

LOCATION: 931 High Road, London N12 8QR

REFERENCE:

Received: April 2016

WARD: Woodhouse

APPLICANT: Berkeley Homes (Three Valleys) Ltd and Catalyst Housing Ltd.

PROPOSAL: Variation of S106 relating to F/02217/13

Summary

The applicant seeks a Deed of Variation relating to the Section 106 Agreement associated with Planning Permission reference F/02217/13.

Site Description

The application relates to a site at 931 High Road Finchley which measures 0.92 hectares in size situated on the western side of the High Road (the A1000) in the Woodhouse Ward. North Finchley Town Centre is located to the south of the site. The land is bounded to the south by Highwood Avenue, to the west by Limes Avenue and Highwood Avenue and to the east by the High Road. The site is currently under construction but was previously used for the storage of Motor Vehicles by the Metropolitan Police.

The proposed amendments to the S106 relates to an off site affordable housing payment towards the delivery of affordable units at 1230-32 High Road Whetstone, which is currently being built out by Catalyst Housing on the 21/02/12 under Planning Application Reference B/02471/11. This consent has subsequently been amended under an S73 application on the 05/02/2013 under planning application reference B/02684/12.

MATERIAL CONSIDERATIONS

National Planning Policy Guidance / Statements: The National Planning Policy Framework (NPPF)

On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces 44 planning documents, primarily Planning Policy Statements (PPS's) and Planning Policy Guidance (PPG's), which previously formed Government policy towards planning.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in

favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The London Plan

The London Plan (adopted March 2015) 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:

People

3.12 (Negotiating affordable housing on individual private residential and mixed use schemes),

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 (Adoption version) 2012

CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development),

CS4 (Providing Quality Homes and Housing Choice in Barnet),

Development Management Policies (Adoption version) 2012

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Core Strategy Policies:

CS NPPF (National Planning Policy Framework – Presumption in Favour of Sustainable Development),

CS4 (Providing Quality Homes and Housing Choice in Barnet),

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making. Relevant Policies include:

DM10 (Affordable housing contributions)

The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these regulations.

Planning History

Planning Reference: F/02217/13

Site Address: 931 High Road, London, N12 8QR

Proposal: Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping

Decision: Approve subject to conditions

Decision Date: 05.12.2013

Planning Reference: B/02471/11

Site Address: 1230-1232 High Road, London, N20 0LH

Proposal: Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.

Decision: Approve subject to conditions

Decision Date:

Planning Reference: B/02684/12

Site Address: 1230-1232 High Road, London, N20 0LH

Proposal: Variation of condition 1 (Plan Numbers) and removal of conditions 25 (Noise Report for Site Plant) and 31 (Biomass Boiler) of planning permission B/02471/11 dated 21/02/12 for 'Erection of six storey building to provide 1,015 sqm of ground floor offices and 39 no. self-contained flats on the upper five floors plus roof top plant room, external amenity space at first floor level. Basement car park for 45 no. cars with cycle storage provision and associated works.' Variation to include additional internal escape staircase; revision of vehicular ramp and basement layout; increase in ground floor height; omission of top floor plant room; adjustments to the design of roof, parapet edges to fifth floor, fenestration and rear elevation; location and levels of front entrances adjusted: dwelling mix adjusted.

Decision: Approve subject to conditions

Decision Date: 05.02.2013

Appraisal

This application seeks to modify the S106 agreement relating to application F/02217/13 dated 05/02/2013.

The modifications sought relate to the off-site affordable housing contribution. The specific changes proposed through this application are detailed below:

Off-Site Affordable Housing

The original planning approval for 931 High Road Finchley included a requirement for six affordable rented units in the form of 5 x two bedroom 3 person units and 1 x 2 bedroom four person units to be provided as part of the development at 1230-1232 High Road Whetstone which is being built out by Catalyst Housing under planning application reference B/02471/11 dated 21.02.2012 as varied by S73 application B/02684/12 dated 05.02.2013.

The original S106 requires that no more than 50% of the open market units at 931 High Road are occupied until such stage as the affordable housing units at 1230-1234 High Road Whetstone have been completed. The clause does allow the clause to be varied by the Council if 'agreed in writing with the Council with the Council acting reasonably and having regard to unforeseeable events such as force majeure'.

The Catalyst scheme at 1230-1232 High Road Whetstone has suffered from various delays in delivery which are not under the control of Berkeley Homes. While the scheme has recently overcome these problems and is currently under construction, it is currently affecting the ability of Berkeley homes to market and sell completed units at 931 High Road.

This issue has been discussed extensively with the Borough's affordable housing officer and as a result of which the applicant is seeking to vary the terms of the S106 to read as follows:

2.2 not to permit the Occupation of more than ninety five percentum (95%) of the Open Market Housing Units on the Land until the Catalyst Development on the Off Site Affordable Housing Land is Substantially Implemented.

A new definition of "Substantial Implementation" is also inserted as follows:

"means the completion of the structural works to first floor level of the Catalyst Development as described in the Catalyst Application and approved by the Catalyst Permission"

Other minor changes are also proposed to the agreement to reflect current legal drafting purposes which do not change the essential nature of the proposal.

The proposed variations to the S106 does not vary the amount of money which Berkeley Homes is paying to Catalyst for the delivery of the affordable housing units,

it merely allows Berkeley Homes to see a greater number of private units and to make the payment to Catalyst Housing on “Substantial Implementation” rather than on completion. The original agreement includes a penalty clause payable by Catalyst in the event that the affordable rented units are either not delivered or subsequently cease to be used as affordable rented accommodation so the proposed changes do not prejudice the delivery of this much needed affordable housing.

As discussed above, the proposed change follows extensive discussions between the applicant and the Borough’s Affordable Housing Officer who supports the changes. The changes to the clause above are considered to be acceptable.

Conclusion

The Local Planning Authority considers the proposed changes to the S106 are acceptable. As part of the appraisal process the Affordable Housing Officer has been consulted. This application is recommended for approval.