

**LOCATION:** 1412-1420 High Road, London, N20 9BH

**REFERENCE:** B/01561/13

**Received:** 19 April 2013

**Accepted:** 19 April 2013

**WARD(S):** Oakleigh

**Expiry:** 19 July 2013

**Final Revisions:** 10/06/2014

**APPLICANT:** Mr A Lewczynski

**PROPOSAL:** Mixed use redevelopment of former petrol station to erect a six-storey building to provide 22 self-contained units and 2 retail units at ground floor level. Provision of basement car and cycle parking.

**Approve the application 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) Highway Works

A total S106 of **£30,000** is required for highways. This includes the following measures:

**£5,000** is required towards a feasibility study for relocation of existing pedestrian crossing facilities at the frontage of the site and any necessary alterations to existing waiting restrictions and road markings

**£25,000** for implementation of any required relocation of pedestrian crossing facilities, changes to waiting restrictions and road markings identified in the feasibility

The Section 106 Agreement should contain a commitment for the reinstatement of the redundant crossover under the Section 184 of the highways Act is required. All costs related to the reinstatement of the footway and any associated required works will be borne by the applicant.

(d) Viability Review

A review process when the development is complete to assess whether revenues generated by the sale of the flats is sufficient to provide a financial contribution towards the provision of affordable housing in the London Borough of Barnet.

(e) Monitoring of the Section 106 Agreement

A contribution of **£1350** 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 – Strategic Planning and Regeneration approve the planning application reference B/01561/13 under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director - Strategic Planning and Regeneration:

1 Statutory Time Limit

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

Reason:

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

2 Plans

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

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

PL08

PL09

PL10

PL100 Rev C

PL101 Rev A

PL102 Rev A

PL103 Rev A

PL104 Rev A

PL105 Rev A  
PL106 Rev A  
PL107 Rev A  
PL108 Rev B  
PL109 Rev B  
PL210 Rev D  
PL211 Rev C  
PL212 Rev C  
PL213 Rev D  
PL214 Rev C  
PL215 Rev C  
PL216 Rev C  
PL220 Rev B  
PL221 Rev A  
3217/SK/13 Rev

Design and Access Statement by Stock Woolstencroft  
Visualisations/ Amended CGIS by Stock Woolstencroft  
Townscape Sequential Views by Stock Woolstencroft  
Additional Information A by Stock Woolstencroft  
Planning Consultant Statement by Allies and Morrison Urban Practitioners  
Affordable Toolkit by Housing People Partnership  
Transport Statement by Glanville  
Acoustic & Vibration Report by AIRO  
Air Quality Report by SKM Enviros  
Sustainability and Energy Report by JS Lewis Ltd  
Daylight & Sunlight Report by Malcolm Hollis LLP  
Land Contamination and Soil Investigation Report by Site Analytical Services Ltd

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

3

### Levels

Before this development is commenced, details of the levels of the building, roads and footpaths in relation to adjoining land and highways and any other changes proposed in the levels of the site 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.

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 DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

4 Samples of Materials

Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence (other than for Groundworks and Site Preparation Works) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site shall have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in full accordance with such details and samples as so approved before the Development is first occupied or brought into use.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

5 Electric Charging

Before the development hereby permitted is occupied; parking spaces shall be provided in accordance with a scheme to be submitted to and approved by the highways Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development. The parking layout should include provision of disabled parking spaces for all elements of the development and electric vehicles charging points 20% active and 20% passive for the residential development and 10% active, 10% passive for the retail element of the development, as required by Transport for London.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

6 Removal of Crossovers

The development hereby approved shall not be occupied until the existing redundant crossovers are reinstated to footway by the Highway Authority at the applicant's expense.

Reason:

To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7 Access Points

Prior to the commencement of the development, details of the access and basement access shall be submitted to and approved in writing by the Local Planning Authority. The submitted access road details should provide a management scheme detailing measures to manage traffic entering and exiting the car park to avoid conflict within the shared access road. The management scheme should include give way markings and signs and visibility splays for vehicles entering and exiting the proposed underground car park and the existing adjacent car park at Brook Point.

Reason:

To ensure the safe form of access to the development and to protect the amenity of the area and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

8 Delivery and Servicing Plan

Before the permitted development is occupied a Delivery and Servicing Plan (DSP) including details of a suitable refuse collection location and servicing arrangements for the commercial units shall be submitted to and agreed by the Local Planning Authority.

Reason:

In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

9 Construction Management Plan

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:

- a. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and

- security procedures;
- b. site preparation and construction stages of the development;
  - c. 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;
  - d. 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;
  - e. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - f. 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;
  - g. noise mitigation measures for all plant and processors;
  - h. details of contractors compound and car parking arrangements;
  - i. Details of interim car parking management arrangements for the duration of construction;
  - j. 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 CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

10

Cycle Parking

Prior to occupation the approved development shall make provision for cycle parking and cycle storage facilities in accordance with submitted plans. Such spaces shall be permanently retained thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

11

Sound Insulation

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

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The approved mitigation scheme shall be implemented in its entirety before any of the residential units are occupied.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

12

Contamination Part 1

Before development commences other than for investigative work:

- k. 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.
- l. 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.

- m. 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.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

13 Contamination 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 policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

14 Air Pollution

Prior to the commencement of the development hereby permitted (other than for Groundworks and Site Preparation Works) a Scheme of Air Pollution Mitigation Measures to be provided in the development to protect the amenities of future and neighbouring occupiers shall have been submitted to the Local Planning Authority and approved in writing. The approved Scheme of Air Pollution Mitigation Measures shall be implemented in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of future and neighbouring occupiers are protected in accordance with policy DM04 of the Barnet Local Plan and policies 5.3 and 7.14 of the London Plan.

15 Plant

The level of noise emitted from the any plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.



If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

16 Ventilation/ Extraction

Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should 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 measures shall be implemented in their entirety before any of the residential units are occupied.

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

17 Noise Assessment

A noise assessment, by an approved acoustic consultant, shall be carried out that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their entirety before any of the residential units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Adopted Barnet Development

Management Policies DPD (2012) and 7.15 of the London Plan 2011.

18 Hours of Construction

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 DM01 and DM04 of the Barnet Local Plan.

19 BREEAM

The non-residential units (use class A1) within the development hereby permitted shall all be constructed to achieve not less than a standard of 'Excellent' when assessed against a suitable and up to date (not prior to 2011) scheme under the Building Research Establishment Environmental Assessment Method (BREEAM). No non-residential unit within the development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a standard of 'Excellent' has been achieved (under the relevant BREEAM methodology) for the unit concerned and this certification has been submitted to the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

20 Code for Sustainable Homes

The residential (use class C3) dwellings shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 21 Lifetime Homes  
All 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 policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.
- 22 Wheelchair Housing  
Before the development hereby permitted commences details of the location within the development and specification of the two 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 two 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 prior to the occupation of the development.
- Reason:  
To ensure that the development is accessible for all members of the community and to comply with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.
- 23 Crime Prevention Strategy  
A crime prevention strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The strategy shall demonstrate how the development meets 'Secured by Design' standards. The development shall thereafter be carried out in accordance with the approved details.
- Reason:  
To ensure that satisfactory attention is given to security and community safety in accordance with policy DM02 of the Development Management Policies (2012).
- 24 Play Equipment  
Prior to the first occupation of the development a scheme detailing the specification and location of all play equipment to be installed in the communal amenity space identified on the plans hereby approved 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 CS7 of the Core Strategy and DM02 of the Development Management DPD and policy 3.6 of the London Plan 2011.

25 Communal Roof Amenity Area

Details of the proposed communal roof amenity space including details of hard and soft landscaping and proposed measures to enhance and promote biodiversity, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. All work comprised in the approved details 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. Any tree or shrub which forms part of the approved 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

26 Boundary Treatment

Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site 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 the first occupation of the development hereby approved and be permanently retained as such thereafter.

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan.

27

Piling

Piling or other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason:

To protect the water environment from contamination as piling has the potential to create new pathways for contamination to reach ground water, in accordance with the provisions of the NPPF and Policy DM04 of the Barnet Local Plan.

28

Privacy Measures

Notwithstanding the details shown in the plans submitted and otherwise hereby approved the building hereby granted consent shall not be occupied or brought into use unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all the windows and other openings in the proposed building that are to be permanently glazed with obscured glass, the method of opening of such windows and any additional screening proposed. Before the building hereby approved is occupied or brought into use the development shall be implemented in full accordance with the details and specifications approved under this condition 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 policies DM01 and DM02 of the Barnet Local Plan.

29

No Telecommunication Equipment

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 on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings 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 CS5 and DM01 Barnet Local Plan.

30 Architectural Details

Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for Groundworks and Site Preparation Works) unless and until details (necessary details specified in brackets) of the following features and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and brick detailing (annotated plans at a scale of not less than 1:20).
- External windows, balconies, doors, louvres and balustrading (annotated plans at a scale of not less than 1:20).
- Parapet Details (annotated plans at a scale of not less than 1:20).
- Details of Proposed Photo Voltaic Equipment (annotated plans and elevations at a scale of not less than 1:50).
- Depth of window reveals to a minimum depth of 100mm (annotated plans at a scale of not less than 1:20).
- Rainwater goods (annotated plans at a scale of not less than 1:10).
- Any means to be used for enclosing the basement car parking area (annotated plans at a scale of not less than 1:20).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

31 Use Class A1 Floorspace

The 289m<sup>2</sup> of floorspace hereby approved for purposes falling within Class A1 shall be used for non food retail use only and shall not be amalgamated or subdivided without the prior written provision of the Local Planning Authority.

Reason:

To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises does not prejudice the amenities of the future and neighbouring residential occupiers or adversely affect highway safety in

accordance with policy DM01 of the Barnet Local Plan.

32 Delivery Hours

No delivery to or collection from the site shall take place before 7.00am or after 7.00pm Mondays to Saturdays and a maximum of 4 deliveries shall take place on Sundays of which, 1 delivery shall be permitted between the hours of 9.00am and 10.00am and 3 deliveries shall be permitted between the hours of 10.00am and 4.00pm.

Reason:

To prevent the use causing an undue disturbance to occupiers of neighbouring residential properties and potential future occupiers of the development at unsocial hours of the day in accordance with policy DM01 of the Barnet Local Plan.

33 Commercial Unit Opening Hours

The ground floor commercial units hereby approved shall not be open to customers before 7:30am or after 9:00pm from Monday to Saturday or before 10:00am or after 6:00pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Barnet Local Plan.

**INFORMATIVE(S):**

- 1 To ensure the re-instatement of the footway and suitability of the remaining crossover the applicant will be required submit an application under Section 184 of the Highways Act (1980). The removal of the existing crossover, and any associated works on the public highways will be reviewed 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.
- 2 The applicant is advised that for construction works adjacent or affecting the public highways, the council's Street Based Services should be contacted on 0208 359 4600 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 3 The applicant is advised that The A1000 High Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic
- 4 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). 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.

5 The applicant is encouraged to develop a voluntary travel plan and /or promote more sustainable forms of travel in order to demonstrate commitment to the benefits of reducing vehicle use and increasing walking, cycling and public transport use. Further advice can be provided by the Council's Travel Plan Coordinator via [abetterwaytowork@barnet.gov.uk](mailto:abetterwaytowork@barnet.gov.uk).

6 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £126,315 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £ 487,215 payment under Barnet CIL.

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

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

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

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



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

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

Relief or Exemption from CIL:

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

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

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

Please visit

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

## **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 development plan documents in the Barnet Local Plan (adopted September 2012). These statutory development plans are the main policy basis for the consideration of this planning application. A number of other documents, including 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 in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The officers have considered the development proposals very carefully against the relevant policy criteria and, for the reasons set out in this report, have concluded that the development would fail to comply with the requirements of the development plan, for the reasons set out above.

## The London Plan

The London Plan (adopted July 2011) is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

### **Context and Strategy:**

1.1 (Delivering the Strategic Vision and Objectives for London)

### **London's Places:**

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); and 2.18 (Green Infrastructure: the Network of Open and Green Spaces)

### **London's People:**

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); and 3.16 (Protection and Enhancement of Social Infrastructure)

### **London's Response to Climate Change:**

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); and 5.21 (Contaminated Land)

**London's Transport:**

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.4 (Enhancing London's Transport Connectivity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

**London's Living Places and Spaces:**

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing Noise); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

**Implementation, Monitoring and Review:**

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevant to the determination of this application are:

**Core Strategy (Adopted 2012):**

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)

CS8 (Promoting a strong and prosperous Barnet)

CS9 (Providing safe, effective and efficient travel)

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 (Adopted 2012):**

DM01 (Protecting Barnet's character and amenity)  
DM02 (Development standards)  
DM03 (Accessibility and inclusive design)  
DM04 (Environmental considerations for development)  
DM08 (Ensuring a variety of sizes of new homes to meet housing need)  
DM10 (Affordable housing contributions)  
DM11 (Development principles for Barnet's town centres)  
DM14 (New and existing employment space)  
DM16 (Biodiversity)  
DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance and documents are material to the determination of the application.

**Local Supplementary Planning Documents and Guidance:**

Planning Obligations (April 2013)  
Sustainable Design and Construction (April 2013)  
Affordable Housing (February 2007)  
Contributions to Education from Development (February 2008)  
Contributions to Health Facilities from Development (July 2009)  
Contributions to Library Services from Development (February 2008)  
Residential Design Guidance (April 2013)  
New Barnet Town Centre Framework (November 2010)

**Strategic Supplementary Planning Documents and Guidance:**

Accessible London: Achieving an Inclusive Environment (April 2004)  
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)  
All London Green Grid (March 2012)  
Housing (November 2012)

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 that are considered to accord with the development plan.

## 1.2 Key Relevant Planning History

Application Ref.	Address	Description of Development	Decision and Date
N01188M	1412-1420 High Road LONDON N20 (Brook House)	Erection of a part four/part five storey block of offices with three flats and roof garden on fifth level, with surface and basement parking provision.	APPROVED 06/01/1988
N01188N	PETROL FILLING STATION 1418 High Road LONDON N20 (Brook House)	Redevelopment of petrol filling station, including new canopy, pump islands, single-storey sales/office building and car wash.	APPROVED 10/02/1988
N01188R	1412-1420 High Road LONDON N20 (Brook House)	Change of use of 2 flats on top floor to Class B1 (Business) Use.	APPROVED 29/01/1991
N01188T	1412-1420 High Road LONDON N20 (Brook House)	Change of use of fourth floor flat from residential to offices (B1).	APPROVED 12/08/1992
N/16024/08	Former BP Garage, 1412-1420 High Road LONDON N20	Demolition of former petrol filling station forecourt shop building, and erection of a seven storey mixed use building, comprising class A1, A2, A3 and B1 commercial floorspace at ground floor and 40 residential units on upper floors with associated car parking at basement level.	REFUSED 27/05/2008

## 1.3 Public Consultations and Views Expressed

Neighbours Consulted: 412    Replies: 14  
 Neighbours Wishing To Speak 2

The following is a summary of the comments received grouped under the headings below:

### Design and Scale

- Proposed Height Excessive out of keeping with character of area;
- Design and appearance of proposal not in keeping with character of area;

#### Officer Response

*The proposed building would be no higher than the adjoining office building at Brook Point and would be viewed against this backdrop and the larger backdrop of Northway House on the opposite side of the High Road. In this context while the proposed building would appear large it would not appear out of keeping with the surrounding townscape. The proposed design is also considered acceptable, helping to break up the visual mass of the building and provided an attractive building in keeping with the streetscene. Design and Character issues are assessed in section 3.6 of this report*

#### Impact on Amenity

- Loss of Light to neighbouring Office at Brook Point;
- Loss of Light to neighbouring Residential Properties;
- Loss of Privacy;
- Overshadowing as a result of height;

#### Officer Response

*The proposal is located between 6-9 metres from the office building at Brook Point and 70m from the nearest residential properties in Chandos Avenue. The proposal is also accompanied by a Daylight Sunlight Assessment which shows that the proposal would not result in any significant loss of daylight, sunlight or overshadowing to neighbouring residential properties. Obscure glazing and use of louvers are proposed in the south elevation to address potential overlooking to and from Brook Point. Issues to do with impact on amenities of neighbouring properties is covered in section 3.7 of this report.*

#### Highway Safety

- Insufficient Parking;
- Highway safety issues due to increase in cars entering and leaving the site at this point;

#### Officer Response

*The level of car parking provision has been assessed by the Council's Highway Officer and Transport for London. The level of provision of 31 spaces for the residential units and 8 spaces for the commercial units is in accordance with London Plan guidance for development in this PTAL zone.*

*The existing use of the site for a car wash and the previous use as a petrol filling station generates a higher number of vehicular movements than the proposed use of the site. The proposal has been assessed by the Council's Highway Officer and Transport for London who have advised that the proposed access is satisfactory*

*subject to conditions and the applicant entering into a S106 agreement to pay for highway improvements. Transport and Parking matters are covered in section 3.8 of this report.*

#### Other

- Proposal will introduce a noise sensitive use which could lead to complaints and affect the future viability of adjoining industrial units;
- Retail units not needed as already vacant retail in area;
- Cumulative impact in conjunction with other developments in area including Northway House.

#### Officer Response

*The proposal is subject to conditions requiring the provision of soundproofing and the use of mechanical ventilation which would limit the opportunity for future conflict.*

*The proposal involves the provision of two small non food retail units which are not considered to affect the vitality or viability of other units located in the wider Whetstone Primary Shopping Frontage.*

*The cumulative impact of the proposal has been taken into account particularly in relation to highway impact. However planning law requires that each application needs to be judged on its own merits and assessed accordingly.*

#### Residents Association

The Friern Barnet & Whetstone Residents' Association has submitted the following comments:

- Proposed development excessive height unrelated to the scale of adjoining buildings
- Density excessive and insufficient amenity space provided
- Proposal will increase number of vehicles entering and leaving this portion of the high street affecting highway safety.

#### Officer Response

*It is considered that the height of the proposal is in keeping with the scale of adjoining buildings, and it is not considered that the density is excessive in this location and sufficient amenity space for the units is provided. The impact of the proposal on the adjoining highway is considered satisfactory subject to conditions and the applicant entering into a S106 agreement to pay for highway improvements.*

#### Member of Parliament

Theresa Villiers MP has forwarded a letter of objection from a residents asking that their views are taken into consideration. (Comments incorporated in summary of consultation responses above).

Date of Site Notice: 9 May 2013

## **Consultation Responses from Statutory Consultees and Other Bodies**

### **Environment Agency**

The Environment Agency (letter dated 21<sup>st</sup> May 2013) have no objection in principle to the proposed development subject to conditions set out in the recommendation above.

### **London Fire and Emergency Planning Authority**

No objections raised to proposal.

### **Metropolitan Police**

No objections in principle raised, however concerns expressed regarding preventing unauthorised access to the basement parking area and requirement to achieve secured by design accreditation.

### **Transport for London**

No objection to proposal providing comments have been taken into account. These comments include a requirement for refuse collection to be provided at the front of the premises and for the car parking levels to be reduced to 28 spaces.

## **Internal Consultations**

### **Traffic and Development Team:**

The Highways Group have no objections subject to conditions and a S106 legal agreement to secure a contribution of £30,000 towards improvements and alterations to the public highway in the vicinity of the site.

### **Environmental Health Service:**

Noise issues should be addressed though the provision of mechanical ventilation. Noise, air quality and contamination conditions are also suggested.

## **2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**

### **2.1 Site Description and Surroundings**

The development site comprises a former BP filling station at 1412-1420 High Road in Whetstone on the east side of the High Road at the northern end of Whetstone town centre. The site has been partially cleared and is currently vacant. Marks & Spencer (M&S) and Carpet Right are located to the north of the site, whilst Brook Point, a 5-storey office block, sits to the south. The vehicular access road and car park for M&S form the northern and eastern boundaries of the site respectively.



Northway House is an isolated 12-storey office building on the opposite side of the High Road and slightly to the south of the site. This building sits adjacent to two-storey traditional high street terraces and a single-storey self-storage warehouse (Michael Gerson Ltd). Brook Farm Open Space and allotments are also located opposite the site on the west side of the High Road. Beyond M&S the area is predominantly residential in character. The site is approximately 70m from the northern end of the Main Retail Frontage of Whetstone town centre, and 750m from Totteridge and Whetstone Underground Station.

There are two existing vehicle crossovers servicing access points to the site which relate to the former use as a petrol filling station. The site occupies an area of approximately 1140sq.m (0.114Ha).

## **2.2 Description of the Proposed Development**

The application proposes the redevelopment of the site comprising a mixed use redevelopment of former petrol station to erect a six-storey building to provide 22 self-contained residential units and 2 retail units at ground floor level. Provision of a double basement car park and cycle parking and communal rooftop amenity area.

In addition to the application drawings the documents accompanying the submission include the following:

- Planning Statement;
- Design and Access Statement;
- Acoustic and Vibration Report;
- Air quality report;
- Daylight and sunlight statement;
- Financial Viability Report;
- Land investigation Report;
- Sustainability and Energy Statement;
- Transport Statement; and
- Utilities Statement

## **2.3 Background to the Application**

As noted within section 1.2 above 'Key Relevant Planning History', a previous application was submitted for the demolition of the former petrol filling station and the erection of a seven storey mixed use building providing A1, A2, A3 and B1 commercial floorspace at ground floor and 40 residential units on upper floors with associated car parking at basement level (Ref: N/16024/08).

The application was submitted and assessed in conjunction with a separate planning application for the redevelopment of 713 Finchley Road in Childs Hill, NW11 (application reference: C/00896Y/08). The applications proposed to provide all of the required affordable housing units on the Finchley Road site along with some private units, whilst the Whetstone site would only accommodate private flats.

The previous application was refused by Members of the Planning & Environment Committee on 27<sup>th</sup> May 2008 on the following grounds:

- 1 The proposed development would, by reason of its mass, bulk, size and design, be overbearing, visually obtrusive and detrimental to the character and appearance of the area and the street scene contrary to Policies GBEEnv1, GBEEnv2, D1, D2, D3, D4, D7 and H16 of the Adopted Barnet Unitary Development Plan (2006).
- 2 The development would require the provision of on-site units for affordable housing and no formal undertaking is given to provide these units within the development contrary to Policies H5 and IMP1 of the London Borough of Barnet Adopted Unitary development Plan (2006).
- 3 No formal undertaking is given to meet the extra educational costs arising as a result of the development contrary to Policy CS8, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan (2006).
- 4 No formal undertaking is given to meet the extra library costs arising as a result of the development, contrary to Policy IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan (2006).
- 5 No formal undertaking is given to meet the costs of making necessary improvements to local parks and open space to meet the needs of potential future occupiers of the proposed residential development, contrary to Policy L12, H20, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary development Plan (2006).
- 6 The development would require works to improve and adapt the highway in the vicinity of the site and no formal undertaking is given to meet the costs of these works to the detriment of the safety and free flow of traffic and contrary to Policies M13, IMP1 and IMP2 of the London Borough of Barnet Adopted Unitary Development Plan (2006).

The current application differs from the previous application in several regards. The main points of difference are as follows:

- Height – Building reduced from 7 to 6 storeys and upper storey stepped back from front of building
- Alterations to ground floor level with retail units being constructed out of brick with louvered aluminium screens;
- Alterations to the design of the building providing a stepped façade with integrated balconies in contrast to the more cluttered appearance of the refused scheme;
- Reduction in number of residential units from 40 to 22;
- Removal of B1 space from proposal and total reduction of commercial space from 456 m<sup>2</sup> to 289 m<sup>2</sup>;
- The previous scheme proposed off site affordable housing provision, the current scheme does not propose any affordable housing and is accompanied by a viability assessment to justify this position;

## Amendments

The applicant has amended the scheme post submission. The main changes of which are as follows:

- 1) A reduction in the ground floor commercial floor heights
- 2) A reduction in residential floor slabs to reduce the overall floor to floor heights.
- 3) Penthouse ceiling height reduced and private terrace access levels amended.
- 4) The brick parapet of the private terrace areas on the west elevation( facing the high road) has been reduced to match the eaves height of brook point, with a glass balustrade fixed to the back of the parapet.
- 5) The penthouse parapets have been reduced to match the ridge level of Brook Point.
- 6) The roof top amenity parapet has been reduced with a glass balustrade fixed to the back of the parapet.
- 7) The lift and stair access to the roof top amenity space has been reduced and its form amended.

The net effect of the above changes reduces the overall height of the building by a further 1.1m over and above the scheme as submitted.

## Additional Consultation

Neighbouring properties have been reconsulted in relation to the proposed amendments. Two further objection letters have been received as a result of the reconsultation. Comments are incorporated in the summary of consultation responses above.

## **3. PLANNING CONSIDERATIONS**

### **3.1 Principle of the Development**

The application proposes the provision of 22 residential units along with two retail units at ground floor level measuring 107 m<sup>2</sup> and 170 m<sup>2</sup> in area (289 m<sup>2</sup> in total including shared circulation space). The application form states that these will be non food retail. The appropriateness of these uses is discussed in turn.

### Retail Use

The National Planning Policy Framework (NPPF) requires Local Plans to promote competitive town centres and to define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations (Paragraph 23). Local planning authorities should *'apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.'* (Paragraph 24) *'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m)'* (Paragraph 26).

The London Plan 2011 Policy 4.7 requires planning authorities to take account of the scale of retail development proposed. Retail should be 'focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres. Proposals for new or extensions to existing, edge or out of centre development will be subject to an assessment of impact.

Local Plan Policy is set out in the Core Strategy (CS) (Adopted 2012) and Development Management Policies (DMP) (Adopted 2012). Chapter 11 of the Core Strategy and Policy CS6 of the Development Management Plan requires Development proposals for main town centre uses in edge of centre or out of centre locations need to demonstrate that the proposal site has been identified through a sequential approach in accordance with the National Planning Policy Framework.

Whetstone is identified as a District Town Centre in the Adopted Core Strategy and Development Management Policies. The extent of the town centre is defined in planning policy terms by its Primary Retail Frontage. The development site is located approximately 70m beyond the last retail unit at the northern end of Whetstone's Primary Retail Frontage. It is therefore technically an edge-of-centre location in policy terms, however there are several existing large retail stores (Marks & Spencer, Halfords, Carpet Right and a tile store) located to the north of the site outside of the defined town centre retail frontage. While these units are outside of the designated frontage it is acknowledge that they draw a certain level of pedestrian footfall as well as vehicular borne customers beyond the end of the existing retail frontage and outside of the town centre. This existing footfall runs right past the development site. It can therefore be considered that the provision of limited retail uses in this location could provide a useful link between the end of the designated Whetstone town centre retail frontage to the south and Marks & Spencer/Carpet Right to the north which could therefore contribute to the vitality and viability of Whetstone town centre. Due to the limited footprint of the retail space provided which

is split into 2 smaller units it is not considered that a sequential assessment is required in this instance in accordance with the proportional approach set out in the NPPF. The proposal for 289 m<sup>2</sup> of A1 non- food retail is considered acceptable in this specific circumstance and with the conditions and controls included in the conditions contained in the recommendation of this report.

### Residential Use

The NPPF advises that *'residential development can play an important role in ensuring the vitality of centres'* and that Local Authorities should *'set out policies to encourage residential development on appropriate sites.'* (Paragraph 23).

The London Plan 2011 identifies *'the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford'* (Policy 3.3).

Policy CS6 of the DMP advises that *'Residential accommodation in town centres can help contribute to vitality and viability by increasing trade for business and enhancing levels of natural surveillance and activity throughout the day and evening. Town centre homes also offer their occupiers ready access to town centre-based services, goods and facilities and public transport, thereby reducing the need to travel by car. However care should be taken to ensure that the primary retail function is not impacted by residential uses.'*

The development site is on the edge of Whetstone town centre with shops, services, public open space, and Totteridge and Whetstone Tube Station all within walking distance. There are also several bus services along the High Road which pass the site and the site has a 4 PTAL rating. The site is therefore considered accessible and sustainable. The impact of the proposed building on its surroundings will be considered later in this report. The site is not within Primary or Secondary retail frontage and is not allocated in the Barnet Local Plan for other uses, therefore the principle of residential accommodation in this location is considered acceptable, subject to compliance with other relevant policies.

It is considered that the mix of uses proposed for this site will help contribute to the vibrancy and activity of the town centre without compromising the vitality and viability of existing retail and commercial uses in the town centre.

### **3.2 Dwelling mix**

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

The proposal would provide four 1 bed (18%), eight 2 bed (36%) and ten 3 bed (45%) family dwellings. The mix accords with the adopted Local Plan Policy. Given the location of the site within Whetstone Town Centre and given the constraints of the site which limit the ability to provide any further amenity space on the development, the proposed housing mix is considered acceptable in accordance with Local Plan objectives.

### **3.3 Tenure Mix**

The previous scheme for the redevelopment of this site (Ref: N/16024/08) proposed 40 residential units as part of a mixed use development. The application was assessed in conjunction with a separate planning application for the redevelopment of 713 Finchley Road in Childs Hill, NW11 (application reference: C/00896Y/08).

The applications proposed to provide all of the required affordable housing units on the Finchley Road site along with some private units, whilst the Whetstone site would only accommodate private flats.

This was considered unacceptable by the Planning Committee and the application was refused inter alia on the grounds that *‘the development would require the provision of on-site units for affordable housing and no formal undertaking is given to provide these units within the development contrary to Policies H5 and IMP1 of the London Borough of Barnet Adopted Unitary development Plan (2006).’*

The current application proposes 22 residential units, all of which are private.

The NPPF states that local planning authorities should:

*“where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”* (NPPF: para 50).

The Mayor’s London Plan 2011 sets a London wide target for affordable housing and states that *“Boroughs should set an overall target in LDFs for the amount of affordable housing provision needed over the plan period in their areas”* (Policy 3.11). It also indicates more tenure mix flexibility of 60:40 split between social rent and intermediate.

Local Plan Policy as set out in Policy CS4 of the Core Strategy and Policy DM10 of the DMP as well as in the adopted Supplementary Planning Document ‘Affordable Housing’ which expands upon the policies contained within the CS and DMP. These

policies advise that developments involving 10 units or more are expected to provide 40% affordable housing consisting of 60% social rented and 40% intermediate.

Barnet's Affordable Housing Policies accept that there are circumstances when schemes can not provide the full quota of affordable housing with the SPD advising that:

*'There may be exceptional circumstances which occasionally justify a reduction in the level of affordable housing provision. A developer should, however, take affordable housing provision and other known requirements and constraints into account when negotiating the purchase of land rather than assume a discount on affordable housing provision.'*

*Standard development costs that will not be considered as exceptional include: demolition; landscaping; surveys (e.g. archaeological or ecological); or ground conditions. In such circumstances the onus will be on the applicant to demonstrate that these costs are not offset by depreciated land value or cannot be recouped in the sale price of units.*

*In cases where there are genuine unforeseen costs associated with the site (e.g. unexpected contamination) and all other sources of remedial finance have been exhausted, the council will expect 'open book' negotiations and may seek independent viability advice on both costs and values. It will also require an Independent Financial Appraisal (IFA) to assist in determining applications as one of the methods of assessment. The costs of this will be borne by the applicant as it seeks to justify the development business case and planning merits of reduced affordable housing provision.'*

In the case of the current application the applicant has submitted a financial viability assessment by Housing People Partnership. The Council has had this information independently verified by GVA who have confirmed that the scheme will not be viable if any affordable housing is provided. Due to the length of time which the application has taken to be assessed a second viability assessment was undertaken in September 2013, which also confirmed that the scheme can not provide affordable housing and remain viable.

The mechanism by which viability is assessed excludes land purchase price and is based on Existing Use Value. It is noted that the site is constrained, with the majority of the footprint of the site taken up with built structure with car parking provided in the form of a double basement which drives up development costs.

In these circumstances given the constraints on development including contamination costs and the necessity of providing basement car parking due to the limited size of the site, the non provision of affordable housing is considered acceptable in this instance in accordance with the exceptions allowed under national and local policy.

### **3.4 Density of development**

London Plan policy 3.4 seeks to optimise the housing potential of sites. This policy provides a guide to appropriate density ranges for particular locations, depending on accessibility and setting.

The site has a 4 PTAL rating. The proposed development would provide 22 units at a density of 200 units per hectare or 818 habitable rooms per hectare which is just above the top end of the scale permitted under the London Plan matrix for urban sites with a PTAL of 4 -6.

However given the town centre location of the development the proposed density is not in itself considered to be objectionable subject to assessment of the sites ability to accommodate the scale of development without having any adverse impacts on the character or appearance of the surrounding area or impact upon the capacity of the adjoining highway, and subject to compliance with other relevant policies and standards for residential accommodation.

### **3.5 Standard of accommodation provided and amenities of future occupiers of the proposed dwellings**

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

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.

#### **External amenity space provision**

The council's adopted supplementary planning documents (SPDs), Sustainable Design and Construction and Residential Design Guidance, and the Mayors adopted supplementary planning guidance, Housing, provide more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers which includes identifying minimum sizes for external amenity space. Barnet's Residential Design Guide advises that flats should provide 5 m<sup>2</sup> of amenity space for each habitable room.



The development contains 22 flats providing 155 habitable rooms. The scheme provides some form of private external amenity space for all units with balcony sizes ranging from 5 to 9 square metres on the lower storeys, while the penthouses on the set back top floor having terraces of 91 and 113 square metres. In addition to this space a communal roof top amenity space is provided on the top of the building providing a communal space of 340 square metres which also contains an area designated as potential children's play space. The total amenity space provided in the development is 705.5 m<sup>2</sup> which is above the required standard of 650 m<sup>2</sup>.

It is also noted that the site is located within 250m of Brook Farm and Wyatt's Farm Park open space.

It is therefore considered to provide an acceptable level of private and communal outdoor amenity space for future occupiers of the development and it is considered that the proposal satisfactorily addresses the previous reason for refusal relating to inadequate amenity provision.

#### Dwelling sizes and Room Sizes

Policy 3.5 of the Local Plan advises that LDF's should incorporate minimum space standards which comply with Table 3.3 which provides a minimum gross internal floor area for different types of dwellings. Detailed guidance concerning dwelling size and minimum room sizes are set out in the Mayor's London Housing Design Guide. Having regard to these areas, the minimum floor areas of the proposed flats comfortably exceed the minimum standards and the individual room sizes in all of the units would also comply with the Mayor's standards.

#### Dwelling outlook, daylight/sunlight and privacy

Development plan policy requires that new dwellings are provided with adequate outlook. Other than the 4 one bed units which are east facing over the Marks and Spencer car park, the remaining 18 units are dual or triple aspect in the case of the penthouse flats. Fenestration on the building is in the form of large scale vertical windows which maximise outlook. The application is accompanied by a Daylight and Sunlight assessment. This assessment shows that with the exception of two bedrooms all of the proposed dwellings would comply with the Average Daylight Factor Test outlined in the Building Research Establishment Daylight and Sunlight Guide. In relation to sunlight 4 living rooms and 5 bedrooms will receive less light than the BRE guidelines however this is inevitable on flatted schemes due to solar orientation. The level of sunlight received by the 4 affected living rooms would receive 14% of available annual sunlight hours and 3% during the winter months which is considered acceptable.

#### Noise and air quality

The Council's Environmental Health Service have been consulted on this application and have recommended conditions should be imposed requiring details of mechanical ventilation and noise insulation and information regarding any plant to be submitted and approved, in order to ensure appropriate insulation from the noise generated from nearby traffic and neighbouring industrial and business uses. Subject to the attachment of such conditions 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

In summary, the proposal is considered to provide an acceptable standard of amenity for future occupiers and would therefore comply with Local Plan Policy DM02 and the Residential Design Guidance as discussed above.

#### **3.6 Design and character 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 states 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. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The London Plan also contains a number of relevant policies on character, design and landscaping. 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.

Barnet Local Plan policy CS6 seeks to 'ensure that new development is of an appropriate scale and character for the centre in which it is located'.

The previous scheme (Ref: N/16024/08) which proposed a seven storey development on the site was refused inter alia for the following reason:

*'The proposed development would, by reason of its mass, bulk, size and design, be overbearing, visually obtrusive and detrimental to the character and appearance of the area and the street scene contrary to Policies GBEEnv1, GBEEnv2, D1, D2, D3, D4, D7 and H16 of the Adopted Barnet Unitary Development Plan (2006).'*

The application has been designed to overcome the previous reasons for refusal, with the height of the building reduced from 7 to 6 storeys, with the 6<sup>th</sup> storey set back from the eaves of the building. Due to this setback the top storey will not be immediately visible from street level directly outside the site but will be visible from longer distance vistas. The height of the top storey has been further reduced post submission by means of lowering the height of the ground floor commercial units allowing the overall height of the building to be reduced by 1.1m as well as the 4<sup>th</sup> floor parapets. This allows the eaves height and the top of the recessed top floor to align with the eaves and ridge of Brook House.

In considering the impact of the proposal on the prevailing townscape it is important to consider views of the site from the south and north. From the north the site is seen against the backdrop of the 5 storey office building at Brook Point, the three storey buildings beyond and also in the context of the 12 storey Northway House located on the opposite side of the road. In views from the south, the application property is located just to the north of 5 storey Brook House and is viewed in the context of this building, with the Marks and Spencer/ Carpet Right/ Halfords Building (1 ½ storeys) and Travelodge Building (4 Storeys) providing the backdrop to the north. While the proposed building is taller than the buildings located further to the north the building carries across the height and mass of Brook Point and as such results in a lesser impact than if this building was sited in isolation and it is not considered that townscape views will be significantly affected.

Notwithstanding the reductions in scale the proposed building will undoubtedly still appear as a large building. Also given the single storey nature of the car wash structures and the previous petrol filling station the proposed building will be significantly larger than existing and previous structures on the site. However in the context of the surroundings and the scale of neighbouring buildings, it is not considered that the proposal would appear out of scale or adversely affect the surrounding townscape.

The design of the proposed building is also significantly altered from the refused scheme, with the previous scheme incorporating projecting balconies, angled elements and a mixture of red brickwork and rendered block work. The current scheme proposes a more clean cut look with large vertical windows, louvered screens, inset balconies and use of lighter coloured brickwork. The frontage and side return of the building is also staggered breaking up the massing of the building. The proposal contains an active frontage in the form of two retail units fronting the High

Street to the west. This would help to fill in what is currently a gap on the street frontage and represents a significant improvement over the current use of the site.

Overall it is considered that the scheme has satisfactorily addressed the previous reason for refusal resulting in a well designed building reflective of the scale of its immediate surroundings and in keeping with general urban grain of the street scene. The proposed development is therefore considered to be acceptable in terms of its impact on the character and appearance of the locality in accordance with the aforementioned policies.

### **3.7 Impacts on amenities of neighbouring and surrounding occupiers and users:**

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring occupiers and users through requiring a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted.

#### Overlooking and Loss of privacy

The Residential Design Guidance SPD identifies that there should be a minimum distances of about 21m between properties with facing windows to habitable rooms and 10.5m to neighbouring gardens, in order to avoid overlooking in new developments. In relation to the application proposal the application site faces towards the High Road (A1000) to the West, the Marks and Spencer/ Carpet Right building to the north, a car park to the east and the adjoining office building to the south. The closest residential properties are located in Chandos Avenue approximately 70m to the south and south-east, with views partly obstructed by the office building at Brook Point.

Due to this orientation the proposal would not result in any loss of privacy to adjoining occupiers located to the north, east and west but could potentially cause mutual overlooking issues in relation to the office building to the south. In order to avoid potential issues, the applicant has suggested the use of obscure glazing and louvers to prevent overlooking of residential living areas. A condition is recommended to secure such provision.

#### Daylight and sunlight/outlook and visual impact

The proposal is accompanied by a Daylight and Sunlight Report. This report demonstrates that all surrounding residential properties and gardens will continue to receive adequate levels of daylight and sunlight in accordance with the BRE guidelines. It is not considered that the proposal would be overbearing in its visual impact when viewed from residential properties due to the distance separation.

In relation to comments received regarding potential loss of light by an adjoining office. The property in question is Brook Point located approximately 6-9m away to the south on the other side of the vehicular access to Brook Point. It is noted that the BRE guide does not apply to commercial buildings such as offices and each case needs to be assessed on its own merits. The application proposal is located directly to the north of Brook Point and as such would not affect levels of sunlight to this property. In relation to daylight the proposed distance separation of between 6-9m is considered adequate given that the development concerns commercial development fronting a main road. Angled views and light would remain to the north east and west either side of the proposed development and overall the relationship between the building is considered acceptable.

### Noise

The residential dwellings 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 in the normal course of their occupation. The proposal includes mechanical ventilation and conditions have been suggested by Council's Environmental Health Service regarding the operation of this and any other plant to ensure that neighbouring amenity is not affected.

In relation to the concerns expressed by a neighbouring business that the introduction of residential use could potentially result in noise complaints affecting the future operation of an adjoining existing business, namely the haulage company located on the opposite side of the High Road. It is noted that the scheme proposes the provision of mechanical ventilation and sound insulation conditions are also attached to the proposal. It is considered that these measures would limit the potential of future conflict and the scheme is considered acceptable in this regard.

In relation to construction works, a condition has been imposed to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance. This includes 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 protection of the amenities of neighbouring and surrounding occupiers and users.

### **3.8 Transport, parking and highways matters:**

The site is located on the A1000 High Road, N20 on the edge of Whetstone Town Centre. The A 1000 is part of the Strategic Road Network (SRN) Route and is a bus route. The site is in close proximity to Totteridge and Whetstone underground station and town centre amenities. The site was previously used as a petrol station. The

site is adjacent to the private vehicle access to the Marks and Spencer store to the north. There is a turn right lane utilised by vehicles turning into the previous petrol station and into the Marks and Spencer store development.

Several waiting restrictions apply in the vicinity of the site, including no waiting at anytime, however there are no restrictions to parking in sections of the road network in the vicinity of the site. There is a pedestrian crossing island in the A1000 fronting the site, which is used by pedestrians accessing sites including the commercial premises and bus stops on both sides of the A1000 and Totteridge and Whetstone underground station. There is a further pedestrian crossing on the A1000 to the north of the site in close proximity to the proposed development.

The Public Transport Accessibility Level (PTAL) is graded from 1 for poor accessibility to 5/6 for excellent accessibility. The site has a PTAL score of 4 and is therefore within a medium accessibility level area. The site is within walking distance to Totteridge and Whetstone underground station and in close proximity to several bus routes.

#### Policy context

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network, seek more environmentally friendly transport networks, ensure that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan Document sets out the parking standards that the Council will apply when assessing new developments. Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

#### Access Arrangements

The previous petrol station use was served by two separate vehicle accesses from the A1000 an entry access at the northern boundary, which is no longer in use, and an exit access shared with the adjacent Brook Point building. The proposal is to maintain the existing shared access at the southern boundary of the site to provide a two way access to the proposed new underground car parks, shared with the existing access to the adjacent Brook Point building.

The proposed development is located on High Road, N20 which is on the Strategic Road Network (SRN). As the site was formerly a Petrol Filling Station the crossovers to the site were heavy duty crossovers. One of the crossovers is being removed and the footway must be reinstated to footway-construction. This will be covered by separate agreements under the Highways Act

#### Parking provision

The parking standards in the Local Plan recommend a maximum of 1 space per 1 bedroom flat and 1 to 1.5 parking spaces for 2 and 3 bedroom flats and a maximum of one space per 50-30 sqm for non food retail use in a PTAL 4 to 2 areas. This equates to 18 to 31 parking spaces for the residential element of the development and between 5 and 9 parking spaces for the retail element for staff or customer use.

The proposal includes 31 parking spaces for the residential development and 8 parking spaces for the commercial development. Car parking is proposed in a double level basement. The parking provision of 31 spaces for the residential element of the development based on the proposed mix is in accordance with London Borough of Barnet Parking Standards.

The proposed parking provision of 8 spaces for the commercial element of the proposal meets the standards on the London Plan and is acceptable on highways grounds.

The basement car parks are accessed via ramps and the gradient for the ramp are no steeper than 1 in 10 which is acceptable on highways grounds.

Conditions are suggested requiring the provision of 20% active and 20% passive electric car charging points in accordance with London Plan Policy.

### Cycle Parking

A total of 32 cycle parking spaces should be provided for the residential element of the development in order to meet the recommendation in the London Plan. For the commercial element of the proposal a total of 2 cycle parking spaces are required. The proposal includes provision of 32 cycle parking spaces for the residential development and 2 spaces for the commercial which is in accordance with the recommendations in the London Plan.

### Refuse Collection and Servicing Arrangements

Separate refuse collection points are proposed for the residential and commercial elements of the scheme.

The original proposal included arrangements for refuse collection vehicles to reverse into the site to carry out collections. These arrangements were not acceptable and the proposal has been revised to provide refuse collection being carried out from the public highway. Transport for London (TfL) has commented on this application and recommended that refuse collection should be carried out from an on street location.

In order to allow for refuse vehicles to load safely from the public highways it will be necessary to review the existing road layout in the vicinity of the site. The review will involve a feasibility study for relocation of existing pedestrian crossing facilities at the frontage of the site and any necessary alterations to existing waiting restrictions and road markings. A section 106 contribution of £30,000, consisting of £5,000

feasibility studies cost and up to £25,000 implementation costs, will be required to carry out the feasibility study and implementation of measures identified in this study.

### Parking, highways and transport conclusions

Subject to the attachment of appropriate conditions and subject to the applicant entering into a S106 to make an appropriate contribution to highway improvements as specified above, the scheme is considered broadly acceptable, and would not adversely affect the safety and freeflow of vehicles or pedestrians and provides an appropriate level of parking and cycle provision in this location.

### **3.9 Creating inclusive environments for all members of the community:**

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Proposals should demonstrate how the principles of inclusive design have been integrated into the development for which consent is sought.

All of the proposed dwellings will be built to lifetime homes standards, and level access and Part M compliant level and door opening widths will be provided to all units and the staircase is also designed to be usable by ambulant disabled persons. 2 units (i.e. 10%) are designed to be fully wheelchair accessible.

### **3.10 Contaminated land and water quality issues:**

The application is accompanied by a Contaminated Land Report. The Environment Agency and the Council's Environmental Health Service have not raised any objections to the proposal subject to the attachment of appropriate conditions.

### **3.11 Safety and security matters:**

Development plan policies 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.

The Metropolitan Police have expressed concerns regarding details of measures to control access to the basement car parking area and for the scheme to be designed to achieve secured by design (SBD) accreditation. This is considered reasonable given the prominent town centre location of the development and a condition requiring the development to achieve SBD accreditation. Subject to this 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.

### **3.12 Energy, climate change, biodiversity and sustainable construction matters:**

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions. Residential developments are currently required to achieve a 40% reduction in carbon dioxide emissions when



compared to the 2010 Building Regulations. However this target only applies to stage 1 applications received on or after the 1<sup>st</sup> October 2013. As this application was received in July 2013, the lower 2010-2013 requirement for a 25% reduction applies. Policy 5.3 of the London Plan 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.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes. The council's adopted Sustainable Design and Construction SPD provides that schemes such as this should achieve Code Level 4 or above against the Code for Sustainable Homes.

#### Carbon dioxide emissions

The application is accompanied by a Sustainability and energy report, which sets out a commitment to achieving level 4 under the Code for Sustainable Homes for the residential element and BREEM Excellent for the Commercial Element. As part of reaching this level under the Code for Sustainable Homes the dwellings proposed will need to achieve an improvement of 25% over the Target Emission Rate under the 2010 Building Regulations. The chosen options include built fabric improvements such as high insulation values, low energy lighting and high efficiency boilers, as well as the installation of photovoltaic panels on the roof of the development, thereby achieving a 25% betterment for the development.

The applicant has submitted an addendum showing that the scheme has incorporated as many energy reduction elements as they can in the confines of the site. The proposed improvement is in accordance with policy and is considered adequate for the scheme to comply with the requirements of policy on reductions in carbon dioxide emissions. A condition is therefore recommended to ensure that the development achieves Code Level 4, BREEM Excellent and this level of carbon dioxide reductions as a minimum. A condition has also been imposed requiring details of the photovoltaic panels to be installed to be submitted and agreed with the Local Planning Authority, in order to ensure an acceptable appearance.

### **3.13 Community Infrastructure Levy**

The Mayor of London is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in Greater London. The Mayor published a schedule for CIL in February 2012 and it came into effect in April 2012 which is set at £35 per sqm on all chargeable development.

The planning permission that will be granted as a result of this application will be liable for Mayoral CIL estimated at a cost of £126,315.

### **3.14 Barnet's Community Infrastructure Levy**

In May 2013 Barnet adopted its own local Community Infrastructure Levy which replaced the Council's SPD's on planning obligations in relation to Health, Education and Library Services contributions to off-set pressure of additional residents as a result of development. Barnet CIL is set at £135 per sqm on all 'chargeable development' in Barnet.

In accordance with the Community Infrastructure Levy (Amendment) Regulations 2012 it is estimated that the development will be liable to pay approximately £487,215 in Barnet CIL contributions.

It is considered that the payment of the above monies satisfactorily addresses the previous reasons for refusal 3 and 4 relating to education and library contributions.

## **4. COMMENTS ON GROUNDS OF OBJECTIONS**

*The proposed building would be no higher than the adjoining office building at Brook Point and would be viewed against this backdrop and the larger backdrop of Northway House on the opposite side of the High Road. In this context while the proposed building would appear large it would not appear out of keeping with the surrounding townscape. The proposed design is also considered acceptable, helping to break up the visual mass of the building and provided an attractive building in keeping with the streetscene. Design and Character issues are assessed in section 3.6 of this report*

*The proposal is located between 6-9 metres from the office building at Brook Point and 70m from the nearest residential properties in Chandos Avenue. The proposal is also accompanied by a Daylight Sunlight Assessment which shows that the proposal would not result in any significant loss of daylight, sunlight or overshadowing to neighbouring residential properties. Obscure glazing and use of louvers are proposed in the south elevation to address potential overlooking to and from Brook Point. Issues to do with impact on amenities of neighbouring properties is covered in section 3.7 of this report.*

*The level of car parking provision has been assessed by the Council's Highway Officer and Transport for London. The level of provision of 31 spaces for the residential units and 8 spaces for the commercial units is in accordance with London Plan guidance for development in this PTAL zone.*

*The existing use of the site for a car wash and the previous use as a petrol filling station generates a higher number of vehicular movements than the proposed use of the site. The proposal has been assessed by the Council's Highway Officer and*

*Transport for London who have advised that the proposed access is satisfactory subject to conditions and the applicant entering into a S106 agreement to pay for highway improvements. Transport and Parking matters are covered in section 3.8 of this report.*

*The proposal is subject to conditions requiring the provision of soundproofing and the use of mechanical ventilation which would limit the opportunity for future conflict.*

*The proposal involves the provision of two small non food retail units which are not considered to affect the vitality or viability of other units located in the wider Whetstone Primary Shopping Frontage.*

*The cumulative impact of the proposal has been taken into account particularly in relation to highway impact. However planning law requires that each application needs to be judged on its own merits and assessed accordingly.*

*It is considered that the height of the proposal is in keeping with the scale of adjoining buildings, and it is not considered that the density is excessive in this location and sufficient amenity space for the units is provided. The impact of the proposal on the adjoining highway is considered satisfactory subject to conditions and the applicant entering into a S106 agreement to pay for highway improvements.*

## **5. EQUALITIES AND DIVERSITY ISSUES**

Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have 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.”*

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.

The new buildings proposed as part of the application would be required to comply with current legislative requirements in respect of equality and diversity related matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development 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 and the inclusion of disabled standard parking spaces (as set out in greater detail in earlier sections of this report).

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.

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 support the council in meeting its statutory equality responsibilities.

## **6. CONCLUSION**

The proposed development is considered to represent an effective re-use of a brownfield site providing high quality residential accommodation within close proximity of Whetstone town centre and within walking distance of Totteridge and Whetstone Tube station. The proposed building represents a high quality modern architectural design that is appropriate to its context and which will enhance the townscape of the area and contribute to the vitality and viability of the town centre.

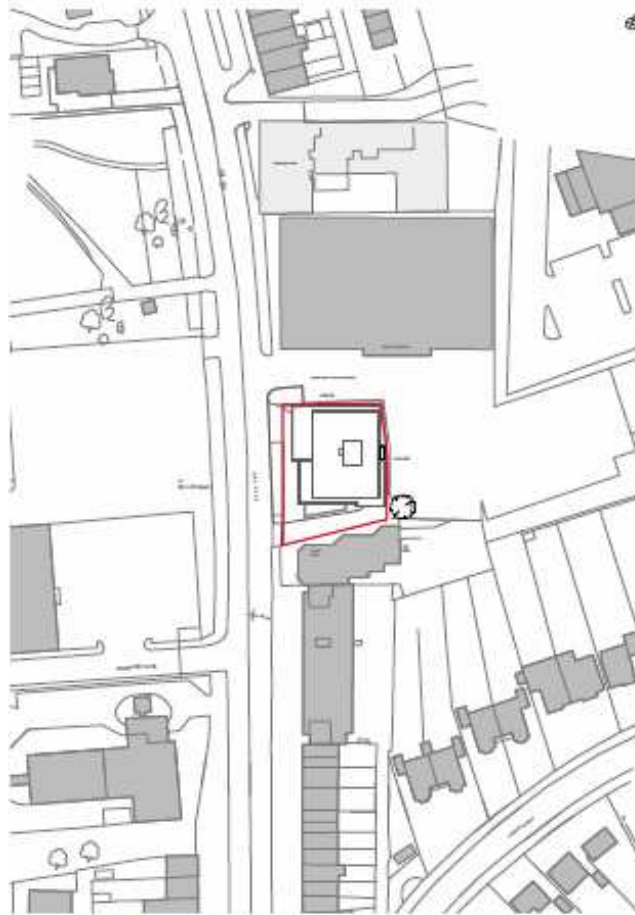
The proposal satisfactorily addresses the reasons of refusal for the previous application (Ref: N/16024/08) for the redevelopment of the site, through the design amendments and reductions in scale. The lack of provision of affordable housing is justified due to site viability and the constraints of the site. The proposal also provides a policy compliant quantity of amenity space and makes contributions to education and libraries through Barnet CIL contributions.

The proposal would accord with the determining policies within The London Plan (2011) and adopted Core Strategy (September 2012) and Development Management Policies DPD (September 2012) in accordance with the NPPF.

The application is therefore recommended for **Approval**, subject to to the applicant entering into a S106 Agreement and Conditions as Outlined Above.

**SITE LOCATION PLAN: 1412-1420 High Road, London, N20 9BH**

**REFERENCE: B/01561/13**



Site Location Plan 1:500



Site Location Plan 1:1250

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