring roads and implement additional waiting restrictions which may include extension of the existing CPZ and making or amending existing Traffic Orders. The estimated cost is £10,000.

- 6.13.2 A contribution of £3,000 to implementing dropped kerbs and alterations to the existing refuge at the junction of Daws Lane / Wise Lane will be required.
- 6.13.3 A £5,000 contribution is also required for monitoring the STP.

7 The Equality Act 2010

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

7.1 Equality Duties

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

7.1.1 Section 149 provides:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - b) take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 1. tackle prejudice, and
 2. promote understanding
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are-
 - age;
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race
 - religion or belief
 - sex
 - sexual orientation

7.2 Consultation Approach and Engagement

- 7.2.1 Letters were sent to over 3500 local residents and commercial occupiers upon registration of the application, inviting them to view the application details and make comments within a 5 week period.
- 7.2.2 A breakdown of the consultation responses was made based on geographical area to try and understand the particular concerns of residents. A number of respondents included their age and whether or not they considered themselves to have a disability as part of their response.
- 7.2.3 During the consultation period, a request was made by two residents for a meeting with officers involved in determining the application. On the 21st November the Assistant Director of Planning and Development Management together with the case officers from planning, highways and environmental health met with them to hear their concerns about the loss of the garden centre and the planning application.
- 7.2.4 In addition to the standard consultation, letters were sent to 22 individual residents and 27 groups and service providers most of whom had been identified by the Mill Hill Action Group previously as having used the garden centre or having being particularly impacted by the loss of the garden centre. This letter sought more information about the use of the garden centre by those particular groups or individuals. The groups written to included places of worship, community service

providers and management groups for residential developments catering for the elderly. The service user groups included Barnet College, Edgware Community Hospital, Barnet Adult and Children Services and day centres. This consultation took the form of a questionnaire asking for information on:

- reasons why they visited the garden centre
- number of visits on average per month
- what time of the day/ week they visited
- how they travelled to the garden centre
- how long the journey took
- This letter was accompanied by a diversity monitoring questionnaire to enable the views of different sections of the community to be monitored.

7.2.5 The letters of support received as a result of the consultation process were also divided into the four geographical areas to provide a further breakdown of the responses.

7.2.6 Following concerns raised during the consultation process in relation to the previous application on this site, it became clear that for many residents the loss of the garden centre represented the loss of a local facility that they used socially to meet friends and interact with the local community as well as for shopping.

7.2.7 As part of the information gathering exercise, officers therefore visited the local area to gain information on alternative facilities available to meet these functions. These are detailed below in paragraph 7.4.4.

7.3 Analysis of the consultation responses

A record of the responses is included above in the Material Considerations section.

7.3.1 From this it can be seen that the proportion of the respondents in the Poets Corner area who identified themselves as elderly and/ or disabled was 26% and the number in the wider NW7 postcode area was 39%.

7.3.2 In response to the standard consultation letter, representations were submitted by or on behalf of a number of people who identified themselves (or a family member or someone they cared for) as being impacted personally by the loss of the garden centre. Again, the approximate number of these:

- from Poets Corner was 20 (9% of total responses from this area)
- from wider NW7 60 (5% of total responses from this area)
- the rest of Barnet 17 (8% of total responses from this area)
- outside the Borough 4 (4% of total responses from this area) were personally affected or when visiting friends and family in Mill Hill.

7.3.3 Having analysed these responses together with the responses from the particular individuals and groups specifically notified, it is clear that the main reasons for visiting the garden centre and for which it was valued were:

- ease of parking
- proximity for walking
- quiet environment for people with certain needs
- supportive staff
- ability to buy gifts etc. without having to cross the A41 to Mill Hill
- ability to buy plants without having to drive or get the bus further afield
- café a pleasant place to meet friends

7.3.4 The letters of support were analysed and the main reasons given for support of the application were:

- educational benefits of new school (it should be noted that out of 361 people who made this comment, 8 were from Poets Corner, 114 from NW7, 90 from the rest of Barnet and 149 from outside the Borough)
- building will be wider community facility (of 158 comments, 11 from Poets Corner, 60 from NW7, 32 from Barnet and 50 from elsewhere)
- good site for a school (of 109 comments, 3 from Poets Corner, 49 from NW7, 31 from the rest of Barnet and 26 from elsewhere)
- garden centre no longer economically viable (of 56 comments, 4 from Poets Corner, 32 from NW7, 13 from Barnet and 7 from elsewhere)
- traffic has improved since garden centre closed (of 38 comments, 4 from Poets Corner, 19 from NW7, 9 from Barnet, 6 from elsewhere)

7.4 The implications of the proposals

7.4.1 It is noted from many of the objection letters received to the current and previous application, that the garden centre was used by vulnerable sections of the community, notably the elderly and disabled groups. One group mentioned in particular is the Autism Service which operates from Flower Lane. In addition it is stated that the centre engaged with local schools and childrens' groups offering their facilities to users. Many of the objections refer to the excellent level of service staff provided and how accommodating and helpful they were to users.

7.4.2 Mention has been made by many objectors of the unique nature of this site which they say functions as an important community facility for many local residents, particularly the elderly and disabled who have difficulty using public transport and therefore accessing similar facilities elsewhere.

7.4.3 An analysis of the individual consultation letters and responses to the targeted consultation shows that approximately 124 residents have written to say they have been particularly negatively affected by the loss of the garden centre facility. The reasons cited are:

- ease of parking
- proximity for walking
- quiet environment for people with certain needs
- supportive staff

- ability to buy gifts etc. without having to cross the A41 to Mill Hill
- ability to buy plants without having to drive or get the bus further afield
- café a pleasant place to meet friends

7.4.4 Clearly a significantly greater number of residents have concerns about the loss of the garden centre on groups with protected characteristics.

- Notwithstanding the views expressed by those objecting to the proposals, officers consider that although the garden centre provided a much-loved local facility for a very large number of local residents, there are other places in the local area that can provide similar services and meet some of the same needs:
- Whilst recognising that it does not have the same café or toilet facilities as the former Wyevale centre, officers note that there is another garden centre in Mill Hill which sells plants, garden and aquatic products. It is accessible by bus from Daws Lane along The Ridgeway however officers accept there is a 5 – 10 minute walk from the bus stop and the Council accepts that it is not as accessible on foot as the Wyevale garden centre. The access road to the garden centre itself is via a rough surfaced highway without a pavement.
- The Wyevale Site is within a 5 minute walk of Mill Hill town centre which is one of the borough's thriving town centres providing a variety of shops, cafes and restaurants. There are approximately 7 cafes, various shops selling cards and gifts as well as numerous other retail outlets. Officers recognise that some of these premises may not be as independently accessible to those with mobility problems, particularly wheelchair users, but there are a range of premises available.
- The Wyevale Site is adjacent to Mill Hill park, one of the borough's premier parks. The park itself has an indoor café, toilets and childrens' play area as well as sporting facilities. Again, it is recognised that the park does not provide an all-weather facility on the same scale as the former garden centre and that the café may not be as appropriate for certain users as the garden centre. However, in terms of accessibility, the Park is located next to the same car park customers of the former garden centre would have used. There is a second car park within the park itself.

7.4.5 In this case, officers accept that there has been impact from closure of the garden centre on particular individuals, particularly those elderly people or disabled people who cannot use public transport or who made use of the garden centre socially as a place to meet friends or interact with the wider community. Accordingly significant weight must be placed on those impacts when considering the merits of the planning application.

7.4.6 However, set against the identified impacts on groups with protected characteristics are the facts that:

- i) the site was run prior to its closure in September 2011 as a commercial shop and the leasehold is privately owned
- ii) there are positive benefits of the proposal in terms of the provision of a school which meets the identified needs of children as set out elsewhere in this report

- iii) The government has stated a policy presumption in favour of the provision of state-funded schools and for which there is strong policy support. The draft National Planning Policy Framework requires LPAs to attach very significant weight to the desirability of establishing new schools and to enabling local people to do so.

7.4.7 In making this recommendation in respect of the planning application, officers have given weight to the impact that the proposals would have on the identified protected groups. However the harm is considered to be outweighed by other considerations. The Council is required to give consideration to the mitigation of the impact. In this case the garden centre has closed. It is a commercial site and the Council has no planning control over the closure of the garden centre. Further it is considered that many of the activities that people carried out in the garden centre can and will be carried out in the other local facilities identified above. As such, officers consider that the change of use to a school will have adverse impacts but these will not be as significant as local people fear, given that the activities carried on at the centre by the identified groups can be carried on elsewhere in nearby locations. Having regard to these matters and, importantly, given the identified and compelling need for the school and the positive outcomes through providing more school places in an area of need for the children whom the School would accommodate, it is officers' recommendation that permission be granted.

8 Impacts on the Amenities of Neighbouring Occupiers

- 8.1.1 The application site abuts the Mill Hill park, car park area and Mill Hill post office and therefore does not adjoin any neighbouring residential properties. The nearest residential properties are those opposite within Daws Lane.
- 8.1.2 The issues of the use and impact on the local road network have already been considered. This section is therefore considering the impact of the building and its use on residential amenity.
- 8.1.3 In terms of noise to neighbouring residents the main impacts would be both from activities carried out within the site and from people entering/ exiting the site and dispersing into the surrounding area. However, this must be balanced against the noise and disturbance generated by the previous use and its activities which already form part of the character of the area.
- 8.1.4 It is considered that, subject to the imposition of restrictive conditions on use by the school and wider community use arising from the Community Access Plan, that the proposal would not result in a harmful level of noise and disturbance to nearby properties.

- 8.1.5 The proposals are therefore not considered to detrimentally harm the amenity of existing residents in accordance with national and strategic guidance and Policies ENV12 and D5 of the adopted UDP.
- 8.1.6 It is further considered by officers that, given the nature of the proposed development and activities on site, the proposals would not increase levels of air or light pollution to any appreciable extent such that the amenities of occupiers of nearby properties would be affected.

9 Design and Access

- 9.1.1 The proposals involve alterations to the existing building. It is considered that these changes can be accommodated without adversely affecting the appearance of the building or the character and appearance of the local area. The most significant alteration in terms of impact within the streetscene would be the new railings and security hut. Whilst the railings would have some impact on the streetscene in this part of Daws Lane, given they would be set back from the footway, and designed to allow for views through and landscaping to be planted, this impact is not considered to be significant.
- 9.1.2 The alterations to the building to adapt it's use for a school have been designed to maximise the natural benefits of the site and reduce energy consumption through numerous measures including solar shading, intelligent building and lighting controls, natural ventilation.
- 9.1.3 The orientation of the teaching blocks to face north through west optimises day light from both aspects while being able to more easily control and limit solar gain. The use of natural day lighting across the buildings will result in a reduction in energy consumption within the building as well as delivering a high quality of light, making the spaces feel more uplifting.
- 9.1.4 The general form of the buildings allows for natural ventilation of the majority of the space which as well as resulting in energy savings will place less demand on plant and helps minimise the impact on the amenity of local residents.
- 9.1.5 Hot water demands are not constant and as a result a combination of conventional and solar heating is proposed. Air handling units serving the ventilation of the hall and kitchen are proposed which would enable sustainable heating and cooling of the building to occur.
- 9.1.6 Rain water harvesting (or grey water recycling) is proposed. This will consist of the collection of water from parts of the school's roof. The water is treated and used for the purposes of flushing the WC's and urinals. Low water usage cisterns coupled with 're-cycled' water will help the school save on water consumption.

- 9.1.7 The inclusion of these initiatives as part of the proposals would reduce carbon emissions associated with the operation of the school by 20%. This is in accordance with the Council's Sustainable Design and Construction SPD.
- 9.1.8 It is considered that the alterations and additions to the building would respect the local area and would be in accordance with policies GBEEnv1, GBEEnv2, D1 and D2 of the Adopted Barnet Unitary Development Plan. The improvements in the energy performance of the building are welcomed and it is recommended that the sustainability measures proposed are secured by planning condition.

10 COMMENTS ON FURTHER GROUNDS OF OBJECTION

- 10.1 The principle objections received to the application have been carefully considered within the main body of the report.
- 10.2 Further comments on particular issues not addressed or on the other concerns raised by a small number of respondents are as follows (alphabetical reference corresponds to breakdown of the responses to the consultation on the current application, paragraph 1.16 above) :

k) Not responding to local citizens and their needs

In determining the application, the Council has to consider all material considerations. Some residents will benefit from the proposals whilst others will not. It is the weight given to these positive and negative impacts that forms part of the consideration of the proposals, as addressed in the report.

l) The council waiving £330,000 entitlement from the assignment

This report considers the merits of the planning application for the change of use of the site. Land ownership issues are a matter for the Council as landowner and are not a material planning consideration.

m) Site unsuitable for a school

Addressed in main report

n) Area well served by schools

There are a number of schools in the locality. However as set out in this report, there is a demand for additional primary school places in the area and officers consider the school proposed can be accommodated on the site.

o) Don't need a Jewish school

There is a local demand for primary school places for families of the Jewish faith and the government has approved a Jewish primary free school in Mill Hill.

p) No need for a new school in this area

Addressed above.

q) No need for a faith school in Mill Hill, but a community one

Addressed above.

r) Noise and pollution will affect amenities of residents and park users

The report considers any impact of the proposal on residents and concludes that noise and pollution would not be so significant as to materially impact on residents' amenities. The site is located next to the children's play area within the park and any increase in noise levels would be unlikely to have a significant impact. Additionally, the proposals would be unlikely to result in increased levels of air or light pollution that would result in harm detrimental to residential amenities.

s) Unsuitable for children because of air pollution

Addressed in main body of report.

t) Negative Impact on Jewish population in the area because of bad feeling generated by the proposal.

It is anticipated that once the school becomes established and adopts its community use strategy, it will become an important part of the local community.

u) Security measures will make people feel alienated especially due to position next to park

The railings, security hut and associated equipment are sited to allow views into and through the site so the development would not be screened from public view.

v) Not all children live in the catchment area as suggested in previous application

Addressed in main body of report.

w) The school will face a security problem

Security is a key consideration in the design and future management of the new school.

x) Possible future encroachment onto park

Any plans to extend the school would require planning permission. No part of the park is included in the proposed site.

y) Council supporting only because a Free School

The Council has identified a need for primary school places in this part of the Borough.

z) Planning conditions not appropriate

The imposition of planning conditions is considered appropriate for this leasehold property despite the freeholder's interest in the land.

There is a difference between the Council as landowner and in its role as the local planning authority.

aa) Falsification of surveys

In assessing the highways implications of the proposals, officers have taken into account not only the information submitted in support of the application, but also the comments made by residents and information obtained from officers own surveys. This information has all been considered by officers when arriving at the recommendation.

10.3 Other comments raised by a small number of respondents to either this or the previous application and which have not been specifically addressed are as follows:

- **Negative effects on local businesses due to loss of the garden centre and extra traffic.** Any additional traffic will be limited to certain times of day. The proposal will bring potential customers to the area.
- **Impacts on biodiversity.** A bat survey was carried out and did not find evidence of any roosting. The ecological surveys did not highlight any particular issues, however, the applicant is reminded by an informative proposed to be attached to the permission of the obligations under the Wildlife and Countryside Act.
- **Light pollution from security lights will affect the Observatory.** The lights will be attached to the building and low level, any impacts are considered to be minimal given the building's location.
- **On-street parking pressure will result in residents paving over their front gardens to provide parking.** This will have an adverse impact on the appearance of the area. On-street parking associated with the development would be limited to certain periods of the day.
- **Impact on the conservation area.** The application site is not within the Mill Hill conservation area and it is considered that the proposals would not detract from its character or appearance.

11 **CONCLUSION**

11.1 The proposed development would comply with Adopted Unitary Development Plan policies and emerging Local Development Framework policies which seek to meet educational needs where the use can be accommodated without harm to the character of the surrounding area or the amenities of neighbouring residents and uses, where the site is easily accessible by public transport, walking and cycling and the development is accessible by people with disabilities.

11.2 Officers consider the overall development to be acceptable without causing harm to the Green Belt by reason of inappropriateness or adverse impact on the openness of the Green Belt.

11.3 Although there is likely to be some highway impact in terms of on-street parking demand during drop-off, and particularly, collection times, with monitoring, these impacts can be kept to a minimum.

- 11.4 Concern has been raised about the undue impact of the proposals on particular groups within the community, particularly the elderly and those with a disability. It is clear that before the garden centre closed it was used by a number of residents and groups who miss the facilities that the centre provided. These residents do not consider that there are any comparable facilities within walking distance of their homes. The tranquil nature of the centre is cited by many as beneficial to particular residents especially the elderly and those with disabilities who benefit from interaction with others in peaceful surroundings. For these people the loss of the garden centre has clearly had a materially adverse impact. However, this consideration must be weighed against the benefits of the provision of new education facilities for the community, for which there is national and local planning policy support. Additionally, from an analysis of alternative facilities in the vicinity, it is apparent that there are other retail and café facilities close by within walking distance of the Garden Centre site, together with a park with café and recreational facilities. Another garden centre is located within Mill Hill, accessible by a single bus and 10 minute walk.
- 11.5 The draft National Planning Policy Framework requires LPAs to aim to promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments which bring together those who work, live and play in the vicinity. However, the draft Framework also requires LPAs to attach very significant weight to the desirability of establishing new schools and to enabling local people to do so.
- 11.6 Having taken all material planning matters into consideration and having paid due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, officers conclude that, the benefits to the wider community of the provision of new educational facilities outweighs the adverse impact on those with protected characteristics. Subject to conditions to ensure mitigation of significant harm, the proposed development of this site to provide a new primary school is considered acceptable and the application is accordingly recommended for **APPROVAL**.

LOCATION: 401-405 Nether Street, London, N3 1QG (Adastra House)
REFERENCE: F/03751/11 **Received:** 05 September 2011
WARD: West Finchley **Accepted:** 21 September 2011 **AGENDA ITEM 6b**
Expiry: 21 December 2011

APPLICANT: P. Titan Properties c/o Smith Lam Architects

PROPOSAL: Demolition of the existing building and redevelopment of site to provide a mixed used scheme over two basement levels, ground floor, 5 upper floors and roof terrace to provide 126sqm of office (use class B1) space on the ground floor, 34 residential units (use class C3) above, basement car parking for 35 cars and associated amenity space, refuse storage, cycle parking and landscaping and works.

APPLICATION SUMMARY

Full planning permission is sought by P. Titan Properties for the demolition of the existing office building at 401-405 Nether Street and the redevelopment of the site to provide a new building containing offices and residential dwellings that would comprise the following key elements:

- A new building with six full above ground floors of accommodation;
- a roof top garden (above the sixth floor) providing approximately 254m² of communal amenity space;
- two basement levels of car parking to provide 35 car parking spaces;
- 126m² of new office (use class B1) floorspace on the ground floor; and
- 34 new residential units (use class C3), which would each have their own private balcony or terrace, provided over the first to fifth floors.

National, regional and local planning policies seek to promote sustainable development by encouraging mixed use schemes in town centre locations such as this.

The existing building on the site is in a poor state of repair and has been vacant since 2010. Its replacement with a new residential led mixed use building of the nature proposed, that provides a high quality design approach, relates acceptably to it's neighbouring properties, is in keeping with the character of the area, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites in town centre locations.

The proposal would result in a net loss of employment generating floorspace at the site. However, the current office space is vacant, has been actively marketed, is of a poor quality and the loss of this space was previously accepted by an Inspector at two planning appeals in 2009. Furthermore the application would provide 126m² of new office space.

The development provides an appropriate level of car parking for the residential and office uses proposed, which reflects the location of the site, close to Finchley Central Underground Station and bus services in an area with a Public Transport Accessibility Level of 5.

The proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings meeting Code for Sustainable Homes Level 4 and the Office space achieving a level of 'Excellent' under the Building Research Establishment Environmental Assessment method.

A number of conditions and planning obligations have been recommended to ensure that the development does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal.

The proposal is considered to represent a positive development that would comply with the relevant policies in the development plan, enhance this part of Finchley Church End and provide high quality new residential accommodation and office space. The proposal is therefore found to be acceptable and is recommended for approval subject to conditions, following the completion of a suitable section 106 agreement.

RECOMMENDATION - APPROVE SUBJECT TO:

Recommendation 1

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

- (a) Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- (c) Affordable Housing
Subject to a subsequent re-appraisal of the viability of the development a financial contribution towards the provision of affordable housing within the London Borough of Barnet limited to a maximum of the equivalent value of 40% of the units proposed.
- (d) Apprenticeships and Employment Training
A contribution of £25,000 towards providing apprenticeships and employment training in the borough.
- (e) Healthcare
A contribution of £25,665 towards improvements to health facilities within the borough as identified by the Local Health Authority.

- (f) Education
A contribution of £71,992 index linked towards education provision in the borough.
- (g) Libraries
A contribution of £3,287 index linked towards the provision of library facilities within the borough.
- (h) Town Centre, Public Open Space and Public Realm Enhancements
A contribution of £68,000 index linked towards the provision of enhancements and improvements to Finchley Church End Town Centre, Public Open Space and the Public Realm within 1.5km of the application site.
- (i) Amendment to Local Traffic Order
A contribution of £2,000 index linked to cover the cost of amending the existing Traffic Management Order to prevent future occupiers of the flats within the development from applying for Controlled Parking Zone permits.
- (j) Travel Plan
The applicant shall enter into a Travel Plan that seeks to reduce reliance on the use of the private car, promotes sustainable means of transport and appoint an appropriately qualified Travel Plan Coordinator.
- (k) Travel Plan Monitoring
A contribution of £5000 index linked towards the monitoring of the Travel Plan for the development.
- (l) Monitoring of the Section 106 Agreement
A contribution of £8037 index linked towards the monitoring and management of the S106 planning obligations.

Recommendation 2:

That upon completion of the agreement specified in Recommendation 1, the Assistant Director of Planning and Development Management approve the planning application reference H/00497/11 under delegated powers subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director for Planning and Development Management:

COMMENCEMENT

- 1 This development must be commenced within three years from the date of this permission.
Reason:
To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

PLANS OF THE DEVELOPEMNT

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
A100 (REV. J); A101 (REV. J); A102 (REV. J); A103 (REV. J); A104 (REV. J); A105 (REV. J); A106 (REV. J); A107 (REV. J); A108 (REV. J); A109 (REV. J); A110 (REV. J); A200 (REV. J); A201 (REV. J); A202 (REV. K); A203 (REV. K); A300 (REV. J); A301 (REV. K)

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 project as assessed in accordance with policies GSD, GBEnv1 and GBEnv2 of the Barnet UDP 2006 and policy 1.1 of the London Plan 2011.

MATERIALS

- 3 Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence unless and until details and appropriate samples of the materials to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved.

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 GBEnv1, GBEnv2, D1, D2, D3, D11 of the Barnet UDP 2006 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

SITE LEVELS

- 4 Notwithstanding the details submitted in the drawings otherwise herby approved the development is not to commence unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved.

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 GBEnv1, GBEnv2, GBEnv3, GBEnv4, D1, D2, D3, D11 and D13 of the Barnet UDP 2006 and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan 2011.

MEASURES TO ENSURE PRIVACY

- 5 Notwithstanding the details shown in the plans submitted and otherwise hereby approved no development shall commence until details are submitted to the Local Planning Authority and approved in writing which specify all windows in the building that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. Before the building hereby approved is occupied the development shall be implemented in full accordance with the approved details and specifications and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with polices H16 and H17 of the Barnet UDP 2006.

- 6 Notwithstanding the details shown in the plans submitted and otherwise hereby approved no development shall commence until plans, details and specifications are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of privacy screens to be fixed to the building. The privacy screens shall be implemented in full as shown in the approved plans, details and specifications before the building hereby approved is occupied and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with polices H16 and H17 of the Barnet UDP 2006.

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the insertion of windows or rooflights in the building hereby approved, other than those shown in the approved plans, shall not be undertaken without the receipt of prior express specific planning permission in writing from the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties in accordance with polices H16 and H17 of the Barnet UDP 2006.

REFUSE AND RECYCLING

- 8 Notwithstanding the details submitted with the application, before the development hereby permitted commences details of the:
- i. Enclosures, screened facilities and/or internal areas of the proposed building (including details of the doors provided for such areas) to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
 - ii. a satisfactory point of collection; and

iii. details of the refuse and recycling collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be permanently managed in accordance with the approved details.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies GBEnv1, GBEnv2 and H16 of the Barnet UDP 2006.

- 9 No part of the development shall be occupied unless and until a Waste Management Plan has been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be operated and managed in accordance with the approved Waste Management Plan.

Reason:

To ensure that waste produced by the activities on the site is minimised and managed appropriately in accordance with policies 5.16 and 5.17 of the London Plan 2011.

TRANSPORT

- 10 Before the development hereby permitted is occupied the car and powered two wheeler parking spaces shown on plan numbers A101 (REV J) and A102 (REV J) shall be provided in the development and shall not be used for any purpose other than the parking and turning of vehicles in connection with the development hereby approved.

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 Policies M11, M13 and M14 of the London Borough of Barnet UDP 2006.

- 11 Before the development hereby permitted commences a Car Parking Management Plan detailing the allocation of car parking spaces, all on site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason:

To ensure that parking is provided and managed at the development in the interests of highway and pedestrian safety and the free flow of traffic in the area and in accordance with Policies M11, M13 and M14 of the Barnet UDP 2006.

- 12 Before the development hereby permitted is occupied full details of the two car lifts and remote controlled roll up shutter with video entry linked to a concierge (as identified on plan number A103 (REV J)) shall be submitted to

the Local Planning Authority and be approved in writing. The information submitted in respect of this condition shall include, but not be limited to, comprehensive details of the specification, operation and management of the identified equipment. The development shall be implemented in full accordance with the details as approved before it is occupied and be maintained as such permanently thereafter. The development shall be managed in accordance with the approved details in perpetuity.

Reason:

To ensure the development does not compromise pedestrian and highway safety and the flow of traffic in accordance with Policies M11, M13 and M14 of the Barnet UDP 2006.

- 13 Before the development hereby permitted is occupied a Maintenance Plan for the two car lifts and remote controlled roll up shutter with video entry linked to a concierge (as identified on plan number A103 (REV J)) shall be submitted to the Local Planning Authority and approved in writing. The Maintenance Plan submitted shall include comprehensive details of how the car lifts and roller shutter will be maintained in good working order so as not to prejudice highway safety and the flow of traffic in the area surrounding the site. The two car lifts and remote controlled roll up shutter with video entry linked to a concierge (as identified on plan number A103 (REV J)) shall be maintained in full accordance with the approved details in perpetuity.

Reason:

To ensure the development does not compromise pedestrian and highway safety and the flow of traffic in accordance with Policies M11, M13 and M14 of the Barnet UDP 2006.

- 14 Before the first occupation of the development hereby approved details showing suitable parking and storage facilities for 59 bicycles shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved before the development is occupied and be permanently retained as such thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with Policies M4, M5 and M14 of the Barnet UDP 2006 and Policy 6.13 of the London Plan 2011.

- 15 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 16 Before the development hereby permitted is occupied the six disabled standard parking spaces shown on plan number A101 (REV J) and A102 (REV J) shall be provided in accordance with the approved drawings.
Reason:
To ensure that parking is provided as proposed in the application and in the interests of pedestrian and highway safety in accordance with policies M14 of the Barnet UDP 2006 and policies 6.13 of the London Plan 2011.
- 17 Before the development hereby permitted is occupied a Travel Plan prepared in accordance with all relevant technical and good practice guidance shall be submitted to and approved by the Local Planning Authority. The development shall be fully implemented and managed in accordance with the approved plan. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act (as amended) which accompanies this application.
Reason:
To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies GSD and M3 of the Barnet UDP 2006.
- 18 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- 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.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies GBEnv1, ENV7, ENV12, M2, M8, M10, M11, M12 and M14 of the Barnet UDP (2006) and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2011).

- 19 No development shall commence unless and until full details of all physical works to be carried out to the public highway in relation to the development hereby approved, including a programme and timescale for the works, have been submitted to and approved in writing by Local Planning Authority. The development shall be implemented in full accordance with such details as approved.

Reason:

To ensure that the site access works on the public highway are constructed to an acceptable specification and at an appropriate stage in the construction process in accordance with policy M13 of the Barnet UDP 2006.

ACCESSIBILITY

- 20 All 34 of the new residential dwellings (use class C3) within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan 2011.

- 21 Before the development hereby permitted commences details of the location within the development and specification of the 4 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 4 units shall demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan 2011.

SUSTAINABILITY

- 22 The office (use class B1) floorspace in the development hereby permitted shall be constructed to meet and achieve not less than a standard of 'Excellent' using the Building Research Establishment Environmental Assessment Method for Offices. Certification of this standard being reached or exceeded shall be submitted to the Local Planning Authority prior to the first occupation of the office floorspace hereby approved.

Reason:

To ensure that the development is sustainable and in accordance with policies GSD and GBEnv2 in the Barnet UDP 2006 and policies 5.2 and 5.3 of the London Plan (2011).

- 23 The 34 residential units (use class C3) in the development hereby permitted shall be constructed to achieve not less than Code Level 4 in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replace that scheme). No dwelling shall be occupied until formal certification has been issued confirming that not less than a Code Level 4 has been achieved and this certification has been submitted to the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies GSD and GBEnv2 in the Barnet UDP 2006 and policies 5.2 and 5.3 of the London Plan (2011).

LANDSCAPING

- 24 Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of the development a detailed scheme of hard and soft landscaping, including the areas of green roof and roof terrace shown in the submitted plans, shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- the position of any existing trees to be retained or removed;
- new tree and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants;
- means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser;
- existing contours and any proposed alterations such as earth mounding;
- areas of hard landscape works including paving, proposed materials, samples, and details of special techniques to minimise damage to retained trees and provide conditions appropriate for new plantings;
- timing of planting;

- any and all proposed boundary treatments, fencing or means of enclosure to be erected at the site and installed as part of the proposed roof terrace area.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

- 25 All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

- 26 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 D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

- 27 Notwithstanding the details shown on the plans otherwise hereby approved, prior to the commencement of the development a scheme detailing the hard and soft landscaping and all play equipment to be installed in the ground floor play area identified in plan number A103 (REV J) shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason:

To ensure that the development represents high quality design and to accord with policies D1 and D2 of the Barnet UDP 2006.

NO TELECOMMUNICATIONS EQUIPMENT

- 28 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority:

- The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the building hereby approved, including any structures or

development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies GBEEnv1, GBEEnv2, D1 and D2 of the Barnet UDP (2006).

CONTAMINATED LAND

29

Part 1

Before development commences other than for investigative work:

- A contaminated land desktop study 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 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 these details are approved in writing by the Local Planning Authority.
- 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 prior to the commencement of the development.

- 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 to be carried out shall be submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on site.

Part 2

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 and to comply with policy ENV14 of the Barnet UDP.

NOISE AND AIR QUALITY MANAGEMENT AND MITIGATION

- 30 No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies GBEnv1 and ENV12 of the Barnet UDP 2006.

- 31 Prior to the commencement of the development hereby permitted an air quality assessment report, written in accordance with the up to date relevant guidance, which assess the existing site and proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report submitted shall have proper regard to the air quality predictions and monitoring results from the 'Air Quality Stage 4 Review and Assessment for the London Borough of Barnet', the 'London Air Quality Network' and the 'London Atmospheric Emissions Inventory' and any other relevant factors.

A scheme of air pollution mitigation measures to be provided in the development based on the findings of the air quality assessment report shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved air quality mitigation scheme measures shall be implemented in their entirety before the first occupation of the development.

Reason:

To ensure that the amenities of future occupiers are protected from the poor air quality in the vicinity and in accordance with policy 5.3 of the London Plan 2011.

- 32 Prior to the commencement of the development a scheme of measures to be incorporated in the development to mitigate the impact of noise from road traffic, surrounding uses and any other relevant sources of noise on the occupiers of the development shall be submitted to and approved in writing. The scheme submitted in this respect shall not achieve less noise mitigation than the measures identified in the Bickerdike Allen Partners report (dated 21 August 2011) submitted with the application and shall ensure that the levels of noise as measured within habitable rooms of the residential element (use class C3) of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. The scheme submitted in this respect shall include sufficient details and information to adequately demonstrate how these standards would be met. The development shall be implemented in accordance with the approved scheme of measures in its entirety before the first occupation of

the development.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by road traffic noise and to accord with Policies ENV12 and ENV13 of the Barnet UDP 2006.

- 33 The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally and externally generated noise and vibration. This sound insulation installed shall ensure that the levels of noise generated from the office use (use class B1) hereby approved as measured within habitable rooms of the residential element (use class C3) of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. A scheme of noise mitigation measures to be incorporated in the scheme to achieve the specified standards shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved noise mitigation scheme shall be implemented in its entirety before the first occupation of the development.

Reason:

To ensure that the proposed office development does not prejudice the amenities of occupiers of the residential properties hereby approved in accordance with Policies ENV12 and ENV13 of the UDP 2006.

- 34 Before the development hereby permitted commences on site, details of all mechanical plant, including any extraction and ventilation equipment to be installed at the development, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of the proposed and adjoining residential properties and to accord with Policy ENV13 of the Barnet UDP.

- 35 Prior to the commencement of the development a report that fully and diligently assesses the likely noise impacts from all mechanical plant to be installed at the site as part of the development hereby approved, including any ventilation and extraction equipment to be installed, shall be carried out by a competent acoustic consultant, submitted to the Local Planning Authority and approved in writing. The report submitted shall clearly set out mitigation measures to be installed to reduce noise impacts to acceptable levels and 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 contents and recommendations. The approved mitigation measures in the report shall be implemented in their entirety before the first occupation of the development.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of the proposed and adjoining residential properties and to accord with Policy ENV13 of the Barnet UDP.

- 36 The level of noise emitted from the all mechanical plant to be installed at the site as part of the development 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 and to accord with Policy ENV13 of the Barnet UDP.

WATER AND DRAINAGE

- 37 The development hereby permitted shall not commence until a drainage strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.
- Reason:
To ensure that the development provides appropriate drainage infrastructure and to comply with Policies 5.13 and 5.14 of the London Plan 2011.
- 38 The development hereby approved shall have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters.
- Reason:
To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.
- 39 The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.
- Reason:
To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.

OFFICE HOURS OF USE

- 40 The office (Use Class B1) floorspace within the building hereby permitted, as shown on plan number A103 (REV J.), shall not be open for use, be used or receive deliveries before 8.00am or after 8.00pm from Monday to

Saturday or before 10.00am or after 4.00pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties in accordance with policy GBEnv2 of the Barnet UDP 2006.

BIODIVERSITY

41 Prior to the commencement of the development details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies GSD, GBEnv2, D1 and D11 of the Barnet UDP 2006 and policies 5.5, 5.11 and 7.19 of the London Plan 2011.

INFORMATIVES:

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 5** of this report. These include (as the first informative) the summary of the reasons for granting planning permission for this development and the relevant development plan policies taken into account in this decision.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan published July 2011 and the saved policies of the London Borough of Barnet Unitary Development Plan (UDP), which was adopted May 2006. These statutory development plans are the main policy basis for the consideration of this planning application. A number of other documents, including the emerging Core Strategy and Development Management Policies Development Plan Documents, supplementary planning guidance and national planning guidance are also material to the determination of the application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out below and in **Appendix 1**. In subsequent sections of this report dealing with specific policy and topic areas, there is further discussion, where appropriate, of the key policy background. This is not repeated here or in Appendix 1.

The London Plan and Barnet Unitary Development Plan

Appendix 1 examines in some detail the London Plan and Barnet UDP policies of most relevance to this planning application and appraises the proposal against these policies. Clearly the London Plan and the Barnet UDP contain a very large number of policies which are to a limited degree relevant and the analysis in Appendix 1 focuses on those which are considered to be particularly relevant to the determination of this application.

In order to present the analysis of the development plan policies in a readily readable form it is set out in a table format. The tables list the policies, describe them and then provide a brief commentary to assess how the proposed development conforms to the requirements of the specific policies. Where appropriate, some policies are combined in order to avoid unnecessary repetition or disjointed discussion.

The officers have considered the development proposals very carefully against the relevant policy criteria and, as Appendix 1 shows, have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

The Emerging Local Development Framework/Local Plan

The Planning & Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and the Localism Act 2011) reformed the development plan system by replacing the UDP with the Local Development Framework (LDF). The LDF will be made up of a suite of documents, including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF documents are adopted the relevant saved policies within the adopted UDP still constitute part of the development plan.

The Council published its Core Strategy – Submission Stage Development Plan Document (DPD) in May 2011. The document has been subject to four rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

The Council published its Development Management Policies – Submission Draft DPD in May 2011. The document has been subject to two rounds of public consultation and therefore weight can be given to it as a material consideration in the determination of planning applications. The Development Management policies document sits beneath the Core Strategy in the hierarchy of the Local Development Framework.

Following the publication of the above two documents two further rounds of consultation have been carried out on them. The first (commenced in January 2012) reflected proposed changes to the documents following the Joint Examination in Public of them. The second consultation (commenced in April 2012) reflects changes to the documents following the publication of the National Planning Policy Framework (see below). The changes under this round include the renaming Local Development Frameworks as Local Plans.

Appendix 1 sets out the Core Strategy and Development Management DPD policies which are relevant to the consideration of this application.

Draft Finchley Church End Town Centre Framework

The Council adopted its 'Suburban Town Centres Strategy' in April 2008 which sets out the Council's role in creating the right environment for private sector investment in the borough's town centres. This strategy identifies Finchley Church End as one of four priority town centres for which detailed planning strategies need to be developed.

Following consultation on a draft of the Finchley Church End Town Centre Framework in December 2011 the Council is currently in the process of preparing and adopting the final framework. This document will form part of making certain that there is a robust plan in place to protect and enhance Finchley Church End's position in Barnet's network of town centres and ensuring that it continues to provide for the needs of surrounding community.

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application. **Appendix 1** sets out the supplementary planning guidance which is relevant to the consideration of this application.

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these regulations. The applicant has agreed the contributions set out in recommendation two.

1.2 Key Relevant Planning History

A full summary of the key planning history of this site is set out in **Appendix 2** of this report. Of particular significance to the current proposal are two applications submitted for the site in 2008 which both sought consent for 10 storey buildings. Both these applications were refused planning permission. Following these decisions both applications were considered at a Public Inquiry in 2009. The Inspector dismissed the appeals in each case.

While the Inspector found the principle of a ten storey building on the site to be acceptable, both proposals were considered to constitute overdevelopment of the site that would be harmful to the character and appearance of the surrounding area. The first application (reference number F/00506/08) was predominantly for student accommodation and was dismissed on the grounds that it would provide inadequate

living conditions for its future occupiers, in addition to the harm that it would cause to the character and appearance of the area. The second application (application reference number F/00647/08) proposed 56 residential units. In addition to the schemes impact on the character and appearance of the area this application was also dismissed on the grounds that the planning obligations offered provided no certainty that any affordable housing would be delivered by the proposal.

A further historic proposal of particular note at this site is an application (reference number C01535AQ/03) for outline planning permission for the erection of a 9 storey building containing a mixture of office space and residential dwellings with basement car parking. This was granted planning permission in 2003.

1.3 Public Consultations and Views Expressed

Public Consultation

A total of 354 local properties (including residents and businesses) and other bodies were consulted on the application by letter and email in September 2011. The application was also advertised on site and in the local press at that time. Following revisions (two separate revisions) to the design of the scheme three further rounds of consultation (including letters, emails and site and press notices) were carried out in February, April and May 2012.

Number of Responses from Residents, Landowners and Businesses

29 responses objecting to the proposal were received. **2** of the objectors have requested to speak at committee. **0** responses supporting the proposal were received.

Comments from Residents, Landowners and Local Businesses

The comments made in objection to the application are summarised and responded to below. Where appropriate further detail is provided below, in the relevant section of the report.

Design and Character:

- Proposed building is too large, too tall and has an excessive mass and scale.
- Proposed building design lacks interest and is unattractive.
- Proposed building would result in a continuous wall of development, has an unacceptable impact on the street and should be set back further from the street.
- Proposed building is not sympathetic with its context, has an unacceptable relationship with neighbouring properties (including Alan Lodge) and is out of keeping with the character of the area.
- Proposed building is an overdevelopment of the site.
- Development would exceed local authority density levels.
- The existing building should not be demolished.

Officer Response:

- *The application is considered to provide an attractive and high quality design approach that proposes a development of an appropriate design, height, scale, size and mass for this part of the Finchley Church End town centre which complies with development plan policy. It is not considered that the development would have an unacceptable visual impact.*
- *The design of the proposed development is considered to create an*

acceptable relationship with the neighbouring buildings, street and spaces. The current application is considered to have overcome the reasons for refusing previous applications at the site in this respect. The reduction in the overall height and introduction of a curved façade to the proposed building are of particular importance in achieving this.

- The density of development proposed is considered to make optimal use of this accessible, town centre location, particularly given the proposals compliance with development plan policies as they relate to design, amenity, character, parking and other matters. The application is not found to constitute an overdevelopment of the site.*
- Officers would not be able to prevent the demolition of the existing building on the site under planning legislation and it is not considered that the building is of sufficient quality to that it would be appropriate or justifiable to try to protect it from demolition.*
- These matters are discussed in further detail in the report below and in particular in sections 3.3 and 3.5 of the report.*

Amenities of neighbouring occupiers and users, including properties in Alan Lodge:

- Development would have an unacceptable impact on the occupiers of neighbouring buildings and the area.
- Development would have an unacceptable visual impact.
- Development would cause an unacceptable loss of light and overshadowing.
- Development would cause unacceptable overlooking and loss of privacy.
- Development would cause unacceptable noise, nuisance and pollution.
- Proposal would exacerbate the existing problems with wind flows in the area.
- The building works the development would result in would have an unacceptable impact on their amenities.

Officer Response:

- The design, size, mass and siting of the proposed development are such that it is not considered to have an unacceptable impact on the amenities of neighbouring occupiers and users in terms of loss of light, overshadowing or visual impact.*
- Conditions have been recommended to ensure that the development would not have an unacceptable impact on the amenities of neighbouring occupiers in respect of overlooking, loss of privacy, noise and disturbance and pollution.*
- The proposal is considered to be compliant with development plan policy as it relates to the protection of the amenities of neighbouring occupiers, subject to the conditions and obligations recommended.*
- It is not considered that the proposed development would have a significant impact on the wind environment at the application site and surrounding area.*
- Conditions have been recommended to ensure the construction works associated with the development would not be detrimental to the amenities of the occupiers of neighbouring properties. These include requirements for a Construction Management and Logistics Plan.*
- These matters are discussed in further detail in the report below and in particular in section 3.6 of the report.*

Highways, transport and Parking:

- The quantity of parking proposed is insufficient and the development would unacceptably exacerbate the existing parking problems in the area.

- The quantity of parking proposed in the scheme is excessive and should be reduced or removed altogether.
- Development would add unacceptably to the vehicles and traffic in the area and exacerbate the existing access and congestion problems in this location.
- Proposal would be detrimental to highway and pedestrian safety.
- Surrounding road network is not suitable for the additional vehicles the development would generate.
- The car lift system and roller shutter for the vehicular access could impact adversely on the traffic in the area.

Officer Response:

- *The development is considered to provide a level of parking which is appropriate, given the accessible location of the site, in accordance with Barnet UDP policies and parking standards.*
- *The Transport Assessment submitted with the application demonstrates that the impact of the proposed development is negligible and is unlikely to result in any significant detrimental impact on the flow of traffic or the local highway network.*
- *In conditions and planning obligations have been recommended to ensure that the development would be provided with adequate parking and not be detrimental to parking facilities in the area surrounding the site, the free flow of traffic or the local highway network. These include amendments to the Local Traffic Management Order to prevent the occupants of the new development from purchasing parking permits for the areas CPZ, a Travel Plan and a Construction Management and Logistics Plan.*
- *Subject to the controls imposed by the conditions and planning obligations recommended it is not considered that the proposal would be detrimental to highway and pedestrian safety.*
- *Conditions have been recommended to ensure that the car lift system, roller shutter and associated technology would be provided operated and maintained in an acceptable manner.*
- *As recommended the proposal is considered to be compliant with development plan policy as it relates to highway, parking, access and traffic matters. These matters are discussed in further detail in the report below and in particular in section 3.9 of the report.*

General:

- Two persons have submitted objections to the application on the grounds that allowing a residential use on the site would result in future occupiers of the new dwellings complaining about local businesses near the site (The Central Pub, La Goggu Wine Bar and Ahir Lorenzo's Bar and Restaurant), which include licensed premises as part of their operations, due to the noise and disturbance their businesses inevitably cause, and that this would impact adversely on their business, including the hours in which they are licensed to trade.
- Proposed development has inadequate amenity space and occupiers of the proposed development would suffer unacceptable levels of pollution.
- Proposal would increase litter in the area.
- Proposal would place increased demand on the water table, sewage and rubbish collection.
- Proposal would increase the risk of crime in the area.
- That the revisions to the scheme have not addressed the concerns they

raised previously.

- That consultation on the application was inadequate.
- Proposal would adversely impact on the price of their property.

Officer Response:

- *The application site is situated in an accessible town centre location where uses of the nature proposed, including residential dwellings, are broadly supported by development plan policy. The proposed building would be located on a different side of the road to the businesses concerned and conditions have been recommended to minimise the impact of existing uses surrounding the site on the amenities of the future occupiers of the proposed dwellings as far as is practicable. The uses proposed are considered to be in keeping with the character of the area, compliant with the relevant development plan policies and are found to be acceptable. This matter is discussed in greater detail in section 3.1 and 3.4 of this report.*
- *The development is found to provide the future occupiers of the dwellings proposed with acceptable amenities in all regards. This issue is discussed in greater detail in section 3.4 of this report.*
- *It is not considered that there is any reasonable basis or evidence to suggest that the proposed development would result in a significant increase in litter in the area.*
- *The Environment Agency has been consulted on the application and have not raised any objection to the proposal in terms of an impact on the water table (or in any other regard). In the absence of any evidence to suggest the proposal would impact adversely on the water table the proposal is found to be acceptable in this regard. Thames Water have responded to the consultation and confirmed specifically that they do not have any objections to the proposal with regard to sewage infrastructure. These issues are discussed in greater detail in section 3.8 of this report.*
- *Conditions have been recommended to ensure that the development is provided with acceptable refuse and recycling facilities (including a satisfactory point of collection) and managed to minimise waste. Subject to these controls it is not considered that a refusal of planning permission of the grounds of additional demand on rubbish collection could be justified in this instance.*
- *The Metropolitan Police Service have confirmed that they do not have any objection to the proposal and the design of the development is such that it is considered to be compliant with development plan policy as it relates to crime and the fear of crime. This issue is discussed in greater detail in section 3.12 of this report.*
- *An extensive consultation has been carried out on the application involving letters, emails and notices being placed adjacent the site and in the local press. The consultation carried out exceeded the minimum requirements of the law and Barnet's own (more extensive) policies on consulting on planning applications of this nature.*
- *It is not considered that any impact the proposal may have on the price of property is a material planning consideration in this instance.*

Comments from Local Associations and Societies

Finchley Society:

Have **objected** to the application and consider it should be refused. The points they raise can be summarised as follows:

- When comparing the current application to previous proposals for the site they welcome the reduction in height, change of building line to the south-west and agreement to future residents not being eligible for permits in the Controlled Parking Zone which surrounds the site.
- The proposed building is not set-back at first floor level, resulting in a more prominent and much taller mass. This results in an overbearing presence on Alan Lodge, which is set-back from the highway. Consider that the building should be either set-back from the current building line fronting Nether Street, or set-back from a first floor level.
- The use a lift system for parking cars is very expensive. For it to then be claimed affordable housing cannot be provided due to cost is not reasonable.
- Town Centre applications for flats in the borough of Barnet often have no car parking provision. If it was accepted that this site did not need to have car parking for flats, or at least not for the one bed flats, costs would be reduced and this could then allow the development to include affordable housing. The current basis for not providing any affordable housing is not reasonable.
- If the amenity spaces fail to meet Barnet's criteria this should be used as a reason to refuse the application.

Officer Response:

- The design and siting of the proposed building are found to be acceptable and create a suitable relationship with the neighbouring property, Alan Lodge. This is discussed in greater detail in section 3.5 of this report.
- The inclusion of a car lift is not an unreasonable approach on a constrained, site such as this, and is found to be acceptable in this instance. The use of such technology enables a greater extent of the basement space to be used for purposes other than providing the means of entering and exiting the basement levels relative to other approaches, for example a ramp.
- The level of parking provided on the site is found to be acceptable and within the range that The Barnet UDP policies would expect for a development of this nature. This is discussed in greater detail in section 3.9 of this report. It should also be noted that other respondents have objected that the quantity of parking proposed is inadequate. The basis for the scheme not making a contribution to affordable housing (unless a subsequent re-review of the viability indicates that this is appropriate) is found to be acceptable. This matter is discussed further in section 3.7 of this report.
- The amenity space provided at the site is found to be compliant with Barnet's relevant development plan policies and supplementary guidance. The proposal is therefore found to be acceptable in this regard. This is discussed in further detail in section 3.4 of this report.

Dollis Park and District Residents Association:

Have **objected** to the application and **requested to speak at committee** on the following grounds:

- Adverse impact on traffic, access and parking in an area which is already congested. Find the level of parking in the scheme excessive and suggest it is

- reduced or removed altogether.
- Proposed buildings scale and appearance and the increase in building density proposed would have a negative impact on the surrounding area.
 - That consultation on the application was inadequate.

Officer Response:

- *The application submission includes a Transport Assessment, which has been analysed and evaluated by the Council's Traffic and Development Team. Subject to the conditions and obligations recommended the Traffic and Development Team find the proposal to be acceptable respect of traffic, access and parking matters. This is discussed in further detail in section 3.9 of this report.*
- *The scale, appearance and density of the proposal are all found to be acceptable. This is discussed in further detail throughout section 3 of this report and in particular sections 3.3 and 3.5.*
- *An extensive consultation has been carried out on the application involving letters, emails and notices being placed adjacent the site and in the local press. The consultation carried out exceeded the minimum requirements of the law and Barnet's own (more extensive) policies on consulting on planning applications of this nature.*

Consultation Responses from Statutory Consultees and Other Bodies

Transport for London (TfL):

Have responded to the consultation and have confirmed that they are of the opinion that the proposed development would not have an adverse impact on the safe operation of TfL networks and therefore they have no objection to the proposal.

Highways Agency:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

Metropolitan Police Service:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

London Fire and Emergency Planning Authority:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

Environment Agency:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. At the Environment Agencies request an informative has been including relating to their 'Flood Risk Standing Advice' for developments of this nature and the carrying out of pilling risk assessments where they are appropriate.

Natural England:

Have responded to the consultation and confirmed that they have no comments or objections to the proposal.

Thames Water:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. Thames Water has raised a number of points in respect of waste water matters and these have been included as informatives.

English Heritage Archaeology:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

Internal Consultation responses**Traffic and Development Team:**

The Traffic and Development Team response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions and planning obligations they have no objections to the development and find the proposal to be acceptable in respect of highways related matters.

Environmental Health Service:

The Environmental Health Service response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions in respect of air quality, contaminated land, noise and the ventilation and extraction equipment to be installed they raise no objection to the development and find the proposal to be acceptable.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**2.1 Site Description and Surroundings**

The application site is rectangular in shape, covers approximately 0.076ha and is situated on the north-west corner of Nether Street and Albert Place in the West Finchley Ward. The site presently contains a building between one and three stories in height which provides 862m² of commercial floor space, comprising a mixture of A2 and B1 uses. An area of hard surface to the rear of the building provides a space for parking up to 12 cars. This is accessed via Albert Place.

The Planning Statement submitted with the application states that building is presently vacant and has been since the end of 2010. In January 2008 the property housed three businesses and was fully occupied and in April 2008 two businesses occupied approximately 400m² of the site. Since this time, and until the end of 2010, approximately 97m² of the building was been occupied by a single business.

The site falls within boundary of Finchley Church End Town Centre (as defined in the Development Management Policies DPD) and has good access to the public transport network (Public Transport Accessibility Level (PTAL) of 5). This includes close proximity to Finchley Central Underground Station and a variety of bus service routes which can be accessed from Nether Street and the adjacent Ballards Lane. The town centre contains a range of retail and other uses.

The surrounding environment comprises buildings of a range of heights. These include a five storey commercial building known as Lawford House situated north-east of the site, a nine storey commercial building known as Central House situated

south-east of the site and a six storey residential building known as Alan Lodge situated north-west of the application site. The eight storey residential building Norman Court is situated further north-west of the site. Pre-application advice has been sought from the Council on the redevelopment of the application site.

2.2 Description of the Proposed Development

Detailed planning permission is sought by the applicant (P. Titan Properties) for the demolition of the existing office building on the site (mixture of use classes B1 and A2) and its redevelopment to provide a mixed use development including 126m² of office space (use class B1), 34 residential units (use class C3) and basement car parking for 35 cars. 6 of the proposed car parking spaces would be provided to a disabled parking space standard. All of the car parking spaces provided would be provided with electric vehicle charging points. The pedestrian access to the proposed dwellings and office space would be accessed at the northern corner of Nether Street and Albert Place. Vehicular access to the site would be via Albert Place. The area surrounding the building would contain a mixture of hard and soft landscaping. Approximately 68m² of this space around the building would be designed as a private (not accessible to the general public) play area for children.

The proposed building would provide 6 floors of accommodation above ground level containing the office space, residential lobby, refuse and recycling storage, bicycle storage (capacity for 38 bikes) and a sub station provided on the ground floor and five levels of residential flats above. In addition to this the roof (seventh above ground level) of the building would provide a communal roof garden accessed by stairs and a lift that are contained in a single storey mono-pitched structure. The communal garden would have an area of approximately 254m². The remainder of this level would comprise a green roof and an area of photovoltaic panels.

The proposed building is partially elliptical in terms of its plan form, with the southern and western facades of the building being curved. Above ground the approximate maximum width, length and height (measured from Albert Place) of the proposed building are respectively 20m, 34m and 22.3m.

Two basement levels are provided below ground which accommodate parking for cars and powered two wheeled vehicles. These levels are accessible through stairs, two car lifts and a lift for people.

The application proposes the following mix of dwellings types:

- 5 three bedroom five person flats (approximately 14.5% of the dwellings)
- 5 two bedroom four person flats (approximately 14.5% of the dwellings)
- 1 two bedroom 3 person flat (approximately 3% of the dwellings)
- 23 one bedroom two person flats (approximately 68% of the dwellings)

All of the units proposed would meet or exceed the minimum floor space standards for the respective types of dwelling specified in Table 3.3 of the London Plan. Each unit would also have direct access to a private balcony area and the two communal amenity areas provided within the site.

The Planning, Design and Access Statement submitted with the application confirms that all of the units proposed would be constructed to meet the relevant Lifetime Homes Standards and not less than 10% of the units would achieve wheelchair accessible standards or be easily adaptable to meet wheelchair accessible

standards. 6 of the basement car parking spaces would be provided as disabled sized spaces. None of the units proposed would be provided as affordable housing (this is discussed in further detail in the relevant section below).

The Sustainable Design and Construction Statement provided with the application confirms that the residential element of the development would achieve Code for Sustainable Homes 'Level 4' and the office element of the proposal would meet the BREEAM 'Excellent' standard.

In addition to the application drawings the following documents have been submitted with the application:

- Planning, design and Access Statement by Metropolis Planning and Design;
- Sustainable Design and Construction Statement by Metropolis Green;
- Energy Strategy prepared by Metropolis Green;
- Internal Temperature Analysis by Metropolis Green;
- Correspondence from Jeremy Leaf & Co. regarding the marketing and letting of the existing property;
- Air Quality Assessment by Water Environment Limited;
- Wind environment Study by BMT Fluid Mechanics;
- Environmental Noise and Vibration Assessment by Bickerdike Allen Partners;
- Archaeological Assessment by Canterbury Archaeological Trust Ltd;
- Report on Daylight and Sunlight to neighbouring Residential Properties by Brooke Vincent and Partners;
- Telecommunications Environmental Assessment and Addendum Report by WSP;
- Preliminary Surface Water Strategy Incorporating a Flood Risk Assessment by Odyssey Consulting Engineers;
- Service and Delivery Plan by Odyssey Consulting Engineers;
- Residential Travel Plan by Odyssey Consulting Engineers;
- Transport Assessment by Odyssey Consulting Engineers;

3. PLANNING CONSIDERATIONS

3.1 Principle of the proposed uses

Policy GEMP4 of the Barnet Unitary Development Plan (UDP) states that the Council will seek to retain land which meets the strategic requirements for small, medium and large scale industrial users. If there is no realistic prospect of the reuse of a site purely for employment purposes, mixed use development for employment and housing will be a priority.

Policy EMP2 makes it clear that the Council will not grant planning permission to redevelop employment land to non-industrial or non-business uses. Exceptions will only be made where there is no realistic prospect of reuse or of redevelopment for industrial purposes. Where this is the case the policy gives priority to a mixture of small business units and residential uses. Policy EMP7 states that the development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case the priority for the new development is as a mixed use scheme. Policy TCR13 specifies that housing developments in and near town centre's through new development will be permitted except on the ground floor of

primary and secondary frontages as defined on the proposals map.

Policy H2 states that proposals for residential development on sites not allocated for housing under Policy H1 (such as the application site) will be assessed in terms of:

- Whether the site is appropriate, having regard to a sequential test;
- the impact of the proposal on its surroundings (including the environmental impact of developing back gardens);
- the availability of access by a choice of means of transport;
- access to educational and community facilities; and
- whether land is required for another use, as identified in this Plan and associated planning briefs.

On the basis of the circumstances of the cases the Inspector who dealt with the appeals against the refusals of planning permission for redevelopment at this site in 2008 concluded that the schemes would not conflict with the objectives of the relevant UDP policies on employment uses or be significantly harmful to the local economy. Given that further marketing of the site has taken place since that decision (without success), the current application proposes a similar amount of new employment generating floor space (126m²) to the previous applications (126m² or less) with a potentially higher quality and intensity of employment generating use (Use Class B1) than that previously sought (potentially A1, A2 or A3) and the quality of the existing office space at the site has deteriorated further (due to flooding) since the Inspectors decision, it is not considered that the council could justify a refusal of planning permission on the basis of employment policies. It is not considered that the changes to the development plan and the wider planning policy and guidance framework (including emerging planning documents) since the Inspectors decision alter this conclusion.

In addition to this a financial contribution of £25000 towards employment and skills training in the borough forms part of the planning obligations recommended. This contribution would assist further in mitigating for the loss of the existing employment generating floor space on the site.

Notwithstanding the issue of the loss of the existing employment uses at the site, a Planning Inspector (at appeal in 2008) has previously accepted the principle of the use of the site for offices at a ground floor level with self contained residential flats above. Officers consider none of the changes to the development plan or the wider planning policy and guidance framework (including emerging planning documents) alter the acceptability of these uses on the site as a principle. Taking account of all material planning considerations the principle of the use of the site for offices on the ground floor with residential flats above is found to be acceptable in this instance.

Objections have been submitted to the application on the grounds that allowing a residential use on the site would result in future occupiers of the new dwellings complaining about local businesses near the site (The Central Pub, La Goggu Wine Bar and Ahir Lorenzo's Bar and Restaurant), which include licensed premises as part of their operations, due to the noise and disturbance their businesses inevitably cause, and that this would impact adversely on their business, including the hours in which they are licensed to trade.

While these concerns are noted and acknowledged it needs to be recognised that the application site is located within a town centre, where mixed use developments

with uses of the nature proposed (residential and office) are broadly encouraged by development plan policy.

The businesses which it is suggested could impact on the residential use proposed are situated on the opposite side of the road (either Nether Street or Albert Place) to the application site. In other circumstances licensed premises are sited in even closer proximity to residential uses. Town centre locations often contain a range of uses and the potential occupiers of the proposed residential units would be quite able to see for themselves the mixture of uses in the area surrounding the site before they decided to occupy them. Notwithstanding this conditions have been recommended to minimise the impacts of surrounding uses and roads on the amenities of the occupiers of the proposed units as far as is practicable. Subject to these conditions the uses proposed are found to be acceptable in this instance, in keeping with the character of the area (which includes residential and offices uses to the north-west and north-east respectively) and compliant with development plan policy.

3.2 Dwelling mix

Development plan policies require proposals to provide a suitable range of housing sizes and types, taking account of the housing requirements of different groups. The council's emerging Local Development Framework documents (Core Strategy and Development Management Policies DPD) identify 3 and 4 bedroom family units as the highest priority types of dwellings for the borough.

The application proposes the following mix of dwellings types:

- 5 three bedroom five person flats (approximately 14.5% of the dwellings)
- 5 two bedroom four person flats (approximately 14.5% of the dwellings)
- 1 two bedroom 3 person flat (approximately 3% of the dwellings)
- 23 one bedroom two person flats (approximately 68% of the dwellings)

The inclusion of approximately 14% of the units proposed as three bedroom dwellings is welcomed. Officers consider that the fact that the proportion of three bed (or larger) dwellings is not higher reflects the town centre location and constrained nature of the site. It is considered that in this instance the dwelling mix proposed is acceptable.

3.3 Density of development

The Council's UDP policy on residential density (H21) states that the council will favourably consider proposals for higher density, residential development within Barnet's Major and District Town Centres provided such proposals comply with Policy D1 and relate satisfactorily to their surroundings.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 (see below) which provides a guide to appropriate density ranges for particular locations, depending on accessibility and setting.

Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare)

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
Urban	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
Central	150-300 hr/ha	300-650 hr/ha	650-1100 hr/ha
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/hr	100-240 u/ha	215-405 u/ha

The application site is in an accessible location (a PTAL of 5) and is located within the boundary of Finchley Church End Town Centre. The site is considered to fall within a transitional area between the urban and suburban settings as defined in the London Plan. Taking all of these factors into consideration the London Plan Density Matrix would suggest a range of somewhere between 45-260 units per hectare or 200-700 habitable rooms per hectare (see table above). Using the approach taken in the London Plan the 34 units proposed include 84 habitable rooms. As the site has an area of 0.076 hectares this equates to a density of 447 units per hectare or 1105 habitable rooms per hectare. The proposal therefore exceeds the density range specified in the London Plan.

In evaluating the significance of this it needs to be recognised that the supporting text in the London Plan states that:

“A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically.”

As the other sections in this report outline the application site is positioned within the town centre boundary, in a highly accessible location that has very close proximity to both Finchley Central Underground Station and a number of bus routes. It should also be recognised that the proposal is considered to be fully compliant with policies on good design, local context and character, providing acceptable amenities for future occupiers of the new development and protecting the amenities of neighbouring occupiers. Where proposals are situated within Barnet’s District Town Centres (such as Finchley Church End), would comply with Policy D1 (of the UDP) and relate satisfactorily to their surroundings UDP policy on residential density (H21) states that the council will favourably consider proposals for higher density residential development. Taken in isolation from other matters density is considered

to be a blunt tool for evaluating the acceptability of a scheme. In circumstances such as this, where a proposal would comply with the relevant development plan policies and not result in any demonstrable harm, it is not considered that it would be appropriate to refuse an application on density grounds alone.

While each application needs to be considered on the basis of its individual planning merits, it should also be noted that neither the Council nor a Planning Inspector refused an application with a higher residential density for this site on density grounds. The scheme (application reference F/00647/08) proposed 56 dwellings and had a density of 736 units per hectare. It was concluded by both the Council and a Planning Inspector that this proposal was unacceptable in terms of its bulk and the impact of this on the character and appearance of the area. No objection was raised to the density of the scheme. It is noted that a new London Plan with a different policy approach to density has been adopted since this decision. However, it is considered that under the present policy approach of 'optimising housing potential' it remains reasonable to find a proposal (and a density) acceptable where it exceeds the relevant density range, but is found to be acceptable in all design, amenity and other relevant regards. Taking account of the factors outlined above officers consider that the density of development proposed is acceptable in this instance.

3.4 Standard of accommodation provided and amenities of future occupiers of the proposed dwellings

Policy GBEnv2 of the Barnet Unitary Development Plan (UDP) requires high quality design in all new development to improve the quality of the built environment, amenity and the quality of environment of future residents, in order to help meet the objective of sustainable development. Policy D1 of the Barnet Unitary Development Plan states that new developments should be of high quality design and in keeping with the objectives of sustainable development. Policy D5 identifies that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers and users. Policy ENV12 states that proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. The Council will also seek to ensure that uses which are sensitive to air pollution (such as residential uses) are located away from sources of air pollution.

Policy H16 identifies that residential developments should be well laid out in terms of access, provide adequate daylight, outlook and residential amenity, provide a safe and secure environment, prevent overlooking, and provide adequate levels of private amenity space. Barnet's UDP advocates a minimum distance of 21m between properties with facing windows to habitable rooms, in order to address overlooking. This distance should increase by 3m for each additional storey over two storeys. In town centre developments these standards may not apply. Where less distance is provided innovative design solutions should be included to avoid overlooking.

Policy H18 requires that for flats the minimum provision of amenity space should be 5m² per habitable room. However, proposals in or near town centres may be exempt from this requirement if alternative amenities are provided. The council's supplementary planning guidance, Sustainable Design and Construction, provides more detailed amenity space standards for new residential development. This includes minimum sizes for private external amenity space (balconies or terraces).

This equates to 3m² for 1 person or 2 person dwellings with an extra 1m² needed for each additional bed space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The type of dwelling, minimum unit area (using the London Plan standards) and the unit area actually proposed are set out below:

Dwelling	Dwelling Type	Minimum Unit Area	Proposed Unit Area	Dwelling	Dwelling Type	Minimum Unit Area	Proposed Unit Area
Unit 1	1 bedroom 2 person	50m ²	51m ²	Unit 18	1 bedroom 2 person	50m ²	50m ²
Unit 2	1 bedroom 2 person	50m ²	50m ²	Unit 19	3 bedroom 5 person	86m ²	89m ²
Unit 3	2 bedroom 4 person	70m ²	80m ²	Unit 20	1 bedroom 2 person	50m ²	50m ²
Unit 4	1 bedroom 2 person	50m ²	50m ²	Unit 21	1 bedroom 2 person	50m ²	50m ²
Unit 5	3 bedroom 5 person	86m ²	89m ²	Unit 22	1 bedroom 2 person	50m ²	51m ²
Unit 6	1 bedroom 2 person	50m ²	50m ²	Unit 23	1 bedroom 2 person	50m ²	50m ²
Unit 7	1 bedroom 2 person	50m ²	50m ²	Unit 24	2 bedroom 4 person	70m ²	80m ²
Unit 8	1 bedroom 2 person	50m ²	51m ²	Unit 25	1 bedroom 2 person	50m ²	50m ²
Unit 9	1 bedroom 2 person	50m ²	50m ²	Unit 26	3 bedroom 5 person	86m ²	89m ²
Unit 10	2 bedroom 4 person	70m ²	80m ²	Unit 27	1 bedroom 2 person	50m ²	50m ²
Unit 11	1 bedroom 2 person	50m ²	50m ²	Unit 28	1 bedroom 2 person	50m ²	50m ²
Unit 12	3 bedroom 5 person	86m ²	89m ²	Unit 29	3 bedroom 5 person	86m ²	87m ²
Unit 13	1 bedroom 2 person	50m ²	50m ²	Unit 30	2 bedroom 4 person	70m ²	80m ²
Unit 14	1 bedroom 2 person	50m ²	50m ²	Unit 31	1 bedroom 2 person	50m ²	50m ²
Unit 15	1 bedroom 2 person	50m ²	51m ²	Unit 32	2 bedroom 3 person	61m ²	66m ²
Unit 16	1 bedroom 2 person	50m ²	50m ²	Unit 33	1 bedroom 2 person	50m ²	50m ²
Unit 17	2 bedroom 4 person	70m ²	80m ²	Unit 34	1 bedroom 2 person	50m ²	50m ²

All of the units proposed would have a gross internal area which meets or exceeds the requirements of the London Plan for a dwelling of that type and the proposal is considered to be acceptable in this regard.

Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings in this town centre location, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. An example of a way in which this is achieved is the careful siting an orientation of windows in the proposed buildings. The three bedroom dwellings proposed are all dual aspect. It is considered that each of the dwellings proposed has an acceptable outlook.

External amenity space provision

All of the dwellings proposed would have access to their own private amenity space in the form of a balcony or terrace. In each case this would be of sufficient size to meet or exceed the requirements of the Council's guidance on the provision of private amenity areas for different sizes of dwelling. The size of the private amenity area provided for each of the dwellings is set out below:

Dwelling	Private Amenity Area	Dwelling	Private Amenity Area
Unit 1	7.9m ²	Unit 18	6.1m ²
Unit 2	7.5m ²	Unit 19	13.2m ² (8.3m ² and 4.9m ²)
Unit 3	9.3m ²	Unit 20	5.1m ²
Unit 4	6.1m ²	Unit 21	5.1m ²
Unit 5	13.2m ² (8.3m ² and 4.9m ²)	Unit 22	7.9m ²
Unit 6	5.1m ²	Unit 23	7.5m ²
Unit 7	5.1m ²	Unit 24	9.3m ²
Unit 8	7.9m ²	Unit 25	6.1m ²
Unit 9	7.5m ²	Unit 26	13.2m ² (8.3m ² and 4.9m ²)
Unit 10	9.3m ²	Unit 27	5.1m ²
Unit 11	6.1m ²	Unit 28	5.1m ²
Unit 12	13.2m ² (8.3m ² and 4.9m ²)	Unit 29	25.8m ²
Unit 13	5.1m ²	Unit 30	9.3m ²
Unit 14	5.1m ²	Unit 31	6.1m ²
Unit 15	7.9m ²	Unit 32	21.1m ²
Unit 16	7.5m ²	Unit 33	7.9m ²
Unit 17	9.3m ²	Unit 34	8.5m ²

All of the dwellings proposed would also have access to two further communal amenity areas. These comprise a roof terrace measuring 254m² and a play area for children (not accessible to the general public) measuring 68m². This second area would have play equipment installed within it, the precise details of which are to be agreed under the conditions recommended.

The total amount of communal and private amenity space provided at the site equates to approximately 618m². Using the Barnet UDP standard of providing 5m² of usable amenity space per habitable room (including kitchen over 13m² and with rooms over 20m² counting as two rooms) for flats the development would be required to provide 590m² of amenity space. The proposal therefore exceeds the minimum requirements of the Barnet UDP in this respect and as such is considered to be acceptable.

Privacy and overlooking

The design and layout of the windows, doors and amenity areas in the dwellings proposed is such that, subject to the provision of suitably designed privacy screens, the new residential units would be provided with an acceptable and policy compliant level of privacy and not suffer unacceptable overlooking. A condition has been recommended to ensure that adequate privacy screens are implemented and maintained and with this the proposal is found to be adequate in this regard.

Daylight

The submission documents include an assessment of the daylight that would be received in the habitable rooms of the dwellings proposed. This was carried out by Brooke Vincent and Partners. Using the methodology found in the latest guidance (published in 2011) from the Building Research Establishment on how to assess the daylight received in new dwellings the evaluation found that all of the habitable rooms proposed would meet the relevant standards. The proposal is found to be acceptable in this regard.

Noise and air quality

Conditions have been recommended which require the development to be

constructed and managed in such a way that it would include measures to provide future occupiers of the proposed dwellings with an acceptable noise and air quality environment, as far as is practicable, taking account of the environment and uses surrounding the application site. Examples of measures include the installation of appropriate extraction and ventilation equipment and inclusion of adequate sound proofing when the building is constructed.

Subject to the conditions recommended the proposal is considered to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the dwellings proposed.

Conclusions on the amenities of future occupiers

The scheme is compliant with development plan policy as it relates to the amenities of the future occupiers of the dwellings proposed and the design approach is considered, for the reasons outlined above, to provide future occupiers with adequate amenities. The development is therefore found to be acceptable in this respect.

It is noted that objections have been submitted to the application on the grounds that allowing a residential use on the site would result in future occupiers of the new dwellings complaining about local businesses near the site (The Central Pub, La Goggu Wine Bar and Ahir Lorenzo's Bar and Restaurant), which include licensed premises as part of their operations, due to the noise and disturbance their businesses inevitably cause, and that this would impact adversely on their business, including the hours in which they are licensed to trade.

While these concerns are acknowledged it needs to be recognised that the application site is located within a town centre, where mixed use developments with uses of the nature proposed (residential and office) are broadly encouraged by development plan policy.

The businesses which it is suggested could impact on the residential use proposed are situated on the opposite side of the road (either Nether Street or Albert Place) to the application site. In other circumstances licensed premises are sited in even closer proximity to residential uses. Town centre locations often contain a range of uses and the potential occupiers of the proposed residential units would be quite able to see for themselves the mixture of uses in the area surrounding the site before they decided to occupy them. Notwithstanding this conditions have been recommended to minimise the impacts of surrounding uses and roads on the amenities of the occupiers of the proposed units as far as is practicable. Subject to these conditions the dwellings proposed are found to be acceptable and compliant with development plan policy.

3.5 Design, character and landscaping matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document makes it clear that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The statement also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations. It then makes it clear that good design also involves integrating development into the natural, built and historic environment.

UDP Policy GBEnv1 states that the Council will protect and enhance the character and quality of the Borough's built environment. Policy D1 requires new development to be of high quality design and in keeping with the Council's objectives of sustainable development and ensuring community safety while Policy D2 states that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street patterns and the overall character and quality of the area.

The London Plan also contains a number of relevant policies on character, design and landscaping (the key policies are set out in Appendix 1). Policy 7.4 of the London Plan states that Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The design of the proposed building responds positively to its context and is found to have an acceptable relationship with the neighbouring buildings and spaces, including Alan Lodge and Lawford House. This is achieved in part through it having a height of 6 stories (with a lift block and roof garden on the level above the sixth storey) and also through the way in which the southern and western elevations of the building are designed so that they curve away from Alan Lodge and Nether Street. In addition to these points the detailed design and architecture of the proposed buildings, in particular the fenestration and balconies, assist in further by breaking up the overall mass of the building.

The previous three applications submitted at this site proposed the construction of ten storey buildings. The latest of these applications (submitted in 2010) was withdrawn. The other two proposals (submitted in 2008) were refused planning permission by the Council and dismissed by a planning Inspector at appeal, partly on the grounds of a conclusion that when regard is had to the mass, layout and site context both schemes would appear as an overdevelopment of the site and be harmful to the character and appearance of the surrounding area.

The building proposed under the current application is significantly different from that for which consent was sought under the 2008 applications. A key difference between these schemes and the current proposal is a reduction in the overall height of the building from ten stories to six stories (plus a roof terrace). The overall form, including the curve southern and western facades, layout and detailed design of the building currently proposed is also significantly different from those sought in 2008. The combined result of these differences is that the current scheme has a substantially reduced bulk and mass and far better relationship with the neighbouring properties and spaces, including Alan Lodge, Lawford House and the public realm around the site, compared to the 2008 applications. The current application is considered to have overcome the design and character related reasons for refusing planning permission for the applications submitted in 2008.

The applicant has detailed the plans to show the use of materials which include red brick and oxidized copper cladding. In principle the use of such materials is welcomed and is found to be a positive aspect of the proposal. Conditions have been recommended which will ensure that, should the development be implemented, the materials used in for the new building are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new building and means of enclosing the site, should the scheme be implemented. Subject to the conditions recommended the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character and landscaping matters.

3.6 Impacts on amenities of neighbouring and surrounding occupiers and users:

Policies GBEnv1 and GBEnv2 of the Barnet Unitary Development Plan seek broadly to protect and enhance the quality of the Borough's built, open and natural environments and to improve amenity. Policy D5 identifies that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy ENV12 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Policy H16 identifies that residential developments should preserve adequate daylight, outlook and residential amenity, maintain privacy and prevent overlooking.

Where new residential developments are proposed Barnet's UDP advocates a minimum distances of 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, in order to avoid overlooking. This distance should increase by 3m for each additional storey over two storeys. Where overlooking is a problem, especially in relation to neighbouring development, a higher degree of privacy will be required. In town centre developments these standards may not apply. However, where less distance is provided innovative design solutions should be included to avoid overlooking.

It is noted that objections have been received from a number of parties expressing concerns that the proposed development would be detrimental to the amenities of neighbouring and surrounding occupiers and users in a variety of ways. These include loss of light, visual impact, increased noise and disturbance, overlooking and loss of privacy.

Overlooking and Loss of privacy

The proposal would not result have any windows which directly face habitable windows in neighbouring residential properties. However, there are windows and balconies on the north-west side of the proposed development from which oblique view of the windows to habitable rooms in neighbouring properties (Alan Lodge) could be achieved. While the windows in such instance are not facing and in views would be at an angle the distances between the windows in such cases would be less than 21m. As such conditions have been recommended requiring that suitable details of the measures to be installed to prevent any unacceptable levels of overlooking and loss of privacy at the neighbouring properties to be provided, agreed by the Local Planning Authority and implemented. These measures are likely to include the use of screens, of an appropriate design quality, but may also include the installation of obscured glazing. Subject to the controls in place under these conditions it is concluded that the design and layout of the proposal is such that the

development would not result in unacceptable levels of overlooking and loss of privacy at the neighbouring properties and would comply with development plan policy in these regards.

Daylight, Sunlight and Overshadowing

The application is accompanied by an assessment of the proposals impact on the neighbouring residential properties by reference to the methodologies found in the Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice*'. This report concludes that the criteria relating to both daylight and sunlight would be met and that there would be no significant adverse affect on daylight or sunlight at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the daylight and sunlight received at neighbouring properties.

The size, design (particularly the curve of the façade and orientation of the development) and the siting of the proposed building in relation to neighbouring properties (set approximately 3.9m away from Alan Lodge) are such that it is not considered that the development would cause unacceptable levels of overshadowing of neighbouring properties. The application is therefore found to be acceptable in this respect.

Outlook and Visual Impact

The documents submitted with the application include plans and also illustrative images showing the impact of the proposed development from a number of key locations within the area surrounding the site and show the relationship of the proposed building with neighbouring properties and spaces. It is considered that the design of the proposed development, particularly its height, the curve of the façade and its siting approximately 3.9m away from Alan Lodge, is such that it would not have an unacceptable visual impact or result in any significant loss of outlook at neighbouring properties. The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

Noise

The residential and office uses proposed in the development are of a nature that they would be expected not to generate unacceptably high levels of noise and disturbance to the extent that they would harm the amenities of the occupiers of neighbouring properties (which include residential and office uses) in the normal course of their occupation and use. However, conditions have been recommended in relation to the mechanical plant to be installed as part of the proposal and the hours of use of the office can be in operation to ensure that the development does not result in noise and disturbance that is detrimental to the amenities of neighbouring occupiers. Conditions have also been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance. These including the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

Wind Environment

The application is accompanied by a Wind Environment Study prepared by BMT Fluid Mechanics. This models the impact of the proposal on the wind environment. The study concludes that with the development in place wind conditions in and around the site are expected to rate as safe for all users and that the proposal would

not be expected to have any significant impact on pedestrian level wind conditions in the surrounding area. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the wind environment.

Conclusions

The proposed development is considered to be acceptable and compliant with the relevant development plan policies as they relate to the amenities of neighbouring and surrounding occupiers and users.

3.7 Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes, having regard to:

- current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11
- affordable housing targets adopted in line with Policy 3.11,
- the need to encourage rather than restrain residential development (Policy 3.3),
 - a. the need to promote mixed and balanced communities (Policy 3.9)
 - b. the size and type of affordable housing needed in particular locations
 - c. the specific circumstances of individual sites.

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.

This approach is reflected in UDP Policy H5 which requires the maximum reasonable amount of affordable housing to be sought on sites of 10 or more units gross, having regard to a target that half of the housing provision over the UDP period should be affordable.

The application does not propose that any affordable housing is provided on-site.

Affordable Housing Viability Assessment and Independent Review

To explain and justify this, the applicants have submitted a confidential report led by QUOD (with the assistance of other consultancies) which evaluates the economic viability of the proposed development making a contribution to affordable housing provision.

The report concludes that taking into account the full costs of the development, including the provision of two levels of basement parking (as set out in greater detail elsewhere in this report) and other costs, including planning obligations, the residual land value (RLV) of the site based on the proposed scheme is approximately £724,000 and the existing use value (EUV) of the property is approximately £1,000,000. The deficit of RLV over EUV is -£276,000. This indicates that even in the absence of any contribution to affordable housing the scheme is presently not economically viable.

The Council commissioned BNP Paribas to independently review the viability assessment submitted with the application. BNP Paribas also found that the residual land value for the site is less than the existing use value. They therefore conclude

that the provision of no affordable housing units on site is fair and reasonable when all the relevant circumstances are taken into account. In evaluating the scheme in this regard it should be noted that both the viability assessments carried out take into account a financial contribution of circa £95,000 for various other (non-affordable housing) planning obligations. However, the total section 106 financial contributions presently required (as set out in the heads of terms above) equate to over £200,000 and have been agreed in principle by the applicant.

Furthermore, as set out in the heads of terms at the start of this report, officers recommend that a subsequent re-appraisal of the viability of the development is carried out. This would ensure that should circumstances change and the scheme became more economically viable a correspondingly appropriate financial contribution to the provision of affordable housing within the borough would be made to the Council. This would be up to a maximum of the equivalent value of 40% of the units proposed.

Affordable Housing Conclusion

In accordance with London Plan Policy 3.12 the viability of the development, the individual circumstances of the site and other scheme requirements need to be taken into account when considering the level of affordable housing provision. In this case the circumstances of the site and scheme requirements that need to be considered include the cost of providing basement level parking to minimise the schemes impact on parking facilities in the area around the site, the economic benefits that the mixed use proposal would bring to Finchley Church End Town Centre and the inclusion of a review mechanism to ensure that an appropriate contribution is made to affordable housing provision should the economic viability of the scheme improve. Therefore in this instance the absence of any certain or likely contribution to affordable housing provision is considered to be acceptable, given the other site constraints and benefits arising from the development.

It is noted that the Planning Inspector who dealt with the Inquiry in the application submitted in 2008 for a residential led mixed use scheme for the site (application reference F/00647/08) dismissed the appeal partly on the grounds of a conclusion that there was no certainty the scheme would contribute to the Borough's need for affordable housing (also on the grounds that it would have a detrimental impact on the character and appearance of the area). However, that application was for a very different development, which comprised a much taller building (ten storeys high) with a greater number of 56 residential units and therefore had a greater potential to make a contribution to affordable housing in the borough. Each planning application must be assessed individually on the basis of its planning merits and it is concluded the application put forward is acceptable in this instance for the reasons outlined above.

3.8 Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding and falls below the threshold where a flood risk assessment is required to be submitted. The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of flooding or drainage matters.

Thames Water has confirmed specifically that in terms of sewage infrastructure they do not have any objection to the proposals. A condition has been recommended to ensure that suitable drainage infrastructure is provided in respect of the development

generally. Subject to this condition the development is found to be acceptable in respect of drainage and flooding matters.

Conditions have been recommended to ensure that water use by the development is minimised. Subject to these conditions the development is found to be acceptable in this respect. Both businesses potentially supplying water to the development (Veolia and Thames Water) have been consulted on the application and neither has raised any objections to the development in relation to water supply matters or on any other grounds.

3.9 Transport, parking and highways matters:

Policy M14 in the Movement chapter of the Barnet Unitary Development Plan sets out the parking standards that the Council will apply when assessing new developments. Other policies in the Movement chapter of the Barnet Unitary Development Plan seek to ensure the safety of road users, reduce accidents, provide suitable and safe access for all users of developments, encourage non-car modes of transport, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Parking provision

The parking standards for residential development, as set out in the Barnet UDP, recommend a range of parking provision for new residential units based on the on Public Transport Accessibility Levels (PTAL) Score. For the different types of unit the range of provision is as follows:

Four or more bedroom units - 2.0 to 1.5 parking spaces per unit
Two and three bedroom units - 1.5 to 1.0 parking spaces per unit
One bedroom units - 1.0 to less than 1 parking space per unit

For higher PTAL Scores the parking requirement would be expected to be at the lower end of the range and for a lower PTAL Score a parking provision at the higher end of the range would be required.

This equates to parking provision of between 12 to 40 parking spaces for the proposed residential units to meet the parking standards set out in the UDP (depending on the PTAL Score for the site). The proposed parking provision of 33 spaces (across two basement levels) is within the range that UDP would expect to be provided.

In accordance with the UDP, flexibility can be exercised in applying the parking standards by considering the specific circumstances found on a site. As the PTAL Score for the site is 5, indicating good public transport accessibility, the parking provision of 33 parking spaces for the proposed residential development is considered to comply with the parking standards as set out in the UDP 2006. Account has also been taken of the sites town centre position (and the local amenities this provides) and the located within the existing Church End Controlled Parking Zone (CPZ).

However, it is recognised that there is parking pressure on roads in the vicinity of the development and to ensure that the parking demands from the proposed development do not create any additional parking pressure on roads in the vicinity of the development a Section 106 Agreement exempting the new occupiers from purchasing parking permits for the Church End CPZ is considered necessary. As

such the planning obligations recommended include a financial contribution of £2000 to cover the cost of amending the existing Traffic Management Order to prevent the occupants of the new development from purchasing parking permits for the Church End Controlled Parking Zone (CPZ).

2 parking spaces are proposed for the B1 office use and these would be located in the basement levels of the development. This level of parking provision is considered to be acceptable given the circumstances of the site.

Development Plan Policy requires that developments provide 10% of the proposed car parking spaces to a disabled parking space standard. The application proposes to provide over this and 6 of the 35 spaces are proposed to be provided to a disabled parking space standard. The number of disabled parking spaces proposed is considered to be acceptable. The applicant has offered to provide all 35 of the proposed car parking spaces with electric vehicle charging power points. This is considered to be a positive aspect of the scheme and a condition recommended to ensure that this aspect of the scheme is delivered.

The scheme provides 38 bicycle parking spaces and 5 motorcycle parking spaces. This level of provision is considered to be reasonable and policy compliant in this instance.

Conditions are recommended to ensure that if implemented the parking layout of the development would be acceptable in all regards.

It is noted that a number of objections have been received that the development has inadequate parking and would result in an unacceptable impact on the road network surrounding the site. However, for the reasons outlined, it is considered that the proposed development, as could be controlled through the conditions and planning obligations recommended, is acceptable in respect of transport, parking and highways matters.

Trip generation

The following table shows the total AM and PM peak vehicular trips for the existing development:

Existing Development:

Existing Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	5	3	8
PM (17:00 – 18.00)	4	8	12

The consultants have used the TRAVL data base, which is an accepted tool, to establish peak hour vehicular trip rates so that they can predict the trip generation for the proposed development. The Tables below show the predicted vehicular peak hour trip rates for the residential and commercial uses and the two uses combined.

Residential Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	3	6	9
PM (17.00 – 18.00)	5	4	9

Commercial Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	1	1	2
PM (17.00 – 18.00)	0	1	1

Combined Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	4	7	11
PM (17.00 – 18.00)	5	5	10

The above trip assessment demonstrates that the impact of the proposed development is negligible and is unlikely to result in any significant detrimental impact on the local highway networks. As such the impact of the proposal in this respect is considered to be acceptable.

Access to the basement parking

The access to the basement parking area is proposed from Albert Road which operates as a 'one way' street with an exit onto Nether Street. Two vehicular lifts would be installed within the development to provide access to the two levels of basement car parking. This would ensure that in case of a lift breaking down access to the basement park area would be maintained. The applicant has confirmed that a lift maintenance contract would be in place to ensure that any breakdown of lifts is dealt with promptly. It is recommended that a condition be used to ensure that the lifts are installed, operated and managed appropriately.

At the suggestion of the Metropolitan Police the applicant has proposed a security shutter at the building line securing the vehicular access into the development. The shutters would have automated electronic access control (i.e. fob) linked to the concierge, who will be able to communicate and open gate for any caller without fobs. This would ensure that there is no significant adverse impact on the public highway resulting from vehicles waiting to access the site while the shutters open. The provision of the shutter with the commitment given to maintain and monitor the operation of the lifts and the shutter to ensure that the impact on public highway would be minimal is found to acceptable on highway grounds. A condition has been recommended to ensure that this aspect of the scheme is implemented, operated and maintained in an acceptable manner.

Travel and construction management plans

An initial residential travel plan is included in the documentation submitted with the application. Conditions and obligations are recommended to ensure that a travel plan is provided for all of the uses proposed and a travel plan coordinator is appointed. In order to ensure that the objectives of the travel plan are met a monitoring contribution of £5,000 is included in part of the planning obligations recommended.

As part of the travel plan objectives to encourage sustainable modes of transport, a contribution of £10,000 is sought to carry out a feasibility study to assess the need for pedestrians and public transport improvements in the vicinity of the application site and to carryout any improvements this study identifies. This forms part of the wider contribution of £68,000 to town centre, public open space and public realm

enhancements recommended under paragraph 'h' in Recommendation 1 of this report.

To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended.

Parking, highways and transport conclusions

The site is located in a town centre and has good access to public transport and local amenities. Subject to the conditions and planning obligations recommended the proposal is considered to be acceptable and compliant with policy in respect of parking, highways and transport matters.

3.10 Creating inclusive environments for all members of the community:

Development plan policies state that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents submitted with the application identify a number of ways in which the design of the proposed building has been influenced by the desire to make it accessible for all members of the community. The Planning, Design and Access statement identifies that all the proposed dwellings would meet the relevant Lifetime Homes standards and 10% of the dwellings proposed would meet wheelchair accessible standards. As outlined above 6 of the parking spaces proposed would be provided to a disabled parking space standard.

Conditions have been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards, 10% of the dwellings proposed would meet or be easily adapted to meet wheelchair accessible standards and 6 of the basement parking spaces proposed are to be provided to a disabled parking space standard. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

3.11 Contaminated land and water quality issues:

The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of contaminated land or water quality matters. The Council's Environmental Health Service has confirmed that any concerns they may have regarding contaminated land issues are adequately addressed through the conditions recommended in this respect. Having evaluated the information submitted, it is considered that the proposal is acceptable and compliant with development plan policy in respect of contaminated land and water quality matters, subject to the conditions recommended.

3.12 Safety and security matters:

Policies GBEV3 and D9 require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime. Policy D10 states that where a proposed development is likely to affect community safety the developer will be required to enter into planning obligations with the Council to undertake measures which will improve safety and security.

The London Fire and Emergency Planning Authority and Metropolitan Police have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. The design and layout of the development proposed is considered to be such that, as controlled through the use of the conditions recommended it would provide a safe and secure environment for users of the proposed buildings and surrounding properties. The proposal is therefore deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

3.13 Archaeological impacts:

English Heritage Archaeology has responded to the consultation and have not raised any objection to the proposal or request that any pre or post application determination archaeological assessment or evaluation of the site is carried out. Officers support this position and find the proposal acceptable in terms of archaeological matters.

3.14 Energy, climate change and sustainable construction matters:

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- d. Be lean: use less energy
- e. Be clean: supply energy efficiently
- f. Be green: use renewable energy

Developments are required to achieve a 25% reduction in carbon dioxide emissions for residential buildings and commercial buildings based on 2010 Building Regulations. Policy 5.3 goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

The Council's Sustainable Design and Construction SPD provides that where applicants commit to a Code Level 4 or above against the Code for Sustainable Homes there will be no further specific requirements for the provision of a set minimum level of on-site renewable energy generation for residential developments. For developments that are located less than 500m (via a safe walking route) from a public transport node providing a service to a local centre or a major public transport node the Sustainable Design and Construction SPD requires the non-residential elements of developments to achieve an excellent rating under the BREEAM assessment system.

Carbon dioxide emissions

The application is accompanied by an Energy Strategy. This sets out measures which the development could incorporate to reduce carbon dioxide emissions in accordance with the energy hierarchy set out above. The measures identified include a range of energy efficiency measures and the use of photovoltaic panels. The measures identified are predicted to result in an improvement of the dwelling emission rate over the target emission rate of approximately 44%, which would result in the development exceeding the carbon dioxide reduction requirements of the London Plan. Conditions have been recommended to ensure that the development

achieves an adequate level of carbon dioxide reductions as a minimum. Subject to these conditions the proposal is found to be acceptable and policy compliant in respect of reducing carbon dioxide emissions.

Other aspects of sustainable design and construction

A Sustainable design and Construction Statement, prepared by Metropolis Green, has been submitted with the application. This identifies a number of sustainable design elements that the proposal would incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. The report includes preliminary Code for Sustainable Homes and BREEAM evaluations for the residential and non-residential elements of the scheme respectively. The statement makes it clear that the residential element of the proposal could meet Code for Sustainable Homes Level 4 and the non-residential elements of the proposal would reach an 'excellent' rating under the BREEAM evaluation. It is considered that the details provided in the submission are acceptable in this regard and that the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters. To ensure that they are carried through acceptably to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures to be incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development includes areas of planting and soft landscaping at a ground floor level, areas of green roof and other areas of planting at a roof top level. Conditions have been recommended to ensure that these aspects of the scheme are carried through appropriately at the implementation stage of the development.

3.15 Environmental Impact Assessment Regulations:

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application are not considered to be in or partly in a sensitive area as defined in Regulation 2 (1). As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 in the Regulations is that the area of development exceeds 0.5 hectares. The area of development identified in the information submitted is less than this threshold. The proposal is therefore not Schedule 2 development.

Taking account of the threshold and criteria in column 2 of Schedule 2 and the criteria set out in Schedule 3 of the Regulations and other relevant material considerations, it is considered that the development described in the information accompanying the application would not have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

3.16 Planning obligation matters:

UDP Policy IMP1 states that the council's key priorities for planning obligations will

be for the provision of the following:

Residential Development:

1. Improvements to public transport infrastructure, systems and services.
2. Educational provision in areas with existing shortages of school places or where the development will create such a shortage.
3. Affordable or special needs housing to meet identified local needs.
 - Where appropriate; highway improvements (including benefits for pedestrians and cyclists), environmental improvements; the provision of open space; and other community facilities.

Non-residential Development:

- Improvements to public transport infrastructure, systems and services.
- Small business accommodation and training to promote local employment and economic development.
- Town centre regeneration schemes, including their promotion, management and physical improvements.
- Where appropriate, highway improvements (including benefits for pedestrians and cyclists); environmental improvements; the provision of open space; and other community facilities.

Policy IMP2 identifies that in order to secure the best use of land, the council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

In accordance with the above policies and the Council's supplementary planning documents the following obligations are required to be secured through a legal agreement with the developer:

Apprenticeships and Employment Training

A contribution of **£25,000** towards providing apprenticeships and employment training in the borough. Alongside the other planning benefits which the application would deliver this mitigates for the partial loss of employment generating floor space the development would result in.

Education

Under Saved Policy CS8 of the Barnet UDP 2006 the council will seek to secure financial contributions through a Section 106 Agreement for future education needs generated by developments in the borough. In accordance with the council's Contributions to Education SPD, and based on the total number of residential units proposed, a contribution of **£71,992** is required.

Healthcare

Under Saved Policy CS13 of the Barnet UDP 2006 the council will seek financial contributions to secure the provision of healthcare facilities through a Section 106 Agreement where a development creates a need for such facilities in the borough. Using the Healthy Urban Development Unit (HUDU) model, a contribution of **£25,665** is required towards improvements to health facilities within the borough as a result of the development.

Libraries

In accordance with Saved Policy CS2 of the Barnet UDP 2006 and the Council's Contributions to Libraries SPD a contribution of **£3,287** is required towards the provision of library facilities within the borough as a result of the development.

Amendment to Local Traffic Order

A contribution of **£2,000** is required to cover the cost of amending the existing Traffic Management Order to prevent future occupiers of the flats within the development from applying for CPZ permits.

Travel Plan

In accordance with Saved Policy M3 of the Barnet UDP 2006 the applicant is required to enter into a Travel Plan for the development that seeks to reduce reliance on the use of the private car, promotes sustainable means of transport and appoint an appropriately qualified Travel Plan Coordinator.

Travel Plan Monitoring

A contribution of **£5,000** is required towards the monitoring of the Travel Plan for the development to enable the Council to continue to examine the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with Saved Policy M3 of the Barnet UDP 2006.

Monitoring of the Section 106 Agreement

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of **£8,037** towards the costs of undertaking the work relating to securing the planning obligations in line with the adopted (in 2007) Supplementary Planning Document (SPD) for Planning Obligations.

Town Centre, Public Open Space and Public Realm Enhancements

In accordance with Development Plan policies on providing enhancements to the public realm and public open space and the emerging priorities identified for the area in the Finchley Church End Town Centre Strategy a contribution of **£68,000** is required towards enhancements and improvements to the town centre, public realm and public open within 1.5km of the site.

Affordable Housing

Subject to a subsequent re-appraisal of the viability of the development finding that the economic viability of the scheme had improved a corresponding financial contribution would be made towards the provision of affordable housing within the London Borough of Barnet. This would be limited to a maximum of the equivalent value of 40% of the units proposed. Affordable housing is discussed in greater detail in section 3.7 of this report.

3.17 Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Mayoral Community Infrastructure Levy (CIL). As the applicant has confirmed that the existing floorspace on the site has been vacant since 2010 it would appear likely that all of the floor space proposed would be liable for charge. Using the buildings gross internal area of

4347m², at the relevant rate of £35 per square metre, this equates to a charge of £152145.

4. EQUALITIES AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011 imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

In terms of its location the site is positioned within short walking distance (approximately 5 minutes) of the Finchley Central Station, which has step free access (from street to platform) and is well served by buses along the Regents Park Road. The building would be approached at ground level from the pavements at the junction of Nether Street and Albert Place.

The new building proposed would be required to comply with current legislative requirements in respect of matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development, as controlled by the conditions recommended, would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. Examples of this would include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, the provision of level or appropriately sloping access within the site, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheel chair users and the inclusion of dedicated disabled standard parking spaces for both the residential and office elements of the scheme (as set out in greater detail in earlier sections of this report).

With the conditions recommended the proposal is found to accord with development

plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the proposed building is such that it would be a significant improvement over the existing building and go further in terms of achieving equality and diversity objectives. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised are all considered in the above appraisal and analysis.

6. CONCLUSION

National, regional and local planning policy seeks to promote sustainable development and encouraging mixed use schemes in town centre locations such as this.

The existing building on the site is in a poor state of repair and has been vacant since 2010. Its replacement with a new residential led mixed use building of the nature proposed, that provides a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the area, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites in town centre locations.

The proposal would result in a net loss of employment generating floorspace at the site. However, the current office space is vacant, has been actively marketed, is of a poor quality and the loss of this space was previously accepted by an Inspector at two planning appeals in 2009. Furthermore the application would provide 126m² of new office space.

The development provides an appropriate level of car parking for the residential and office uses proposed, which reflects the location of the site, close to Finchley Central Underground Station and bus services in an area with a Public Transport Accessibility Level of 5. The proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings meeting Code for Sustainable Homes Level 4 and the Office space achieving a level of 'Excellent' under the Building Research Establishment Environmental Assessment method.

A number of conditions and planning obligations have been recommended to ensure that the development does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the

proposal.

The application is considered to represent a positive development that would comply with the relevant policies in the development plan, enhance this part of Finchley Church End and provide high quality new residential accommodation and office space.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Adopted UDP, The Mayor's London Plan (July 2011), as well as other relevant guidance and material considerations have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. As such it is considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 agreement **APPROVAL** is recommended as set out in the recommendations section at the beginning of this report.

APPENDIX 1: KEY POLICY CONTEXT AND ANALYSIS

Table 1: Analysis of the proposals compliance with London Plan (July 2011) Policies

Policy	Content Summary	Extent of compliance and comment
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.	Compliant: The proposal is considered to constitute sustainable development and section 3 of the main report sets out in more detail how the proposal would comply with the relevant development plan policies.
2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); and 2.8 Outer London: Transport	<p>Work to realise the full potential of outer London.</p> <p>Seek to address the constraints and opportunities in the economic growth of outer London.</p> <p>Recognise and address the orbital, radial and qualitative transport needs of outer London.</p>	<p>Compliant: The proposal is considered to demonstrate the influence of these policies and would comply with their key relevant objectives.</p> <p>These include the provision of new homes which meet development plan policy, supporting the outer London economy by providing new office space and the siting of the development in an area of good public transport accessibility, along with the inclusion of measures encouraging travel by non car modes of transport.</p>
Policy 2.15 (Town Centres)	Development in town centres should conform with policies 4.7 and 4.8, enhance vitality and viability, accommodate economic and housing growth, be in scale, promote access by non-car modes of transport and contribute an enhanced environment.	Compliant: The application demonstrates the influence of this policy and would fulfil the key criteria of this policy where they are relevant. The proposal would bring a vacant site back into use and have a positive impact on Finchley Church End Town Centre. The way in which the development would meet the diverse objectives of this policy are discussed in greater detail in the relevant sections of the main report.
Policy 2.18 (Green infrastructure: the network of open and green spaces)	Development proposals should enhance London's green infrastructure.	Compliant: Subject to the conditions recommended the proposal would provide appropriately designed soft landscaped areas and areas of green roof. In addition to this a planning obligation has been recommended which would result in a financial contribution towards the enhancement of public space in the area.
Policy 3.2 (Improving health and addressing health inequalities)	New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.	As controlled by the conditions and obligations recommended the proposal would be designed, constructed and managed in ways that promote healthy lifestyles. Examples of this include measures to ensure the provision of a suitable air quality and noise conditions within the development and facilities to encourage cycling.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.	Compliant: The proposal would provide 34 new flats contributing towards strategic housing targets for Barnet and London.
3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy should be resisted.	Compliant: While the proposed development exceeds the relevant density range identified in the London Plan for a location such as this the scheme is considered to comply with the objective of this policy, by providing an optimum density of development. The proposal puts forward an acceptable design response which complies with the relevant development plan policies, responds acceptably to the local context and character and

		takes account of the sites town centre location and good access to public transport. Further detail on this matter is set out in section 3.3 of the main report.
Policy 3.5 (Quality and design of housing developments)	<p>Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan.</p> <p>The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.</p>	<p>Compliant: The application is considered to demonstrate the influence of these policies and compliance with their key objectives.</p> <p>The design approach proposed takes suitable account of its context, the character of the area, the developments relationships with neighbouring buildings and spaces and provide a scheme of the appropriate design quality.</p> <p>The new dwellings proposed would all achieve the London Plan minimum space standards and, as controlled by the conditions recommended the scheme would be of a sufficiently high quality internally, externally and in relation to its context and wider environment.</p> <p>These issues are discussed in greater detail in section 3 of the report.</p>
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.	Compliant: The proposal provides sufficient quantities of space for play and informal recreation (approximately 25m ² required to comply) and conditions have been recommended to ensure that the space is implemented in a manner which meets the objectives of this policy. The provision of amenity space at the site is discussed in greater detail in section 3 of the report.
3.8 (Housing choice)	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including:</p> <ul style="list-style-type: none"> • New developments should offer a range of housing sizes and types. • All new housing should be built to Lifetime Homes standard. • 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users. 	<p>Compliant: The proposed development is considered to provide an appropriate mix of dwelling types for this ton centre location.</p> <p>All of the units would be built to achieve the Lifetime Homes Standard and not less than 10% of the units would be designed to be wheelchair accessible, or easily adaptable for wheelchair users. Conditions have been recommended to ensure that these elements of the proposal are carried through to implementation of the development.</p>
Policy 3.9 (Mixed and balanced communities); Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); Policy 3.13 (Affordable housing thresholds)	<p>Communities mixed and balanced by tenure and household income should be promoted across London.</p> <p>The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of a specific sites individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential development.</p> <p>Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.</p>	<p>Compliant: The application is accompanied by an assessment which adequately demonstrates that it is not viable for the development to make a contribution to affordable housing provision. This assessment and its conclusions have been independently verified.</p> <p>A review mechanism has been included to ensure that the scheme make a financial contribution to affordable housing should it be found to be viable at a later date. This issue is addressed in greater detail in section 3 of the main report, in particular section 3.7.</p>

Policy 3.16 (Protection and enhancement of social infrastructure)	London requires additional and enhanced social infrastructure provision to meet the needs of its population.	Compliant: The conditions and obligations proposed are considered to ensure that the development would provide the social infrastructure necessary for it to be acceptable.
Policy 4.1 (Developing London's economy); 4.2 (Offices); 4.3 (Mixed use development and offices); 4.7 (Retail and Town Centre Development); Policy 4.12 (Improving opportunities for all)	<p>Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.</p> <p>Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and address the wider objectives of this plan.</p> <p>Encourage the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility. Development should support the consolidation of and enhancements to the quality of office stock in London.</p> <p>The following principles should be applied to town centre development:</p> <ul style="list-style-type: none"> i. Scale should be related to the size role and function of the centre. ii. Should be focused on town centre sites. <p>Proposals should support local employment, skills development and training opportunities.</p>	<p>Compliant: The application proposes the replacement of the existing vacant poor quality office space with a mixed use development including modern new office space in a town centre location that is accessible by public transport.</p> <p>The application would also provide a planning obligation that makes a contribution to employment and skills training in the borough.</p> <p>The application is considered to demonstrate the influence of these policies and compliance with their key objectives. This is discussed in greater detail in section 3 of the report.</p>
Policy 5.1 (Climate Change Mitigation); Policy 5.2 (Minimising carbon dioxide emissions);	<ul style="list-style-type: none"> iii. Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. <ul style="list-style-type: none"> - The Mayor will seek to ensure that developments meet the following targets for CO₂ emissions, which are expressed as year improvements on the 2010 Building Regulations: <ul style="list-style-type: none"> - 2010 - 2013 – 25% (Code for Sustainable Homes level 4); i. 2013 – 2016 – 40% iii. Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green). 	Compliant: The proposal is accompanied by an adequate energy and sustainability assessments and includes a range of measures to mitigate climate change and reduce carbon dioxide emissions in accordance with the requirements of this policy. Conditions have been recommended to ensure that these are carried through into implementation. The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives.
Policy 5.3 (Sustainable design and construction)	Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.	Compliant: The proposal includes a range of elements and measures to achieve an appropriate level in respect of sustainable design and construction, provide an acceptable standard of environmental performance and adapt to the effects of climate change. This includes the new office

		<p>space achieving a BREEAM rating of 'excellent' and the new dwellings achieving Code for Sustainable Homes level 4. These matters are outlined in detail in section 3 of the main report report.</p> <p>The development is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that this is carried through to implementation.</p>
<p>Policy 5.6 (Decentralised energy in development proposals)</p>	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>	<p>Compliant: The submission demonstrates how the development proposed would include measures to achieve acceptable reductions in carbon dioxide emissions and have good sustainability credentials more widely, without the inclusion of CHP (which is not proposed for use in the development). Conditions have been recommended to ensure that the suggested measures are adopted at implementation and as controlled the proposal is considered to be acceptable in this instance.</p>
<p>Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)</p>	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>	<p>Compliant: The proposal would achieve reductions in carbon dioxide emissions through the inclusion of renewable energy (photovoltaic panels).</p> <p>The submission identifies measures that are included in the scheme to reduce the potential for overheating and reliance on air conditioning.</p> <p>The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives.</p>
<p>Policy 5.10 (Urban greening); Policy 5.11 (Green roofs and development site environs)</p>	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.</p> <p>Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.</p>	<p>Compliant: The proposed development incorporates areas of green roof and new soft landscaping on the site. Details of these would be controlled through the conditions recommended to ensure that they achieve as many of the objectives of this policy as are possible.</p>
<p>Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)</p>	<p>Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.</p> <p>Proposals should utilise sustainable urban drainage systems unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London Plan.</p>	<p>Compliant: As conditioned the proposal is considered to demonstrate the influence of these policies and compliance with their key objectives.</p> <p>The proposal falls outside the threshold for development that requires a Flood Risk Assessment to be submitted and Environment Agency have responded to the consultation and have not raised any objections to the proposal.</p> <p>Conditions have been recommended to ensure that the drainage provided as part of the development meets the requirements of this policy.</p>
<p>Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15</p>	<p>Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development.</p> <p>Development should minimise the use of</p>	<p>Compliant: Thames Water have confirmed that there is adequate waste water infrastructure to accommodate the development.</p> <p>Conditions have been recommended to ensure that</p>

(Water use and supplies)	mains water and conserve water resources.	the proposal would minimise the use of mains water and conserve water.
Policy 5.17 (Waste capacity)	Suitable waste and recycling facilities are required in all new development.	Compliant: Conditions have been recommended which require the provision of suitable waste and recycling facilities.
Policy 5.21 (Contaminated land)	Appropriate measures should be taken to ensure that contaminate land does not activate or spread contamination.	Compliant: Conditions are proposed to require the appropriate investigation and mitigation of any contamination.
6.1 (Strategic Approach); 6.3 (Assessing Effects of Development On Transport Capacity)	<p>The Mayor will work with all relevant partners to encourage the closer integration of transport and development.</p> <p>Streetspace managed to take account of the different roles of roads for neighbourhoods and road users in ways that support promoting sustainable means of transport.</p> <p>Development should ensure that impacts on transport capacity and the transport network are fully assessed. Proposals should not adversely affect safety on the transport network.</p> <p>Transport assessments, travel plans, construction and logistics plans and service and delivery plans should be prepared in accordance with the relevant guidance.</p>	<p>Compliant: The site has a good public transport accessibility score (5) and the application proposes measures to encourage access to the site by a range of modes of transport, including non-car modes. These measures include a travel plan seeking to encourage appropriate proportions of journeys by non-car modes of transport under the planning obligations and conditions recommended.</p> <p>The Transport Assessment has assessed the impact of the scheme over an appropriate area of influence and has reported on the road traffic impacts across the area adjacent the site. No significant impacts on the adjacent local highway network have been identified.</p> <p>The conditions and obligations recommended would ensure that the necessary transport related plans would be required and completed in accordance with the relevant guidance.</p>
6.5 (Funding Crossrail and other strategically important transport infrastructure)	Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.	Compliant: The development would be required to make a contribution under the Mayoral Community Infrastructure levy.
6.9 (Cycling); 6.10 (Walking)	<p>Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists.</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.</p>	Compliant: Officers consider that the scheme proposes a suitable quality of pedestrian environment and the proposal would provide appropriate levels of facilities for cycles and cyclists. Conditions have been recommended to ensure that the objectives of these policies would be carried through to implementation.
6.11 (Smoothing Traffic Flow and Tackling Congestion)	Take a coordinated approach to smoothing traffic flow and tackling congestion.	<p>Compliant: The proposal includes measures to minimise impact on traffic flow and tackle congestion. These include a travel plan setting sustainable modal split targets and encouraging shifts to non-car modes of transport, that would be enforceable under the planning obligations recommended.</p> <p>The Transport Assessment has assessed the impact of the scheme over an appropriate area of influence, and has reported on the road traffic impacts across the area adjacent the site. No significant impacts on the adjacent local highway network have been identified.</p>

6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.	Compliant: The proposal is considered to demonstrate the influence of this policy and provide appropriate levels of parking in the relevant regards. Conditions have been recommended to ensure appropriate parking facilities, including electrical charging points and parking for disabled people are implemented.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.	Compliant: The application is considered to demonstrate the influence of this policy and design of this proposal and its position in a town centre location with good access to public transport accord with the objectives of this policy. This is discussed in greater detail in the relevant parts of section 3 of the main report.
7.2: (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.	Compliant: The proposal includes a range of measures to ensure that the development would provide an inclusive environment for all members of the community. Through the conditions recommended it would be ensured that the development would be implemented and operated to accord with the objectives of this policy.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.	Compliant: The proposal includes a number of elements to meet the requirements of this policy and the Metropolitan Police Service has confirmed that they are satisfied with the proposals. Through the conditions recommended the development would be implemented and operated to accord with the objectives of this policy.
7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture)	Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. Architecture should make a positive contribution to a coherent public realm, incorporate the highest quality materials and design appropriate to its context.	Compliant: Officers consider that, subject to the requirements of the conditions recommended, the proposed development provides an appropriate and quality design approach to the buildings and spaces which form part of the application. The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives where they are relevant. These matters are addressed in greater detail in section 3 of the main report and in particular section 3.5.
7.8 (Heritage assets and archaeology)	Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate. Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. New development should make provision for the protection of archaeological resources, landscapes and significant memorials.	Compliant: The proposal would not have significant negative impacts on any heritage assets. The application is considered to demonstrate the influence of this policy and compliance with its key objectives. English Heritage have responded to the consultation and confirmed that they would not raise any objection or request that conditions are placed on any grant of consent.

7.13 (Safety, security and resilience to emergency)	Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.	Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that the objectives of this policy would be carried through to implementation. The Metropolitan Police Service and London Fire and Emergency Protection Authority have not raised any objections to the application.
7.14 (Improving air quality)	Proposals should: ii. Minimise increased exposure to existing poor air quality and make provision to address existing air quality problems. • Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings. • Be at least air quality neutral and not lead to further deterioration of poor air quality. – Ensure that where provision needs to be made to reduce development emissions this is usually on site.	Compliant: The submission assesses the impact of the proposal on air quality and the impact of local air quality on future occupants of the development. The assessment concludes that the proposal would not have a significant adverse impact on air quality and that the impact of local air quality on the future occupiers of the development can be adequately mitigated. The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that the objectives of this policy would be carried through to implementation.
7.15 (Reducing noise)	Proposals should seek to reduce noise by: – Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposals. – Separate noise sensitive development from major noise sources wherever practical. – Promote new technologies and practices to reduce noise at source.	Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended which would ensure that the development did not have an adverse impact on neighbouring occupiers and users and that the amenities of future occupiers would be adequately protected as far as is practicable in this instance. These issues are addressed in greater detail in section 3 of the main report.
7.19 (Biodiversity and access to nature)	Proposals should: – Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. – Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. – Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan.	Compliant: Natural England have not raised any objections to the proposal and the application is considered to demonstrate the influence of this policy and includes measures to make a positive contribution to biodiversity. Conditions have been recommended to ensure that the key objectives of this policy would be carried through at implementation.
7.21 (Trees and woodlands)	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.	Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives. The proposal would not result in the removal of any trees and the scheme includes measures to enhance the environmental quality of the site, including new soft landscaping. Conditions and planning obligations have been recommended to ensure that the key objectives of this policy would be carried through at implementation.

<p>8.2 (Planning obligations; 8.3 (Community Infrastructure Levy)</p>	<p>Development proposals should address strategic as well as local priorities in planning obligations.</p> <p>The supporting of Crossrail (where appropriate) and other public transport improvements should be given the highest importance, with Crossrail (where appropriate) having higher priority than other transport improvements.</p> <p>Importance should also be given to talking climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.</p> <p>Guidance will be prepared setting out a framework for the application of the Community Infrastructure Levy to ensure the costs incurred in providing infrastructure which supports the policies in the London Plan can be funded wholly or partly by those with an interest in land benefiting from the grant of planning permission.</p>	<p>Compliant: A comprehensive set of planning obligations will be required before planning permission can be granted. Heads of Terms are attached to this committee report. It is considered that the package of planning obligations and conditions recommended would mitigate the potential adverse impacts of the development and also ensure that the infrastructure necessary to support and planning benefits of the scheme are delivered. The application will also necessitate a contribution under the Mayoral Community Infrastructure Levy.</p>
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Table 2: Analysis of the proposals compliance with Barnet UDP (May 2006) Saved Policies

Policy	Content Summary	Extent of Compliance and Comment
GSD (Sustainable development)	Ensure development and growth is sustainable.	Compliant: It is considered that this development demonstrates the influence of this policy and achieves the overall requirements of this policy.
GMixedUse (Mixed use)	<p>Proposals should incorporate a mix of uses and take account of:</p> <ul style="list-style-type: none"> - Character and diversity of the existing area. - Potential nuisance. - Accessibility by a range of means of transport. 	Compliant: The application contains a mixture of appropriate uses, is in-keeping with the character of the area, has adequately minimised any potential nuisance to neighbouring occupiers, would not conflict unacceptably with the uses that surround it and has good access to a range of means of transport. It is considered that the development achieves the overall requirements of this policy.
GWaste (Waste disposal)	<p>Encourage principles of:</p> <ul style="list-style-type: none"> • Waste management hierarchy • Best practical environmental option • Proximity principle. 	Compliant: It is considered that this development demonstrates the influence of this policy and subject to the conditions recommended would achieve the requirements of this policy.
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment. 	Compliant: The application demonstrates the influence of this policy and will produce a development with an appropriate design response. Officers consider that the design principles that underpin the application fulfil the key criteria of these policies.
GRoadNet (Road network); GParking (Parking);	<p>Seek to ensure that roads within borough are used appropriately.</p> <p>Apply standards to restrain growth of car use and regulate parking.</p>	Compliant: Subject to the controls imposed by the conditions and planning obligations recommended, it is not considered that the development would result in the inappropriate use of roads in the borough.

		The amount of proposed off street parking are policy compliant and the application includes a range of measures to regulate parking to an acceptable level.
GCS1 (Community facilities);	Adequate supply of land and buildings for community, religious, educational and health facilities.	Compliant: The planning obligations recommended ensure that suitable community facilities could be provided to support the development.
GEMP2 (Promoting business activities); GEMP3 (Maximising job creation); GEMP4 (Protecting employment land);	Promoting business activities and maximising job creation – <ul style="list-style-type: none"> • Provide and promote sites. • Creation of maximum number and quality of jobs. • Retain employment land that meets the requirements of users. 	Compliant: The application would bring a site that is in a poor state of repair and which has been vacant since 2010 back into use and contains an element of employment generating (office) use. The applicant estimates that the development overall would increase employment at the site to 15 full time posts. The proposal is considered by officers to comply with the objectives of these policies.
GTCR3 (Enhancing town centres)	The quality of the environment of town centres should be enhanced.	Compliant: It is considered that the design of the development and nature of the uses proposed are such that it would enhance this part of Finchley Church End Town centre.
ENV7 (Air pollution)	Air pollution: <ul style="list-style-type: none"> • Any possible impacts from development must be mitigated. • Minimise impact on development through siting. • Reduce traffic and need to travel. 	Compliant: The application site has good access to public transport and is situated within walking distance of a range of town centre amenities. The application includes a number of controls which reduce the impact of the development on air pollution and minimize the impacts of air pollution on the development.
ENV12 (Noise generating development); ENV13 (Minimising noise disturbance)	Location of noise generating development and noise sensitive receptors should be carefully considered. Minimise impact of noise disturbance through mitigation.	Compliant: Conditions have been recommended which would ensure that the development did not have an adverse impact on neighbouring occupiers and users and that the amenities of future occupiers would be adequately protected as far as is practicable in this instance. These issues are addressed in greater detail in the main report.
ENV14 (Contaminated land)	Development on contaminated land will be encouraged subject to site investigations and conditions to require survey and mitigation.	Compliant: Conditions are proposed to require the appropriate investigation and mitigation of any contamination.
D1 (High quality design)	Development should: <ul style="list-style-type: none"> • Be of high quality design • Be sustainable • Ensure community safety 	Compliant: The application demonstrates the influence of this policy and would produce a development with high quality design. It is considered that, subject to the requirements of the conditions recommended, the design approach selected would fulfil the key criteria of this policy. The current application is considered to have overcome the reasons for refusing previous proposals for the site.
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.	Compliant: The application demonstrates the influence of this policy and the design of the development would protect and respect the character and quality of the site and wider area. The design approach as controlled by the conditions recommended would fulfil the key criteria of this policy. The current application is considered to have overcome the reasons for refusing previous

		proposals for the site.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.	Compliant: The design of the spaces in and around the development would enhance the application site and be in keeping with the character of the overall area. The current application is considered to have overcome the reasons for refusing previous proposals for the site.
D4 (Over-development)	Proposals not to cause over development of a site.	Compliant: Officers consider that this policy has been met and the development proposed is not found to be an overdevelopment of the site. The current application is considered to have overcome the reasons for refusing previous proposals for the site.
D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.	Compliant: The design and siting of the development is such that it would fulfil the requirements of this policy in respect of both adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.	Compliant: The design approach proposed is considered to provide a good level of visual interest at street level.
D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.	Compliant: The submission is considered to demonstrate the influence of this policy and subject to the conditions recommended the proposal is considered to be compliant with the key elements of this policy. The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals.
D11 (Landscaping); D12 (Tree preservation orders); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings • Provide attractive and accessible spaces • Contribute to community safety, environmental and ecological quality • Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate) • Ensure appropriate new planting 	Compliant: As controlled by the conditions recommended the proposals for the site in respect of trees and landscaping would enhance the environmental quality of the site and are considered to be compliant with the requirements of these policies.
HC1 (Conservation areas)	The council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas.	Compliant: The design approach proposed for the development, including its height, size, scale and materials, is such that it would not impact adversely on the Finchley Church End Conservation Area.
HC17 (Archaeological Remains – Local)	Protect archaeological remains of local significance where appropriate.	Compliant: English Heritage has been consulted on the application and have not raised any concerns or requested that conditions are placed upon any grant of consent.
L12 (Public open space – areas of	The council will encourage: <ul style="list-style-type: none"> • Improvements to public open provision and quality space in 	Compliant: The obligations recommended in a financial contribution to the enhancement of public open space in the area. This would enhance the

deficiency); L14 (Public open space – improved provision)	<p>areas, particularly in areas of deficiency.</p> <ul style="list-style-type: none"> The full use of public open spaces by all sections of the community. 	quality of public open space and encourage its use by the community.
M1 (Transport Accessibility)	The council will expect major developments to be in locations which are, or will be made, accessible by a range of modes of transport.	Compliant: The application site is accessible by a range of modes of transport and has a Public Transport Accessibility Level of 5.
M2 (Transport impact assessments)	The council will require developers to submit a full transport impact assessment.	Compliant: A suitable Transport Assessment has been submitted with the application. This assesses the transport impacts of the development and demonstrates that the development can be satisfactorily accommodated on the site.
M3 (Travel plans)	For significant trip-generating developments the council will require the occupier to develop and maintain a Travel Plan.	Compliant: A planning obligation and condition have been recommended which would require the development and maintenance of a suitable travel plan.
M4 (Pedestrians and cyclists – widening opportunities); M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.	Compliant: Subject to the controls in place under conditions recommended the development is considered to provide appropriate facilities and access for the development
M6 (Public transport – use)	Developments should be located and designed to make use of public transport more attractive.	Compliant: The development is situated in an areas that has good access to public transport (a Public Transport Accessibility Level of 5).
M8 (Road hierarchy); M10 (Reducing traffic impacts)	<p>The council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use or adversely affect the operation of roads.</p> <p>Where it is considered necessary as a consequence of a development, the council may introduce measures to reduce the traffic impacts on the environment and the community and the council will seek to secure a planning obligation from the developer.</p>	<p>Compliant: The Transport Assessment has appropriately assessed the impact of the scheme and no significant impacts on the adjacent local highway network have been identified.</p> <p>The planning obligations and conditions recommended include the appropriate and necessary measures to reduce the traffic impacts of the development. These include a travel plan, the exclusion of occupiers of the development from obtaining parking permits for the local CPZ and controls on the provision, management and maintenance of the parking facilities at the site.</p>
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	<p>The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.</p> <p>The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.</p>	<p>Compliant: The design of the development is considered to take full account of the safety of all road users and would not unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The proposal is considered to demonstrate that acceptable and safe access for all road users, including pedestrians would be provided to the site.</p> <p>It is considered that, subject to the conditions and obligations recommended, the submission demonstrates the influence of these policies and meets their requirements.</p>

M14 (Parking standards)	<p>The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be:</p> <ul style="list-style-type: none"> • 2 to 1.5 spaces per unit for detached and semi-detached houses; • 1.5 to 1 spaces per unit for terraced houses and flats; and iii. 1 to less than 1 space per unit for development consisting mainly of flats. 	<p>Compliant: The scheme will provide the following parking spaces: Office 1 (1 disabled) Residential 39 (5 disabled) Total Proposed Parking 35 (6 disabled)</p> <p>The scheme is compliant with London Plan standards for non-residential uses. The scheme complies with the UDP residential parking standards.</p>
H2 (Housing – other sites)	<p>Assess residential proposals on site not allocated for housing based on appropriateness, access to facilities, impact, accessibility and whether land is required for another use.</p>	<p>Compliant: The proposal will provide new housing in an accessible and sustainable town centre location and make a contribution towards meeting strategic housing targets. The proposal is considered to be appropriate, would not have any unacceptable impacts and the site is not required for another use.</p>
H5 (Affordable housing); H8 (Affordable housing – commuted payments)	<p>Council will negotiate the maximum reasonable amount of affordable housing.</p> <p>Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.</p>	<p>Compliant: The application is accompanied by an assessment which adequately demonstrates that it is not viable for the development to make a contribution to affordable housing provision. This assessment and its conclusions have been independently verified.</p> <p>A review mechanism has been included to ensure that the scheme make a financial contribution to affordable housing should it be found to be viable at a later date. This issue is addressed in greater detail in section 3 of the main report, in particular section 3.7.</p>
H16 (Residential development - character)	<p>Residential development should:</p> <ul style="list-style-type: none"> • Harmonise with and respect the character of the area. <ul style="list-style-type: none"> i. Be well laid out. ii. Provide adequate daylight, outlook and residential amenity, • Provide a safe and secure environment • Maintain privacy and prevent overlooking. • Provide adequate amenity space. 	<p>Compliant: The proposal is considered to provide a design approach which demonstrates the influence of this policy and adequately meets its objectives. This is discussed in greater detail in the above report, in particular in sections 3.4, 3.5, 3.6 and 3.12.</p>
H17 (Residential development – privacy standards)	<p>Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking. In town centre developments these standards may not apply, but proposals should include design solutions to avoid overlooking.</p>	<p>Compliant: Subject to the conditions recommended the proposal includes design measures which would provide adequate privacy and prevent overlooking for future and neighbouring occupiers.</p>
H18 (Residential development – amenity space standards)	<p>The minimum provision of amenity space for new residential schemes is 5m² per habitable room.</p>	<p>Compliant: The proposal provides a total of approximately 618m² of amenity space on site. This exceeds the minimum of 590m² that would be required under this policy.</p>
H20 (Residential development – public recreational space)	<p>Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.</p>	<p>Compliant: The application site falls within a part of the borough where a deficiency in public open space exists. Therefore a planning obligation has been recommended which includes a contribution of £68,000 towards enhancements and improvements to Finchley Church End Town Centre, Public Open Space and the Public Realm within 1.5km of the application site.</p>
H21	<p>Will favourably consider higher densities</p>	<p>Compliant: While the proposal has a high density it</p>

(Residential density)	in district town centres provided they comply with policy D1 and relate satisfactorily to their surroundings.	is considered to be fully compliant with policy D1 and relate satisfactorily to its surroundings. This is discussed in greater detail in sections 3.3, 3.4, 3.5 and 3.6 of the above report.
H24 (Conversion of non-residential uses)	Changes of use from non-residential to residential use will be permitted provided the site is in a suitable area for housing, having a reasonable standard of amenity, and there is no realistic prospect of re-use for employment or other non-residential purposes.	Compliant: The site is found to be suitable for housing and, subject to the conditions recommended, the dwellings proposed are found to provide their future occupiers with an acceptable standard of amenity in all regards. The development includes an element of employment generating use and it is considered that the submission adequately demonstrates that there is no realistic prospect of the re-use of the site for any non-residential purposes. In addition to this the loss of the existing uses has previously been accepted by a Planning Inspector at appeal. Further detail on this is provided in section 3.1 of the main report.
EMP2 (Employment land – protection); EMP3 (Employment land consolidation)	At sites that have last been used, for class B1 or similar industrial uses, the council will not grant permission to redevelop or change them to non-business uses. Exceptions will only be made where there is no realistic prospect of re-use or of redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses. Consolidation of employment land including new office use permitted provided that it is appropriate.	Compliant: The development includes an element of employment generating (126m ² of use class B1 office) use and it is considered that the submission adequately demonstrates that there is no realistic prospect of the re-use of the site for any industrial or business use or redevelopment to include any further significant industrial uses. In addition to this the loss of the existing uses has previously been accepted by a Planning Inspector at appeal and the planning obligations recommended include a contribution of £25,000 towards providing apprenticeships and employment training in the borough. This is considered to further mitigate the loss of the existing employment uses. It is considered that the uses proposed are acceptable and compliant with the relevant development plan policies in all regards. Further detail on these issues is provided in section 3.1 of the main report.
EMP6 (Offices – new development); EMP7 (Offices – re-use); EMP8 (Small businesses)	Preference will be given to proposals for new offices that involve the re-use or redevelopment of existing, vacant office premises and sites in town centres, provided that such sites are highly accessible by public transport, are intended to host mixed use schemes, and there would be no harm caused to the vitality and viability of the town centres. Proposals which provide office space for small and starter businesses will be encouraged. The development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case, the priority for re-use would be as a mixed use development.	Compliant: The proposal involves new office space as part of a mixed use development in an accessible, town centre location on a site which presently contains vacant office space. It is considered that the design of the building sought and uses proposed in the development would have a positive impact on the vitality and viability of the town centre. It is considered that the reduction in office space on the site proposed as part of this scheme has been adequately justified. In addition to this the loss of the existing uses has previously been accepted by a Planning Inspector at appeal and the planning obligations recommended include a contribution of £25,000 towards providing apprenticeships and employment training in the borough. This is considered to further mitigate the loss of the existing employment uses. Further detail on these issues is provided in section 3.1 of the main report.

<p>CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)</p>	<p>Where appropriate the council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.</p>	<p>Compliant: The recommendations made include planning obligations to secure the achievement of appropriate contributions to the provision of community facilities (libraries), school places and health and social care facilities in the borough.</p>
<p>TCR1 (Sequential approach)</p>	<p>Sequential approach to development of new retail and other key town centre uses.</p>	<p>Compliant: The application proposes a main town centre use (Use Class B1 office) in a town centre location and as such is considered to be compliant with the objectives of this policy.</p>
<p>TCR13 (Residential development in town centres)</p>	<p>Housing development through conversion and redevelopment of existing buildings and new development, will be permitted except on the ground floor of primary and secondary frontages.</p>	<p>Compliant: The application proposes new housing outside of the ground floor of primary and secondary frontages.</p>
<p>TCR18 (Mixed use development)</p>	<p>New large developments in town centres should combine a mix of uses, which would normally include:</p> <ul style="list-style-type: none"> • Residential accommodation (including affordable housing), where suitable amenity standards can be met, and which accords with policies H8 and H24; and • Uses at ground floor level that provide a direct service to visiting members of the public, and accord with the accepted town centre uses contained in policies TCR10 and TCR11 	<p>Compliant: The development includes a mixture of uses appropriate for this town centre location, including residential accommodation provided with suitable amenities and in compliance with policy H24 and other relevant development plan policies. It is considered that the schemes lack of contribution to affordable housing has been adequately justified in this instance.</p> <p>The site falls inside the town centre boundary but outside the defined primary and secondary retail frontages referred to in policies TCR10 and TCR11. As such the proposal of an office ground floor use is considered to be entirely reasonable and compliant with the objectives of this policy</p>

Key relevant policies from the emerging Local Development Framework/Local Plan Documents

Core Strategy:

CS NPPF – National Planning Policy Framework – presumption in favour of sustainable development

CS1 – Barnet’s place shaping strategy – protection, enhancement and consolidated growth – the three strands approach

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

CS6 – Promoting Barnet’s town centres

CS7 – Enhancing and protecting Barnet’s open spaces

CS8 – Promoting a strong and prosperous Barnet

CS9 – Providing safe, effective and efficient travel

CS10 – Enabling inclusive and integrated community facilities and uses

CS11 – Improving health and well being in Barnet

- CS12 – Making Barnet a safer place
- CS13 – Ensuring the efficient use of natural resources
- CS14 – Dealing with our waste
- CS15 – Delivering the core strategy

Development Management Policies:

- DM01 – Protecting Barnet’s character and amenity
- DM02 – Development standards
- DM03 – Accessibility and inclusive design
- DM04 – Environmental considerations
- DM06 – Archaeology and conservation
- DM08 – Ensuring a variety of sizes of new homes to meet housing need
- DM10 – Affordable housing contributions
- DM11 – Development principles in the town centres
- DM14 – New and existing employment spaces
- DM15 – Green belt and open spaces
- DM16 – Biodiversity
- DM17 – Travel impact and parking standards

Key relevant local and strategic supplementary planning documents

Local Supplementary Planning Documents and Guidance:

- Church End Finchley Town Centre Framework: Final Draft (December 2012)
- Contributions to Health Facilities from Development (July 2009)
- Contributions to Education from Development (February 2008)
- Contributions to Library Services from Development (February 2008)
- Sustainable Design and Construction (June 2007)
- Affordable Housing (February 2007)
- Planning Obligations (Section 106) (September 2006)

Strategic Supplementary Planning Documents and Guidance:

- Accessible London: Achieving an Inclusive Environment (April 2004)
- Housing (November 2005)
- Sustainable Design and Construction (May 2006)
- Health Issues in Planning (June 2007)
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- Providing for Children and Young People’s Play and Informal Recreation (March 2008)
- Industrial Capacity (March 2008)

- Draft SPG Note Affordable Housing (November 2011)
- Housing – Draft Supplementary Planning Guidance (December 2011)
- Preparing Borough Tree and Woodland Strategies - Draft Supplementary Planning Guidance (January 2012)
- Shaping Places: Children and Young People’s Play and Informal Recreation – Draft Supplementary Planning Guidance (February 2012)

APPENDIX 2: KEY PLANNING HISTORY FOR THE SITE

F/03458/10 'Demolition of the existing building and redevelopment of the site to provide a mixed use scheme over a basement level, ground floor and nine upper floors creating 220m² of ground floor office (use class B1) space and 42 residential units (use class C3) above, parking for 27 cars and associated refuse storage, cycle parking, landscaping and works' Withdrawn (2010).

F/00647/08 'Demolition of existing buildings and erection of a ten storey building comprising residential accommodation (56 units) and ground floor class A1, A2, A3 and/or B1 unit (shop/financial and professional services/cafe and restaurants/business). Associated parking and vehicular access' Refused (2008). Appeal dismissed (2009).

F/00506/08 'Demolition of existing buildings and erection of a ten storey building comprising privately managed student accommodation and ground floor class A1, A2 and/or B1 unit (shop/financial and professional services/business). Associated parking and vehicular access' Refused (2008). Appeal dismissed (2009).

C01535AS/07 'Environmental Impact Assessment - Screening Opinion' Environmental Statement not required (2007).

C01535AR/05 'Demolition of existing buildings and erection of a 9 storey building comprising class B1 (office) on ground, first and second floors and 24 No. residential units on upper floors plus basement and sub basement parking for 37 cars (outline)' Withdrawn (2005).

C01535AQ/03 'Demolition of existing building and erection of nine-storey building comprising B1 office use at ground floor level and 24no. residential units on the upper floors plus basement and sub-basement parking for 37no. cars (outline)' Granted (2003).

C01535AP/02 'Change of use from offices (B1) to Health and Fitness studio (D1)' Granted (2002).

C01535AN/01 'Change of use from office (Class B1) to employment agency office (Class A2)' Granted (2001).

C01535AM/00 'Six storey building accommodating eighteen, two bedroom flats with underground car parking (outline)' Refused (2001). Appeal allowed (2001).

C01535AK/00 'Six storey office building with car parking for 30 cars. Vehicular access from Nether Street (outline)' Granted (2000).

C01535AJ 'Change of use of part of second floor from offices (Class B1) to a flat' Granted (1999).

C01535AG 'Rear extension at second floor level to create additional office space. Alterations to ground floor of building to create 4 additional car parking spaces' Granted (1997).

C01535AF 'Renewal of Planning Permission Reference No. C01535AD dated 25.02.92 for six storey office building with underground car parking for 63 cars. Vehicular access from Nether Street (outline)' Granted (1995).

C01535AE 'Details pursuant to Condition 03 (design and external appearance) of planning permission reference No. C01535AD for office development' Granted (1995).

C01535AD 'Six storey office building with underground car parking for 63 cars. Vehicular access from Nether Street (outline)' Granted (1992).

C01535AB 'Single storey front extension' Granted (1991).

C01535AA 'Six storey office building with underground car parking for 63 cars; vehicular access from Nether Street (Outline)' Granted (1990).

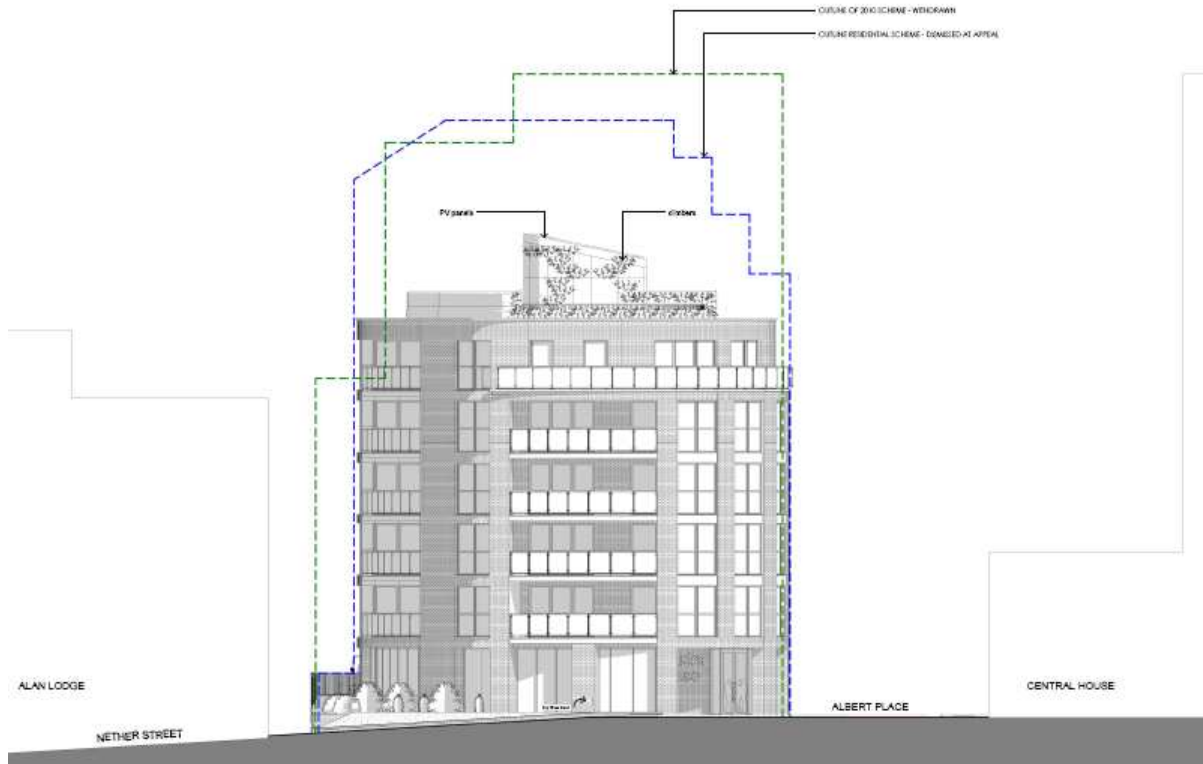
C01535Z 'Six storey office building with underground car parking for 63 cars, vehicular access from Nether Street and surface level parking for 5 cars having

vehicular access from Albert Place (Outline)' Refused (1990).

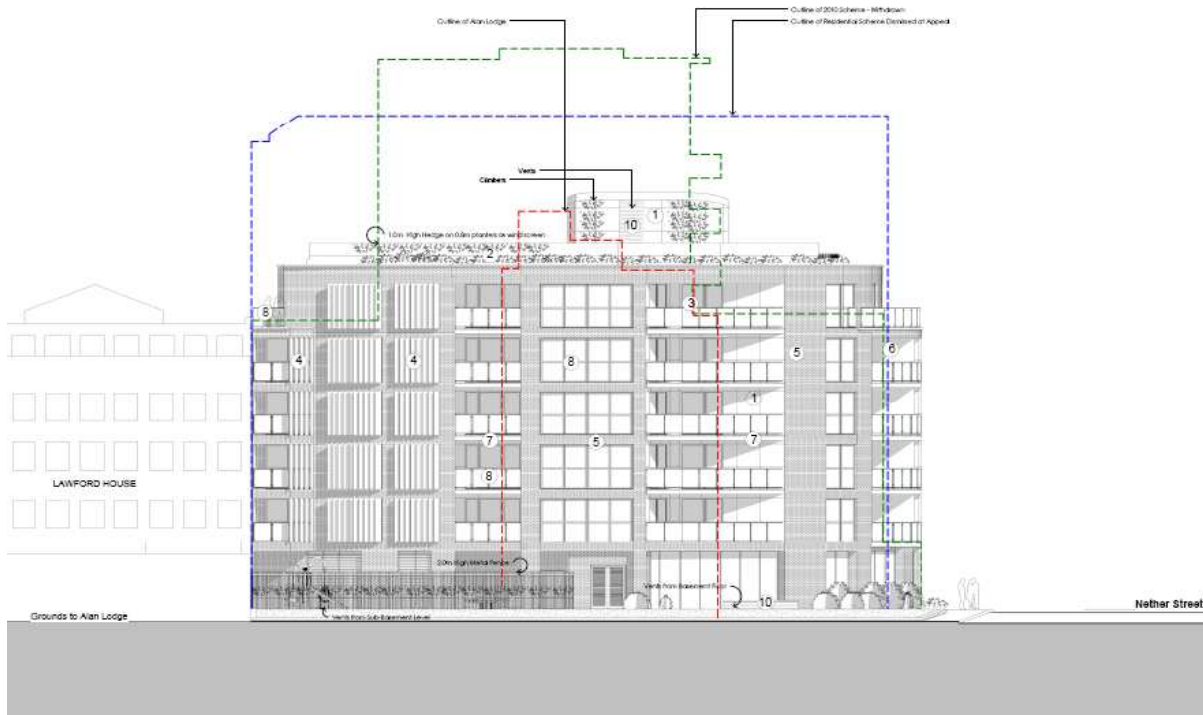
C01535Y 'Redevelopment to provide six storey office building with basement and ground floor car parking (Outline)' Granted (1989).

APPENDIX 3: PLANS OF THE PROPOSED DEVELOPMENT

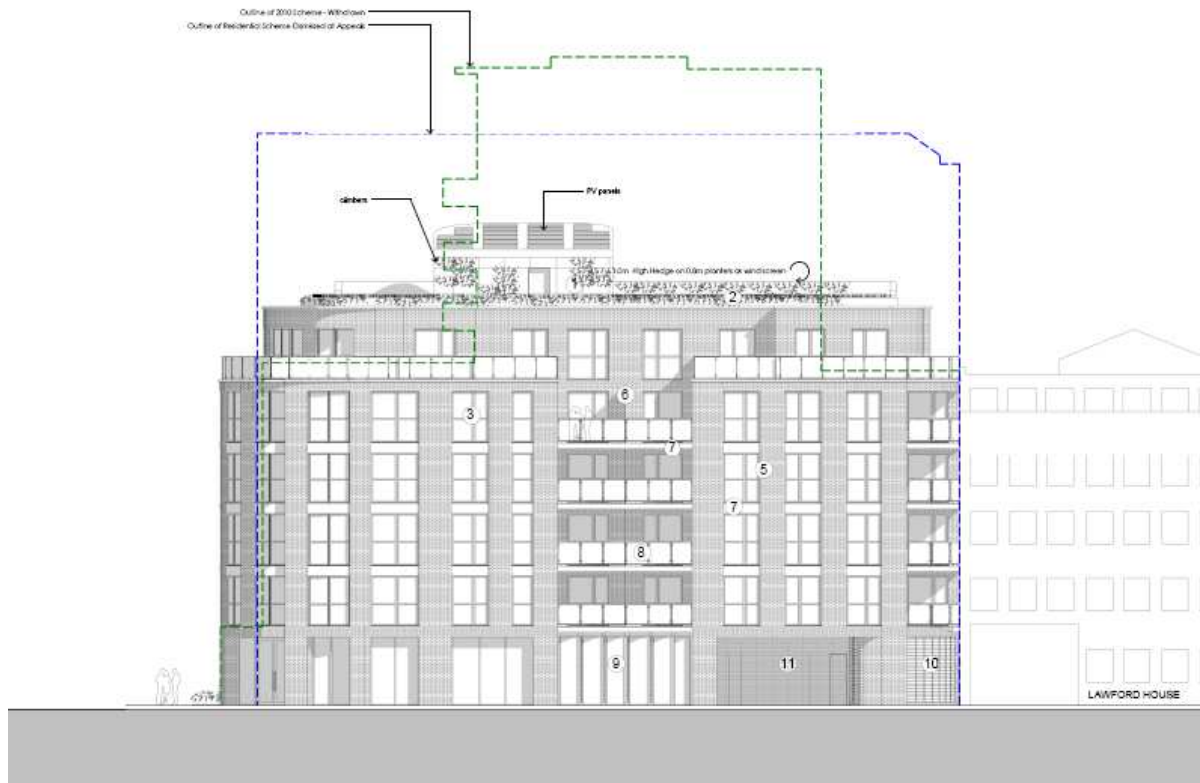
South-West Elevation



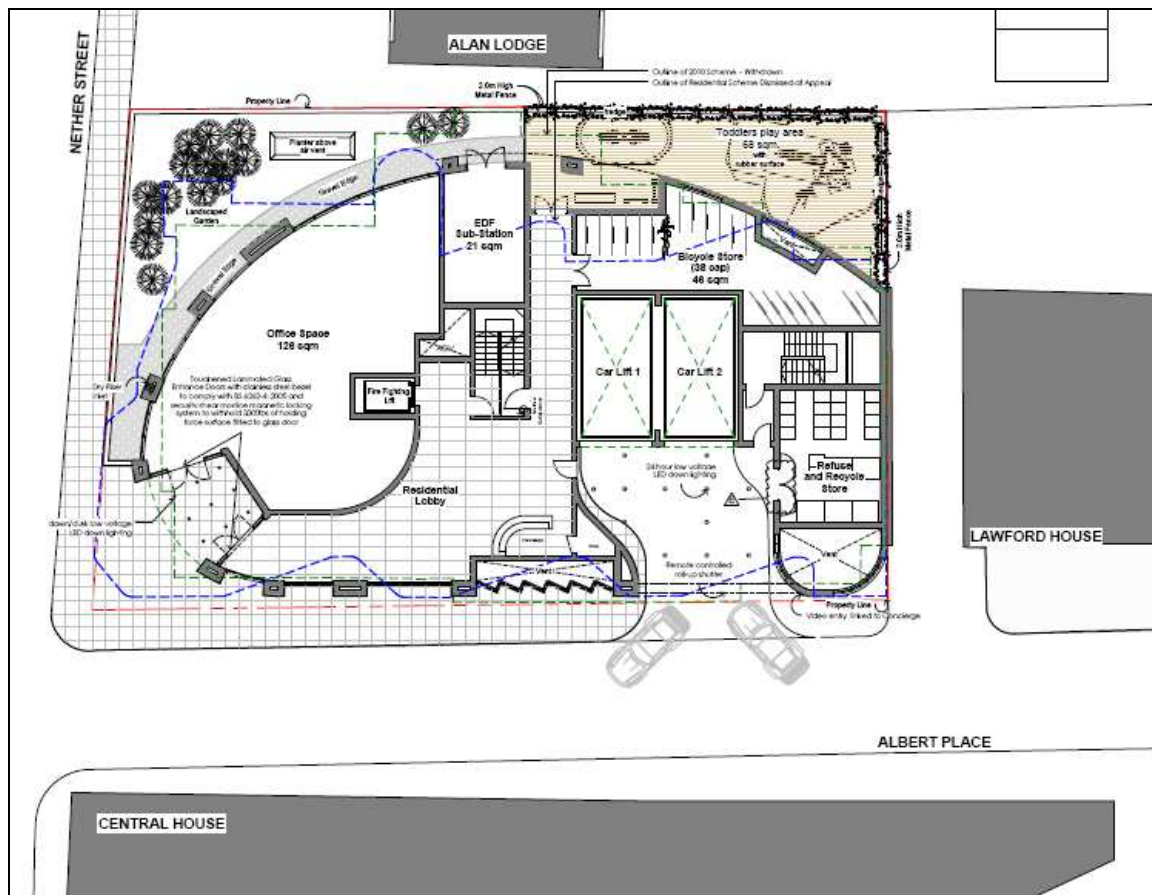
North-West Elevation



South-East Elevation



Ground Floor Plan



APPENDIX 4: COMPUTER GENERATED IMAGES OF THE PROPOSAL

View towards Albert Place



View from Nether Street towards Ballards Lane



View from Albert Place towards Nether Street



View towards Nether Street



APPENDIX 5: INFORMATIVES

1 In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010, this informative summarises the local planning authority's reasons for granting planning permission for this development and the relevant development plan policies taken into account in this decision.

In summary, the Local Planning Authority considers that the proposed development should be permitted for the following reasons:

National, regional and local planning policies seek to promote sustainable development and encourage mixed use schemes in accessible town centre locations such as this. The existing office building on the site is in a poor state of repair and has been vacant since 2010. Its replacement with a new residential led mixed use building of the nature proposed, that provides a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the area, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites in accessible town centre locations.

The proposal would result in a net loss of employment generating floorspace at the site. However, the current office space is vacant, has been actively marketed, is of a poor quality and the loss of this space was previously accepted by an Inspector at two planning appeals in 2009. Furthermore the application would provide 126m² of new office space.

The development provides an appropriate level of car parking for the residential and office uses proposed, which reflects the location of the site, close to Finchley Central Underground Station and bus services in an area with a Public Transport Accessibility Level of 5. The proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings meeting Code for Sustainable Homes Level 4 and the Office space achieving a level of 'Excellent' under the Building Research Establishment Environmental Assessment method.

A number of conditions and planning obligations have been recommended to ensure that the development does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal.

The application is considered to represent a positive development that would comply with the relevant policies in the development plan, enhance this part of Finchley Church End and provide high quality new residential accommodation and office space.

In conclusion, the proposed development accords with the relevant development plan policies generally, individually and taken overall. As such

it is considered that there are material planning considerations which justify the grant of planning permission.

A summary of the development plan policies relevant to this decision is set out in Tables 1 and 2 below:

Table 1: Summary of the London Plan (2011) policies relevant to this decision

Policy	Content Summary
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.
2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); and 2.8 Outer London: Transport	Work to realise the full potential of outer London. Seek to address the constraints and opportunities in the economic growth of outer London. Recognise and address the orbital, radial and qualitative transport needs of outer London.
Policy 2.15 (Town Centres)	Development in town centres should conform with policies 4.7 and 4.8, enhance vitality and viability, accommodate economic and housing growth, be in scale, promote access by non-car modes of transport and contribute an enhanced environment.
Policy 2.18 (Green infrastructure: the network of open and green spaces)	Development proposals should enhance London's green infrastructure.
Policy 3.2 (Improving health and addressing health inequalities)	New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.
3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy should be resisted.
Policy 3.5 (Quality and design of housing developments)	Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan. The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.

3.8 (Housing choice)	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including:</p> <ul style="list-style-type: none"> i. New developments should offer a range of housing sizes and types. ii. All new housing should be built to Lifetime Homes standard. iii. 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users.
<p>Policy 3.9 (Mixed and balanced communities); Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); Policy 3.13 (Affordable housing thresholds)</p>	<p>Communities mixed and balanced by tenure and household income should be promoted across London.</p> <p>The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of a specific sites individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential development.</p> <p>Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.</p>
<p>Policy 3.16 (Protection and enhancement of social infrastructure)</p>	<p>London requires additional and enhanced social infrastructure provision to meet the needs of its population.</p>
<p>Policy 4.1 (Developing London's economy); 4.2 (Offices); 4.3 (Mixed use development and offices); 4.7 (Retail and Town Centre Development); Policy 4.12 (Improving opportunities for all)</p>	<p>Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.</p> <p>Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and address the wider objectives of this plan.</p> <p>Encourage the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility. Development should support the consolidation of and enhancements to the quality of office stock in London.</p> <p>The following principles should be applied to town centre development:</p> <ul style="list-style-type: none"> - Scale should be related to the size role and function of the centre. - Should be focused on town centre sites. <p>Proposals should support local employment, skills development and training opportunities.</p>
<p>Policy 5.1 (Climate Change Mitigation); Policy 5.2 (Minimising carbon dioxide emissions);</p>	<ul style="list-style-type: none"> i. Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. ii. The Mayor will seek to ensure that developments meet the following targets for CO₂ emissions, which are expressed as year improvements on the 2010 Building Regulations: <ul style="list-style-type: none"> o 2010 - 2013 – 25% (Code for Sustainable Homes level 4); o 2013 – 2016 – 40% iii. Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).
<p>Policy 5.3 (Sustainable design and construction)</p>	<p>Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.</p>
<p>Policy 5.6 (Decentralised energy in development proposals)</p>	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>

Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>
Policy 5.10 (Urban greening); Policy 5.11 (Green roofs and development site environs)	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.</p> <p>Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.</p>
Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)	<p>Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.</p> <p>Proposals should utilise sustainable urban drainage systems unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London Plan.</p>
Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15 (Water use and supplies)	<p>Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development.</p> <p>Development should minimise the use of mains water and conserve water resources.</p>
Policy 5.17 (Waste capacity)	Suitable waste and recycling facilities are required in all new development.
Policy 5.21 (Contaminated land)	Appropriate measures should be taken to ensure that contaminate land does not activate or spread contamination.
6.1 (Strategic Approach); 6.3 (Assessing Effects of Development On Transport Capacity)	<p>The Mayor will work with all relevant partners to encourage the closer integration of transport and development.</p> <p>Streetspace managed to take account of the different roles of roads for neighbourhoods and road users in ways that support promoting sustainable means of transport.</p> <p>Development should ensure that impacts on transport capacity and the transport network are fully assessed. Proposals should not adversely affect safety on the transport network.</p> <p>Transport assessments, travel plans, construction and logistics plans and service and delivery plans should be prepared in accordance with the relevant guidance.</p>
6.5 (Funding Crossrail and other strategically important transport infrastructure)	Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.
6.9 (Cycling); 6.10 (Walking)	<p>Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists.</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.</p>
6.11 (Smoothing Traffic Flow and Tackling Congestion)	Take a coordinated approach to smoothing traffic flow and tackling congestion.

6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.
7.2: (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture)	Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. Architecture should make a positive contribution to a coherent public realm, incorporate the highest quality materials and design appropriate to its context.
7.8 (Heritage assets and archaeology)	Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate. Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. New development should make provision for the protection of archaeological resources, landscapes and significant memorials.
7.13 (Safety, security and resilience to emergency)	Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.
7.14 (Improving air quality)	Proposals should: <ul style="list-style-type: none"> - Minimise increased exposure to existing poor air quality and make provision to address existing air quality problems. - Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings. - Be at least air quality neutral and not lead to further deterioration of poor air quality. - Ensure that where provision needs to be made to reduce development emissions this is usually on site.
7.15 (Reducing noise)	Proposals should seek to reduce noise by: <ul style="list-style-type: none"> - Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposals. - Separate noise sensitive development from major noise sources wherever practical. - Promote new technologies and practices to reduce noise at source.
7.19 (Biodiversity and access to nature)	Proposals should: <ul style="list-style-type: none"> - Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. - Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. - Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan.
7.21 (Trees and woodlands)	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.
8.2 (Planning obligations); 8.3 (Community Infrastructure)	Development proposals should address strategic as well as local priorities in planning obligations. The supporting of Crossrail (where appropriate) and other public transport improvements should

Levy)	<p>be given the highest importance, with Crossrail (where appropriate) having higher priority than other transport improvements.</p> <p>Importance should also be given to talking climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.</p> <p>Guidance will be prepared setting out a framework for the application of the Community Infrastructure Levy to ensure the costs incurred in providing infrastructure which supports the policies in the London Plan can be funded wholly or partly by those with an interest in land benefiting from the grant of planning permission.</p>
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Table 2: Summary of the Saved Barnet UDP (2006) policies relevant to this decision

Policy	Content Summary
GSD (Sustainable development)	Ensure development and growth is sustainable.
GMixedUse (Mixed use)	Proposals should incorporate a mix of uses and take account of: <ul style="list-style-type: none"> • Character and diversity of the existing area. • Potential nuisance. • Accessibility by a range of means of transport.
GWaste (Waste disposal)	Encourage principles of: <ul style="list-style-type: none"> • Waste management hierarchy • Best practical environmental option • Proximity principle.
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment.
GRoadNet (Road network); GParking (Parking);	<p>Seek to ensure that roads within borough are used appropriately.</p> <p>Apply standards to restrain growth of car use and regulate parking.</p>
GCS1 (Community facilities);	Adequate supply of land and buildings for community, religious, educational and health facilities.
GEMP2 (Promoting business activities); GEMP3 (Maximising job creation); GEMP4 (Protecting employment land);	Promoting business activities and maximising job creation – <ul style="list-style-type: none"> • Provide and promote sites. • Creation of maximum number and quality of jobs. • Retain employment land that meets the requirements of users.
GTCR3 (Enhancing town centres)	The quality of the environment of town centres should be enhanced.
ENV7 (Air pollution)	Air pollution: <ul style="list-style-type: none"> • Any possible impacts from development must be mitigated. • Minimise impact on development through siting. • Reduce traffic and need to travel.
ENV12 (Noise generating development); ENV13 (Minimising noise disturbance)	<p>Location of noise generating development and noise sensitive receptors should be carefully considered.</p> <p>Minimise impact of noise disturbance through mitigation.</p>
ENV14 (Contaminated land)	Development on contaminated land will be encouraged subject to site investigations and conditions to require survey and mitigation.
D1 (High quality design)	Development should: <ul style="list-style-type: none"> • Be of high quality design • Be sustainable • Ensure community safety
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.

D4 (Over-development)	Proposals not to cause over development of a site.
D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.
D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.
D11 (Landscaping); D12 (Tree preservation orders); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings • Provide attractive and accessible spaces • Contribute to community safety, environmental and ecological quality • Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate) • Ensure appropriate new planting
HC1 (Conservation areas)	The council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas.
HC17 (Archaeological Remains – Local)	Protect archaeological remains of local significance where appropriate.
L12 (Public open space – areas of deficiency); L14 (Public open space – improved provision)	The council will encourage: <ul style="list-style-type: none"> • Improvements to public open provision and quality space in areas, particularly in areas of deficiency. • The full use of public open spaces by all sections of the community.
M1 (Transport Accessibility)	The council will expect major developments to be in locations which are, or will be made, accessible by a range of modes of transport.
M2 (Transport impact assessments)	The council will require developers to submit a full transport impact assessment.
M3 (Travel plans)	For significant trip-generating developments the council will require the occupier to develop and maintain a Travel Plan.
M4 (Pedestrians and cyclists – widening opportunities); M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.
M6 (Public transport – use)	Developments should be located and designed to make use of public transport more attractive.
M8 (Road hierarchy); M10 (Reducing traffic impacts)	The council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use or adversely affect the operation of roads. Where it is considered necessary as a consequence of a development, the council may introduce measures to reduce the traffic impacts on the environment and the community and the council will seek to secure a planning obligation from the developer.
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals. The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users. The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.

M14 (Parking standards)	The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be: <ul style="list-style-type: none"> i. 2 to 1.5 spaces per unit for detached and semi-detached houses; ii. 1.5 to 1 spaces per unit for terraced houses and flats; and iii. 1 to less than 1 space per unit for development consisting mainly of flats.
H2 (Housing – other sites)	Assess residential proposals on site not allocated for housing based on appropriateness, access to facilities, impact, accessibility and whether land is required for another use.
H5 (Affordable housing); H8 (Affordable housing – commuted payments)	Council will negotiate the maximum reasonable amount of affordable housing. Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.
H16 (Residential development - character)	Residential development should: <ul style="list-style-type: none"> • Harmonise with and respect the character of the area. • Be well laid out. • Provide adequate daylight, outlook and residential amenity, • Provide a safe and secure environment • Maintain privacy and prevent overlooking. • Provide adequate amenity space.
H17 (Residential development – privacy standards)	Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking. In town centre developments these standards may not apply, but proposals should include design solutions to avoid overlooking.
H18 (Residential development – amenity space standards)	The minimum provision of amenity space for new residential schemes is 5m ² per habitable room.
H20 (Residential development – public recreational space)	Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.
H21 (Residential density)	Will favourably consider higher densities in district town centres provided they comply with policy D1 and relate satisfactorily to their surroundings.
H24 (Conversion of non-residential uses)	Changes of use from non-residential to residential use will be permitted provided the site is in a suitable area for housing, having a reasonable standard of amenity, and there is no realistic prospect of re-use for employment or other non-residential purposes.
EMP2 (Employment land – protection); EMP3 (Employment land consolidation)	At sites that have last been used, for class B1 or similar industrial uses, the council will not grant permission to redevelop or change them to non-business uses. Exceptions will only be made where there is no realistic prospect of re-use or redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses. Consolidation of employment land including new office use permitted provided that it is appropriate.
EMP6 (Offices – new development); EMP7 (Offices – re-use); EMP8 (Small businesses)	Preference will be given to proposals for new offices that involve the re-use or redevelopment of existing, vacant office premises and sites in town centres, provided that such sites are highly accessible by public transport, are intended to host mixed use schemes, and there would be no harm caused to the vitality and viability of the town centres. Proposals which provide office space for small and starter businesses will be encouraged. The development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case, the priority for re-use would be as a mixed use development.

CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)	Where appropriate the council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.
TCR1 (Sequential approach)	Sequential approach to development of new retail and other key town centre uses.
TCR13 (Residential development in town centres)	Housing development through conversion and redevelopment of existing buildings and new development, will be permitted except on the ground floor of primary and secondary frontages.
TCR18 (Mixed use development)	New large developments in town centres should combine a mix of uses, which would normally include: <ul style="list-style-type: none"> – Residential accommodation (including affordable housing), where suitable amenity standards can be met, and which accords with policies H8 and H24; and – Uses at ground floor level that provide a direct service to visiting members of the public, and accord with the accepted town centre uses contained in policies TCR10 and TCR11

- 2 Thames Water would recommend that petrol and interceptors are fitted in all car parking facilities provided.
- 3 Where a developer proposes to discharge water to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Where a developer proposes to discharge groundwater into a public sewer a groundwater discharge permit will be required. Groundwater permit enquires should be directed to Thames Water's Risk Management Team. They can be contacted on 02085074890. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 4 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has 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 – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting 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 Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

5 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;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 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.

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 identified in the above list.

6 You are 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 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) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport: Railway Noise and insulation of dwellings.

7 If any existing redundant vehicular crossovers are required to be reinstated to footway level then the work has to be carried out by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

8 The applicant is advised that an application under Section 184 or 278 of the Highways Act (1980) may need to be submitted for the provision of a vehicular access to the property. The access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development,

will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact Traffic & Development Section - Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

- 9 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Environment Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays or existing waiting restrictions affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 10 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged.
- 11 The applicant is advised that construction of a vehicular access/crossover may involve alterations to the existing on-street parking bays or waiting restrictions. Alterations to on-street parking bays or waiting restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Any related costs for the alterations will be borne by the applicant.
- 12 The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 13 The applicant is advised that the development is located on or near a Strategic Road Network (SRN)/Transport for London Road Network (TLRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 14 Any details submitted in respect of the Demolition and Construction Management /Logistic Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of

development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

- 15 The applicant is advised that Nether Street is Traffic Sensitive Route from 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday – Saturday and Ballards Lane is Traffic Sensitive Route from 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday – Friday.
- 16 Any works necessary on the public highway to facilitate the development may be carried out under rechargeable works or under a Section 278 agreement.
- 17 The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided.
- 18 The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided.
- 19 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £152145

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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

You will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

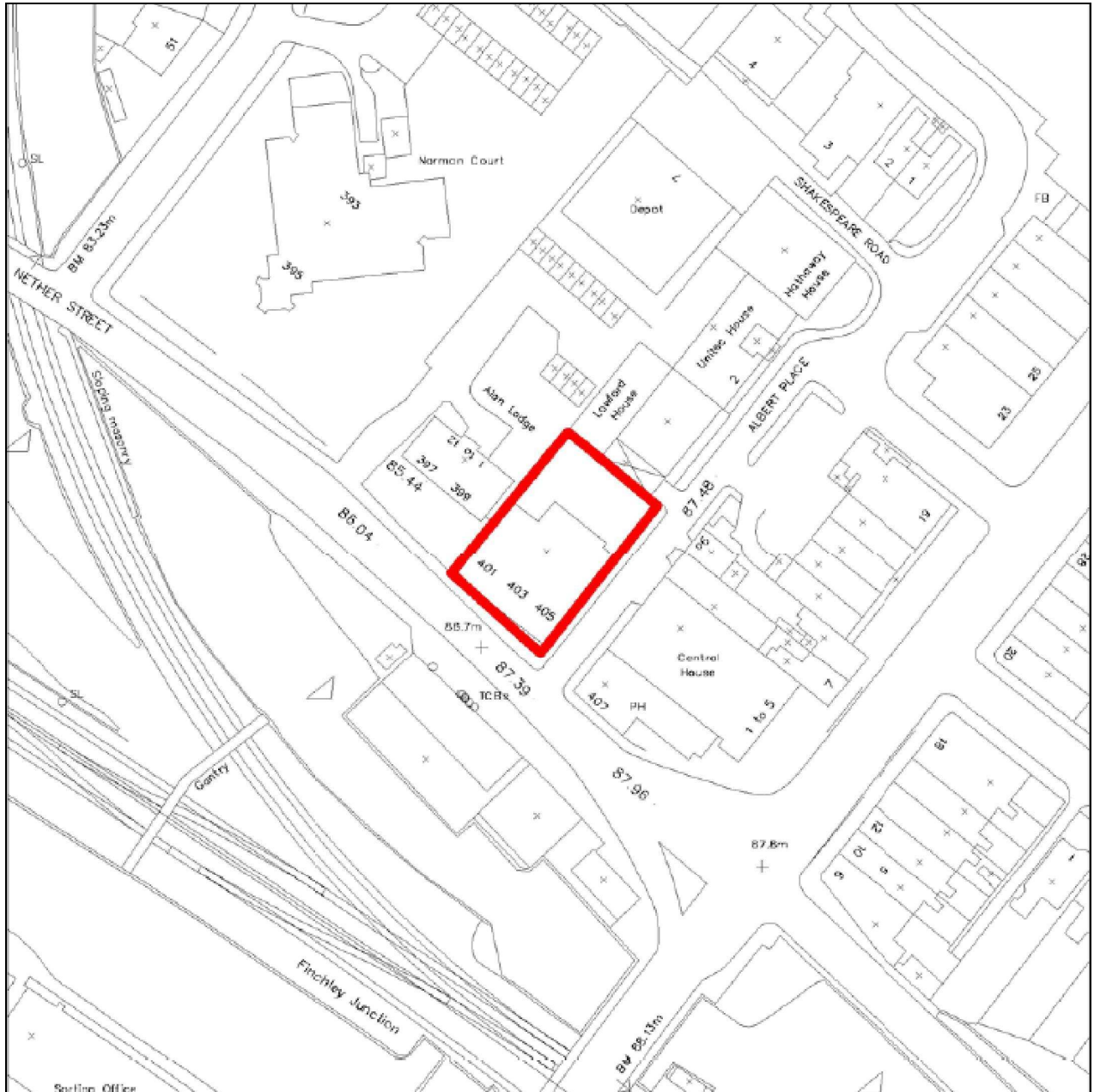
20 The Environment Agency recommend that:

- A) If the construction of the proposed development is to involve the use of piling a 'Piling Risk Assessment' should be carried out to demonstrate that the chosen piling method does not increase the risk of near surface pollutants migrating.
- B) The surface water management good practice advice in cell F5 of their 'Flood Risk Standing Advice' is used to ensure sustainable surface water management is achieved as part of the development.

The Environment Agency can be contacted at colneplanning@environment-agencu.gov.uk or on 01707632332.

APPENDIX 5: SITE LOCATION PLAN:

Adastra House, 401-405 Nether Street, London, N3 1QG



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LOCATION: 886-902 High Road, London N12 9RN

REFERENCE: F/00236/12

Received: 24 January 2012

Accepted: 03 February 2012

WARD: Woodhouse

Expiry: 24 April 2012

APPLICANT: Turnhold Properties Limited.

PROPOSAL: Demolition of existing buildings and redevelopment of the site to provide 5 storey mixed use scheme comprising 548.4 sqm of office floor space (Use Class B1) at ground floor level and 60 residential units (Use Class C3) at first to fourth floor levels, with associated amenity space, 61 car parking spaces and cycle parking, refuse and recycling storage facilities, and landscaping provision.

APPLICATION SUMMARY

Full planning permission is sought by Turnhold Properties for the demolition of the existing building at 886-902 High Road and the redevelopment of the site to provide a new building containing offices and residential dwellings that would comprise the following key elements:

- a new building of five storeys in height;
- a podium garden (above the ground floor) to the rear of the building above the proposed parking area providing approximately 600m² of communal amenity space;
- a ground floor parking area located to the rear of the building below the garden podium to provide 60 car parking spaces;
- 548m² of new office (use class B1) floorspace on the ground floor; and
- 60 new residential units (use class C3), which would each have their own private balcony or terrace, provided over the first to fourth floors.

The intention of national, regional and local planning policy is to promote sustainable development by encouraging mixed use schemes in town centre locations such as this.

The existing building on the site is in a poor state of repair and has been vacant since 2006. It was previously occupied by a furniture retail store with ancillary office space and eight maisonettes on the upper floors. Its replacement with a new mixed use building of the nature proposed, providing a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the High Road, does not cause unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers

with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites in town centre locations.

The development provides an appropriate level of car parking for the residential and office uses proposed, which reflects the nearby bus services on the High Road and proximity of the Woodside Park Tube Station along with the site's Public Transport Accessibility Level of 2.

The proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings meeting Code for Sustainable Homes Level 4 and the Office space achieving a level of 'Excellent' under the Building Research Establishment Environmental Assessment method.

A number of conditions and planning obligations have been recommended to ensure that the development does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal.

The proposal is considered to represent a positive development that would comply with the relevant policies in the development plan, enhance this part of the North Finchley Town Centre in this area of secondary retail frontage. The proposal is therefore found to be acceptable and is recommended for approval subject to conditions, following the completion of a suitable section 106 agreement.

RECOMMENDATION

Approve subject to:

Recommendation 1

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

- (a) Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

- (c) Affordable Housing
 Social Rented
 3x 2 bed 3 person flats
 1x 2 bed 3 person wheelchair flat
 1x 2 bed 4 person flat
 1x 3 bed 5 person flat
- Intermediate
 2x 2 bed 4 person flats
 1x 2 bed 4 person Wheelchair flat
 1x 3 bed 5 person flat
- (d) Apprenticeships and Employment Training
 A contribution of £25,000 towards providing apprenticeships and employment training in the borough.
- (e) Healthcare
 A contribution of £52,336 towards improvements to health facilities within the borough as identified by the Local Health Authority.
- (f) Education
 A contribution of £173,328 index linked towards education provision in the borough.
- (g) Libraries
 A contribution of £9,761 index linked towards the provision of library facilities within the borough.
- (h) Town Centre, Public Open Space and Public Realm Enhancements
 A contribution of £30,000 index linked towards the provision of enhancements and improvements to Finchley Church End Town Centre, Public Open Space and the Public Realm within 1.5km of the application site.
- (i) Amendment to Local Traffic Order
 A contribution of £2,000 index linked to cover the cost of amending the existing Traffic Management Order to prevent future occupiers of the flats within the development from applying for Controlled Parking Zone permits.
- (j) Travel Plan
 The applicant shall enter into a Travel Plan that seeks to reduce reliance on the use of the private car, promotes sustainable means of transport and appoint an appropriately qualified Travel Plan Coordinator.

- (k) Travel Plan Monitoring
A contribution of £5000 index linked towards the monitoring of the Travel Plan for the development.
- (l) Monitoring of the Section 106 Agreement
A contribution of £7,349 index linked towards the monitoring and management of the S106 planning obligations.

Recommendation 2:

That upon completion of the agreement specified in recommendation 1, the Assistant Director of Planning and Development Management approve the planning application reference F/00236/12 under delegated powers subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director for Planning and Development Management:

COMMENCEMENT

- 1 This development must be commenced within three years from the date of this permission.
Reason:
To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

PLANS OF THE DEVELOPEMNT

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
GA_SP_L C Rev:B; GA_SP_00_C Rev:E; GA_P_L00_C Rev:F;
GA_P_L01_C Rev: E; GA_P_L02_C Rev:E; GA_P_L03_C Rev:E;
GA_P_L04_C Rev:E; GA_P_RL_C Rev:E; S_A_B Rev:E; EL_N_W Rev:E;
and EL_S_E Rev:E.

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 project as assessed in accordance with policies GSD, GBEnv1 and GBEnv2 of the Barnet UDP 2006 and policy 1.1 of the London Plan 2011.

MATERIALS

- 3 Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence unless and until details and appropriate samples of the materials to be used for the external

surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved.

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 GBEnv1, GBEnv2, D1, D2, D3, D11 of the Barnet UDP 2006 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

SITE LEVELS

- 4 Notwithstanding the details submitted in the drawings otherwise hereby approved the development is not to commence unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details as so approved.

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 GBEnv1, GBEnv2, GBEnv3, GBEnv4, D1, D2, D3, D11 and D13 of the Barnet UDP 2006 and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan 2011.

REFUSE AND RECYCLING

- 5 Notwithstanding the details submitted with the application, before the development hereby permitted commences details of the:

- i. Enclosures, screened facilities and/or internal areas of the proposed building (including details of the doors provided for such areas) to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. a satisfactory point of collection; and
- iii. details of the refuse and recycling collection arrangements

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and the refuse and recycling facilities provided fully in accordance with the approved details before the development is occupied and the development shall be permanently managed in accordance with the approved details.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with polices GBEnv1, GBEnv2 and H16 of the Barnet UDP 2006.

- 6 No part of the development shall be occupied unless and until a Waste Management Plan has been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be operated and managed in accordance with the approved Waste Management Plan.

Reason:

To ensure that waste produced by the activities on the site is minimised and managed appropriately in accordance with policies 5.16 and 5.17 of the London Plan 2011.

TRANSPORT

7. Before the development hereby permitted is occupied the car parking spaces shown on plan number 'GA_P_L00_C rev:F' shall be provided in the development and shall not be used for any purpose other than the parking and turning of vehicles in connection with the development hereby approved.

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 Policies M11, M13 and M14 of the London Borough of Barnet UDP 2006.

- 8 Before the development hereby permitted commences a Car Parking Management Plan detailing the allocation of car parking spaces, all on site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason:

To ensure that parking is provided and managed at the development in the interests of highway and pedestrian safety and the free flow of traffic in the area and in accordance with Policies M11, M13 and M14 of the Barnet UDP 2006

- 9 Before the first occupation of the development hereby approved details showing suitable parking and storage facilities for 75 bicycles shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved before the development is occupied and be permanently retained as such thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance

with Policies M4, M5 and M14 of the Barnet UDP 2006 and Policy 6.13 of the London Plan 2011.

- 10 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason:

To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 11 Before the development hereby permitted is occupied a Travel Plan prepared in accordance with all relevant technical and good practice guidance shall be submitted to and approved by the Local Planning Authority. The development shall be fully implemented and managed in accordance with the approved plan. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies GSD and M3 of the Barnet UDP 2006.

- 12 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies GBEEnv1, ENV7, ENV12, M2, M8, M10, M11, M12 and M14 of the Barnet UDP (2006) and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan (2011).

- 13 No development shall commence unless and until full details of all physical works to be carried out to the public highway in relation to the development hereby approved, including a programme and timescale for the works, have been submitted to and approved in writing by Local Planning Authority. The development shall be implemented in full accordance with such details as approved.

Reason:

To ensure that the site access works on the public highway are constructed to an acceptable specification and at an appropriate stage in the construction process in accordance with policy M13 of the Barnet UDP 2006.

ACCESSIBILITY

- 14 All 60 of the new residential dwellings (use class C3) within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan 2011.

- 15 Before the development hereby permitted commences details of the location within the development and specification of the 6 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 6 units shall demonstrate how the units will be constructed to be either wheelchair

accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan 2011.

SUSTAINABILITY

- 17 The office (use class B1) floorspace in the development hereby permitted shall be constructed to meet and achieve not less than a standard of 'Excellent' using the Building Research Establishment Environmental Assessment Method for Offices. Certification of this standard being reached or exceeded shall be submitted to the Local Planning Authority prior to the first occupation of the office floorspace hereby approved.

Reason:

To ensure that the development is sustainable and in accordance with policies GSD and GBEnv2 in the Barnet UDP 2006 and policies 5.2 and 5.3 of the London Plan (2011).

- 18 The 60 residential units (use class C3) in the development hereby permitted shall be constructed to achieve not less than Code Level 4 in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replace that scheme). No dwelling shall be occupied until formal certification has been issued confirming that not less than a Code Level 4 has been achieved and this certification has been submitted to the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies GSD and GBEnv2 in the Barnet UDP 2006 and policies 5.2 and 5.3 of the London Plan (2011).

LANDSCAPING

- 19 Notwithstanding the details submitted and otherwise hereby approved, prior to the commencement of the development a detailed scheme of hard and soft landscaping, including the areas of green roof and roof terrace shown in the submitted plans, shall be submitted to and approved in writing by the Local Planning Authority. The details of landscaping submitted shall include but not be limited to the following:

- the position of any existing trees to be retained or removed;
- new tree and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants;
- means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule

for regular pruning, watering and fertiliser;

- existing contours and any proposed alterations such as earth mounding;
- areas of hard landscape works including paving, proposed materials, samples, and details of special techniques to minimise damage to retained trees and provide conditions appropriate for new plantings;
- timing of planting;
- any proposed boundary treatments, fencing or means of enclosure to be installed at the site and as part of the proposed roof terrace area.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

- 20 All work comprised in the approved scheme of hard and soft landscaping shall be carried out before the end of the first planting and seeding season following the first occupation of any part of the building or completion of the construction of the development, whichever is sooner.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

- 21 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 D1, D2, D3 and D11 of the Barnet UDP 2006 and policy 7.21 of the London Plan 2011.

- 22 Notwithstanding the details shown on the plans otherwise hereby approved, prior to the commencement of the development a scheme detailing the hard and soft landscaping of and all play equipment to be installed in the first floor communal play area identified in plan number X shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason:

To ensure that the development represents high quality design and to accord with policies D1 and D2 of the Barnet UDP 2006 and the London Plan 2011.

NO TELECOMUNICATIONS EQUIPMENT

23 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority:

- The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the building hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies GBEnv1, GBEnv2, D1 and D2 of the Barnet UDP (2006).

CONTAMINATED LAND

24 Part 1

Before development commences other than for investigative work:

- A contaminated land desktop study 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 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 these details are approved in writing by the Local Planning Authority.
- 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 prior to the commencement of the development.

- 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 to be carried out shall be submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on site.

Part 2

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 and to comply with policy ENV14 of the Barnet UDP.

- 25 No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies GBEnv1 and ENV12 of the Barnet UDP 2006.

NOISE AND AIR QUALITY MANAGEMENT AND MITIGATION

- 25 Prior to the commencement of the development hereby permitted an air quality assessment report, written in accordance with the up to date relevant guidance, which assess the existing site and proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report submitted shall have proper regard to the air quality predictions and monitoring results from the 'Air Quality Stage 4 Review and Assessment for the London Borough of Barnet', the 'London Air Quality Network' and the 'London Atmospheric Emissions Inventory' and any other relevant factors.

A scheme of air pollution mitigation measures to be provided in the development based on the findings of the air quality assessment report shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved air quality mitigation scheme measures shall be implemented in their entirety before the first occupation of the development.

Reason:

To ensure that the amenities of future occupiers are protected from the poor air quality in the vicinity and in accordance with policy 5.3 of the London Plan 2011.

- 26 Prior to the commencement of the development a scheme of measures to be incorporated in the development to mitigate the impact of noise from road traffic, surrounding uses and any other relevant sources of noise on the occupiers of the development shall be submitted to and approved in writing. The scheme submitted in this respect shall not achieve less noise mitigation than the measures identified in the Hepworth Acoustics report (dated November 2011) submitted with the application and shall ensure that the levels of noise as measured within habitable rooms of the residential element (use class C3) of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. The scheme submitted in this respect shall include sufficient details to adequately demonstrate how these standards would be met. The development shall be implemented in accordance with the approved scheme of measures in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by road traffic noise and to accord with Policies ENV12 and ENV13 of the Barnet UDP 2006.

- 27 The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally and externally generated noise and vibration. This sound insulation installed shall ensure that the levels of noise generated from the office use (use class B1) hereby approved as measured within habitable rooms of the residential element (use class C3) of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. A scheme of noise mitigation measures to be incorporated in the scheme to achieve the specified standards shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved noise mitigation scheme shall be implemented in its entirety before the first occupation of the development.

Reason:

To ensure that the proposed office development does not prejudice the amenities of occupiers of the residential properties hereby approved in accordance with Policies ENV12 and ENV13 of the UDP 2006.

- 28 Before the development hereby permitted commences on site, details of all mechanical plant, including any extraction and ventilation equipment to be installed at the development, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of the proposed and adjoining residential properties and to accord with Policy ENV13 of the Barnet UDP.

- 29 Prior to the commencement of the development a report that fully and diligently assesses the likely noise impacts from all mechanical plant to be installed at the site as part of the development hereby approved, including any ventilation and extraction equipment to be installed, shall be carried out by a competent acoustic consultant, submitted to the Local Planning Authority and approved in writing. The report submitted shall clearly set out mitigation measures to be installed to reduce noise impacts to acceptable levels and 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 contents and recommendations. The approved mitigation measures in the report shall be implemented in their entirety before the first occupation of the development.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of the proposed and adjoining residential properties and to accord with Policy ENV13 of the Barnet UDP.

- 30 The level of noise emitted from the all mechanical plant to be installed at the site as part of the development 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 and to accord with Policy ENV13 of the Barnet UDP.

WATER AND DRAINAGE

- 31 The development hereby permitted shall not commence until a drainage strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.

Reason:

To ensure that the development provides appropriate drainage

infrastructure and to comply with Policies 5.13 and 5.14 of the London Plan 2011.

- 32 The development hereby approved shall have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.

- 33 The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.

OFFICE HOURS OF USE

- 34 The office (Use Class B1) floorspace within the building hereby permitted, as shown on plan number 'GA_P_L00_C rev:F', shall not be open for use, be used or receive deliveries before 8.00am or after 8.00pm from Monday to Saturday or before 10.00am or after 4.00pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties in accordance with policy GBEEnv2 of the Barnet UDP 2006.

BIODIVERSITY

- 35 Prior to the commencement of the development details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies GSD, GBEEnv2, D1 and D11 of the Barnet UDP 2006 and policies 5.5, 5.11 and 7.19 of the London Plan 2011.

INFORMATIVES:

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 6** of this report. These include (as the first informative) the summary of the reasons for granting planning

permission for this development and the relevant development plan policies taken into account in this decision.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan published July 2011 and the saved policies of the London Borough of Barnet Unitary Development Plan (UDP), which was adopted May 2006. These statutory development plans are the main policy basis for the consideration of this planning application. A number of other documents, including the emerging Core Strategy and Development Management Policies Development Plan Documents, supplementary planning guidance and national planning guidance are also material to the determination of the application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out below and in **Appendix 1**. In subsequent sections of this report dealing with specific policy and topic areas, there is further discussion, where appropriate, of the key policy background.

The London Plan and Barnet Unitary Development Plan

Appendix 1 examines in some detail the London Plan and Barnet UDP policies of most relevance to this planning application and appraises the proposal against these policies. Clearly the London Plan and the Barnet UDP contain a very large number of policies which are to a limited degree relevant and the analysis in Appendix 1 focuses on those which are considered to be particularly relevant to the determination of this application.

In order to present the analysis of the development plan policies in a readily readable form it is set out in a table format. The tables list the policies, describe them and then provide a brief commentary to assess how the proposed development conforms to the requirements of the specific policies. Where appropriate, some policies are combined in order to avoid unnecessary repetition or disjointed discussion.

The officers have considered the development proposals very carefully against the relevant policy criteria and, as Appendix 1 shows, have concluded that that the development will fulfil them to a satisfactory level, subject to the conditions and planning obligations recommended. The proposed development is considered to comply with the requirements of the development plan.

The Emerging Local Development Framework/Local Plan

The Planning & Compulsory Purchase Act 2004 (as amended by the Planning Act 2008 and the Localism Act 2011) reformed the development plan system by replacing the UDP with the Local Development Framework (LDF). The LDF will be made up of a suite of documents, including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF documents are adopted the relevant saved policies within the adopted UDP still constitute part of the development plan.

The Council published its Core Strategy – Submission Stage Development Plan Document (DPD) in May 2011. The document has been subject to four rounds of public consultation and is in general conformity with the adopted London Plan therefore weight can be given to it as a material consideration in the determination of planning applications.

The Council published its Development Management Policies – Submission Draft DPD in May 2011. The document has been subject to two rounds of public consultation and therefore weight can be given to it as a material consideration in the determination of planning applications. The Development Management policies document sits beneath the Core Strategy in the hierarchy of the Local Development Framework.

Following the publication of the above two documents two further rounds of consultation have been carried out on them. The first (commenced in January 2012) reflected proposed changes to the documents following the Joint Examination in Public of them. The second consultation (commenced in April 2012) reflects changes to the documents following the publication of the National Planning Policy Framework (see below). The changes under this round include the renaming of Local Development Frameworks as Local Plans.

Appendix 1 sets out the Core Strategy and Development Management DPD policies which are relevant to the consideration of this application.

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application. **Appendix 1** sets out the supplementary planning guidance which is relevant to the consideration of this application.

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption

in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Community Infrastructure Levy Regulations 2010

Planning obligations now need to meet the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these regulations. The applicant has agreed the contributions set out in recommendation two.

1.2 Key Relevant Planning History

886-902 High Road, N12

F/04523/09 'Demolition of existing building and erection of a new building up to five storeys in height containing 1628m² of flexible space at ground floor level for uses including and limited to shops, (use class A1), a doctors surgery (use class D1) and a library (use class D1), 65 flats (use class C3) on the first to fourth floors, a basement level 72 space car park accessed from Friern Watch Avenue and ancillary facilities and works including the provision of amenity space, refuse and recycling storage facilities and cycle parking facilities.'

-Refused 18/02/2010 Upheld at appeal 27/10/2010

Appeal: APP/N5090/A/10/2127011

The appeal decision for application F/04523/09 is a significant material consideration in the evaluation of the acceptability of the current proposal. The Council's decision notice can be found as **Appendix 7** and the appeal decision at **Appendix 8**.

The Inspector's decision to uphold the Council's refusal this was on the basis of an unacceptable provision of amenity space. In all other regards the Inspector found the previous application to be acceptable.

There are differences between the appeal proposal and the current application, there have also been changes to the policy background since the appeal decision and the application will be considered in the light of such changes. However in this context regard must be had to the principals established by the appeal decision.

F/02361/09

'Demolition of existing building and erection of a part four storey, part five storey building containing 1753m² of flexible ground floor level space for uses including and limited to shops, (use class A1), a doctors surgery (use class D1) and a library (use class D1), 72 flats (use class C3) on the first to fourth floors, a basement level 72 space car park accessed from Friern Watch Avenue and

ancillary facilities and works including the provision of amenity space, landscaping, refuse and recycling storage facilities and cycle parking facilities.’
-Refused 05/10/2009 Upheld at appeal 27/10/2010

F/03172/08

‘Demolition of existing building and redevelopment of the site comprising a new building up to six storeys high, providing 81 residential units, 753m² of retail space (use class A1), a 597m² public library (use class D1), a 332m² doctors surgery (use class D1), an 81 space car park (basement level) accessed from Friern Watch Avenue, and associated landscaping and works’
-Application withdrawn 19/09/2008

931 High Road, N12 8QR

F/04553/09

‘The redevelopment of 931 High Road, to allow the construction of 2 to 6 storey buildings comprising 139 apartments, 10 mews houses (Use Class C3), 1345.81sq.m of flexible commercial floor space for office (use class B1) or restaurant and café (use class A3) uses and ancillary facilities including amenity space, children’s play space (0-4 years), refuse stores, car/motorcycle/cycle parking and servicing’
-Application refused 09/11/2010

F/00241/08

‘The redevelopment of 931 High Road, to allow the construction of 2 to 6 storey buildings comprising 167 apartments, 10 mews houses (Use Class C3), 1272.04sq.m of flexible commercial floor space (Use Classes A3 and B1) and ancillary facilities including amenity space, refuse stores, car/motorcycle/cycle parking and servicing (REVISED PLANS, DOCUMENTATION AND DESCRIPTION OF PROPOSAL)’
-Application refused 01/07/2009

F/00216/08

‘The redevelopment of the 931 High Road, to allow the construction of 3 to 7 storey buildings comprising 182 apartments, 10 mews houses (Use Class C3), 1444.88 sq. m of flexible commercial floor space (Use Classes A1, A2, A3, and B1) as well as ancillary facilities including amenity spaces, refuse stores, car/motorcycle/cycle parking and servicing’
-Application withdrawn 02/06/2008

C00794D/08 “Environmental Impact Assessment - Screening opinion’
Environmental statement not required.

1.3 Public Consultations and Views Expressed

Public Consultation

A total of 1041 local properties (including residents and businesses) and other bodies were consulted on the application by letter and email in March 2011. The application was also advertised on site and in the local press at that time. Following revisions to the design of the scheme a further round of consultation was carried out by letter on 17 May 2012.

Number of Responses from Residents, Landowners and Businesses

65 responses objecting to the proposal were received. **5** of the objectors have requested to speak at committee. **6** responses supporting the proposal were received.

Comments from Residents, Landowners and Local Businesses

The comments made in objection to the application are summarised and responded to below. Where appropriate further detail is provided in the relevant section of the report.

The Finchley Society, a local organisation formed to protect, preserve and improve buildings, transport, roads and open spaces in Finchley, submitted the following comments.

- The Society supports the principal of redevelopment of 886-902 High Road but consider it better to retain the current eyesore for a temporary period rather than see the building replaced by an unacceptable development.
- The current development is considered to be an improvement upon the previous proposals but has yet to address all of the society's concerns.
- Whilst parameters have been set by the 2010 Appeal based upon planning policy prevailing at the time the new application must be considered in the light of the subsequent adoption of the new London Plan 2011.

Objection on Grounds of height bulk, density, siting and effect upon street scene.

- The London Plan 2011 Policy 3.4, table 3.2 (Density Matrix) and Table 8.1 Key Performance Indicator 2 set out the basis by which a site's housing should be optimised. The current proposal has a density of 633 Habitable rooms per hectare. In a suburban setting with a Public Transport Accessibility Level of 2 this is excessive resulting in overdevelopment of the site. Whilst the Density Matrix should not be applied mechanically Central London densities are not appropriate for this location.
- The existing building provides a step in and blends with the built form to the East of the High Road whether viewed in context of the town centre to the south or larger buildings to the north. It is considered that the proposal is a storey too high and would detract from the street scene.
The proposal does not allow sight lines to the low density suburban

housing on Mayfield and Friern Watch Avenues nor does it respect their building lines. In the Appeal the Inspector incorrectly justified the building line on these suburban roads by citing the position of Sainsburys but should have considered the fact that part or full set backs are a feature of most developments in this part of the High Road, and not to set a building back in this way would be contrary to paragraph 34 of PPS1:

“Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.”

To comply with this statement development should be limited to four storeys in height and should remove an area of parking to provide a set back in keeping with the building line of neighbouring houses on Mayfield and Friern Watch Avenues.

Officer Response

- It is acknowledged that the policy background for consideration of the application has changed since the appeal decision in particular in relation to the new London Plan. This has been considered when assessing the appropriateness of the density of development which has seen a reduction from that of the appeal scheme. It is considered that even with the amended London Plan Policy it remains reasonable to find a proposal (and a density) acceptable where it exceeds the relevant density range so long as it is found to be acceptable in all design, amenity and other relevant regards. This issue is further addressed in part 3.3 of the report.
- The scale of the proposed development is considered to be acceptable in terms of its relationship to the street scene. There are examples of taller buildings in the vicinity of the application site which support the scale of the proposed building.
- Amendments to the proposals have resulted in an improved relationship with the front building lines of properties on Mayfield Avenue and Friern Watch Avenue. The proposal provides a greater distance between the rear of the building and these properties at 1st floor than previously considered to be acceptable by the planning inspector and is considered acceptable.

Highways

- The Society supports the applicant’s approach to vehicular egress from the site only by way of the High Road whilst maintaining a one way system into and out of the proposed parking area. Physical measures of traffic control should be used to achieve this and should be consulted on prior to granting planning consent rather than securing the controls by condition.
- The Society supports the restriction of parking for future residents to the associated car park by removing the right for the purchase of residents’ parking permits which should be included within any associated legal agreement.

Officer Response

- Heads of terms have been established for the proposal including an amendment to the Local traffic order to prevent future occupiers from applying for CPZ permits.

Summation of Residents Objections

General

- Concerns are raised over the capacity of the local sewage system
- Increased demand for schools, hospitals and services including water supply can not be supported by Barnet's infrastructure.
- The increase in residents and associated noise would impact upon the local bird population.

Officer Response

- Thames Water have not raised concern in regards to local sewage capacity. No objections have been raised by statutory consultees in relation to sewage or water capacity.
- S106 obligations have been required in regards to school and hospital provision.
- The biodiversity of the site is likely to be increased by the inclusion of green roofs and soft landscaping which should be of benefit to local bird populations.

Amenity

- Concerns are raised that the provided communal amenity space above the car park would not be suitable as a play area for children living in the flats.
- Privacy of future occupants would be compromised at ground floor by the full height windows proposed.
- The proposals would result in a loss of privacy to nearby residents.
- The five storey height of the proposal would significantly overshadow the houses to the rear of the development where they would result in significant loss of light.
- The high density would result in social problems caused by lack of onsite amenities and space.

Officer Response

- Provision for 140m² of dedicated child play space are secured by condition in keeping with the mayor's standards.
- Full height window design is unlikely to lead to a loss of privacy, future residents can use blinds or curtains. No residential units are at ground floor and there is little possibility of direct overlooking to the majority of units. There would be no policy ground to reduce the size of the windows.
- It is not considered that the proposed development would result in a loss of privacy or light to neighbouring residential units. This is further

considered in 3.5.

- The amenity levels provided are considered to comply with policy. This is further expanded upon in section 3.4.

-Design & Context

- The proposed design would not match the local vernacular.
- The proposal is unsightly and is not appropriate in this location.
- The development would be ugly and intrusive.
- The development would impact upon the desirability of the surrounding area.
- The design includes no architectural relief to round or soften the building's box like appearance this is not in keeping with good design practice.
- The proposed window frames and fittings are shown as having a dark or black colour where there is a desperate need for a light colour.
- There is inconsistency in the number of window lights to many of the windows.

Officer Response

- Officers consider that the layout, form detailed design and materials of the current proposal create an acceptable development in respect of design and character policies.
- The submitted proposal differs significantly from the presentation made at the pre application exhibition.
- The proposals have lost the associated vegetation which was presented to residents in November.
- The choice of brickwork has changed since the scheme was presented to residents in November and is now considerably darker. It appears that the choice has been made in order to blend with the appearance of local buildings which have been darkened through exposure to pollution. Starting with a darker colour the building will simply become more and more drab as it too is discoloured.
- A cream coloured cladding was shown on the plans presented at the public exhibition this material has now been removed from the design following discussions with Planners. The result is a building which is significantly more oppressive than that shown at the initial meeting.
- The position of windows in the original design showed a level of undulation and variation of their position from floor to floor. The current proposals have windows in vertical stacks which would result in an effect of monotonous repetition adding to the severe, hard edged and intimidating appearance of the building which unlike the existing building and other buildings in the locality is not softened by the inclusion of any curved design elements.
- An increase in the height of the top floor of the building has occurred since the November presentation, this is clearly shown when comparing identical views from the western side of the High Road.
- The top floor was originally shown as having a lightly glazed finish

whereas the proposals include heavy framing to this area, although this is apparently being changed to better reflect the originally presented plans. The use of excessive glass in this area is likely to result in dwellings on the top floor acting as heat traps.

Officer's Response

- The pre application presentation that took place in November would have shown indicative plans and elevations and it is not unexpected to find that there have been some changes between what was presented at the time and the submitted plans. For the most part the information shown accorded with the submission, but even if it had not an evaluation would still have to be based upon the current proposals which are considered to be acceptable.
- The development would as a result of its substantial height impact upon the outlook from existing resident's homes.
- The existing character of North Finchley is of semidetached houses not oversized high density flat developments.
- The design has little to break up its overall block appearance and would not enhance this area of North Finchley.
- The proposed building is harsh, monochromatic, austere, repetitive, unimaginative overbearing and intimidating and would be reminiscent of a 1960's Soviet block
- Proposals would not accord with policies H16, D1 and D2 of the unitary development plan.
- By dividing the building into three blocks the 5 storey height of the proposed building is accentuated.
- The proposed development is vastly greater in mass than the existing building that is being replaced and would result in a shocking street scene transition along the High Road.
- The proposed use of copper or zinc cladding materials would be unsuitable and would not enhance the suburban housing streetscape.

-Office Use

- There is no need for the proposed office use as it can be seen from the many for let signs on the High Road.

-Highways

- There should be no entrance or exit from the proposed development onto Friern Watch Avenue.
- The level of parking in Friern Watch Avenue and Mayfield Avenue would increase significantly as a result of the proposed development.
- Local streets are likely to become rat runs.
- The development will result in an increase in congestion, pollution and noise.
- The number of cars generated by the proposal are likely to have a detrimental impact upon both traffic and parking in the area.

- Future residents with two or more vehicles are likely to want to apply for resident's parking permits.
- Access and egress should be allowed both onto both roads from the proposed parking area.
- The increase in associated traffic would result in a direct impact upon the health of local residents
- Noise levels would be increased by vehicles accessing the car park.
- Insufficient car parking provision is provided.
- No formal undertaking is included with the submission to enter into a travel and traffic management plan or to restrict applications for local parking permits.
- The statement of community involvement incorrectly suggests that the proposed development would have 72 car parking spaces rather than the submitted 61.
- There is a significant existing parking problem in the area which is exasperated in the evenings by customers of nearby restaurants.
- The Level Of Car Parking would not be sufficient for the proposed number of units.
- Available on street parking bays are already being lost due to the conversion of front gardens into parking courts, the proposals would further worsen the pressure on parking.
- The introduction of speed bumps along Mayfield Avenue and Friern Watch Avenue should be considered to reduce the likelihood of rat running.
- The 75 Cycle parking spaces are likely to remain unused and the space would better serve the development as an additional parking area.
- Parking problems would result from the number of additional car users on nearby roads including Highwood Avenue.
- Vehicular access to the site should be directly from the High Road in order to avoid congestion of Mayfield Avenue and Friern Watch Avenue, this would require the introduction of a slip road to the front of the proposal to avoid associated congestion on the High Road.
- The proposed development is likely to result in additional illegal parking in the local area.

Consultation

- Site notices advising of the application were not placed upon the building itself but were instead wrapped around lampposts to the corner of the site making them less apparent and less easy to read.
- Copies of the plans should have been made available in the local library.

Other

- There are Existing sewage flooding issues and it is unlikely that the associated infrastructure will support 60 new homes.
- No provision has been made for members of the public to use facilities within the development.
- The Statement of Community Involvement includes assertions that support for the scheme had been voiced by individuals who expressed no

such views.

- Proposals do not account for impacts upon existing residents in the area.
- It is unclear whether all of the dimensions of the new proposal all fall within the envelope of the previously submitted application, this is of particular concern relating to the height of the proposal.
- Balconies could become waterfalls in heavy rain or could develop standing pools as a result of heavy rain.
- It is likely that future inhabitants will want to use their balcony space to hang out towels and washing, this would be a blight on the local neighbourhood.

-Pro-Forma Letters

Two types of pro-forma letter were received (Type 1 and Type 2) For avoidance of doubt these have been individually counted to achieve to total number of objector's letters.

A Total of 47 'Type 1' Letters were received.

These state that the signatories desire development of the site but:

- The proposed building is too high and too large,
- The proposal would result in too many additional vehicles in the area,
- Extra pressure would result upon local services.

The letter concludes that the plan should be amended to reduce its density and size, and improve the building's appearance in order to reduce its impact upon local amenities.

A Total of 6 'Type 2' Pro-forma Letters were received, these state that the signatory objects to the development for the following reasons:

- The proposals are substantially the same as the previously refused development.
- The reduction from 65 to 60 units would still result in too many families living in such a small place and has not resulted in a significant reduction of the building's mass.
- The proposed development would set a precedent for high density development in the area which was rejected in the case of 931 High Road (Planning application F/04553/09)
- The argument that due the poor state of the existing site justifies any form of development is not acceptable.
- The 'Art Deco' frontage of the existing building serves the character of the area well. A development that retained an aspect of this design approach would be welcomed.

Over Development

- The addition of 60 residential units on this small site is not acceptable, it is

noted in the planning statement that the proposal should have a density of 200-450 habitable rooms per hectare whereas the current proposal would result in 633 habitable rooms per hectare.

- The Council's UDP policy H21 states that: "...the Council will favourably consider proposals for higher density, residential development within Barnet's Major and District Town Centres...provided such proposals comply with Policy D1 and relate satisfactorily to their surroundings." (D1 states: "All new developments should represent high quality design and should be in keeping with the Council's objectives of sustainable development and ensuring community safety.") It is not considered that the proposed development would relate well to its surroundings as adjacent properties are family homes and businesses and not blocks of flats.
- Barnet does not have the infrastructure to cope with an increase in demand on schools and hospitals. Water supply is also a problem in London and the number of residential flats in the area should be restricted.

Children's Play Space

- It is not considered that the communal amenity space above the car parking area is a suitable play area for children living in the proposed flats. Such a provision would not be considered suitable if considering the adoption of a rescue dog so how can it be for a child?

Height & Mass

- The Mass and height of the proposed building is out of keeping with the adjacent buildings.

Parking & Road Usage

- There are concerns that traffic from the development will travel right down Mayfield Avenue even with traffic controls measures are put in place to prevent this.
- Although it has been indicated that no business parking permits are to be issued in the future political or policy changes at Barnet could allow such permits to be issued.

Travel Plan

- The submitted Travel Plan document includes several errors which raise concern as to the overall approach:
 - i. Woodside Park Tube Station is incorrectly identified as being on the Northern Line.
 - ii. It is reported that there are cycle routes close by to the application site when there are not.
 - iii. It is reported that the development would result in a reduction of traffic to and from the existing site when compared with the existing situation. This is incorrect as there is currently no traffic to or from the site.

- Encroachment of the established building line.
- The proposed building would disrupt the established building line on both Mayfield Avenue and Friern Watch Avenue.

Environmental Considerations

- Barnet should be leading the way in the sustainability of its developments the BREEAM and Code levels achieved should be significantly higher than proposed.

Comments in support of the proposal

- The current building is an eyesore.
- The development appears to have been well thought out and should be supported in this current economic climate.
- The proposal would result in a tremendous improvement to the area.
- The approach taken to the site and the details of the proposal should be supported

Consultation Responses from Statutory Consultees and Other Bodies

Transport for London (TfL):

Have not raised any objections to the proposal nor have they requested any conditions. TfL have recommended a reduction in the number of car parking spaces and the provision of showers and lockers for staff wishing to cycle to work.

Metropolitan Police Service:

Have not raised any objections to the proposal and confirmed that they have discussed the proposal with the developer. A condition is recommended requiring submission of details of the security of the undercroft car parking area.

London Fire and Emergency Planning Authority:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

Environment Agency:

Have responded to the consultation and have not raised any objections to the proposal nor have they requested any conditions upon any grant of consent. The Environment Agency indicated the standing advice that should be considered for a development of this scale in this location (flood zone 1) and the appropriate standing advice has been included as an informative.

Natural England:

Have responded to the consultation and confirmed that they have no comments to make on the proposal.

Thames Water:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent. Thames Water has raised a number of points in respect of waste water matters and these have been included as informatives.

Internal Consultation responses**Traffic and Development Team:**

The Traffic and Development Team response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions and planning obligations they have no objections to the development and find the proposal to be acceptable in respect of highways related matters.

Environmental Health Service:

The Environmental Health Service response is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions in respect of air quality, contaminated land, noise and the ventilation and extraction equipment to be installed they raise no objection to the development and find the proposal to be acceptable.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL

2.1 Site Description and Surroundings

The application site is located in the Woodhouse Ward on the east side of the High Road (A1000), south of Mayfield Avenue and north of Friern Watch Avenue. The site covers an area of approximately 0.27 hectares and presently accommodates a three storey building, rising to four storeys in a pitched roof over part of the building. Two courtyard areas are situated to the rear of the building.

The building is vacant but was previously occupied as a furniture retail store, with ancillary office and storages space. The building also contains 8 residential flats. The courtyard areas are accessed by Mayfield Avenue and Friern Watch Avenue and were used for deliveries, servicing and parking. The application is accompanied by a number of documents that identify the existing building as suffering from significant contamination. The site does not contain any trees.

The High Road is dominated by commercial and mixed use developments and contains some substantial buildings, for example the office block opposite this site at 915 High Road (Solar House). This part of the High Road currently falls within the secondary retail frontage defined in the Barnet Unitary Development Plan for North Finchley Town Centre. Amendments to the North Finchley Town Centre Boundary have been made within the Development Management Town

Centre Policy Maps which once adopted will exclude 886-902 High Road and see the application site as an edge of centre location.

From the commercial and mixed-use High Road the built environment rapidly changes to the east (Mayfield Avenue and Friern Watch Avenue) into a traditional suburban character containing predominantly two storey houses. To the north of the application site the High Road contains a three storey office building, with an additional level of accommodation in the roof space. To the south of the application site the High Road contains two storey mixed use buildings with an additional level of accommodation in the roof space.

2.2 Description of the Proposed Development

The application proposes the demolition of the existing building and the erection of a new building up to five storeys high containing 60 units of residential accommodation (use class C3) on the first to fourth floors and 548m² of Office space (B1 use Class) at ground floor.

The application proposes the following mix of dwellings types:

- 5 three bedroom five person flats (approximately 8.3% of the dwellings)
- 5 three bed four person flats (approximately 8.3% of the dwellings)
- 14 two bedroom four person flats (approximately 23.3% of the dwellings)
- 18 two bedroom 3 person flats – including 6 Wheelchair units (approximately 30.0% of the dwellings)
- 18 one bedroom two person flats (approximately 30.0% of the dwellings)

All of the units proposed would meet or exceed the minimum floor space standards specified in Table 3.3 of the London Plan. Each unit would have direct access to a private balcony area and access to the communal amenity area to the rear of the site from their associated stair cores.

The Planning, Design and Access Statement submitted with the application confirms that all of the units proposed would be constructed to meet the relevant Lifetime Homes Standards.

Six 1st floor units (10% of the residential units) would achieve wheelchair accessible standards or be easily adaptable to meet these standards. 6 of the residential car parking spaces would be provided as disabled sized spaces. (A single disabled sized car parking space would also be provided for the B1 use class units.)

10 affordable housing units are proposed, 6 Social Rented and 4 Intermediate Ownership.

- Social Rented Units
- 4 x 2 bed 3 person flats including a wheelchair standards unit;
 - 1 x 2 bed 4 person flat
 - 1 x 3 bed 5 person flat.

- Intermediate units
- 3 x 2 bed 4 person units including a wheelchair standards unit;
 - 1 x 3 bed 5 person unit.

This would equate to 17% by unit or 18% by habitable room. Levels of affordable housing have been determined subject to viability assessment which is considered later in the report.

The office space (B1 use class) would be sub divided into four units providing a variety of units of a scale appropriate to Small and Medium Enterprises (SMEs). Whilst these units would achieve a gross external area of 548m² the Total Net Internal Floorspace would be 472m².

- Proposed Office (B1 Use) Unit Sizes
- Unit a – 74m²
 - Unit b – 180m²
 - Unit c – 138m²
 - Unit d – 81m²

The scheme would provide 61 car parking spaces at a ground floor level, to the rear of the development below a podium of amenity space at 1st floor. Access would be from Friern Watch Avenue with egress onto Mayfield Avenue.

60 car parking spaces are for residential units achieving a level of 1:1 parking and including 10% disabled spaces.. A single disabled space would be provided for the office uses.

75 secure cycle parking spaces are proposed in the ground floor parking area, 5 of these identified for the office units.

The Sustainable Design and Construction Statement provided with the application confirms that the residential element of the development would achieve Code for Sustainable Homes 'Level 4' and the office element of the proposal would meet the BREEAM 'Excellent' standard.

In addition to the application drawings the following documents have been submitted with the application:

- Design and Access Statement by Alan Camp Architects;
- Addendum to Design and Access Statement by Alan Camp Architects;
- Amenity Report by Alan Camp Architects
- Planning Statement by GVA
- Transport Assessment by Hyder
- Travel Plan by Hyder
- Sustainability Statement by AJ Energy Consultants Limited;
- Planning Statement by Turnhold Properties;
- Energy Statement by AJ Energy Consultants
- Exterior Daylight and Sunlight Assessment by Jessop Associates;

- Statement of Community Involvement by Turnhold Developments;
- Noise Impact Assessment by Hepworth Acoustics
- Foul Sewage and Utilities Assessment by ID Limited
- Ecology/Bat Study By Amphibian, Reptile&Mammal Conservation Limited
- Waste Management Strategy by Alan Camp Architects

3. PLANNING CONSIDERATIONS

3.1 Principle of mixed residential and office use

London Plan Policy 2.15 states that development proposals in town centers should conform with policies 4.7 and 4.8 and should:

- sustain and enhance the viability of the centre;
- accommodate economic and or housing growth through intensification and selective expansion in appropriate locations;
- support and enhance competitiveness, quality and diversity of town centre retail, leisure arts and cultural consumer and public services;
- be in scale with the town centre and promote access by public transport, walking and cycling.

Policy H2 states that proposals for residential development on sites not allocated for housing under Policy H1 (such as the application site) will be assessed in terms of:

- Whether the site is appropriate, having regard to a sequential test;
- the impact of the proposal on its surroundings (including the environmental impact of developing back gardens);
- the availability of access by a choice of means of transport;
- access to educational and community facilities; and
- whether land is required for another use, as identified in this Plan and associated planning briefs.

Policy TCR 11 States that within secondary retail frontages changes of use at ground floor from A1 retail use class will not be permitted if this would harm the town Centre's Viability.

Policy EMP6 states that in considering proposals for new office development preference will be given to proposals that involve the re-use or redevelopment of existing, vacant office premises, or sites in town centres which are highly accessible, form a part of a mixed use scheme which would cause no harm to the vitality and viability of town centres.

Policy EMP8 states that the Council will encourage proposals which provide B1 accommodation for small and starter businesses.

Policy TCR13 of the Barnet Unitary Development Plan states that housing development in and near town centres will be permitted except on the ground floor of primary and secondary frontages.

The existing site contains an element of residential accommodation, over an A1 retail unit with ancillary offices. The site has not been identified for any other specific use, is previously developed and has close proximity to town centres amenities.

The proposal to redevelop the ground floor A1 retail unit to B1 Office use is in keeping with the approach taken to the North Finchley Town Centre boundary by the emerging Development Management Plan. The application site is excluded from the town centre within proposed Development Policy Maps, such changes were not challenged by the Inspector at the Examination in Public and should be afforded significant weight.

The town centre boundary change was proposed due to the site's distance from the Primary frontage, the low level of footfall associated with the site and the prolonged vacancy of the existing A1 unit and is intended to consolidate the existing town centre.

The site is immediately adjacent to bus stops for three bus routes on the High Road. In addition the North Finchley Bus Station and Woodside Park Underground Station are both within 10 minutes walking distance and the layout of the surrounding roads makes pedestrian movements simple.

The provision of B1 office use in this location would facilitate the change from the current A1 retail store in keeping with the intentions of the emerging Local Plan, it would also be in character with the immediate area where there are several other examples of office use. It is considered that the town centre would benefit as a result of increased footfall from future office users.

Mixed use developments the nature proposed (residential and office) are broadly encouraged by development plan policy in such locations, it is considered that due to the availability of a choice of means of transport, links to nearby town centre facilities and the intended boundary changes to the town centre the principle of developing the site with residential units above a ground floor B1 Office, as proposed is acceptable, subject to compliance with other policies.

Matters pertaining to the impact of the proposed development on its surroundings and the compatibility of the design proposed with the character of the surrounding area are discussed in detail further on in this report.

3.2 Dwelling mix

Development plan policies require proposals to provide a suitable range of housing sizes and types, taking account of the housing requirements of different groups. The Council's emerging Local Development Framework documents (Core Strategy and Development Management Policies DPD) identify 3 and 4

bedroom family units as the highest priority types of dwellings for the borough.

The application proposes the following mix of dwellings types:

- 5 three bedroom five person flats (approximately 8.3% of the dwellings)
- 5 three bed four person flats (approximately 8.3% of the dwellings)
- 14 two bedroom four person flats (approximately 23.3% of the dwellings)
- 18 two bedroom 3 person flat of which 6 are Wheelchair units (approximately 30.0% of the dwellings)
- 18 one bedroom two person flats (approximately 30.0% of the dwellings)

The inclusion of approximately 17% of the units proposed as three bedroom dwellings is welcomed. Officers consider that the fact that the proportion of three bed (or larger) dwellings is not higher reflects the town centre location and constrained nature of the site. It is considered that in this instance the dwelling mix proposed is acceptable.

3.3 Density of development

The National Planning Policy Framework supports development which is sustainable in terms of its economic, social and environmental impacts which is in accordance with the local plan.

The Council's UDP policy on residential density (H21) states that it will favourably consider proposals for higher density, residential development within Barnet's Major and District Town Centres provided such proposals comply with Policy D1 and relate satisfactorily to their surroundings.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 (see below) which provides a guide to appropriate density ranges for particular locations, depending on accessibility (according to Public Transport Accessibility Level –PTAL calculation) and setting. It states that development proposals which compromise the policy should be resisted.

Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare)

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
Urban	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
Central	150-300 hr/ha	300-650 hr/ha	650-1100 hr/ha
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/hr	100-240 u/ha	215-405 u/ha

The site is considered to fall within a transitional area between the urban and suburban settings as defined in the London Plan and has a PTAL Level of 2. Taking these factors into consideration the London Plan Density Matrix would suggest a range of between 35-170 units per hectare or 150-450 habitable rooms per hectare (see table above).

The proposed development has a density of approximately 222 units per hectare at 633 habitable rooms per hectare. This represents a 30% increase by unit above the density proposed by the London Plan exceeding the range considered optimal by the London Plan.

In evaluating the significance of this it needs to be recognised that the supporting text to policy 3.4 of The London Plan states:

“A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically.”

Development proposals must be considered on the basis of their individual circumstances and make effective use of land. In this instance the application site fronts on to a main arterial route and is located within secondary retail frontage of North Finchley Town Centre. In addition although the site backs onto an area which is suburban in nature the existing building is of a scale which is

similar, in certain regards, to the proposal and sits within the context of other examples of substantial buildings in the surrounding area.

It should also be recognised that the proposal is considered to be fully compliant with policies on good design, local context and character, providing acceptable amenities for future occupants and the protection of amenities of neighbouring occupiers.

Appeal

It should also be noted when evaluating the current proposal that when considering applications F/02361/09 and F/04523/09 (appeal reference APP/N5090/A/10/2126020) which exceeded the density of the *current* proposal by a further 20% and 7% respectively the Inspector did not directly cite density as a reason to uphold the Council's decision to refuse the application even though this issue had been raised within the Council's appeal statement. It was instead considered appropriate to measure acceptability in terms of compliance with policies on good design, local context and character, the provision of acceptable amenities for future occupants and protection of amenities of neighbouring occupiers.

Taken in isolation from other matters density is considered to be a blunt tool for evaluating the acceptability of a scheme and in circumstances such as this, where a proposal would comply with the relevant development plan policies and not result in any demonstrable harm, it is considered that it would be inappropriate to refuse an application on density grounds alone.

It is noted that a new London Plan with a different policy approach to density has been adopted since this decision. However, it is considered that under the present policy approach of 'optimising housing potential' it remains reasonable to find a proposal (and a density) acceptable where it exceeds the relevant density range, but is found to be acceptable in all design, amenity and other relevant regards. Taking account of the factors outlined above officers consider that the density of development proposed is acceptable in this instance.

For the avoidance of any doubt this planning application is not referable to the Mayor.

3.4 Standard of accommodation provided and amenities of future occupiers of the proposed dwellings

Policy GBEnv2 of the Barnet Unitary Development Plan (UDP) requires high quality design in all new development to improve the quality of the built environment, amenity and the quality of environment of future residents, in order to help meet the objective of sustainable development. Policy D1 of the Barnet Unitary Development Plan states that new developments should be of high quality design and in keeping with the objectives of sustainable development. Policy D5 identifies that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers and

users. Policy ENV12 states that proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. The Council will also seek to ensure that uses which are sensitive to air pollution (such as residential uses) are located away from sources of air pollution under policy ENV7.

Policy H16 requires residential developments to be well laid out in terms of access, provide adequate daylight, outlook and residential amenity, provide a safe and secure environment, prevent overlooking, and provide adequate levels of private amenity space. Barnet's UDP advocates a minimum distance of 21m between properties with facing windows to habitable rooms, in order to address overlooking. This distance should increase by 3m for each additional storey over two storeys. In town centre developments these standards may not apply. Where less distance is provided innovative design solutions should be included to avoid overlooking.

Policy H18 requires that for flats the minimum provision of amenity space should be 5m² per habitable room. However, proposals in or near town centres may be exempt from this requirement if alternative amenities are provided. The Council's supplementary planning guidance, Sustainable Design and Construction, provides more detailed amenity space standards for new residential development. This includes minimum sizes for private external amenity space (balconies or terraces). This equates to 3m² for 1 person or 2 person dwellings with an extra 1m² needed for each additional person.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The type of dwelling, minimum unit area (using the London Plan standards) and the unit area actually proposed are set out in the Table at Appendix 4 below:

All of the units proposed would have a gross internal area which meets or exceeds the requirements of the London Plan for a dwelling of that type. The proposals exceed the Minimum space standards by an average of 1.1m² per person and the proposal is therefore considered to be acceptable in this regard.

Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook and do not significantly impact upon the outlook of existing residents whilst taking account of the need to avoid unacceptable levels of overlooking between facing properties.

The design approach proposed maximizes the outlook of occupiers of the new dwellings in this town centre location, whilst preventing unacceptable levels of overlooking at neighbouring properties. It achieves this through a variety of measures the most significant of which is the setting back of the rear face of the building from 1st floor up by 17m from 2 Mayfield Avenue and 16.5m from 1 Friern Watch Avenue (the two residential properties in closest proximity to the application site).

All units have been designed to achieve an element of dual aspect thereby avoiding poor levels of natural light and providing improved options for outlook for future occupants.

The careful siting and orientation of windows along with an angled approach to window design at 2nd and third floors directly facing the flank walls of residential properties at these properties has been taken to ensure that privacy is not significantly affected.

Amenity space provision

Private amenity space

All of the dwellings proposed would have access to their own private amenity space in the form of a balcony or terrace. The size of the private amenity area provided for each of the dwellings is set out in **Appendix 5**.

There are eight instances (in Bold at **Appendix 5**) where the standards detailed in the Sustainable Design and Construction SPD (SD&C SPD) are not met. The worst cases being at units 18 and 34, these are 3 bed 5 person units with balconies of 4.6m², 1.4m smaller than the target area. Most of the shortfalls are however significantly lower with an average shortfall for the eight identified units of 0.6m².

The combined private amenity area of balconies and terraces proposed totals 756.9m².

The importance of the provision of a satisfactory level of private amenity space is clear from the Inspector's decision to uphold the refusal of application F/04523/09 on the grounds of lack of provision of private amenity space to every dwelling combined with poor accessibility to on site communal areas in an area recognised to be deficient in public parks.

All units in the new development have access to a level of private amenity space. 8 of the 60 proposed residential units (13%) fail to achieve the target set out in the SD&C SPD but in these cases only by a marginal amount.

Communal amenity space

All of the dwellings proposed would also have access to the communal amenity area to the rear of the building from their internal stair cores. One of the

inadequacies identified by the inspector of application F/04523/09 was that some residents would have to exit the building prior to accessing the communal amenity space, this has now been overcome.

The communal amenity space measures 490m² and has scope for the provision of 140m² of children's dedicated play space in accordance with the Mayor's supplementary planning guidance. Play equipment would be installed in areas identified on plan number 'GA_AD_L01C rev C' the precise details of which are to be agreed under conditions recommended.

The total area of communal and private amenity space provided at the site equates to approximately 1246m². Taking the Barnet UDP standard of 5m² per habitable room (including kitchen over 13m² and with rooms over 20m² counting as two rooms) for flats the development would be required to provide 1100m² of amenity space. The proposal therefore exceeds the minimum requirements of the Barnet UDP.

Appeal

Under the inspector's report the only material reason given for refusal of application F/04523/09 related to an unsatisfactory provision of associated amenity space to the proposed units and it was concluded:

From paragraph 44 of APP/ N5090/A/10/2127011

"...inadequacies remain in relation to garden or amenity space and, in the case of some flats, this would result in the absence of balconies or poor accessibility to on site communal areas..."

Every residential unit has access to private amenity space, the majority of which significantly exceed local space standards. All units have direct access to the rear communal garden area from their internal stair cores where there is available and identified space for provision of dedicated children's play space in line with the Mayor's guidance, it is therefore considered that the development is acceptable in this important respect.

Privacy and overlooking

The design and layout of the windows, doors and amenity areas in the dwellings proposed is such that, subject to the provision of suitably designed privacy screens, the new residential units would be provided with an acceptable and policy compliant level of privacy and not suffer unacceptable overlooking. A condition has been recommended to ensure that adequate privacy screens are implemented and maintained and with this the proposal is found to be acceptable in this regard.

Daylight

The submission documents include an assessment of the daylight that would be received in the habitable rooms of the dwellings proposed. This was carried out by Jessop Associates. Using the methodology found in the latest guidance (published in 2011) from the Building Research Establishment on how to assess

the daylight received in new dwellings the evaluation found that all of the habitable rooms proposed would meet the relevant standards. The proposal is found to be acceptable in this regard.

Noise and air quality

Conditions have been recommended which require the development to be constructed and managed in such a way that it would include measures to provide future occupiers of the proposed dwellings with an acceptable noise and air quality environment, taking account of the environment and uses surrounding the application site. Examples of measures include the installation of appropriate extraction and ventilation equipment and inclusion of adequate sound proofing when the building is constructed.

Subject to the conditions recommended the proposal is considered to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the dwellings proposed.

Conclusions on the amenities of future occupiers

The scheme is compliant with development plan policy as it relates to the amenities of the future occupants of the proposal. The design approach is considered for the reasons outlined above, to provide future occupiers with adequate amenities. The development is therefore found to be acceptable in this respect.

3.5 Impacts on amenities of neighbouring and surrounding occupiers and users:

Objections have been received from a number of residents expressing concern that the proposed development would be detrimental to the amenities of neighbouring and surrounding occupants. Concerns include loss of light, visual impact, increased noise and disturbance, overlooking and loss of privacy.

Overlooking and Loss of privacy

Policy H17 of the UDP states that to avoid a loss of privacy a minimum distance of 21m between facing windows to habitable rooms and 10.5m to a neighbouring gardens should be maintained. This distance should be increased by 3m for each additional storey above two storeys. The policy accepts that these standards may not apply in town centres and that higher density developments which provide lower distances should include innovative design solutions to avoid overlooking.

Habitable rooms

Given the position of the proposed building the only instances of direct overlooking between windows to habitable rooms could occur to houses at 2 Mayfield Avenue or 1 Friern Watch Avenue.

In both instances all windows in these elevations are obscure glazed. Whilst the internal layout of the properties is not known it would appear that facing windows at 2 Mayfield Avenue are to a stairway. Windows at 1 Friern Watch Avenue however, appear likely to include two 1st floor windows to a bedroom or other habitable room.

Overlooking would not be possible from ground or first floor levels of the proposed development. At ground floor the business units would be separated by the enclosed car parking to the rear and at first floor a 2.1m privacy screen to the eastern elevation would prevent direct overlooking from both windows to the units and users of the amenity area.

Above 1st floor the proposal would not directly face neighbouring windows, however actions have been taken to avoid indirect overlooking from these higher floors. At second and third floors east facing windows to the north and south elements of the proposed building would either be obscure glazed (in instances where a second window to the room would allow an alternate outlook), or would be in the form of an angled bay window designed to direct outlook away from neighbouring windows. Balconies in these areas would also include obscure glazing to the east of 1.7m in height.

At the 5th floor any possible overlooking from habitable rooms would be prevented by an obscure glazed balcony of 1.7m in height.

Gardens

The rear gardens of 2 Mayfield and 1 Friern Watch Avenue and to a lesser extent neighbouring gardens to the east of these properties could be subject to privacy impacts from overlooking. The distance from the proposed rear elevation to the garden is 15.5m at its closest point. Again there is no issue regarding the ground and 1st floors but the level of overlooking from upper floors should be considered.

At the 2nd floor of the proposal distances to neighbouring gardens would accord with distances as advised by policy H17, however the addition of a further 3m distance requirement at 3rd floor and again at 4th floor level would result in an encroachment to the prescribed distances by 1m and 1.5m at these respective floors.

Given the allowance within Policy H17 for standards not to apply in some Town Center locations and considering the relationship that would result between the existing houses and the new development the impact upon the privacy of neighbouring occupants garden areas is considered to be acceptable and in keeping with the policy requirement.

Appeal

The inspector in his consideration of Application F/04523/09 (which was significantly closer to 1 Friern Watch Avenue at 10m and 2 Mayfield Avenue at 11m but retained similar distances to the rear gardens) considered there would be no significant impacts upon privacy.

Conditions have been recommended requiring details of measures to be installed to prevent overlooking and loss of privacy to neighbouring properties to be provided, agreed by the Local Planning Authority and implemented. These measures are likely to include the use of screens, of an appropriate design quality, and obscured glazing.

Subject to the controls in place under these conditions it is concluded that the design and layout of the proposal is such that the development would not result in unacceptable levels of overlooking and loss of privacy at the neighbouring properties and would comply with development plan policy in these regards.

Daylight, Sunlight and Overshadowing

The application is accompanied by an assessment of the proposals impact on the neighbouring residential properties by reference to the methodologies found in the Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice*'. This report concludes that the criteria relating to both daylight and sunlight would be met and that there would be no significant adverse affect on daylight or sunlight at neighbouring residential properties. Officers accept the findings of this assessment and conclude that the application is acceptable in terms of its impact on the daylight and sunlight received at neighbouring properties.

Outlook and Visual Impact

The documents submitted with the application include plans and illustrative images showing the impact of the proposed development from a number of key locations within the area surrounding the site including the relationship of the proposed building with neighbouring properties and spaces.

2 Mayfield Avenue and 1 Friern Watch Avenue

The design of the proposed development sets the mass and height of the proposal towards the High Street thereby reducing its impact upon views from the rear of 2 Mayfield Avenue and 1 Friern Watch Avenue.

Currently the existing building on site adjacent to these properties' boundaries is 3-4 storeys in height and extends along most of the boundary of these properties gardens.

The proposal would be slightly higher than the existing building and would extend the whole length of the High Road frontage between Mayfield Avenue and Friern Watch Avenue, however given the additional distance to this elevation it is considered that an improved outlook from the rear of these properties would result.

Other Properties

Properties to the north of Mayfield Avenue and the south of Friern Watch Avenue would gain views of the proposed development from the fronts of their houses. It is considered that as these properties are well removed from the main bulk of the proposal and obtain only indirect views of the building there would be no significant impact upon their outlook.

The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

Noise

The residential and office uses proposed in the development are of a nature that would not be expected to generate unacceptably high levels of noise and disturbance that would harm the amenities of the occupiers of neighbouring residential properties.

The provision of designated children's play space within the communal amenity area may result in a level of noise disturbance, however, it is considered that the activity would be in keeping with the use of neighbouring rear gardens and that the 2.1m high fence will prevent any levels from resulting in a significant nuisance.

Conditions have been recommended in relation to the mechanical plant to be installed as part of the proposal and the hours of use of the office can be in operation to ensure that the development does not result in noise and disturbance that is detrimental to the amenities of neighbouring occupiers.

Conditions have also been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance, these including the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

Conclusions

The proposed development is considered to be acceptable and compliant with the relevant development plan policies as they relate to the amenities of neighbouring and surrounding occupiers and users.

3.6 Design, character and landscaping matters:

The National Planning Policy Framework 2012 makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document makes it clear that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The statement also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations. It then makes it clear that good design also involves integrating development into the natural, built and historic environment.

UDP Policy GBEnv1 states that the Council will protect and enhance the character and quality of the Borough's built environment. Policy D1 requires new development to be of high quality design and in keeping with the Council's objectives of sustainable development and ensuring community safety while Policy D2 states that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, street patterns and the overall character and quality of the area.

The London Plan also contains a number of relevant policies on character, design and landscaping (the key policies are set out in Appendix 1). Policy 7.4 of the London Plan states that Buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

It should be noted that when considering application F/04523/09 at appeal the Inspector carefully considered matters of scale height and context.

From paragraph 11 and 12 of Appeal APP/N5090/A/10/2127011:

“...the proposed building would make a significant and even prominent contribution to the street scene. However, it seems that this could be said of the existing building...I also accept that what is proposed would gain prominence as a result of its size, its height and its contrasting palette of materials. However, there are buildings nearby of equal or greater height. Also, while many of the more modern buildings have a uniformity that results from the predominant use of brick, this should not preclude the use of a wider pallet where this is carefully and sensitively handled. Here the variety of materials proposed would draw attention to a new and relatively prominent addition to the High Road but the contrasts would be deliberate... While there is room for alternative opinions, there is no overriding reason to reject the scheme on the grounds of its general appearance.

The site could no doubt be satisfactorily redeveloped in a low key fashion that would largely avoid adverse comment. However by redeveloping the whole frontage between Mayfield Avenue and Friern Watch Avenue the schemes appear to grasp an opportunity to create a building with Character and attitude that would possess its own vitality and interest. This is not a conservative approach to urban design but there is no reason to regard this negatively... This appears to be a reasonable response to this aspect of the proposals.”

It is clear from the above and also from the conclusion to the inspector’s report where he cites poor provision of and access to amenity space as the only reasons for upholding the Council’s refusal that the previous proposal was considered to be acceptable in terms of its impact upon the street scene, its height, bulk and mass and its design approach.

Officers consider that the layout, form and detailed design of the current proposal create an acceptable development in respect of design and character policies. The bulk and scale of the building reduces in an acceptable manner away from the High Road, whilst still making efficient use of a previously developed site. The design of the elevations of the new building and the materials proposed are felt by officers to provide the correct balance between creating a building which does not shrink from the design solution adopted, whilst clearly linking the development to its context. The elements in the palette of materials proposed, such as the red brick have been selected to match with existing materials in the locality and assist in creating a design which has an acceptable relationship with the character of the surrounding area. To ensure that the use of high quality materials is carried through to the implementation stage, it is proposed that the matter be controlled through the imposition of the materials condition recommended. With the condition attached the development is considered acceptable in this regard.

3.7 Transport, parking and highways matters:

Policy M14 in the Movement chapter of the Barnet Unitary Development Plan sets out the parking standards that the Council will apply when assessing new developments. Other policies in the Movement chapter of the Barnet Unitary Development Plan seek to ensure the safety of road users, reduce accidents, provide suitable and safe access for all users of developments, encourage non-car modes of transport, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Parking provision

The parking standards for residential development, as set out in the Barnet UDP, recommend a range of parking provision for new residential units based on the on Public Transport Accessibility Levels (PTAL) Score. For the different types of unit the range of provision is as follows:

- Four or more bedroom units - 2.0 to 1.5 parking spaces per unit
- Two and three bedroom units - 1.5 to 1.0 parking spaces per unit
- One bedroom units - 1.0 to less than 1 parking space per unit

For higher PTAL Scores the parking requirement would be expected to be at the lower end of the range and for a lower PTAL Score a parking provision at the higher end of the range would be required.

This equates to parking provision of between 42 to 81 parking spaces for the proposed 60 residential units to meet the parking standards set out in the UDP (depending on the PTAL Score for the site). The proposed parking provision of residential spaces is within the range that UDP would expect to be provided.

In accordance with the UDP, flexibility can be exercised in applying the parking standards by considering the specific circumstances found on a site. As the PTAL Score for the site is 2, indicating a low level of public transport accessibility, the parking provision of 60 parking spaces for the proposed

residential development is considered to comply with the parking standards as set out in the UDP 2006. Account has also been taken of the sites town centre position (and the local amenities this provides) and the located within the existing North Finchley Controlled Parking Zone (CPZ).

Development Plan Policy requires that developments provide 10% of the proposed car parking spaces to a disabled parking space standard. The application proposes to provide 7 of the 61 spaces to a disabled parking space standard. The number of disabled parking spaces proposed is considered to be acceptable.

1 disabled parking space is proposed for the B1 office use located in the external bay accessed off Friern Watch Avenue.

The applicant has confirmed that an electrical charging point will be provided for at least 1 in five of the proposed car parking spaces to assist in encouraging the uptake of electric vehicles by future users of the site. This is considered to be a positive aspect of the scheme and a condition has been recommended to ensure that this aspect of the scheme is delivered.

The scheme provides 75 bicycle parking spaces on a two tier rack. This level of provision is considered to be reasonable and policy compliant in this instance.

This level and of car and cycle parking provision is considered to be acceptable considering the site's location at the edge of a Town centre, the availability of pay and display parking on the A1000 High Road to the front of the site and the existing North Finchley CPZ.

Car parking provision for both uses is considered acceptable, however, it is recognised that there are parking pressure on roads in the vicinity of the development and to ensure that the parking demands from the proposed development do not create any additional parking pressure on roads in the vicinity of the development a Section 106 Agreement exempting the new occupiers from purchasing parking permits for the Church End CPZ is considered necessary. As such the planning obligations recommended include a financial contribution of £2000 to cover the cost of amending the existing Traffic Management Order to prevent the occupants of the new development from purchasing parking permits for the North Finchley Controlled Parking Zone (CPZ).

Conditions are recommended to ensure that if implemented the parking layout of the development would be acceptable in all regards.

Trip generation

The following table shows the total AM and PM peak vehicular trips for the existing development:

Existing Development:

Existing Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	6	4	10
PM (17:00 – 18.00)	20	21	41

The consultants have used the TRAVL data base, which is an accepted tool, to establish peak hour vehicular trip rates so that they can predict the trip generation for the proposed development. The Tables below show the predicted vehicular peak hour trip rates for the residential and commercial uses and the two uses combined.

Residential Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	3	11	14
PM (17.00 – 18.00)	7	4	13

Commercial Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	5	0	5
PM (17.00 – 18.00)	0	7	7

Combined Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	8	11	19
PM (17.00 – 18.00)	7	11	20

9 additional vehicle trips are predicted During the Morning Peak Hour (08.00 – 09.00). However, there is a reduction in trips by 21 trips predicted during the Evening Peak Hour (17.00 – 18.00). Therefore the potential overall impact of the proposed development on public highway is considered relatively minor.

Travel Plan

An initial residential travel plan is included in the documentation submitted with the application. Conditions and obligations are recommended to ensure that a travel plan is provided for all of the uses proposed and a travel plan coordinator is appointed. In order to ensure that the objectives of the travel plan are met a monitoring contribution of £5000 is included in part of the planning obligations recommended.

Construction Management Plan

To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need

to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended.

Conclusion

It is noted that a number of objections have been received that the development has inadequate parking and would result in an unacceptable impact on the road network surrounding the site. However, for the reasons outlined, it is considered that the proposed development would have satisfactory parking and would be controlled through the conditions and planning obligations recommended. It is therefore acceptable in respect of transport, parking and highways matters.

The site is located in a town centre and has good access to public transport and local amenities. Subject to the conditions and planning obligations recommended the proposal is considered to be acceptable and compliant with policy in respect of parking, highways and transport matters.

3.8 Creating inclusive environments for all members of the community:

Development plan policies state that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents submitted with the application identify a number of ways in which the design of the proposed building has been influenced by the desire to make it accessible for all members of the community. The Planning, Design and Access statement identifies that all the proposed dwellings would meet the relevant Lifetime Homes standards and 10% of the dwellings proposed would meet wheelchair accessible standards. As outlined above 7 of the parking spaces proposed would be provided to a disabled parking space standard.

Conditions have been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards, 10% of the dwellings proposed would meet or be easily adapted to meet wheelchair accessible standards and 7 of the parking spaces proposed are to be provided to a disabled parking space standard. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

3.8 Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding and falls below the threshold where a flood risk assessment is required to be submitted. The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of flooding or drainage matters.

Thames Water has confirmed specifically that in terms of sewage infrastructure they do not have any objection to the proposals. A condition has been recommended to ensure that suitable drainage infrastructure is provided in respect of the development generally. Subject to this condition the development is found to be acceptable in respect of drainage and flooding matters.

Conditions have been recommended to ensure that water use by the development is minimised. Subject to these conditions the development is found to be acceptable in this respect. Both businesses potentially supplying water to the development (Veolia and Thames Water) have been consulted on the application and neither has raised any objections to the development in relation to water supply matters or on any other grounds.

3.9 Contaminated land and water quality issues:

The Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of contaminated land or water quality matters. The Council's Environmental Health Service has confirmed that any concerns they may have regarding contaminated land issues are adequately addressed through the conditions recommended in this respect. Having evaluated the information submitted, it is considered that the proposal is acceptable and compliant with development plan policy in respect of contaminated land and water quality matters, subject to the conditions recommended.

3.10 Safety and security matters:

Policies GBEnv3 and D9 require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime. Policy D10 states that where a proposed development is likely to affect community safety the developer will be required to enter into planning obligations with the Council to undertake measures which will improve safety and security.

The London Fire and Emergency Planning Authority and Metropolitan Police have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. The design and layout of the development proposed is considered to be such that, as controlled through the use of the conditions recommended it would provide a safe and secure environment for users of the proposed buildings and surrounding properties. The proposal is therefore deemed to be acceptable in respect of providing a safe and secure development with an environment which reduces opportunities for crime and the fear of crime.

3.11 Energy, climate change and sustainable construction matters:

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

Developments are required to achieve a 25% reduction in carbon dioxide emissions for residential buildings and commercial buildings based on 2010 Building Regulations. Policy 5.3 goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

The Council's Sustainable Design and Construction SPD provides that where applicants commit to a Code Level 4 or above against the Code for Sustainable Homes there will be no further specific requirements for the provision of a set minimum level of on-site renewable energy generation for residential developments. For developments that are located less than 500m (via a safe walking route) from a public transport node providing a service to a local centre or a major public transport node the Sustainable Design and Construction SPD requires the non-residential elements of developments to achieve an excellent rating under the BREEAM assessment system.

Carbon dioxide emissions

The application is accompanied by an Energy Strategy. This sets out measures which the development could incorporate to reduce carbon dioxide emissions in accordance with the energy hierarchy set out above. The measures identified include a range of energy efficiency measures and the use of photovoltaic panels. And a gas Fired CHP unit. The measures identified are predicted to result in an improvement of the dwelling emission rate over the target emission rate of approximately 29.1%, which would result in the development exceeding the carbon dioxide reduction requirements of the London Plan. Conditions have been recommended to ensure that the development achieved an adequate level of carbon dioxide reductions as a minimum. Subject to these conditions the proposal is found to be acceptable and policy compliant in respect of reducing carbon dioxide emissions.

Other aspects of sustainable design and construction

A Sustainable design and Construction statement, prepared by AJ Energy Consultants Limited, has been submitted with the application. This identifies a number of sustainable design elements that the proposal would incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. The report includes preliminary Code for Sustainable Homes and BREEAM evaluations for the residential and non-residential elements of the scheme respectively. The statement makes it clear that the residential element of the proposal could meet Code for Sustainable Homes Level 4 and the non-residential elements of the proposal would reach an 'excellent' rating under the BREEAM evaluation. It is considered that the details provided in the submission are acceptable in this regard and that the application

would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters. To ensure that they are carried through acceptably to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures to be incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development includes areas of planting and soft landscaping at a ground floor level, areas of green roof and other areas of planting at a roof top level. Conditions have been recommended to ensure that these aspects of the scheme are carried through appropriately at the implementation stage of the development.

3.12 Environmental Impact Assessment Regulations:

The development for which consent is sought is not considered to be of a description identified in Schedule 1 of the Regulations (Town and Country Planning (Environmental Impact Assessment) Regulations 2011). However, the development is considered to be of a description identified in column 1 of Schedule 2 of the Regulations. The development described in the submission is deemed to fall within the description of 'urban development projects'. The site identified in the plans accompanying the application are not considered to be in or partly in a sensitive area as defined in Regulation 2 (1). As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 in the Regulations is that the area of development exceeds 0.5 hectares. The area of development identified in the information submitted is less than this threshold.

Taking account of the threshold and criteria in column 2 of Schedule 2 and the criteria set out in Schedule 3 of the Regulations, the guidance provided in Circular 02/99 and other material considerations, it is considered that the development described in the information accompanying the application would not have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

3.13 Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes, having regard to:

- a. current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11
- b. affordable housing targets adopted in line with Policy 3.11,
- c. the need to encourage rather than restrain residential development (Policy 3.3),
- d. the need to promote mixed and balanced communities (Policy 3.9)
- e. the size and type of affordable housing needed in particular locations

- f. the specific circumstances of individual sites.

It suggests that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.

This approach is reflected in UDP Policy H5 which requires the maximum reasonable amount of affordable housing to be sought on sites of 10 or more units gross, having regard to a target that half of the housing provision over the UDP period should be affordable.

The application proposes that the following units of affordable housing be provided within the development:

Social Rented Units

- 4 x 2 bed 3 person flats including a wheelchair standards unit;
- 1 x 2 bed 4 person flat
- 1 x 3 bed 5 person flat.

Intermediate units

- 3 x 2 bed 4 person units including a wheelchair standards unit;
- 1 x 3 bed 5 person unit.

This would equate to 17% by unit or 18% by habitable room. Levels of affordable housing have been determined subject to viability assessment which is considered later in the report.

Affordable Housing Viability Assessment and Independent Review

The Council requested that GL Hearn perform an independent review of the developer's viability assessment.

The review concluded that any further provision of affordable housing would result in an unviable scheme. In particular it recognised that asbestos removal costs totalling £667,000 would have a significant impact upon the viability of the proposal.

Affordable Housing Conclusion

In accordance with London Plan Policy 3.12 the viability of the development, the individual circumstances of the site and other scheme requirements need to be taken into account when considering the level of affordable housing provision. In this case the circumstances of the site and scheme requirements justify the provision of 18% Affordable Housing provision in the following unit and tenure mix:

3.14 Planning obligation matters:

UDP Policy IMP1 states that the Council's key priorities for planning obligations will be for the provision of the following:

Residential Development:

- Improvements to public transport infrastructure, systems and services.
- Educational provision in areas with existing shortages of school places or where the development will create such a shortage.
- Affordable or special needs housing to meet identified local needs.
- Where appropriate; highway improvements (including benefits for pedestrians and cyclists), environmental improvements; the provision of open space; and other community facilities.

Non-residential Development:

- Improvements to public transport infrastructure, systems and services.
- Small business accommodation and training to promote local employment and economic development.
- Town centre regeneration schemes, including their promotion, management and physical improvements.
- Where appropriate, highway improvements (including benefits for pedestrians and cyclists); environmental improvements; the provision of open space; and other community facilities.

Policy IMP2 identifies that in order to secure the best use of land, the Council will seek to ensure through the use of conditions or planning obligations attached to planning permissions, that new development provides for the infrastructure, facilities, amenities and other planning benefits which are necessary to support and serve it, and which are necessary to offset any consequential planning loss which may result from the development.

In accordance with the above policies and the Council's supplementary planning documents the following obligations are required to be secured through a legal agreement with the developer:

Apprenticeships and Employment Training

A contribution of **£25,000** towards providing apprenticeships and employment training in the borough. Alongside the other planning benefits which the application would deliver this mitigates for the partial loss of employment generating floor space the development would result in.

Education

Under Saved Policy CS8 of the Barnet UDP 2006 the Council will seek to secure financial contributions through a Section 106 Agreement for future education needs generated by developments in the borough. In accordance with the Council's Contributions to Education SPD, and based on the total number of residential units proposed, a contribution of **£173,328** is required.

Healthcare

Under Saved Policy CS13 of the Barnet UDP 2006 the Council will seek financial contributions to secure the provision of healthcare facilities through a Section 106 Agreement where a development creates a need for such facilities in the borough. Using the Healthy Urban Development Unit (HUU) model, a contribution of **£52,336** is required towards improvements to health facilities within the borough as a result of the development.

Libraries

In accordance with Saved Policy CS2 of the Barnet UDP 2006 and the Council's Contributions to Libraries SPD a contribution of **£9,761** is required towards the provision of library facilities within the borough as a result of the development.

Amendment to Local Traffic Order

A contribution of **£2,000** is required to cover the cost of amending the existing Traffic Management Order to prevent future occupiers of the flats within the development from applying for CPZ permits.

Travel Plan

In accordance with Saved Policy M3 of the Barnet UDP 2006 the applicant is required to enter into a Travel Plan for the development that seeks to reduce reliance on the use of the private car, promotes sustainable means of transport and appoint an appropriately qualified Travel Plan Coordinator.

Travel Plan Monitoring

A contribution of **£5,000** is required towards the monitoring of the Travel Plan for the development to enable the Council to continue to examine the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with Saved Policy M3 of the Barnet UDP 2006.

Monitoring of the Section 106 Agreement

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of **£8,037** towards the costs of undertaking the work relating to securing the planning obligations in line with the adopted (in 2007) Supplementary Planning Document (SPD) for Planning Obligations.

Town Centre, Public Open Space and Public Realm Enhancements

In accordance with Development Plan policy L12 on providing enhancements to the public realm and public open space in areas of deficiency of public open space a contribution of **£30,000** is required towards enhancements and improvements to the town centre, public realm and public open within 1.5km of the site.

Affordable Housing

See 3.13 Above

3.15 Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Mayoral Community Infrastructure Levy (CIL). As the applicant has confirmed that the existing floorspace on the site has been vacant since 2010 it would appear likely that all of the floor space proposed would be liable for charge. Using the buildings gross internal area of X^m², at the relevant rate of £35 per square metre, this equates to a charge of £X.

4. EQUALITIES AND DIVERSITY ISSUES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011 imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

In terms of its location the site is positioned within short walking distance (approximately 5 minutes) of the Finchley Central Station, which has step free access (from street to platform) and is well served by buses along the Regents Park Road. The building would be approached at ground level from the pavements at the junction of Nether Street and Albert Place.

The new building proposed would be required to comply with current legislative requirements in respect of matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development, as

controlled by the conditions recommended, would ensure that in several regards the building constructed would exceed the minimum requirements of such legislation. Examples of this would include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards, the provision of level or appropriately sloping access within the site, not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheel chair users and the inclusion of dedicated disabled standard parking spaces for both the residential and office elements of the scheme (as set out in greater detail in earlier sections of this report).

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The design of the proposed building is such that it would be a significant improvement over the existing building and go further in terms of achieving equality and diversity objectives. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised are all considered in the above appraisal and analysis.

6. CONCLUSION

National, regional and local planning policy aims to promote sustainable development and encourage mixed use schemes in town centre locations such as this.

The existing building on the site is in a poor state of repair and has been vacant since 2006. Its replacement with a new mixed use building of the nature proposed, that provides a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the area, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites in town centre locations.

The development provides an appropriate level of car parking for the residential and office uses proposed, which reflects the location and accessibility of the site.

A number of conditions and planning obligations have been recommended to mitigate impacts resulting from the development and to accord with local development Policy.

The application is considered to represent a positive development that would comply with the relevant policies in the development plan, enhance this part of North Finchley and provide high quality new residential accommodation and office space.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Adopted UDP, The Mayor's London Plan (July 2011), as well as other relevant guidance and material considerations have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. As such it is considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 agreement **APPROVAL** is recommended as set out in the recommendations section at the beginning of this report.

APPENDICES

APPENDIX 1: KEY POLICY CONTEXT AND ANALYSIS

APPENDIX 2: PLANS AND ELEVATIONS OF THE PROPOSED DEVELOPMENT

APPENDIX 3: COMPUTER GENERATED IMAGES OF THE PROPOSED DEVELOPEMNT

APPENDIX 4: LONDON PLAN MINIMUM SPACE STANDARDS TABLE

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APPENDIX 6: INFORMATIVES

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APPENDIX 8: APPEAL DECISION –APPEAL APP/N5090/A/10/2127011

APPENDIX 9: SITE PLAN

APPENDIX 1: KEY POLICY CONTEXT AND ANALYSIS

Table 1: Analysis of the proposals compliance with the London Plan (July 2011) Policies

Policy	Content Summary	Extent of compliance and comment
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.	Compliant: The proposal is considered to constitute sustainable development and section 3 of the main report sets out in more detail how the proposal would comply with the relevant development plan policies.
2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); and 2.8 Outer London: Transport	<p>Work to realise the full potential of outer London.</p> <p>Seek to address the constraints and opportunities in the economic growth of outer London.</p> <p>Recognise and address the orbital, radial and qualitative transport needs of outer London.</p>	<p>Compliant: The proposal is considered to demonstrate the influence of these policies and would comply with their key relevant objectives.</p> <p>These include the provision of new homes which meet development plan policy, supporting the outer London economy by providing new office space and the siting of the development in as area with access to several forms of public transport, along with the inclusion of measures encouraging travel by non car modes of transport.</p>
Policy 2.15 (Town Centres)	Development in town centres should conform with policies 4.7 and 4.8, enhance vitality and viability, accommodate economic and housing growth, be in scale, promote access by non-car modes of transport and contribute an enhanced environment.	Compliant: The application demonstrates the influence of this policy and would fulfil the key criteria of this policy where they are relevant. The proposal would bring a vacant site back into use and have a positive impact on North Finchley Town Centre. The way in which the development would meet the diverse objectives of this policy are discussed in greater detail in the relevant sections of the main report.
Policy 2.18 (Green infrastructure: the network of open and green spaces)	Development proposals should enhance London's green infrastructure.	Compliant: Subject to the conditions recommended the proposal would provide appropriately designed soft landscaped areas and areas of green roof. In addition to this a planning obligation has been recommended which would result in a financial contribution towards the enhancement of public space in the area.
Policy 3.2 (Improving health and addressing health inequalities)	New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.	As controlled by the conditions and obligations recommended the proposal would be designed, constructed and managed in ways that promote healthy lifestyles. Examples of this include measures to ensure the provision of a suitable air quality and noise conditions within the development and facilities to encourage cycling.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.	Compliant: The proposal would provide 60 new flats contributing towards strategic housing targets for Barnet and London.
3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy	Compliant: While the proposed development exceeds the relevant density range identified in the London Plan for a location such as this the scheme is considered to comply with the objective of this policy, by providing an optimum density of development. The proposal puts forward an

	should be resisted.	acceptable design response which complies with the relevant development plan policies, responds acceptably to the local context and character and takes account of the sites town centre location and good access to public transport. Further detail on this matter is set out in section 3.X of the main report.
Policy 3.5 (Quality and design of housing developments)	<p>Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan.</p> <p>The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.</p>	<p>Compliant: The application is considered to demonstrate the influence of these policies and compliance with their key objectives.</p> <p>The design approach proposed takes suitable account of its context, the character of the area, the developments relationships with neighbouring buildings and spaces and provide a scheme of the appropriate design quality.</p> <p>The new dwellings proposed would all achieve the London Plan minimum space standards and, as controlled by the conditions recommended the scheme would be of a sufficiently high quality internally, externally and in relation to its context and wider environment.</p> <p>These issues are discussed in greater detail in section 3 of the report.</p>
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.	Compliant: The proposal provides sufficient quantities of space for play and informal recreation (approximately 140m ² required to comply) and conditions have been recommended to ensure that the space is implemented in a manner which meets the objectives of this policy. The provision of amenity space at the site is discussed in greater detail in section 3 of the report.
3.8 (Housing choice)	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including:</p> <ol style="list-style-type: none"> i. New developments should offer a range of housing sizes and types. ii. All new housing should be built to Lifetime Homes standard. iii. 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users. 	<p>Compliant: The proposed development is considered to provide an appropriate mix of dwelling types for this town centre location.</p> <p>All of the units would be built to achieve the Lifetime Homes Standard and not less than 10% of the units would be designed to be wheelchair accessible, or easily adaptable for wheelchair users. Conditions have been recommended to ensure that these elements of the proposal are carried through to implementation of the development.</p>

<p>Policy 3.9 (Mixed and balanced communities); Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); Policy 3.13 (Affordable housing thresholds)</p>	<p>Communities mixed and balanced by tenure and household income should be promoted across London.</p> <p>The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of a specific sites individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential development.</p> <p>Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.</p>	<p>Compliant: The application is accompanied by an assessment which adequately demonstrates that it 18% Affordable Housing by habitable room in the following unit size and tenure.</p> <p>Social Rented 3x 2 bed 3 person flats 1x 2 bed 3 person wheelchair flat 1x 2 bed 4 person flat 1x 3 bed 5 person flat</p> <p>Intermediate 2x 2 bed 4 person flats 1x 2 bed 4 person Wheelchair flat 1x 3 bed 5 person flat</p> <p>This assessment and its conclusions have been independently verified.</p> <p>This issue is addressed in greater detail in section 3 of the main report, in particular section 3.X.</p>
<p>Policy 3.16 (Protection and enhancement of social infrastructure)</p>	<p>London requires additional and enhanced social infrastructure provision to meet the needs of its population.</p>	<p>Compliant: The conditions and obligations proposed are considered to ensure that the development would provide the social infrastructure necessary for it to be acceptable.</p>
<p>Policy 4.1 (Developing London's economy); 4.2 (Offices); 4.3 (Mixed use development and offices); 4.7 (Retail and Town Centre Development); Policy 4.12 (Improving opportunities for all)</p>	<p>Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.</p> <p>Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and address the wider objectives of this plan.</p> <p>Encourage the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility. Development should support the consolidation of and enhancements to the quality of office stock in London.</p> <p>The following principles should be applied to town centre development:</p> <ul style="list-style-type: none"> - Scale should be related to the size role and function of the centre. - Should be focused on town centre sites. <p>Proposals should support local employment, skills development and training opportunities.</p>	<p>Compliant: The application proposes the replacement of the existing vacant retail space and 8 retail units in a town centre location with a mixed use development including modern new office space in a town centre location that is accessible by public transport.</p> <p>The application would also provide a planning obligation that makes a contribution to employment and skills training in the borough.</p> <p>The application is considered to demonstrate the influence of these policies and compliance with their key objectives. This is discussed in greater detail in section 3 of the report.</p>

<p>Policy 5.1 (Climate Change Mitigation); Policy 5.2 (Minimising carbon dioxide emissions);</p>	<p>i. Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy.</p> <p>ii. The Mayor will seek to ensure that developments meet the following targets for CO₂ emissions, which are expressed as year improvements on the 2010 Building Regulations:</p> <ul style="list-style-type: none"> o 2010 - 2013 – 25% (Code for Sustainable Homes level 4); o 2013 – 2016 – 40% <p>iii. Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).</p>	<p>Compliant: The proposal is accompanied by an adequate energy and sustainability assessments and includes a range of measures to mitigate climate change and reduce carbon dioxide emissions in accordance with the requirements of this policy. Conditions have been recommended to ensure that these are carried through into implementation. The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives.</p>
<p>Policy 5.3 (Sustainable design and construction)</p>	<p>Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.</p>	<p>Compliant: The proposal includes a range of elements and measures to achieve an appropriate level in respect of sustainable design and construction, provide an acceptable standard of environmental performance and adapt to the effects of climate change. This includes the new office space achieving a BREEAM rating of 'excellent' and the new dwellings achieving Code for Sustainable Homes level 4. These matters are outlined in detail in section 3 of the main report report.</p> <p>The development is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that this is carried through to implementation.</p>
<p>Policy 5.6 (Decentralised energy in development proposals)</p>	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>	<p>Compliant: The submission demonstrates how the development proposed would include measures to achieve acceptable reductions in carbon dioxide emissions and have good sustainability credentials more widely, including provision of a gas fired CHP unit. Conditions have been recommended to ensure that the suggested measures are adopted at implementation and as controlled the proposal is considered to be acceptable in this instance.</p>
<p>Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)</p>	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>	<p>Compliant: The proposal would achieve reductions in carbon dioxide emissions through the inclusion of renewable energy (photovoltaic panels).</p> <p>The submission identifies measures that are included in the scheme to reduce the potential for overheating and reliance on air conditioning.</p> <p>The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives.</p>

Policy 5.10 (Urban greening); Policy 5.11 (Green roofs and development site environs)	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.</p> <p>Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.</p>	Compliant: The proposed development incorporates areas of green roof and new soft landscaping on the site. Details of these would be controlled through the conditions recommended to ensure that they achieve as many of the objectives of this policy as are possible.
Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)	<p>Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.</p> <p>Proposals should utilise sustainable urban drainage systems unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London Plan.</p>	<p>Compliant: As conditioned the proposal is considered to demonstrate the influence of these policies and compliance with their key objectives.</p> <p>The proposal falls outside the threshold for development that requires a Flood Risk Assessment to be submitted and Environment Agency have responded to the consultation and have not raised any objections to the proposal.</p> <p>Conditions have been recommended to ensure that the drainage provided as part of the development meets the requirements of this policy.</p>
Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15 (Water use and supplies)	<p>Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development.</p> <p>Development should minimise the use of mains water and conserve water resources.</p>	<p>Compliant: Thames Water have confirmed that there is adequate waste water infrastructure to accommodate the development.</p> <p>Conditions have been recommended to ensure that the proposal would minimise the use of mains water and conserve water.</p>
Policy 5.17 (Waste capacity)	Suitable waste and recycling facilities are required in all new development.	Compliant: Conditions have been recommended which require the provision of suitable waste and recycling facilities.
Policy 5.21 (Contaminated land)	Appropriate measures should be taken to ensure that contaminate land does not activate or spread contamination.	Compliant: Conditions are proposed to require the appropriate investigation and mitigation of any contamination.
6.1 (Strategic Approach); 6.3 (Assessing Effects of Development On Transport Capacity)	<p>The Mayor will work with all relevant partners to encourage the closer integration of transport and development.</p> <p>Streetspace managed to take account of the different roles of roads for neighbourhoods and road users in ways that support promoting sustainable means of transport.</p> <p>Development should ensure that impacts on transport capacity and the transport network are fully assessed. Proposals should not adversely affect safety on the transport network.</p>	<p>Compliant: The site has a public transport accessibility score of 2 and the application proposes measures to encourage access to the site by a range of modes of transport, including non-car modes. These measures include a travel plan seeking to encourage appropriate proportions of journeys by non-car modes of transport under the planning obligations and conditions recommended.</p> <p>The Transport Assessment has assessed the impact of the scheme over an appropriate area of influence and has reported on the road traffic impacts across the area adjacent the site. No significant impacts on the adjacent local highway network have been identified.</p>

	Transport assessments, travel plans, construction and logistics plans and service and delivery plans should be prepared in accordance with the relevant guidance.	The conditions and obligations recommended would ensure that the necessary transport related plans would be required and completed in accordance with the relevant guidance.
6.5 (Funding Crossrail and other strategically important transport infrastructure)	Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.	Compliant: The development would be required to make a contribution under the Mayoral Community Infrastructure levy.
6.9 (Cycling); 6.10 (Walking)	Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists. Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.	Compliant: Officers consider that the scheme proposes a suitable quality of pedestrian environment and the proposal would provide appropriate levels of facilities for cycles and cyclists. Conditions have been recommended to ensure that the objectives of these policies would be carried through to implementation.
6.11 (Smoothing Traffic Flow and Tackling Congestion)	Take a coordinated approach to smoothing traffic flow and tackling congestion.	Compliant: The proposal includes measures to minimise impact on traffic flow and tackle congestion. These include a travel plan setting sustainable modal split targets and encouraging shifts to non-car modes of transport, that would be enforceable under the planning obligations recommended. The Transport Assessment has assessed the impact of the scheme over an appropriate area of influence, and has reported on the road traffic impacts across the area adjacent the site. No significant impacts on the adjacent local highway network have been identified.
6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.	Compliant: The proposal is considered to demonstrate the influence of this policy and provide appropriate levels of parking in the relevant regards. Conditions have been recommended to ensure appropriate parking facilities, including electrical charging points and parking for disabled people are implemented.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.	Compliant: The application is considered to demonstrate the influence of this policy and design of this proposal and its position in a town centre location with good access to public transport accord with the objectives of this policy. This is discussed in greater detail in the relevant parts of section 3 of the main report.

7.2: (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.	Compliant: The proposal includes a range of measures to ensure that the development would provide an inclusive environment for all members of the community. Through the conditions recommended it would be ensured that the development would be implemented and operated to accord with the objectives of this policy.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.	Compliant: The proposal includes a number of elements to meet the requirements of this policy and the Metropolitan Police Service has confirmed that they are satisfied with the proposals. Through the conditions recommended the development would be implemented and operated to accord with the objectives of this policy.
7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture)	Buildings, streets and spaces should provide a high quality design response. Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. Architecture should make a positive contribution to a coherent public realm, incorporate the highest quality materials and design appropriate to its context.	Compliant: Officers consider that, subject to the requirements of the conditions recommended, the proposed development provides an appropriate and quality design approach to the buildings and spaces which form part of the application. The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives where they are relevant. These matters are addressed in greater detail in section 3 of the main report and in particular section 3.5.
7.13 (Safety, security and resilience to emergency)	Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.	Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that the objectives of this policy would be carried through to implementation. The Metropolitan Police Service and London Fire and Emergency Protection Authority have not raised any objections to the application.
7.14 (Improving air quality)	Proposals should: - Minimise increased exposure to existing poor air quality and make provision to address existing air quality problems. - Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings. - Be at least air quality neutral and not lead to further deterioration of poor air quality. - Ensure that where provision needs to be made to reduce development emissions this is usually on site.	Compliant: The submission assesses the impact of the proposal on air quality and the impact of local air quality on future occupants of the development. The assessment concludes that the proposal would not have a significant adverse impact on air quality and that the impact of local air quality on the future occupiers of the development can be adequately mitigated. The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that the objectives of this policy would be carried through to implementation.

7.15 (Reducing noise)	<p>Proposals should seek to reduce noise by:</p> <ul style="list-style-type: none"> - Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposals. - Separate noise sensitive development from major noise sources wherever practical. - Promote new technologies and practices to reduce noise at source. 	<p>Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended which would ensure that the development did not have an adverse impact on neighbouring occupiers and users and that the amenities of future occupiers would be adequately protected as far as is practicable in this instance. These issues are addressed in greater detail in section 3 of the main report.</p>
7.19 (Biodiversity and access to nature)	<p>Proposals should:</p> <ul style="list-style-type: none"> - Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. - Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. - Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan. 	<p>Compliant: Natural England have not raised any objections to the proposal and the application is considered to demonstrate the influence of this policy and includes measures to make a positive contribution to biodiversity.</p> <p>Conditions have been recommended to ensure that the key objectives of this policy would be carried through at implementation.</p>
7.21 (Trees and woodlands)	<p>Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.</p>	<p>Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives. The proposal would not result in the removal of any trees and the scheme includes measures to enhance the environmental quality of the site, including new soft landscaping.</p> <p>Conditions and planning obligations have been recommended to ensure that the key objectives of this policy would be carried through at implementation.</p>
8.2 (Planning obligations; 8.3 (Community Infrastructure Levy)	<p>Development proposals should address strategic as well as local priorities in planning obligations.</p> <p>The supporting of Crossrail (where appropriate) and other public transport improvements should be given the highest importance, with Crossrail (where appropriate) having higher priority than other transport improvements.</p> <p>Importance should also be given to talking climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.</p> <p>Guidance will be prepared setting out a framework for the application of the Community Infrastructure Levy to ensure the costs incurred in providing</p>	<p>Compliant: A comprehensive set of planning obligations will be required before planning permission can be granted. Heads of Terms are attached to this committee report. It is considered that the package of planning obligations and conditions recommended would mitigate the potential adverse impacts of the development and also ensure that the infrastructure necessary to support and planning benefits of the scheme are delivered. The application will also necessitate a contribution under the Mayoral Community Infrastructure Levy.</p>

	infrastructure which supports the policies in the London Plan can be funded wholly or partly by those with an interest in land benefiting from the grant of planning permission.	
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Table 2: Analysis of the proposals compliance with the Barnet UDP (May 2006) Saved Policies

Policy	Content Summary	Extent of Compliance and Comment
GSD (Sustainable development)	Ensure development and growth is sustainable.	Compliant: It is considered that this development demonstrates the influence of this policy and achieves the overall requirements of this policy.
GMixedUse (Mixed use)	Proposals should incorporate a mix of uses and take account of: <ul style="list-style-type: none"> • Character and diversity of the existing area. • Potential nuisance. • Accessibility by a range of means of transport. 	Compliant: The application contains a mixture of appropriate uses, is in-keeping with the character of the area, has adequately minimised any potential nuisance to neighbouring occupiers, would not conflict unacceptably with the uses that surround it and has good access to a range of means of transport. It is considered that the development achieves the overall requirements of this policy.
GWaste (Waste disposal)	Encourage principles of: <ul style="list-style-type: none"> • Waste management hierarchy • Best practical environmental option • Proximity principle. 	Compliant: It is considered that this development demonstrates the influence of this policy and subject to the conditions recommended would achieve the requirements of this policy.
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment. 	Compliant: The application demonstrates the influence of this policy and will produce a development with an appropriate design response. Officers consider that the design principles that underpin the application fulfil the key criteria of these policies.
GRoadNet (Road network); GParking (Parking);	Seek to ensure that roads within borough are used appropriately. Apply standards to restrain growth of car use and regulate parking.	Compliant: Subject to the controls imposed by the conditions and planning obligations recommended, it is not considered that the development would result in the inappropriate use of roads in the borough. The amount of proposed off street parking is policy compliant and the application includes a range of measures to regulate parking to an acceptable level.
GCS1 (Community facilities);	Adequate supply of land and buildings for community, religious, educational and health facilities.	Compliant: The planning obligations recommended ensure that suitable community facilities could be provided to support the development.
GEMP2 (Promoting business activities); GEMP3 (Maximising job creation); GEMP4 (Protecting employment land);	Promoting business activities and maximising job creation – <ul style="list-style-type: none"> • Provide and promote sites. • Creation of maximum number and quality of jobs. • Retain employment land that meets the requirements of users. 	Compliant: The application would bring a site that is in a poor state of repair and which has been vacant since 2006 back into use and contains an element of employment generating (office) use. The proposal is considered by officers to comply with the objectives of these policies.

GTCR3 (Enhancing town centres)	The quality of the environment of town centres should be enhanced.	Compliant: It is considered that the design of the development and nature of the uses proposed are such that it would enhance this part of North Finchley Town centre.
ENV7 (Air pollution)	Air pollution: <ul style="list-style-type: none"> Any possible impacts from development must be mitigated. Minimise impact on development through siting. Reduce traffic and need to travel. 	Compliant: The application site has good access to public transport and is situated within walking distance of a range of town centre amenities. The application includes a number of controls which reduce the impact of the development on air pollution and minimize the impacts of air pollution on the development.
ENV12 (Noise generating development); ENV13 (Minimising noise disturbance)	Location of noise generating development and noise sensitive receptors should be carefully considered. Minimise impact of noise disturbance through mitigation.	Compliant: Conditions have been recommended which would ensure that the development did not have an adverse impact on neighbouring occupiers and users and that the amenities of future occupiers would be adequately protected as far as is practicable in this instance. These issues are addressed in greater detail in the main report.
ENV14 (Contaminated land)	Development on contaminated land will be encouraged subject to site investigations and conditions to require survey and mitigation.	Compliant: Conditions are proposed to require the appropriate investigation and mitigation of any contamination.
D1 (High quality design)	Development should: <ul style="list-style-type: none"> Be of high quality design Be sustainable Ensure community safety 	Compliant: The application demonstrates the influence of this policy and would produce a development with high quality design. It is considered that, subject to the requirements of the conditions recommended, the design approach selected would fulfil the key criteria of this policy. The current application is considered to have overcome the reasons for refusing previous proposals for the site.
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.	Compliant: The application demonstrates the influence of this policy and the design of the development would protect and respect the character and quality of the site and wider area. The design approach as controlled by the conditions recommended would fulfil the key criteria of this policy.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.	Compliant: The design of the spaces in and around the development would enhance the application site and be in keeping with the character of the overall area.
D4 (Over-development)	Proposals not to cause over development of a site.	Compliant: Officers consider that this policy has been met and the development proposed is not found to be an overdevelopment of the site.
D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.	Compliant: The design and siting of the development is such that it would fulfil the requirements of this policy in respect of both adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.	Compliant: The design approach proposed is considered to provide a good level of visual interest at street level.

D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.	Compliant: The submission is considered to demonstrate the influence of this policy and subject to the conditions recommended the proposal is considered to be compliant with the key elements of this policy. The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals.
D11 (Landscaping); D12 (Tree preservation orders); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings • Provide attractive and accessible spaces • Contribute to community safety, environmental and ecological quality • Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate) • Ensure appropriate new planting 	Compliant: As controlled by the conditions recommended the proposals for the site in respect of trees and landscaping would enhance the environmental quality of the site and are considered to be compliant with the requirements of these policies.
L12 (Public open space – areas of deficiency); L14 (Public open space – improved provision)	The Council will encourage: <ul style="list-style-type: none"> • Improvements to public open provision and quality space in areas, particularly in areas of deficiency. • The full use of public open spaces by all sections of the community. 	Compliant: The obligations recommended in a financial contribution to the enhancement of public open space in the area. This would enhance the quality of public open space and encourage its use by the community.
M1 (Transport Accessibility)	The Council will expect major developments to be in locations which are, or will be made, accessible by a range of modes of transport.	Compliant: The application site is accessible by a range of modes of transport.
M2 (Transport impact assessments)	The Council will require developers to submit a full transport impact assessment.	Compliant: A suitable Transport Assessment has been submitted with the application. This assesses the transport impacts of the development and demonstrates that the development can be satisfactorily accommodated on the site.
M3 (Travel plans)	For significant trip-generating developments the Council will require the occupier to develop and maintain a Travel Plan.	Compliant: A planning obligation and condition have been recommended which would require the development and maintenance of a suitable travel plan.
M4 (Pedestrians and cyclists – widening opportunities); M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.	Compliant: Subject to the controls in place under conditions recommended the development is considered to provide appropriate facilities and access for the development
M6 (Public transport – use)	Developments should be located and designed to make use of public transport more attractive.	Compliant: The development is situated in an areas that has access to a range of modes of transport.

M8 (Road hierarchy); M10 (Reducing traffic impacts)	<p>The Council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use or adversely affect the operation of roads.</p> <p>Where it is considered necessary as a consequence of a development, the Council may introduce measures to reduce the traffic impacts on the environment and the community and the Council will seek to secure a planning obligation from the developer.</p>	<p>Compliant: The Transport Assessment has appropriately assessed the impact of the scheme and no significant impacts on the adjacent local highway network have been identified.</p> <p>The planning obligations and conditions recommended include the appropriate and necessary measures to reduce the traffic impacts of the development. These include a travel plan, the exclusion of occupiers of the development from obtaining parking permits for the local CPZ and controls on the provision, management and maintenance of the parking facilities at the site.</p>
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	<p>The Council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.</p> <p>The Council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The Council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.</p>	<p>Compliant: The design of the development is considered to take full account of the safety of all road users and would not unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The proposal is considered to demonstrate that acceptable and safe access for all road users, including pedestrians would be provided to the site.</p> <p>It is considered that, subject to the conditions and obligations recommended, the submission demonstrates the influence of these policies and meets their requirements.</p>
M14 (Parking standards)	<p>The Council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be:</p> <ul style="list-style-type: none"> i. 2 to 1.5 spaces per unit for detached and semi-detached houses; ii. 1.5 to 1 spaces per unit for terraced houses and flats; and iii. 1 to less than 1 space per unit for development consisting mainly of flats. 	<p>Compliant: The scheme will provide the following parking spaces: Office 1 (1 disabled) Residential 60 (6 disabled) Total Proposed Parking 61 (7 disabled)</p> <p>The scheme is compliant with London Plan standards for non-residential uses. The scheme complies with the UDP residential parking standards.</p>
H2 (Housing – other sites)	<p>Assess residential proposals on site not allocated for housing based on appropriateness, access to facilities, impact, accessibility and whether land is required for another use.</p>	<p>Compliant: The proposal will provide new housing in an accessible and sustainable town centre location and make a contribution towards meeting strategic housing targets. The proposal is considered to be appropriate, would not have any unacceptable impacts and the site is not required for another use.</p>
H5 (Affordable housing); H8 (Affordable housing – commuted payments)	<p>Council will negotiate the maximum reasonable amount of affordable housing.</p> <p>Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.</p>	<p>Compliant: The application is accompanied by an assessment which adequately demonstrates that it is not viable to provide more than the proposed 18% affordable housing (by habitable room) in the following unit and tenure mix:</p> <p style="padding-left: 40px;">Social Rented 3x 2 bed 3 person flats 1x 2 bed 3 person wheelchair flat 1x 2 bed 4 person flat 1x 3 bed 5 person flat</p> <p style="padding-left: 40px;">Intermediate 2x 2 bed 4 person flats</p>

		<p>1x 2 bed 4 person Wheelchair flat 1x 3 bed 5 person flat</p> <p>This assessment and its conclusions have been independently verified.</p> <p>This issue is addressed in greater detail in section 3 of the main report, in particular section 3.X.</p>
H16 (Residential development - character)	<p>Residential development should:</p> <ul style="list-style-type: none"> • Harmonise with and respect the character of the area. • Be well laid out. • Provide adequate daylight, outlook and residential amenity, • Provide a safe and secure environment • Maintain privacy and prevent overlooking. • Provide adequate amenity space. 	<p>Compliant: The proposal is considered to provide a design approach which demonstrates the influence of this policy and adequately meets its objectives. This is discussed in greater detail in the above report, in particular in sections 3.4, 3.5, 3.6 and 3.12.</p>
H17 (Residential development – privacy standards)	<p>Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking. In town centre developments these standards may not apply, but proposals should include design solutions to avoid overlooking.</p>	<p>Compliant: Subject to the conditions recommended the proposal includes design measures which would provide adequate privacy and prevent overlooking for future and neighbouring occupiers.</p>
H18 (Residential development – amenity space standards)	<p>The minimum provision of amenity space for new residential schemes is 5m² per habitable room.</p>	<p>Compliant: The proposal provides a total of approximately 1246m² of amenity space on site. This exceeds the minimum of 1100m² that would be required under this policy. All units would have access to a private amenity area and the communal garden can be accessed without leaving the site.</p> <p>It is considered that in this respect the proposal has overcome the reason for refusal at appeal of the previous submission.</p>
H20 (Residential development – public recreational space)	<p>Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.</p>	<p>Compliant: The application site falls within a part of the borough where a deficiency in public open space exists. Therefore a planning obligation has been recommended which includes a contribution of £30,000 towards enhancements and improvements to North Finchley Town Centre, Public Open Space and the Public Realm within 1.5km of the application site.</p>
H21 (Residential density)	<p>Will favourably consider higher densities in district town centres provided they comply with policy D1 and relate satisfactorily to their surroundings.</p>	<p>Compliant: While the proposal has a high density it is considered to be fully compliant with policy D1 and relate satisfactorily to its surroundings. This is discussed in greater detail in sections 3.3, 3.4, 3.5 and 3.6 of the above report.</p>
H24 (Conversion of non-residential uses)	<p>Changes of use from non-residential to residential use will be permitted provided the site is in a suitable area for housing, having a reasonable standard of amenity, and there is no realistic prospect of re-use for employment or other non-residential purposes.</p>	<p>Compliant: The site is found to be suitable for housing and, subject to the conditions recommended, the dwellings proposed are found to provide their future occupiers with an acceptable standard of amenity in all regards.</p> <p>The development includes an element of</p>

		employment generating use and it is considered that the submission adequately demonstrates that there is no realistic prospect of the re-use of the site for any non-residential purposes. In addition to this the loss of the existing A1 retail use at ground floor would be appropriate in line with the weight of material consideration that should be given to Development Management changes to the town centre boundary. Further detail on this is provided in section 3.X of the main report.
EMP6 (Offices – new development); EMP7 (Offices – re-use); EMP8 (Small businesses)	<p>Preference will be given to proposals for new offices that involve the re-use or redevelopment of existing, vacant office premises and sites in town centres, provided that such sites are highly accessible by public transport, are intended to host mixed use schemes, and there would be no harm caused to the vitality and viability of the town centres. Proposals which provide office space for small and starter businesses will be encouraged.</p> <p>The development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case, the priority for re-use would be as a mixed use development.</p>	<p>Compliant: The proposal involves new office space as part of a mixed use development in an accessible, town centre location on a site which presently contains a vacant A1 Retail unit. The loss of this A1 unit is considered acceptable due to the consolidation of the North Finchley Town Centre through forthcoming amendments to Development Management Town centre Boundaries.</p> <p>It is considered that the design of the building and uses proposed in the development would have a positive impact on the vitality and viability of the town centre.</p> <p>Planning obligations recommended include a contribution of £25,000 towards providing apprenticeships and employment training in the borough. This is considered to further mitigate the loss of the existing employment uses.</p> <p>Further detail on these issues is provided in section 3.1 of the main report.</p>
CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)	Where appropriate the Council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.	Compliant: The recommendations made include planning obligations to secure the achievement of appropriate contributions to the provision of community facilities (libraries), school places and health and social care facilities in the borough.
TCR1 (Sequential approach)	Sequential approach to development of new retail and other key town centre uses.	Compliant: The application proposes a main town centre use (Use Class B1 office) in a town centre location and as such is considered to be compliant with the objectives of this policy.
TCR11 (Secondary Retail Frontages)	Within secondary retail frontage and main shopping areas changes of use at ground floor level from use class A1(Shops) to other uses will not be permitted if this would harm the town centre's vitality or viability.	Compliant: Proposals within the forthcoming LDF will result in changes to the boundary of the North Finchley town centre which exclude the application site thereby consolidating the Town Centre to the south of the site. The proposed change to the ground floor unit would therefore be considered to harm the vitality or viability of the town centre but

		would help to consolidate.
TCR13 (Residential development in town centres)	Housing development through conversion and redevelopment of existing buildings and new development, will be permitted except on the ground floor of primary and secondary frontages.	Compliant: The application proposes new housing outside of the ground floor of primary and secondary frontages.
TCR18 (Mixed use development)	New large developments in town centres should combine a mix of uses, which would normally include: <ul style="list-style-type: none"> - Residential accommodation (including affordable housing), where suitable amenity standards can be met, and which accords with policies H8 and H24; and - Uses at ground floor level that provide a direct service to visiting members of the public, and accord with the accepted town centre uses contained in policies TCR10 and TCR11 	Compliant: The development includes a mixture of uses appropriate for this town centre location, including residential accommodation provided with suitable amenities and in compliance with policy H24 and other relevant development plan policies. It is considered that the schemes lack of contribution to affordable housing has been adequately justified in this instance. The site falls inside the town centre boundary in secondary retail frontage but is due to be As such the proposal of an office ground floor use is considered to be entirely reasonable and compliant with the objectives of this policy

Key relevant policies from the emerging Local Development Framework/Local Plan Documents

Core Strategy:

CS NPPF – National Planning Policy Framework – presumption in favour of sustainable development

CS1 – Barnet’s place shaping strategy – protection, enhancement and consolidated growth – the three strands approach

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

CS6 – Promoting Barnet’s town centres

CS7 – Enhancing and protecting Barnet’s open spaces

CS8 – Promoting a strong and prosperous Barnet

CS9 – Providing safe, effective and efficient travel

CS10 – Enabling inclusive and integrated community facilities and uses

CS11 – Improving health and well being in Barnet

CS12 – Making Barnet a safer place

CS13 – Ensuring the efficient use of natural resources

CS14 – Dealing with our waste

CS15 – Delivering the core strategy

Development Management Policies:

DM01 – Protecting Barnet’s character and amenity

DM02 – Development standards

DM03 – Accessibility and inclusive design

DM04 – Environmental considerations

DM06 – Archaeology and conservation

DM08 – Ensuring a variety of sizes of new homes to meet housing need

DM10 – Affordable housing contributions

DM11 – Development principles in the town centres
DM14 – New and existing employment spaces
DM15 – Green belt and open spaces
DM16 – Biodiversity
DM17 – Travel impact and parking standards

Key relevant local and strategic supplementary planning documents

Local Supplementary Planning Documents and Guidance:

- Contributions to Health Facilities from Development (July 2009)
- Contributions to Education from Development (February 2008)
- Contributions to Library Services from Development (February 2008)
- Sustainable Design and Construction (June 2007)
- Affordable Housing (February 2007)
- Planning Obligations (Section 106) (September 2006)

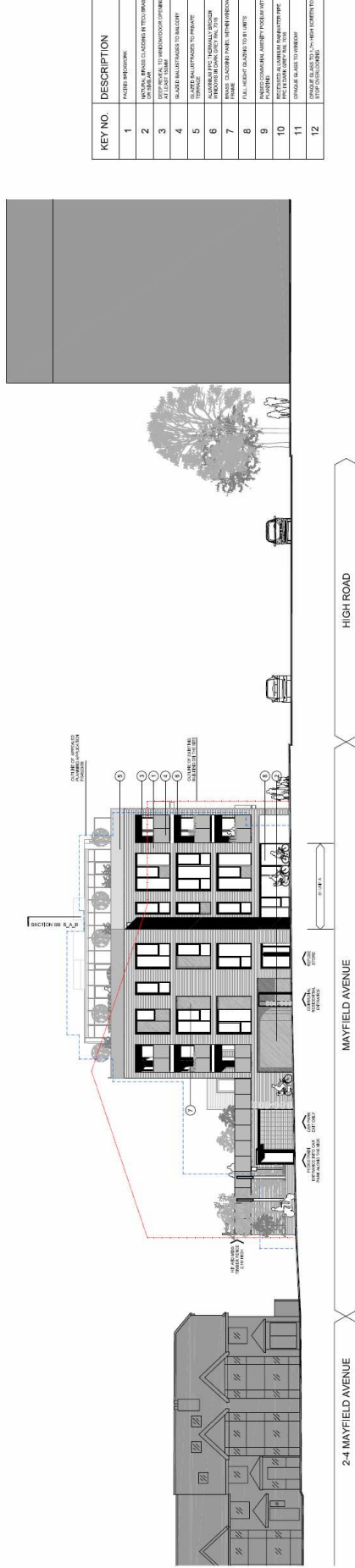
Strategic Supplementary Planning Documents and Guidance:

- Accessible London: Achieving an Inclusive Environment (April 2004)
- Housing (November 2005)
- Sustainable Design and Construction (May 2006)
- Health Issues in Planning (June 2007)
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Industrial Capacity (March 2008)

- Draft SPG Note Affordable Housing (November 2011)
- Housing - Draft (December 2011)
- Preparing Borough Tree and Woodland Strategies - Draft (January 2012)
- Children and Young People's Play and Informal Recreation – Draft (February 2012)

APPENDIX 2: PLANS AND ELEVATIONS OF THE PROPOSED DEVELOPMENT

North and west elevations

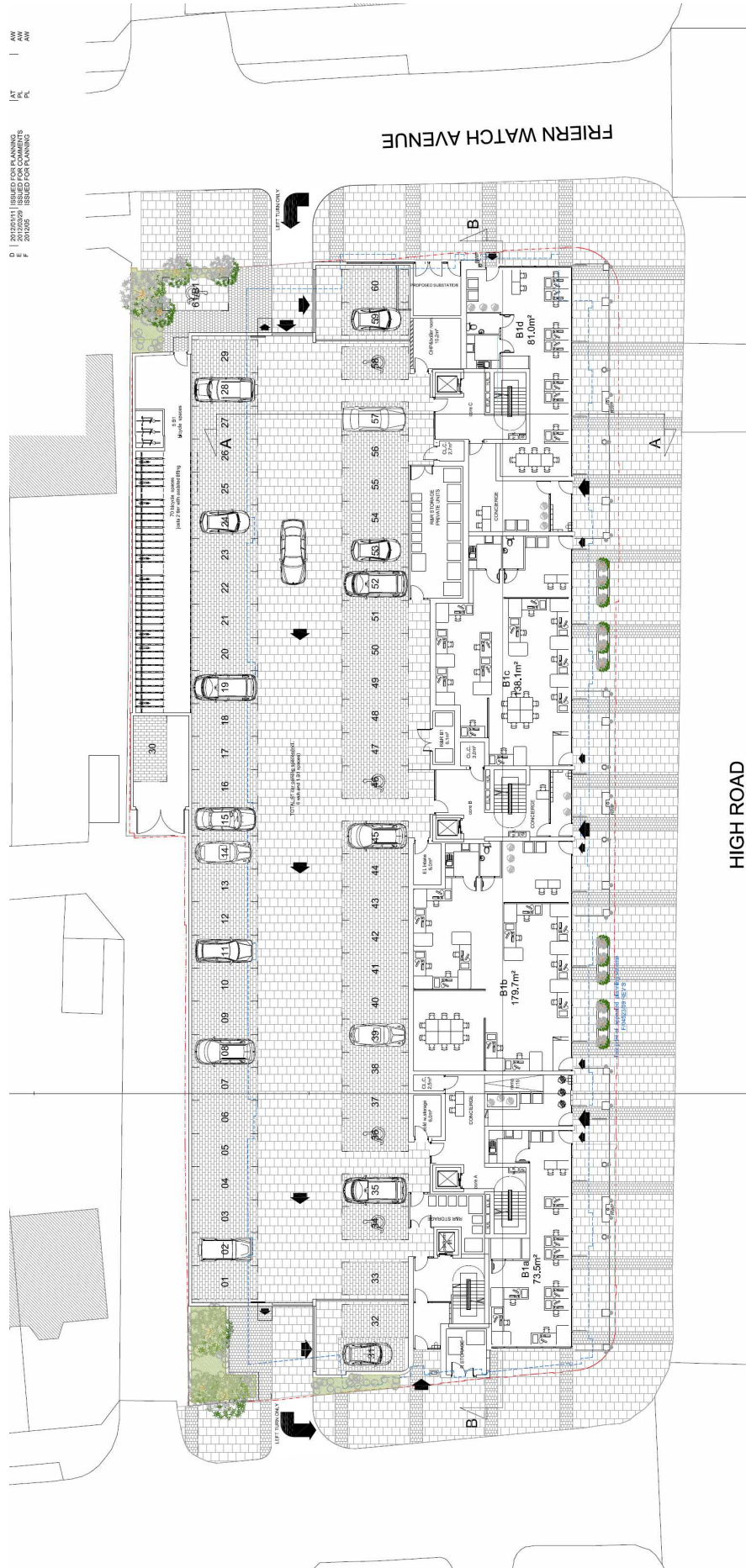


NORTH ELEVATION



WEST ELEVATION

Ground floor plan



First floor plan



APPENDIX 4: COMPUTER GENERATED IMAGES OF THE PROPOSED DEVELOPEMNT

1) View north Along High Road



2) View south towards Town Centre



3) Longer view south towards Town Centre



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Appendix 4: London Plan Minimum Space Standards

Dwelling	Dwelling Type #b is number of bedrooms #p is number of people	Minimum Gross Internal Area (GIA) in m ²	Proposed Unit Area in m ²
First Floor			
Unit 1	2b4p	70	72.1
Unit 2	3b5p	86	87.3
Unit 3 (w-chair)	2b3p	61	78.8
Unit 4 (w-chair)	2b3p	61	73.5
Unit 5	2b3p	61	61.2
Unit 6 (w-chair)	2b3p	61	75.1
Unit 7	2b3p	61	62.1
Unit 8	1b2p	50	50.1
Unit 9 (w-chair)	2b3p	61	75.1
Unit 10	1b2p	50	50.0
Unit 11	1b2p	50	50.0
Unit 12 (w-chair)	2b3p	61	73.5
Unit 13	2b3p	61	61.1
Unit 14	3b5p	86	87.2
Unit 15 (w-chair)	2b3p	61	77.8
Unit 16	2b3p	61	61.2
Second Floor			
Unit 17	2b4p	70	72.1
Unit 18	3b5p	86	91.8
Unit 19	2b3p	61	63.3
Unit 20	2b4p	70	73.5
Unit 21	2b3p	61	61.2
Unit 22	2b4p	70	75.1
Unit 23	1b2p	50	50.9
Unit 24	1b2p	50	54.4
Unit 25	2b4p	70	75.1
Unit 26	1b2p	50	50.0
Unit 27	1b2p	50	50.0
Unit 28	2b4p	70	75.1
Unit 29	2b3p	61	66.6
Unit 30	3b4p	74	74.9
Unit 31	2b4p	70	72.6
Unit 32	2b3p	61	61.2
Third Floor			
Unit 33	2b4p	70	72.1
Unit 34	3b5p	86	89.0
Unit 35	2b4p	70	76.4
Unit 36	2b4p	70	73.5
Unit 37	2b3p	61	61.2
Unit 38	2b4p	70	75.1

Unit 39	1b2p	50	50.9
Unit 40	1b2p	50	54.4
Unit 41	2b4p	70	75.1
Unit 42	1b2p	50	50.0
Unit 43	1b2p	50	50.0
Unit 44	2b4p	70	73.5
Unit 45	2b3p	61	66.6
Unit 46	3b4p	70	74.9
Unit 47	2b4p	70	72.6
Unit 48	2b3p	61	61.2
Fourth Floor			
Unit 49	1b2p	50	50.9
Unit 50	2b3p	61	62.0
Unit 51	1b2p	50	50.0
Unit 52	1b2p	50	50.0
Unit 53	3b4p	70	76.5
Unit 54	3b4p	70	76.0
Unit 55	3b5p	86	86.6
Unit 56	3b4p	70	78.9
Unit 57	1b2p	50	53.3
Unit 58	1b2p	50	53.3
Unit 59	1b2p	50	50.2
Unit 60	1b2p	50	50.9

Appendix 5: Private Amenity Space

Dwelling	Dwelling Type #b is number of bedrooms #p is number of people	Required Private Amenity Space (m ²) - Appendix 1 of Sustainable Development and Construction SPD (2007)	Private Amenity Area Provided (m ²)
First Floor			
Unit 1	2b4p	5	5.0
Unit 2	3b5p	6	18.2
Unit 3 (w-chair)	2b3p	4	23.8
Unit 4 (w-chair)	2b3p	4	17.0
Unit 5	2b3p	4	6.0
Unit 6 (w-chair)	2b3p	4	6.0
Unit 7	2b3p	4	18.9
Unit 8	1b2p	3	15.9
Unit 9 (w-chair)	2b3p	4	16.8
Unit 10	1b2p	3	4.5
Unit 11	1b2p	3	3.8
Unit 12 (w-chair)	2b3p	4	16.4
Unit 13	2b3p	4	20.6
Unit 14	3b5p	6	9
Unit 15 (w-chair)	2b3p	4	5.4
Unit 16	2b3p	4	5
Second Floor			
Unit 17	2b4p	5	4.8
Unit 18	3b5p	6	4.6
Unit 19	2b3p	4	4.6
Unit 20	2b4p	5	5.0
Unit 21	2b3p	4	6.0
Unit 22	2b4p	5	5.0
Unit 23	1b2p	3	3.8
Unit 24	1b2p	3	3.8
Unit 25	2b4p	5	5.0
Unit 26	1b2p	3	4.5
Unit 27	1b2p	3	3.8
Unit 28	2b4p	5	5.0
Unit 29	2b3p	4	4.6
Unit 30	3b4p	5	4.6
Unit 31	2b4p	5	5.4
Unit 32	2b3p	4	5.0
Third Floor			
Unit 33	2b4p	5	4.8
Unit 34	3b5p	6	4.6
Unit 35	2b4p	5	4.6
Unit 36	2b4p	5	5.0
Unit 37	2b3p	4	6.0

Dwelling	Dwelling Type #b is number of bedrooms #p is number of people	Required Private Amenity Space (m ²) - Appendix 1 of Sustainable Development and Construction SPD 2007)	Private Amenity Area Provided (m ²)
Unit 38	2b4p	5	5.0
Unit 39	1b2p	3	3.8
Unit 40	1b2p	3	3.8
Unit 41	2b4p	5	4.5
Unit 42	1b2p	3	5.0
Unit 43	1b2p	3	3.8
Unit 44	2b4p	5	5.0
Unit 45	2b3p	4	4.8
Unit 46	3b4p	5	4.4
Unit 47	2b4p	5	5.4
Unit 48	2b3p	4	5.0
Fourth Floor			
Unit 49	1b2p	3	29.4
Unit 50	2b3p	4	52.8
Unit 51	1b2p	3	34.1
Unit 52	1b2p	3	34.5
Unit 53	3b4p	5	33.3
Unit 54	3b4p	5	33.3
Unit 55	3b5p	6	30.1
Unit 56	3b4p	5	33.5
Unit 57	1b2p	3	30.8
Unit 58	1b2p	3	36.5
Unit 59	1b2p	3	30.6
Unit 60	1b2p	3	34.7

Appendix 6 Informatives:

- 1 In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010, this informative summarises the local planning authority's reasons for granting planning permission for this development and the relevant development plan policies taken into account in this decision.

In summary, the Local Planning Authority considers that the proposed development should be permitted for the following reasons:

The general thrust of national, regional and local planning policy is to promote sustainable development and to encourage mixed use schemes in accessible town centre locations such as this. The existing building on the site is in a poor state of repair and is vacant. Its replacement with a new mixed use building of the nature proposed, that provides a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the High Street, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites in accessible town centre locations.

The development provides an appropriate level of car parking for the residential and office uses proposed, which reflects the location of the site and its PTAL level of 2.

The proposal includes a number of measures to achieve a good standard in respect of sustainable design and construction, with the new dwellings meeting Code for Sustainable Homes Level 4 and the Office space achieving a level of 'Excellent' under the Building Research Establishment Environmental Assessment method.

A number of conditions and planning obligations have been recommended to ensure that the development does not cause any unacceptable harm to the amenities of neighbouring occupiers, achieves the benefits that the submission advances in support of the scheme and mitigates any potential adverse impacts from the proposal.

The application is considered to represent a positive development that would comply with the relevant policies in the development plan, enhance this part of North Finchley and provide high quality new residential accommodation and office space.

In conclusion, the proposed development accords with the relevant development plan policies generally, individually and taken overall. As such it is considered that there are material planning considerations which justify the grant of planning permission.

A summary of the development plan policies relevant to this decision is set out in Tables 1 and 2 below:

Table 1: Summary of the London Plan (2011) policies relevant to this decision

Policy	Content Summary
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.
2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); and 2.8 Outer London: Transport	Work to realise the full potential of outer London. Seek to address the constraints and opportunities in the economic growth of outer London. Recognise and address the orbital, radial and qualitative transport needs of outer London.
Policy 2.15 (Town Centres)	Development in town centres should conform with policies 4.7 and 4.8, enhance vitality and viability, accommodate economic and housing growth, be in scale, promote access by non-car modes of transport and contribute an enhanced environment.
Policy 2.18 (Green infrastructure: the network of open and green spaces)	Development proposals should enhance London's green infrastructure.
Policy 3.2 (Improving health and addressing health inequalities)	New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.
3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy should be resisted.
Policy 3.5 (Quality and design of housing developments)	Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan. The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.

<p>Policy 3.6 (Children and young people's play and informal recreation facilities)</p>	<p>New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.</p>
<p>3.8 (Housing choice)</p>	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including: New developments should offer a range of housing sizes and types. All new housing should be built to Lifetime Homes standard. 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users.</p>
<p>Policy 3.9 (Mixed and balanced communities); Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); Policy 3.13 (Affordable housing thresholds)</p>	<p>Communities mixed and balanced by tenure and household income should be promoted across London.</p> <p>The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of a specific sites individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential development.</p> <p>Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.</p>
<p>Policy 3.16 (Protection and enhancement of social infrastructure)</p>	<p>London requires additional and enhanced social infrastructure provision to meet the needs of its population.</p>
<p>Policy 4.1 (Developing London's economy); Policy 4.2 (Offices); Policy 4.3 (Mixed use development and offices); Policy 4.7 (Retail and Town Centre Development); Policy 4.12 (Improving opportunities for all)</p>	<p>Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.</p> <p>Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and address the wider objectives of this plan.</p> <p>Encourage the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility. Development should support the consolidation of and enhancements to the quality of office stock in London.</p> <p>The following principles should be applied to town centre development: Scale should be related to the size role and function of the centre. Should be focused on town centre sites.</p> <p>Proposals should support local employment, skills development and training opportunities.</p>

<p>Policy 5.1 (Climate Change Mitigation);</p> <p>Policy 5.2 (Minimising carbon dioxide emissions);</p>	<p>Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. The Mayor will seek to ensure that developments meet the following targets for CO₂ emissions, which are expressed as year improvements on the 2010 Building Regulations:</p> <ul style="list-style-type: none"> 2010 - 2013 – 25% (Code for Sustainable Homes level 4); 2013 – 2016 – 40% <p>Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).</p>
<p>Policy 5.3 (Sustainable design and construction)</p>	<p>Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.</p>
<p>Policy 5.6 (Decentralised energy in development proposals)</p>	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>
<p>Policy 5.7 (Renewable energy);</p> <p>Policy 5.9 (Overheating and cooling)</p>	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>
<p>Policy 5.10 (Urban greening);</p> <p>Policy 5.11 (Green roofs and development site environs)</p>	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.</p> <p>Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.</p>
<p>Policy 5.12 (Flood risk management);</p> <p>Policy 5.13 (Sustainable drainage)</p>	<p>Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.</p> <p>Proposals should utilise sustainable urban drainage systems unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London Plan.</p>
<p>Policy 5.14 (Water quality and wastewater infrastructure);</p> <p>Policy 5.15 (Water use and supplies)</p>	<p>Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development.</p> <p>Development should minimise the use of mains water and conserve water resources.</p>
<p>Policy 5.17 (Waste capacity)</p>	<p>Suitable waste and recycling facilities are required in all new development.</p>

Policy 5.21 (Contaminated land)	Appropriate measures should be taken to ensure that contaminate land does not activate or spread contamination.
Policy 6.1 (Strategic Approach); Policy 6.3 (Assessing Effects of Development On Transport Capacity)	<p>The Mayor will work with all relevant partners to encourage the closer integration of transport and development.</p> <p>Streetspace managed to take account of the different roles of roads for neighbourhoods and road users in ways that support promoting sustainable means of transport.</p> <p>Development should ensure that impacts on transport capacity and the transport network are fully assessed. Proposals should not adversely affect safety on the transport network.</p> <p>Transport assessments, travel plans, construction and logistics plans and service and delivery plans should be prepared in accordance with the relevant guidance.</p>
6.5 (Funding Crossrail and other strategically important transport infrastructure)	Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.
6.9 (Cycling); 6.10 (Walking)	<p>Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists.</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.</p>
6.11 (Smoothing Traffic Flow and Tackling Congestion)	Take a coordinated approach to smoothing traffic flow and tackling congestion.
6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.
7.2: (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
7.4 (Local character); 7.5 (Public realm);	<p>Buildings, streets and spaces should provide a high quality design response.</p> <p>Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.</p>
7.6	Architecture should make a positive contribution to a coherent public realm,

(Architecture)	incorporate the highest quality materials and design appropriate to its context.
7.13 (Safety, security and resilience to emergency)	Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.
7.14 (Improving air quality)	Proposals should: Minimise increased exposure to existing poor air quality and make provision to address existing air quality problems. Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings. Be at least air quality neutral and not lead to further deterioration of poor air quality. Ensure that where provision needs to be made to reduce development emissions this is usually on site.
7.15 (Reducing noise)	Proposals should seek to reduce noise by: Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposals. Separate noise sensitive development from major noise sources wherever practical. Promote new technologies and practices to reduce noise at source.
7.19 (Biodiversity and access to nature)	Proposals should: Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan.
8.2 (Planning obligations);	Development proposals should address strategic as well as local priorities in planning obligations. The supporting of Crossrail (where appropriate) and other public transport improvements should be given the highest importance, with Crossrail (where appropriate) having higher priority than other transport improvements. Importance should also be given to talking climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.
8.3 (Community Infrastructure Levy)	Guidance will be prepared setting out a framework for the application of the Community Infrastructure Levy to ensure the costs incurred in providing infrastructure which supports the policies in the London Plan can be funded wholly or partly by those with an interest in land benefiting from the grant of planning permission.

Table 2: Summary of the Saved Barnet UDP (2006) policies relevant to this decision

Policy	Content Summary
GSD (Sustainable development)	Ensure development and growth is sustainable.

GMixedUse (Mixed use)	Proposals should incorporate a mix of uses and take account of: <ul style="list-style-type: none"> • Character and diversity of the existing area. • Potential nuisance. • Accessibility by a range of means of transport.
GWaste (Waste disposal)	Encourage principles of: <ul style="list-style-type: none"> • Waste management hierarchy • Best practical environmental option • Proximity principle.
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> • Enhance the quality and character of the built and natural environment. • Require high quality design. • Provide a safe and secure environment.
GRoadNet (Road network); GParking (Parking);	<p>Seek to ensure that roads within borough are used appropriately.</p> <p>Apply standards to restrain growth of car use and regulate parking.</p>
GCS1 (Community facilities);	Adequate supply of land and buildings for community, religious, educational and health facilities.
GEMP2 (Promoting business activities); GEMP3 (Maximising job creation); GEMP4 (Protecting employment land);	<p>Promoting business activities and maximising job creation –</p> <ul style="list-style-type: none"> • Provide and promote sites. • Creation of maximum number and quality of jobs. • Retain employment land that meets the requirements of users.
GTCR3 (Enhancing town centres)	The quality of the environment of town centres should be enhanced.
ENV7 (Air pollution)	<p>Air pollution:</p> <ul style="list-style-type: none"> • Any possible impacts from development must be mitigated. • Minimise impact on development through siting. • Reduce traffic and need to travel.
ENV12 (Noise generating development); ENV13 (Minimising noise disturbance)	<p>Location of noise generating development and noise sensitive receptors should be carefully considered.</p> <p>Minimise impact of noise disturbance through mitigation.</p>
ENV14 (Contaminated land)	Development on contaminated land will be encouraged subject to site investigations and conditions to require survey and mitigation.
D1 (High quality design)	<p>Development should:</p> <ul style="list-style-type: none"> • Be of high quality design • Be sustainable • Ensure community safety
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.

D4 (Over-development)	Proposals not to cause over development of a site.
D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.
D9 (Designing out crime);	Development to be designed to reduce crime and fear of crime.
D10 (Improving community safety)	Safety and Security to be secured through planning obligations where proposal would affect community safety.
D11 (Landscaping);	Proposals should: <ul style="list-style-type: none"> • Achieve a suitable visual setting for buildings • Provide attractive and accessible spaces • Contribute to community safety, environmental and ecological quality • Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate) • Ensure appropriate new planting
D12 (Tree preservation orders);	
D13 (Tree protection and enhancement)	
HC1 (Conservation areas)	The Council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas.
HC17 (Archaeological Remains – Local)	Protect archaeological remains of local significance where appropriate.
L12 (Public open space – areas of deficiency);	The Council will encourage: <ul style="list-style-type: none"> • Improvements to public open provision and quality space in areas, particularly in areas of deficiency. • The full use of public open spaces by all sections of the community.
L14 (Public open space – improved provision)	
M1 (Transport Accessibility)	The Council will expect major developments to be in locations which are, or will be made, accessible by a range of modes of transport.
M2 (Transport impact assessments)	The Council will require developers to submit a full transport impact assessment.
M3 (Travel plans)	For significant trip-generating developments the Council will require the occupier to develop and maintain a Travel Plan.
M4 (Pedestrians and cyclists – widening opportunities);	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.
M5 (Pedestrians and cyclists – improved facilities)	

M6 (Public transport – use)	Developments should be located and designed to make use of public transport more attractive.
M8 (Road hierarchy); M10 (Reducing traffic impacts)	The Council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use or adversely affect the operation of roads. Where it is considered necessary as a consequence of a development, the Council may introduce measures to reduce the traffic impacts on the environment and the community and the Council will seek to secure a planning obligation from the developer.
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	The Council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals. The Council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users. The Council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.
M14 (Parking standards)	The Council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be: i. 2 to 1.5 spaces per unit for detached and semi-detached houses; ii. 1.5 to 1 spaces per unit for terraced houses and flats; and iii. 1 to less than 1 space per unit for development consisting mainly of flats.
H2 (Housing – other sites)	Assess residential proposals on site not allocated for housing based on appropriateness, access to facilities, impact, accessibility and whether land is required for another use.
H5 (Affordable housing); H8 (Affordable housing – commuted payments)	Council will negotiate the maximum reasonable amount of affordable housing. Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.
H16 (Residential development - character)	Residential development should: <ul style="list-style-type: none"> • Harmonise with and respect the character of the area. • Be well laid out. • Provide adequate daylight, outlook and residential amenity, • Provide a safe and secure environment • Maintain privacy and prevent overlooking. • Provide adequate amenity space.
H17 (Residential development – privacy standards)	Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking. In town centre developments these standards may not apply, but proposals should include design solutions to avoid overlooking.
H18 (Residential development – amenity space standards)	The minimum provision of amenity space for new residential schemes is 5m ² per habitable room.
H20 (Residential development – public recreational)	Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.

space)	
H21 (Residential density)	Will favourably consider higher densities in district town centres provided they comply with policy D1 and relate satisfactorily to their surroundings.
H24 (Conversion of non-residential uses)	Changes of use from non-residential to residential use will be permitted provided the site is in a suitable area for housing, having a reasonable standard of amenity, and there is no realistic prospect of re-use for employment or other non-residential purposes.
EMP2 (Employment land – protection); EMP3 (Employment land consolidation)	At sites that have last been used, for class B1 or similar industrial uses, the Council will not grant permission to redevelop or change them to non-business uses. Exceptions will only be made where there is no realistic prospect of re-use or of redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses. Consolidation of employment land including new office use permitted provided that it is appropriate.
EMP6 (Offices – new development); EMP7 (Offices – re-use); EMP8 (Small businesses)	Preference will be given to proposals for new offices that involve the re-use or redevelopment of existing, vacant office premises and sites in town centres, provided that such sites are highly accessible by public transport, are intended to host mixed use schemes, and there would be no harm caused to the vitality and viability of the town centres. Proposals which provide office space for small and starter businesses will be encouraged. The development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case, the priority for re-use would be as a mixed use development.
CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)	Where appropriate the Council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.
TCR1 (Sequential approach)	Sequential approach to development of new retail and other key town centre uses.
TCR13 (Residential development in town centres)	Housing development through conversion and redevelopment of existing buildings and new development, will be permitted except on the ground floor of primary and secondary frontages.
TCR18 (Mixed use development)	New large developments in town centres should combine a mix of uses, which would normally include: – Residential accommodation (including affordable housing), where suitable amenity standards can be met, and which accords with policies H8 and H24; and

	– Uses at ground floor level that provide a direct service to visiting members of the public, and accord with the accepted town centre uses contained in policies TCR10 and TCR11
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2 Thames Water would recommend that petrol and interceptors are fitted in all car parking facilities provided.

3 Where a developer proposes to discharge water to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Where a developer proposes to discharge groundwater into a public sewer a groundwater discharge permit will be required. Groundwater permit enquires should be directed to Thames Water’s Risk Management Team. They can be contacted on 02085074890. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

4 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has 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 – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting 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 Stage Four of the Authority’s Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control: Planning for Air Quality and the Planning Policy Statement 23: Planning and Pollution Control; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils Air Quality and Planning Guidance, revised version January 2007.

5 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;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 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.

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 identified in the above list.

- 6 You are 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 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) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport: Railway Noise and insulation of dwellings.

- 7 If any existing redundant vehicular crossovers are required to be reinstated to footway level then the work has to be carried out by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

- 8 The applicant is advised that an application under Section 184 or 278 of the Highways Act (1980) may need to be submitted for the provision of a vehicular access to the property. The access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact Traffic & Development Section - Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

- 9 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Environment Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays or existing waiting restrictions affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 10 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged.
- 11 The applicant is advised that construction of a vehicular access/crossover may involve alterations to the existing on-street parking bays or waiting restrictions. Alterations to on-street parking bays or waiting restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Any related costs for the alterations will be borne by the applicant.
- 12 The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 13 The applicant is advised that the development is located on or near a Strategic Road Network (SRN)/Transport for London Road Network (TLRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 14 Any details submitted in respect of the Demolition and Construction Management /Logistic Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site

facilities and materials and a community liaison contact.

16 Any works necessary on the public highway to facilitate the development may be carried out under rechargeable works or under a Section 278 agreement.

17 The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided.

19 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £X

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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

You will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

20 The Environment Agency recommend that:

Surface water management good practice principles and standards
For developments (other than changes of use) less than 1 hectare in Flood Zone 1, the main flood risk issue to consider is usually the management of surface water run-off. Drainage from new development must not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.

For on/near site flooding, the flood risk Practice Guide at paragraph 5.51 states that:

“For events with a return-period in excess of 30 years, surface flooding of open spaces such as landscaped areas or car parks is acceptable for short periods, but the layout and landscaping of the site should aim to route water away from any vulnerable property, and avoid creating hazards to access and egress routes (further guidance in CIRIA publication C635 Designing for exceedence in urban drainage - good practice). No flooding of property should occur as a result of a one in 100 year storm event (including an appropriate allowance for climate change). In principle, a well designed surface water drainage system should ensure that there is little or no residual risk of property flooding occurring during events well in excess of the return-period for which the sewer system itself is designed. This is called designing for event exceedence.”

The CIRIA publication 'Designing for exceedence in urban drainage-good practice' can be accessed via the following link:

<http://www.ciria.org.uk/suds/publications.htm>

For off-site flooding, the flood risk Practice Guide states at paragraph 5.54:

“For the range of annual flow rate probabilities up to and including the one per cent annual exceedence probability (1 in 100 years) event, including an appropriate allowance for climate change, the developed rate of run-off into a watercourse, or other receiving water body, should be no greater than the existing rate of run-off for the same event. Run-off from previously-developed sites should be compared with existing rates, not greenfield rates for the site before it was developed. Developers are, however, strongly encouraged to reduce runoff rates from previously-developed sites as much as is reasonably practicable. Volumes of run-off should also be reduced wherever possible using infiltration and attenuation techniques. Interim guidance on calculation of site run-off rates can be found at:

http://www.ciria.org/suds/pdf/preliminary_rainfall_runoff_mgt_for_development.pdf

Sustainable Drainage Systems (SuDs)

SuD s seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible. SuDs offer significant advantages over conventional piped drainage systems in reducing flood risk by reducing the quantity of surface water run-off from a site and the speed at which it reaches water courses, promoting groundwater recharge, and improving water quality and amenity. The range of SuDs techniques available means that a SuDs approach in some form will be applicable to almost any development.

Government policy set out in paragraph 103 of the NPPF expects LPAs to give priority to the use of SuDs in determining planning applications. Further support for SuDs is set out in chapter 5 of the flood risk Practice Guide.

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDs approach beginning with infiltration where possible e.g. soakaways or infiltration trenches.

Where SuDs are used, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.

Provision for long-term maintenance should be provided as part of any SuDs scheme submitted to the LPA. Model legal agreements that provide a mechanism for SuDs maintenance can be accessed on the CIRIA web site at <http://www.ciria.org/suds/icop.htm>

Further information on SuDs can be found in chapter 5 of the flood risk Practice Guide which gives an extensive selection of references. The Interim Code of Practice for Sustainable Drainage Systems provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SuDs. The Interim Code of Practice is available on CIRIA's web site at: <http://www.ciria.org>

Disposal to public sewer

Where it is intended that disposal is made to public sewer, the Water Company or its agents should confirm that there is adequate spare capacity bearing in mind all known development proposals in the area.

Other flood risk issues to consider for development in Flood Zone 1

Dry Islands

Some areas within Flood Zone 1 are surrounded by areas at a higher risk of flooding i.e. areas falling within Flood Zones 2 and 3. In certain cases development within such 'dry islands' can present particular hazards to public safety such as people being surrounded by water and needing to be rescued.

The distribution of dry islands and the risks posed by them in terms of access/exit vary considerably across the country. If you are in any doubt about how flood risks associated with 'dry islands' may affect your site, please contact your local Environment Agency office by calling 08708 506 506.

Climate Change

As highlighted above, the frequency and intensity of rainfall is predicted to increase as a result of climate change and an allowance for how this will affect the proposal will need to be factored into design.

The Environment Agency can be contacted at colneplanning@environment-agency.gov.uk or on 01707632332.

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Head of Planning and Development Management
Building 2, North London Business Park
Oakleigh Road South, London, N11 1NP
Contact Number: 020 8359 4516

PLANNING

Ms H Puttonen
Frogmore Property Company
Ltd
11-15 Wigmore Street
London
W1A 2JZ

Application No: **F/04523/09**
Registered Date: 18/12/2009

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

REFUSES PLANNING PERMISSION for: -

Demolition of existing building and erection of a new building up to five stories in height containing 1628m² of flexible space at ground floor level for uses including and limited to shops, (use class A1), a doctors surgery (use class D1) and a library (use class D1), 65 flats (use class C3) on the first to fourth floors, a basement level 72 space car park accessed from Friern Watch Avenue and ancillary facilities and works including the provision of amenity space, refuse and recycling storage facilities and cycle parking facilities.

At:- 886-902 High Road, London, N12 9RN

as referred to in your application and shown on the accompanying plan(s):

For the following reason(s): -

- 1 The proposed building would, by reason of its design, size, height, bulk, mass, density and scale result in a cramped form of development and an overdevelopment of the site, which is detrimental to the character and appearance of the area, contrary to policies GBEnv1, GBEnv2, H16, D1, D2, D3 and D4 of the Adopted Barnet Unitary Development Plan (May 2006), policies 2A.1, 3A.3, 3A.6, 4B.1 and 4B.8 of the London Plan (Alterations and consolidations since 2004 published February 2008) and Government guidance contained in Planning Policy Statements 1 Delivering Sustainable Development and 3 Housing.

- 2 The proposed building would, by reason of its design, size, bulk, mass, height and siting be overbearing, visually obtrusive and result in an unacceptable sense of enclosure, overlooking and loss of privacy, to the detriment of the amenities of the occupiers of neighbouring properties. The proposed building would not therefore constitute a sustainable form of development and be contrary to policies GSD, GBEnv2, D1, D4, D5, H16 and H17 of the Adopted Barnet Unitary Development Plan (May 2006), policies 2A.1, 3A.6 and 4B.1 of the London Plan (Alterations and consolidations since 2004 published February 2008) and Government guidance contained in Planning Policy Statements 1 Delivering Sustainable Development and 3 Housing.
- 3 The proposed dwellings would, by reason of their design, density and layout, represent a cramped form of development and an overdevelopment of the site that fails to provide their future occupiers with acceptable levels of amenity space to the detriment of their amenities. The proposed dwellings would not therefore constitute a sustainable form of development and be contrary to policies GSD, GBEnv2, D1, D3, D4, L12, H16, H18 and H20 of the Adopted Barnet Unitary Development Plan (May 2006), policies 2A.1, 3A.3, 3A.6, 3D.13, 4A.3 and 4B.1 of the London Plan (Alterations and consolidations since 2004 published February 2008), Government guidance contained in Planning Policy Statements 1 Delivering Sustainable Development and 3 Housing, the Barnet Supplementary Planning Document Sustainable Design and Construction (February 2008) and the Mayor of London Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation (March 2008).
- 4 The development does not include a formal undertaking to enter into a travel and traffic management plan, provide a contribution to affordable housing to meet the demand for such housing or financial contributions towards the enhancement of public open space in the area, the costs of the additional pressure on existing library facilities that would be caused by the development, the extra educational and health facility provision costs arising in the borough as a result of the development, ensuring that occupants of the development and their visitors cannot obtain parking permits in the surrounding area or the monitoring of the undertaking, which are necessary for the proposal to be acceptable. The proposal is therefore contrary to policies GCS1, GRoadNet, GParking, H5, H8, H20, CS2, CS8, CS13, L12, M3, M10, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan (May 2006), policies 2A.1, 3A.10, 3A.18, 3C.3, 3C.17 and 3C.23 of the London Plan (Alterations and consolidations since 2004 published February 2008), the Barnet Supplementary Planning Documents Contributions to Health Facilities from Development (July 2009), Contributions to Library Services from Development (February 2008), Contributions to Education from Development (February 2008), Affordable Housing (February 2007) and Planning Obligations (September 2006) and the Mayor of London Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation (March 2008).

INFORMATIVE(S):-

- 1 The plans accompanying this application are:- P001S; P002; P003A; P004; P005; P006; P110S; P111S; P112S; P113S; P114S; P115S; P116S; P117S; P200S; P201S; P300S; P301S; P302S

Date of Decision: 18 February 2010

Signed:



**Acting for Martin Cowie
Head of Planning and Development Management**

NOTE(S):-

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This notice relates solely to the refusal of planning permission and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

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F/04523/09



Appeal Decisions

Inquiry held on 14 & 15 September 2010

Site visit made on 16 September 2010

by **Chris Frost** BSc(Hons) DipLD FLI CBiol
MBS MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
27 October 2010

Appeal A Ref: APP/N5090/A/10/2126020 886-902 High Road, North Finchley, London N12 9RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Jardine (North London) Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref F/02361/09, dated 8 June 2009, was refused by notice dated 5 October 2009.
- The development proposed is a revised application to erect a part 4, part 5 storey building comprising: 1753sqm ground floor A1/D1 (library/doctor's surgery) floorspace; 72 flats on upper floors; a 72 bay car park; and 150 bay cycle park accommodated within a basement level accessed via Friern Watch Avenue. Following the demolition of an existing Furnitureland store.

Appeal B Ref: APP/N5090/A/10/2127011 886-902 High Road, North Finchley, London N12 9RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Jardine (North London) Ltd against the decision of the Council of the London Borough of Barnet.
- The application Ref F/04523/09, dated 10 December 2009, was refused by notice dated 18 February 2010.
- The development proposed is the erection of a part 2 and part 5 storey building comprising: 1628sqm ground floor A1 or D1 (library/medical/health facility) floorspace; 65 flats over upper floors; a 72 bay basement car park; and 136 cycle park accessed via Friern Watch Avenue. Following the demolition of an existing Furnitureland store.

Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Since the application was made, various inconsistencies in the plans were discovered. For the sake of clarity these were resolved and amended plans were issued prior to the Inquiry. As no attempt has been made to amend the substance of the scheme, I will determine the appeals on the basis of the amended plans that were placed before the Inquiry.

4. In the case of Appeal A the relevant plans are given as:

T5727/1 - Topographical Survey
T5727/3 - Elevational Survey
T527/4 - Elevational Survey
P001J - Location and Site Layout
P004 - Existing Elevations 1
P005 - Existing Elevations 2
P006 - Existing Elevations 3 High Road
P007 - Existing Elevations 4 High Road
P008 - Existing Section
P010 - Proposed Site Plan
P110 J - Proposed Basement Plan
P111Ja - Proposed Ground Floor Plan
P112J - Proposed First Floor Plan
P113J - Proposed Second Floor Plan
P114J - Proposed Third Floor Plan
P115J - Proposed Fourth Floor Plan
P116J - Proposed Roof Plan
P200Ja- Proposed Sections
P300Ja - West (Front) Elevation
P301Ja - North and South Elevations
P302Ja - East (Rear) Elevation
P400J - Perspective View 1
P401J - Perspective View 2

5. In the case of Appeal B the relevant plans are given as:

P001S - Site Plan
P002 - Aerial Photographs
P003A - Existing Ground Floor Plan
P004 - Existing Front and Rear Elevations
P005 - Existing Side Elevations
P006 - Site Photographs
P110S - Proposed Basement Plan
P111S - Proposed Ground Floor Plan
P112S - Proposed First Floor Plan
P113S - Proposed Second Floor Plan
P114S - Proposed Third Floor Plan
P115S - Proposed Fourth Floor Plan
P116S - Proposed Roof Plan
P117S - Proposed Ground Floor Plan
P200S - Proposed Sections
P201S - Proposed Section Details
P300S - Proposed West (Front) Elevation
P301S - Proposed North and South Elevations
P302S - East (Rear) Elevation

6. A Section 106 Unilateral Undertaking has been entered into in respect of each of the appeal schemes.

Main issues (Appeals A & B)

7. The main issues are: a) whether the appearance, character and quality of the area would be adequately respected; b) whether the living conditions of neighbouring occupiers in Friern Watch Avenue and Mayfield Avenue would be significantly harmed by reason of enclosure, overlooking and loss of privacy; c) whether adequate living conditions would be provided for potential occupiers with regard to private and communal outdoor amenity areas; and d) whether contributions towards various physical and social infrastructure improvements would be necessary and adequate to support the impact of the proposed development.
8. At the start of the Inquiry the Council announced that in its view issues c) & d) could be satisfactorily addressed by the use of conditions and planning obligations. Agreement had been reached on these matters and accordingly the Council no longer intended to pursue reason for refusal No. 3 in relation to Appeal A nor reasons for refusal Nos. 3 & 4 in relation to Appeal B. However, the Finchley Society made no such concessions relating to conditions and obligations.

Reasons (Appeals A & B)

Design and Appearance

9. The site is located on the east side of High Road (formerly the Great North Road) at the northern end of North Finchley town centre. The character of the High Road is defined by a combination of its shopping frontages and other commercial uses. Some of these are housed in more traditional buildings dating from the 1930s and earlier and others in more modern buildings dating from the late 20th Century. There is some intermittent tree planting along the High Road. East and west of the High Road are residential streets some belonging to the 1920s and 1930s, with others of an older vintage. The appeal site is located between Mayfield Avenue and Friern Watch Avenue which are largely composed of semi-detached dwellings dating from around the 1920s. These have front and rear gardens and there are street trees along each Avenue.
10. The site is currently occupied by an art deco building with a 3-storey frontage with a former picture house to the rear. The proposals would replace this with a modern building of 5-storeys, the upper storey of which would be set back from the main façade. The Council are not critical of the High Road frontage, although others, including the Finchley Society do criticise this aspect of the proposed schemes. They regard the schemes as representing an alien form of development, unrelated to the surroundings that fail to take the opportunity to enhance the character of the location. It is further suggested that the pallet of materials would add to the prominence of the building which is regarded as being excessive in height.
11. I accept that in each case the proposed building would make a significant and even prominent contribution to the street scene. However, it seems that this could be said of the existing building, which appears to be generally well regarded (although it is now dilapidated). I also accept that what is proposed would gain prominence as a result of its size, its height and its contrasting pallet of materials. However, there are buildings nearby of equal or greater

height. Also, while many of the more modern buildings have a uniformity that results from the predominant use of brick, this should not preclude the use of a wider pallet where this is carefully and sensitively handled. Here, the variety of materials proposed would draw attention to a new and relatively prominent addition to the High Road but the contrasts would be deliberate and generally well organised. While there is room for alternative opinions, there is no overriding reason to reject the scheme on the grounds of its general appearance.

12. The site could no doubt be satisfactorily redeveloped in a low key fashion that would largely avoid adverse comment. However, by redeveloping the whole frontage between Mayfield Avenue and Friern Watch Avenue, the schemes appear to seek to grasp an opportunity to create a building with character and attitude that would possess its own vitality and interest. This is not a conservative approach to urban design but there is no reason to regard this negatively. The Council accepts that this site is capable of accommodating the frontage designs that are proposed, along with the change of character that this would bring and this appears to be a reasonable response to this aspect of the proposals.
13. The aspects of the building that concern the Council (along with others) are the layout and the appearance of its flanks along Mayfield Avenue and Friern Watch Avenue. At present the relatively shallow depth of the main building gives way to an open yard. In Friern Watch Avenue this abuts the side boundary of No.1, in Mayfield Avenue this abuts an access road leading to the rear of No.2 and other properties in both Friern Watch Avenue and Mayfield Avenue. The proposed buildings would occupy these spaces and furthermore would project forward of the building line in both Mayfield Avenue and Friern Watch Avenue. This is considered unsatisfactory in view of the loss of space and the resulting building mass that would be imposed closer to the sides of residential properties.
14. With regard to the open areas at the sides of the existing building, these were latterly hard surfaced service yards that remain exposed to views from the street. Both the yards and the abutting rear portions of the buildings do not appear as particularly attractive areas and accordingly could be said to detract from the appearance of the street scene. However, they do serve to provide separation between the existing building and the residential streets behind and that this is a positive feature that aids in achieving a successful transition between the High Road and its more modest residential side streets.
15. The achievement of a successful transition between the High Road frontage and what lies behind is a key consideration in determining the acceptability of any scheme for the redevelopment of this site. The current building achieves this by providing space, although this is not wholly successful as this presents a back yard area to view that also exposes some of the less attractive parts of the existing building. The current schemes would have more presentable flank elevations but would occupy the current open areas and would more closely encroach upon the residential properties to the rear.
16. The Finchley Society consider that an essential element that should be respected is that of the building line in Mayfield Avenue and Friern Watch Avenue and they point to local examples where this has been achieved (such

as Highwood Avenue, Fredericks Place and the north side of Mayfield Avenue). Respecting the building line can often help in providing a satisfactory transition, but it should not rule out other solutions and I note that the superstore building in nearby Ravensdale Avenue adopts a different approach.

17. Here, neither of the schemes seek to respect the building line in the side streets and as a result they would impose themselves more markedly on the street corners and restrict views to a certain extent. However, this in itself does not prevent a successful transition from being achieved and the current pavement depth, which is relatively generous, would be retained thereby retaining some degree of continuity.
18. A further, important, aspect of achieving a successful transition is concerned with the height of buildings and their separation. Here the separation achieved in the Appeal A scheme is around 9m in Friern Watch Avenue (reducing to around 8m at first floor level) and around 9m in Mayfield Avenue. With the Appeal B scheme the separation achieved in Mayfield Avenue would be around 11m and in Friern Watch Avenue this would increase to around 10m. If these schemes were seeking to provide further semi-detached houses these distances could be judged to be generous. However, this judgement cannot be applied to the type of building that is now proposed as the height and mass of the proposed buildings is a critical factor.
19. In the Appeal A scheme the height of the rearmost part of the proposed building would be around 10m which is similar to the ridge height at No. 1 Friern Watch Avenue. In Mayfield Avenue the new building would be slightly lower than the 9m ridge height at No. 2. The depth of the nearest block in Friern Watch Avenue would be around 16m and in Mayfield Avenue about the same. The combination of height and depth coupled with the proximity to the smaller scale residential properties would not achieve a comfortable nor acceptable transition and this represents a significant failing of the Appeal A scheme.
20. The Appeal B scheme seeks to address some of these concerns by reducing the height of the rearmost part of the proposed building. Accordingly the height of the nearest face to No. 1 Friern Watch Avenue would be around 8m and in Mayfield Avenue nearer to 7m (each would be coupled with greater separation distances). The remainder of the proposed building would then rise towards High Road, although differently to the Appeal A scheme. The transition achieved by the Appeal B scheme would pay sufficient regard to its surroundings so as to achieve an acceptable result in the particular context that is presented at the head of Friern Watch Avenue and Mayfield Avenue. While local concerns remain, it seems that the details that are presented provide a sound basis for considering that the streetscape would be sufficiently acknowledged and adequately respected. Accordingly, there is insufficient reason to reject this scheme on the basis of its impact on the townscape in this location.
21. The saved local policies in the London Borough of Barnet Unitary Development Plan upon which the Council relies are: GBEnv1, GBEnv2, H16, D1, D2, D3 & D4. Those in the London Plan are: 2A.1, 3A.6, 4B.1 & 4B.8. These policies are generally concerned with achieving a high standard of design that respects the local context. The Council focuses on the treatment of the site along the side

streets and finds them lacking in quality and appropriateness. In the case of Appeal A, for the reasons already set out, it seems that the treatment proposed would be unsatisfactory and accordingly in conflict with the requirements of these policies in terms of design and layout. In the case of the Appeal B scheme greater respect is shown for the site's context and as a result the design meets the need to respond to this adequately. Accordingly, it is reasonable to conclude that the requirements of the design policies are met by the Appeal B scheme.

22. Wider local concerns are expressed relating to design and appearance and these reject the notion that the proposed building as a whole would be appropriate and compliant with design policies. However, as already explained, there are sound reasons to support a different conclusion and in the case of the Appeal B scheme, it seems reasonable to conclude that it would comply with the relevant policies concerned with design and appearance.

Living Conditions

23. The concerns expressed by the Council relate to the perception that the building would have an overbearing presence that would be visually obtrusive and result in an unacceptable sense of enclosure, overlooking and loss of privacy to neighbouring properties. Where these properties are is not specified although the evidence suggests that these are at 1 Friern Watch Avenue and 2 Mayfield Avenue and to a lesser extent properties further to the east. Certainly the properties at Nos. 1 & 2 would be most vulnerable to the consequences of the proposals in each appeal, although further properties in both streets would also be affected.
24. The creation of the conditions expressed by the Council would arise from a combination of factors that include the proximity, height, depth and orientation of the building. Considering the vulnerability of the nearest properties, there is a need to respect their situation. In regard to the Appeal A scheme the nearest part of the proposed building to 1 Friern Watch Avenue would be about 8m away. It would be about the height of the roof ridge at No.1 and would extend from well in front of the house to just beyond its rear face. With this combination of factors, fears that this would unacceptably compromise the living conditions of occupiers appear to be well founded. In Mayfield Avenue the proposed building would be about 9m away with similar depth but above the ridge height of No. 2. Again fears that this would unacceptably compromise living conditions seem well founded.
25. With the Appeal B scheme the nearest part of the proposed building to 1 Friern Watch Avenue would be about 10m away with a height nearer to the eaves height of the house with a similar Depth to the Appeal A scheme. These changes would ameliorate the effect of the building. While this may not remove local concerns, it appears to be sufficient to achieve a relationship that would not be sufficient to justify rejection of this amended scheme. In respect of 2 Mayfield Avenue the degree of separation would increase to 11m with a height reduced by about 2m but again of similar depth to the Appeal A scheme. Again this does not appear to justify rejection of the scheme.
26. A further local concern that is shared by the Council relates to overlooking and privacy. This arises from the array of balconies and windows on the rear, east

facing elevation. However, there would be no direct living room to living room conflict. The main area of conflict would be towards private rear garden areas in Mayfield Avenue and Friern Watch Avenue, although the separation distances that would be achieved would respect those set out in the Council's standards which are set out in saved Unitary Development Plan policy H17. Additional measures are incorporated in the Appeal B scheme that includes planting and window boxes.

27. It is not unusual for some loss of privacy to arise when new housing is proposed, but it is important to limit this so as not to introduce over-intrusive situations. Here, in view of the degree of separation achieved, the level of intrusion does not appear to be so serious that it would suggest that either scheme would be unacceptable for this reason, although the Appeal B scheme offers far better protection.
28. The policies cited by the Council in relation to these issues are saved policies GBEnv2, D1, D4, D5, H16 & H17 from the Adopted Barnet Unitary Development Plan and policies 2A.1, 3A.6 & 4B.1 of the London Plan. These are concerned with a range of matters including the protection of living conditions. The relationship of the Appeal A scheme to its nearest neighbours suggests that living conditions would be harmed as a result of the proximity and bulk of the proposed building. This would not accord with saved policy GBEnv2 in that the quality of the environment of existing residents would not be adequately respected. This would amount to over-development that would be contrary to saved policy D4 and fail to preserve adequate residential amenity contrary to saved policy H16. These failings suggest that planning permission for the Appeal A scheme should be withheld.
29. The Appeal B incorporates changes that are designed to mitigate the harm that has been identified with the Appeal A scheme. These are sufficient to overcome the failings of the earlier scheme.

Amenity Space

30. The Council has indicated that its concerns relating to non-compliance with guidance on amenity space within the development could be overcome by means of contributions that would be spent on existing public spaces within the Borough. On the basis of contributions that have been offered, the Council failed to pursue reason for refusal No. 3 in relation to Appeal B. There was no reason for refusal on these grounds for Appeal A.
31. The Finchley Society are not satisfied with this approach and feel that the improvement of existing areas that are removed from the site would not satisfy the needs of occupiers as these would not provide on-site areas that would more directly meet those needs.
32. The minimum provision for gardens or amenity space is set out at saved policy H18 of the Unitary Development Plan. This amounts to 5sqm per habitable room for flats, although proposals in or near town centre sites may be exempt from this requirement if alternative amenities are provided.
33. These schemes are characterised by a shortfall in the provision of gardens or amenity space and some flats would have no private amenity space. The site is also well removed from local parks which might serve to fulfil some of the

needs of the development. I accept that the site is classified as a town centre site where it could be acceptable to make a provision that is less than that which is normally regarded as a minimum. A town centre site that adjoins a public park may well fall into that category. However, in this case the site is well removed from local areas of open space. In these circumstances, and despite the Council's final view on the matter, it seems inappropriate to accept the inadequacies and also inappropriate to accept that improvement to spaces that are well removed from the site would adequately compensate for on-site inadequacies. Accordingly, while the Council appears to be ready to accept that contributions would form an acceptable mechanism to enable inadequacies to be accepted, the circumstances of this case, which are highlighted by the Finchley Society, indicate that it would be inappropriate to accept either scheme in view of the inadequacies relating to gardens or amenity space.

34. Concern was also expressed in regard to the design of the scheme in that some flats would have no direct access to communal garden areas. This would mean that residents would need to leave the building in order to gain access to these private areas. This is particularly unsatisfactory and would compromise the utility of such spaces for some residents. PPS3 refers to these matters at paragraph 16 second indent, which makes clear that good access should be provided to community and green open spaces and to private outdoor space.
35. It appears that both schemes fail to meet the space requirements of saved policy H18, and despite its town centre location there are good reasons arising from the separation of the site from local open spaces to reject the suggestion that on-site inadequacies could be compensated by way of contributions.
36. The Finchley Society also point out that the site is located within an area where a deficiency in open space exists. However, saved policy H20 provides a mechanism for making contributions towards local provision as a substitute for providing public spaces on site. At paragraph 8.3.3.10 the Unitary Development Plan suggests that on sites of less than 0.5ha, provision will always be in the form of a financial contribution. On this basis I accept that the contributions offered would meet the requirements of saved policy H20 as this site is well below 0.5ha in area.

Unilateral Undertakings

37. Unilateral Undertakings are sometimes necessary to address planning issues and overcome objections. However, Regulation 122 of the Community Infrastructure Levy Regulations 2010 makes it unlawful for a planning obligation to be taken into account in a planning application if it does not meet 3 tests. These are: whether the obligation is necessary to make the development acceptable in planning terms; whether it directly relates to the proposed development; and whether it is fairly and reasonably related in scale and kind to the proposed development.
38. In these cases a number of matters are addressed in the submitted Unilateral Undertakings. These are: an education contribution; a libraries contribution; a health contribution; a public realm improvements contribution; a Friary Park/Swan Lane Open Space contribution; a monitoring costs contribution; affordable housing provision (subject to a review mechanism); and a travel plan. On the basis of these (along with suggested conditions) the Council did

not pursue reason for refusal No. 3 in the case of Appeal A and reason for refusal No. 4 in the case of Appeal B.

39. There is no reason to suggest that the affordable housing provision or travel plan requirement would fail the statutory tests. In relation to libraries, additional residents are likely to place additional demands on library services. Accordingly, it seems reasonable to regard this additional demand as directly related to the proposed development and in the light of saved Unitary Development Plan policy CS2, which is concerned with securing community and religious facilities, a contribution would make the development acceptable in planning terms. The parties have no dispute concerning the amount offered and I have no reason to doubt that it is fairly and reasonably related in scale and kind to the proposed development. Accordingly, the library contribution appears to pass the statutory tests. Applying similar reasoning to the education contribution and health contribution leads to a similar conclusion on the basis of saved policy CS8 for education and CS13 for health.
40. The Friary Park/Swan Lane Open Space contribution is offered in view of the shortfall in garden or amenity space. I have already concluded that it would be inappropriate to accept the shortfall in provision. The proposed contribution would be used to improve open spaces that are well removed from the site. This would not address the needs of occupiers for private amenity areas or provide a reasonable substitute for such space as the open areas that exist are well removed from the site. On this basis the contribution would fail to make the proposals acceptable in planning terms and it would not be directly related to the needs that would be generated by the development. The amount of the contribution cannot therefore be assessed as reasonable as it would fail to meet the needs of the development. Accordingly, the statutory tests are not met and I am unable to take this contribution into account.
41. The Public Realm Improvements contribution arises from saved policy H20 and would help towards meeting additional demands on public open spaces created by the occupiers of the development. I have no reason to doubt that the contribution would be fairly and reasonably related in scale and kind to the proposed development. Accordingly, the statutory tests are met and the contribution is necessary to meet the additional demands created by the development.
42. Monitoring costs are those expended in monitoring compliance with the obligations. Where compliance is related to ensuring the development is acceptable in planning terms (in this case all categories save the Friary Park/Swan Lane Open Space contribution) the first test would be met. As costs would arise from the implementation of the scheme, they are directly related to the development and the second test would be met. There is no dispute over the amount and there is no reason to doubt that it would be fairly and reasonably related in scale and kind to the proposed development.

Conclusions on Appeal A

43. There are shortcomings associated with this scheme in terms of its design and appearance, its effect on living conditions and the shortfall of garden or amenity space. These suggest that planning permission should be withheld and there are no overriding factors that suggest otherwise.

Conclusions on Appeal B

44. This scheme was worked up to try to overcome criticisms levelled at the Appeal A scheme. Some of these changes have been successful and have overcome objections relating to design and appearance and the effect on living conditions. However, inadequacies remain in relation to garden or amenity space and, in the case of some flats, this would result in the absence of balconies or poor accessibility to on-site communal areas. The offer of contributions would not address these problems. Accordingly, this scheme also fails and again there are no overriding factors that suggest otherwise.

Chris Frost

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mark Westmorland-Smith of Counsel Instructed by the London Borough of Barnet

He called

Mr Clive Townsend Principal Planner LBB

FOR THE APPELLANT:

Stephen Morgan of Counsel Instructed by Nicholas Taylor and Associates

He called

Andrew Neale BSc Dip Neale and Norden Limited, Architects
Arch RIBA

Nicholas Taylor MA Principal of Nicholas Taylor & Associates
MRTPI

FOR THE FINCHLEY SOCIETY:

Peter Pickering Finchley Society Planning Committee
Robert Newton Finchley Society Environment Forum

INTERESTED PERSONS:

Cllr Alan Schneidermann Ward Councillor
Jan Piechowicz Local Resident
Harold Rosenberg Local Resident

DOCUMENTS

General Documents

- Document 1 Attendance Lists
- Document 2 Letter of Notification and Circulation List
- Document 3 Letters from local residents
- Document 4 Opening Statement for the Appellant
- Document 5 Unilateral Undertakings
- Document 6 Council's Closing Submissions
- Document 7 Appellant's Closing Submissions

Core Documents

- Document CD1 Statement of Common Ground (final version)
- Document CD2 Extracts from the Unitary Development Plan
- Document CD3 Extracts from the London Plan
- Document CD4 Saved Plans Direction
- Document CD5 Inquiry Note on Planning Obligations and appended guidance and appeal decision

Proofs of Evidence

- Document LBB/1/P Council's Proof of evidence from Mr Clive Townsend
- Document LBB/1/A Appendices to Mr Townsend's Evidence
- Document LBB/1/S Mr Townsend's Summary
- Document JNL/1/P Appellant's Proof of Evidence from Mr N P Taylor
- Document JNL/1/A Appendices to Mr Taylor's Evidence
- Document JNL/1/S Mr Taylor's Summary
- Document JNL/2/P Appellants Proof of Evidence from Mr Neale
- Document JNL/2/A Appendices to Mr Neale's Evidence
- Document JNL/2/S Mr Neale's Summary
- Document FS/1 The Finchley Society's Proof of Evidence with appendices
- Document AS/1 Notes produced by Cllr Schneidermann

PLANS

- Plans A Appeal A Application Plans
- Plans B Appeal B Application Plans
- Plans C Superseded Plans

APPENDIX 4: SITE LOCATION PLAN:



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Meeting	Planning and Environment Committee
Date	14 June 2012
Subject	Revisions to Planning Delegated Powers
Report of	Interim Director Environment, Planning and Regeneration
Summary	This report proposes amendments to the powers delegated to the Head of Planning (Assistant Director of Planning & Development Management) to ensure a fit for purpose, modern, democratic, efficient and cost effective planning service in Barnet.

Officer Contributors	Joe Henry, Acting Assistant Director of Planning & Development Management.
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Council
Enclosures	None
Contact for Further Information:	Joe Henry, Acting Assistant Director of Planning & Development Management (0208 359 4620), joe.henry@barnet.gov.uk

1. RECOMMENDATIONS

- 1.1 In the Delegated Powers of Head of Planning, amend the definition of “significant public concern” to five or more objectors who have objected in writing in response to a planning application.
- 1.2 If the proposal in 1.1 is agreed then a review by officers of those extended delegated powers shall be undertaken after a six month period and a report presented to the Planning & Environment Committee.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Planning & Environment Committee 30 November 2005, approved recommendation of report on Revision to Planning Delegated Powers.
- 2.2 Annual Council 17 May 2011, approved recommendation of reports of Special Committee (Constitutional Review) which included abolishing the three Area Planning Sub-Committees and replacing them with two Area Planning Sub-Committees.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Effective and efficient decision making and value for money are important aspects underpinned by the Corporate objective to provide “better services with less money”. The proposal would help to achieve this objective by reducing the amount of time spent by officers and councillors in dealing with planning applications.

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to reduce the number of planning applications presented to Planning Committees would detrimentally impact on service delivery, increase costs to the council and have consequential reputational risks.
- 4.2 Reducing the number of planning applications presented to Planning Committees would reduce the role of Members in planning application decision making and this could be perceived by the public as being less democratic. Officers have spoken to other local planning authorities in London who deal with a larger percentage of planning applications under delegated powers and they have not reported any issues of the public perceiving the process as not being democratic.
- 4.3 The proposed changes do not affect the existing exception for delegated powers where a Member of the council has requested in writing, with valid reason(s), that an application should be presented to the appropriate Area Planning Sub-Committee.
- 4.4 In order to minimise risk, the proposal does include a review by officers of those extended delegated powers after a six month period and a report presented to the Planning & Environment Committee.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 It is unlikely that the proposal would present a conflict with Barnet Council's Equalities Policy. Improved efficiency in the planning department will have a beneficial impact on all residents.
- 5.2 At present the council does not have specific data on the profile of residents objecting to planning applications in the circumstances described above. However we know from a recent customer survey ¹ that overall 46% of respondents were either fairly or very satisfied with the services provided by the Planning Service compared to 40% who were either fairly dissatisfied or very dissatisfied. Proportionately Asian households were more likely to be dissatisfied than other ethnic groups. The majority of respondents were men who were slightly more likely to be dissatisfied with the service. Most were aged between 45 – 64 years and they had the highest levels of dissatisfaction; older people were generally more satisfied with the service they received.
- 5.3 In order to ensure the proposal does not disproportionately affect any particular group or affect the levels of satisfaction with the service, the six month review of the proposed change will include equalities monitoring through a targeted customer survey.

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 No additional cost implications arise from this proposal; the main effect of which is to achieve a saving in staff and Councillor time and improve service delivery. It is estimated there would be a direct cost saving to the Planning Service of £40,000 per annum that will be reinvested into the Service provision if the proposal were adopted.

7. LEGAL ISSUES

- 7.1 There are no specific legal issues associated with this proposal, as the current Town & Country Planning legal regime will continue to apply and be applied in the same way.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 The Council's Constitution provides for Chief Officers to take decisions under delegated powers. The relevant provisions are set out in section 6 of Part 3 – Responsibility for Functions.

9. BACKGROUND INFORMATION

¹ The customer survey carried out in 2011 included agents and residents.

- 9.1 Under the Council's Constitution, the planning function is devolved to the Planning & Environment Committee and the East & West Area Planning Sub – Committees.
- 9.2 Part 3 of the council's Constitution sets out the detailed arrangements for the allocation and discharge of the Council's responsibilities. Many of these have been delegated to chief officers and they, or their representatives, are authorised to make decisions which both speed up the process and remove the need for such matters to be considered by Planning Committees. The Head of Planning (Assistant Director of Planning & Development Management) has been delegated powers by the Planning and Environment Committee to deal with planning and associated matters, other than where the exceptions apply. These exceptions include; planning applications for development where there is significant public concern (defined as three or more objectors who have objected in writing) unless it is intended to refuse the application. The proposal is to change the definition of "significant public concern" to five or more objectors who have objected in writing in response to a planning application.
- 9.3 The number of planning applications presented to Planning Committees in the last twelve months (up to May 2012) totals 296. If the proposal were adopted, it is estimated the number of planning applications being presented to the Planning Committees would reduce by approximately a third (33%). This would reduce the number of planning applications being presented, per annum, by approximately 100 cases.
- 9.4 It is estimated by using data analysis carried out in March 2010 by ValueAdded.com Ltd on behalf of London Council's, that each planning application presented to a Planning Committee in Barnet increases the cost of that application, on average, by approximately £400 (not including costs associated with Democratic Services). Therefore, if the number of planning applications presented to Planning Committees per annum were reduced by 100 (as estimated if the proposal were agreed) there would be an estimated saving of £40,000 per annum to the Planning Service (not including any costs savings achieved by Democratic Services).
- 9.5 The proposed changes do not affect the existing exception for delegated powers where a member of the council has requested in writing, with valid reason(s), that an application should be presented to the appropriate Area Planning Sub-Committee.
- 9.6 Over the last 12 months 8.3% of all planning applications were presented to a Planning Committee. This compares to a London average of approximately 5% (based on a benchmarking exercise carried out by ValueAdded.com on behalf of London Councils in 2010 with nine London local planning authorities, including Barnet, participating).
- 9.7 There are significant costs, mostly attributable to officer time, in dealing with planning applications presented to planning committees compared to similar schemes dealt with under delegated powers. And as can be seen from the bench marking exercise, Barnet deals with a significantly higher percentage of applications presented to a Planning Committee compared to the London average.

- 9.8 The current two Area Planning Sub-Committee's arrangements have led to a large and sometimes unsustainable number of planning applications being presented to the West Area Planning Sub-Committee. In some cases this has resulted in some meetings having to be extended to the maximum time allowed and some having a large number of items not being heard with additional meetings having to be arranged. In the event the economy improves, it is anticipated that the number of planning applications received would increase. This would inevitably lead to an increase in the number of applications having to be presented to the Planning Committees. This would be unsustainable under the current arrangements, particularly for the West Area Planning Sub-Committee.
- 9.9 The Planning Service forms part of the Development Regulatory Service (DRS) which will form an outsourced delivery unit in the commissioning council. Competitive dialogue sessions are currently happening with the two remaining bidders who want to run the DRS delivery unit. It is well known by the bidders that the costs associated with processing planning applications dealt with under delegated powers are far less than those costs associated with applications presented to Planning Committees. If the proposal was accepted then the bidders would factor into their final bid the associated reduction in costs.

10. LIST OF BACKGROUND PAPERS

- 10.1 The Council's Constitution
 Report on Revision to Planning Delegated Powers, Planning & Environment Committee 30 November 2005,
 Reports of Special Committee (Constitutional Review), Annual Council 17 May 2011.

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Cleared by Legal (Officer's initials)	SL

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