

**LOCATION:** 886-902 High Road, London N12 9RN

**REFERENCE:** F/00236/12

**Received:** 24 January 2012

**Accepted:** 03 February 2012

**WARD:** Woodhouse

**Expiry:** 24 April 2012

**APPLICANT:** Turnhold Properties Limited.

**PROPOSAL:** Demolition of existing buildings and redevelopment of the site to provide 5 storey mixed use scheme comprising 548.4 sqm of office floor space (Use Class B1) at ground floor level and 60 residential units (Use Class C3) at first to fourth floor levels, with associated amenity space, 61 car parking spaces and cycle parking, refuse and recycling storage facilities, and landscaping provision.

## **APPLICATION SUMMARY**

Full planning permission is sought by Turnhold Properties for the demolition of the existing building at 886-902 High Road and the redevelopment of the site to provide a new building containing offices and residential dwellings that would comprise the following key elements:

- a new building of five storeys in height;
- a podium garden (above the ground floor) to the rear of the building above the proposed parking area providing approximately 600m<sup>2</sup> of communal amenity space;
- a ground floor parking area located to the rear of the building below the garden podium to provide 60 car parking spaces;
- 548m<sup>2</sup> of new office (use class B1) floorspace on the ground floor; and
- 60 new residential units (use class C3), which would each have their own private balcony or terrace, provided over the first to forth floors.

The intention of national, regional and local planning policy is to promote sustainable development by encouraging mixed use schemes in town centre locations such as this.

The existing building on the site is in a poor state of repair and has been vacant since 2006. It was previously occupied by a furniture retails store with ancillary office space and eight maisonettes on the upper floors. Its replacement with a new mixed use building of the nature proposed, providing a high quality design approach, relates acceptably to it's neighbouring properties, is in keeping with the character of the High Road, does not cause unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers

with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites in town centre locations.

The development provides an appropriate level of car parking for the residential and office uses proposed, which reflects the nearby bus services on the High Road and proximity of the Woodside Park Tube Station along with the site's Public Transport Accessibility Level of 2.

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

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

The proposal is considered to represent a positive development that would comply with the relevant policies in the development plan, enhance this part of the North Finchley Town Centre in this area of secondary retail frontage. The proposal is therefore found to be acceptable and is recommended for approval subject to conditions, following the completion of a suitable section 106 agreement.

## **RECOMMENDATION**

### **Approve subject to:**

#### **Recommendation 1**

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

- (a) Legal Professional Costs Recovery  
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability  
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

- (c) Affordable Housing  
Social Rented  
3x 2 bed 3 person flats  
1x 2 bed 3 person wheelchair flat  
1x 2 bed 4 person flat  
1x 3 bed 5 person flat
- Intermediate  
2x 2 bed 4 person flats  
1x 2 bed 4 person Wheelchair flat  
1x 3 bed 5 person flat
- (d) Apprenticeships and Employment Training  
A contribution of £25,000 towards providing apprenticeships and employment training in the borough.
- (e) Healthcare  
A contribution of £52,336 towards improvements to health facilities within the borough as identified by the Local Health Authority.
- (f) Education  
A contribution of £173,328 index linked towards education provision in the borough.
- (g) Libraries  
A contribution of £9,761 index linked towards the provision of library facilities within the borough.
- (h) Town Centre, Public Open Space and Public Realm Enhancements  
A contribution of £30,000 index linked towards the provision of enhancements and improvements to Finchley Church End Town Centre, Public Open Space and the Public Realm within 1.5km of the application site.
- (i) Amendment to Local Traffic Order  
A contribution of £2,000 index linked to cover the cost of amending the existing Traffic Management Order to prevent future occupiers of the flats within the development from applying for Controlled Parking Zone permits.
- (j) Travel Plan  
The applicant shall enter into a Travel Plan that seeks to reduce reliance on the use of the private car, promotes sustainable means of transport and appoint an appropriately qualified Travel Plan Coordinator.

- (k) Travel Plan Monitoring  
A contribution of £5000 index linked towards the monitoring of the Travel Plan for the development.
- (l) Monitoring of the Section 106 Agreement  
A contribution of £7,349 index linked towards the monitoring and management of the S106 planning obligations.

### **Recommendation 2:**

That upon completion of the agreement specified in recommendation 1, the Assistant Director of Planning and Development Management approve the planning application reference F/00236/12 under delegated powers subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director for Planning and Development Management:

### **COMMENCEMENT**

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

### **PLANS OF THE DEVELOPEMNT**

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
GA\_SP\_L C Rev:B; GA\_SP\_00\_C Rev:E; GA\_P\_L00\_C Rev:F;  
GA\_P\_L01\_C Rev: E; GA\_P\_L02\_C Rev:E; GA\_P\_L03\_C Rev:E;  
GA\_P\_L04\_C Rev:E; GA\_P\_RL\_C Rev:E; S\_A\_B Rev:E; EL\_N\_W Rev:E;  
and EL\_S\_E Rev:E.

Reason:  
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the project as assessed in accordance with policies GSD, GBEnv1 and GBEnv2 of the Barnet UDP 2006 and policy 1.1 of the London Plan 2011.

### **MATERIALS**

- 3 Notwithstanding the details shown on the plans otherwise hereby approved the development hereby permitted shall not commence unless and until details and appropriate samples of the materials to be used for the external

surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in accordance with such details as so approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies GBEnv1, GBEnv2, D1, D2, D3, D11 of the Barnet UDP 2006 and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

## **SITE LEVELS**

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

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies GBEnv1, GBEnv2, GBEnv3, GBEnv4, D1, D2, D3, D11 and D13 of the Barnet UDP 2006 and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan 2011.

## **REFUSE AND RECYCLING**

- 5 Notwithstanding the details submitted with the application, before the development hereby permitted commences details of the:

- i. Enclosures, screened facilities and/or internal areas of the proposed building (including details of the doors provided for such areas) to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- ii. a satisfactory point of collection; and
- iii. details of the refuse and recycling collection arrangements

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

Reason:

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

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

Reason:

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

## **TRANSPORT**

7. Before the development hereby permitted is occupied the car parking spaces shown on plan number 'GA\_P\_L00\_C rev:F' shall be provided in the development and shall not be used for any purpose other than the parking and turning of vehicles in connection with the development hereby approved.

Reason:

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet UDP 2006.

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

Reason:

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

- 9 Before the first occupation of the development hereby approved details showing suitable parking and storage facilities for 75 bicycles shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved before the development is occupied and be permanently retained as such thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance

with Policies M4, M5 and M14 of the Barnet UDP 2006 and Policy 6.13 of the London Plan 2011.

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

Reason:

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

- 11 Before the development hereby permitted is occupied a Travel Plan prepared in accordance with all relevant technical and good practice guidance shall be submitted to and approved by the Local Planning Authority. The development shall be fully implemented and managed in accordance with the approved plan. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act (as amended) which accompanies this application.

Reason:

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

- 12 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

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

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

Reason:

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

## **ACCESSIBILITY**

- 14 All 60 of the new residential dwellings (use class C3) within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

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

- 15 Before the development hereby permitted commences details of the location within the development and specification of the 6 units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided for the 6 units shall demonstrate how the units will be constructed to be either wheelchair



accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved.

Reason:

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

## **SUSTAINABILITY**

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

Reason:

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

- 18 The 60 residential units (use class C3) in the development hereby permitted shall be constructed to achieve not less than Code Level 4 in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replace that scheme). No dwelling shall be occupied until formal certification has been issued confirming that not less than a Code Level 4 has been achieved and this certification has been submitted to the Local Planning Authority.

Reason:

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

## **LANDSCAPING**

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

- the position of any existing trees to be retained or removed;
- new tree and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants;
- means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule

for regular pruning, watering and fertiliser;

- existing contours and any proposed alterations such as earth mounding;
- areas of hard landscape works including paving, proposed materials, samples, and details of special techniques to minimise damage to retained trees and provide conditions appropriate for new plantings;
- timing of planting;
- any proposed boundary treatments, fencing or means of enclosure to be installed at the site and as part of the proposed roof terrace area.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure that the development represents high quality design and to accord with policies D1 and D2 of the Barnet UDP 2006 and the London Plan 2011.

## **NO TELECOMUNICATIONS EQUIPMENT**

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

- The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the building hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

### Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies GBEnv1, GBEnv2, D1 and D2 of the Barnet UDP (2006).

## **CONTAMINATED LAND**

24 Part 1

Before development commences other than for investigative work:

- A contaminated land desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until these details are approved in writing by the Local Planning Authority.
- If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
  - a risk assessment to be undertaken;
  - refinement of the Conceptual Model; and
  - the development of a Method Statement detailing the remediation requirements.

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

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

## Part 2

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

### Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety and to comply with policy ENV14 of the Barnet UDP.

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

### Reason:

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

## **NOISE AND AIR QUALITY MANAGEMENT AND MITIGATION**

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 30 The level of noise emitted from the all mechanical plant to be installed at the site as part of the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

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

## **WATER AND DRAINAGE**

- 31 The development hereby permitted shall not commence until a drainage strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works referred to in the strategy have been completed in their entirety.

Reason:

To ensure that the development provides appropriate drainage

infrastructure and to comply with Policies 5.13 and 5.14 of the London Plan 2011.

- 32 The development hereby approved shall have 100% of the water supplied to it by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.

- 33 The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

To encourage the efficient use of water in accordance with policy 5.15 of the London Plan 2011.

### **OFFICE HOURS OF USE**

- 34 The office (Use Class B1) floorspace within the building hereby permitted, as shown on plan number 'GA\_P\_L00\_C rev:F', shall not be open for use, be used or receive deliveries before 8.00am or after 8.00pm from Monday to Saturday or before 10.00am or after 4.00pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties in accordance with policy GBEEnv2 of the Barnet UDP 2006.

### **BIODIVERSITY**

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

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies GSD, GBEEnv2, D1 and D11 of the Barnet UDP 2006 and policies 5.5, 5.11 and 7.19 of the London Plan 2011.

### **INFORMATIVES:**

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 6** of this report. These include (as the first informative) the summary of the reasons for granting planning

permission for this development and the relevant development plan policies taken into account in this decision.

## 1. MATERIAL CONSIDERATIONS

### 1.1 Key Relevant Planning Policy

#### Introduction

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

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out below and in **Appendix 1**. In subsequent sections of this report dealing with specific policy and topic areas, there is further discussion, where appropriate, of the key policy background.

#### The London Plan and Barnet Unitary Development Plan

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

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

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



### The Emerging Local Development Framework/Local Plan

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

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

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

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

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

### Supplementary Planning Guidance and Documents

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

### National Planning Guidance

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

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

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

### The Community Infrastructure Levy Regulations 2010

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

## **1.2 Key Relevant Planning History**

### **886-902 High Road, N12**

**F/04523/09** 'Demolition of existing building and erection of a new building up to five storeys in height containing 1628m<sup>2</sup> of flexible space at ground floor level for uses including and limited to shops, (use class A1), a doctors surgery (use class D1) and a library (use class D1), 65 flats (use class C3) on the first to fourth floors, a basement level 72 space car park accessed from Friern Watch Avenue and ancillary facilities and works including the provision of amenity space, refuse and recycling storage facilities and cycle parking facilities.'

**-Refused 18/02/2010 Upheld at appeal 27/10/2010**

#### **Appeal: APP/N5090/A/10/2127011**

The appeal decision for application F/04523/09 is a significant material consideration in the evaluation of the acceptability of the current proposal. The Council's decision notice can be found as **Appendix 7** and the appeal decision at **Appendix 8**.

The Inspector's decision to uphold the Council's refusal this was on the basis of an unacceptable provision of amenity space. In all other regards the Inspector found the previous application to be acceptable.

There are differences between the appeal proposal and the current application, there have also been changes to the policy background since the appeal decision and the application will be considered in the light of such changes. However in this context regard must be had to the principals established by the appeal decision.

#### **F/02361/09**

'Demolition of existing building and erection of a part four storey, part five storey building containing 1753m<sup>2</sup> of flexible ground floor level space for uses including and limited to shops, (use class A1), a doctors surgery (use class D1) and a library (use class D1), 72 flats (use class C3) on the first to fourth floors, a basement level 72 space car park accessed from Friern Watch Avenue and

ancillary facilities and works including the provision of amenity space, landscaping, refuse and recycling storage facilities and cycle parking facilities.’  
**-Refused 05/10/2009 Upheld at appeal 27/10/2010**

**F/03172/08**

‘Demolition of existing building and redevelopment of the site comprising a new building up to six storeys high, providing 81 residential units, 753m<sup>2</sup> of retail space (use class A1), a 597m<sup>2</sup> public library (use class D1), a 332m<sup>2</sup> doctors surgery (use class D1), an 81 space car park (basement level) accessed from Friern Watch Avenue, and associated landscaping and works’  
**-Application withdrawn 19/09/2008**

**931 High Road, N12 8QR**

**F/04553/09**

‘The redevelopment of 931 High Road, to allow the construction of 2 to 6 storey buildings comprising 139 apartments, 10 mews houses (Use Class C3), 1345.81sq.m of flexible commercial floor space for office (use class B1) or restaurant and café (use class A3) uses and ancillary facilities including amenity space, children’s play space (0-4 years), refuse stores, car/motorcycle/cycle parking and servicing’  
**-Application refused 09/11/2010**

**F/00241/08**

‘The redevelopment of 931 High Road, to allow the construction of 2 to 6 storey buildings comprising 167 apartments, 10 mews houses (Use Class C3), 1272.04sq.m of flexible commercial floor space (Use Classes A3 and B1) and ancillary facilities including amenity space, refuse stores, car/motorcycle/cycle parking and servicing (REVISED PLANS, DOCUMENTATION AND DESCRIPTION OF PROPOSAL)’  
**-Application refused 01/07/2009**

**F/00216/08**

‘The redevelopment of the 931 High Road, to allow the construction of 3 to 7 storey buildings comprising 182 apartments, 10 mews houses (Use Class C3), 1444.88 sq. m of flexible commercial floor space (Use Classes A1, A2, A3, and B1) as well as ancillary facilities including amenity spaces, refuse stores, car/motorcycle/cycle parking and servicing’  
**-Application withdrawn 02/06/2008**

**C00794D/08** “Environmental Impact Assessment - Screening opinion’  
Environmental statement not required.

### **1.3 Public Consultations and Views Expressed**

#### Public Consultation

A total of 1041 local properties (including residents and businesses) and other bodies were consulted on the application by letter and email in March 2011. The application was also advertised on site and in the local press at that time. Following revisions to the design of the scheme a further round of consultation was carried out by letter on 17 May 2012.

#### Number of Responses from Residents, Landowners and Businesses

**65** responses objecting to the proposal were received. **5** of the objectors have requested to speak at committee. **6** responses supporting the proposal were received.

#### Comments from Residents, Landowners and Local Businesses

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

The Finchley Society, a local organisation formed to protect, preserve and improve buildings, transport, roads and open spaces in Finchley, submitted the following comments.

- The Society supports the principal of redevelopment of 886-902 High Road but consider it better to retain the current eyesore for a temporary period rather than see the building replaced by an unacceptable development.
- The current development is considered to be an improvement upon the previous proposals but has yet to address all of the society's concerns.
- Whilst parameters have been set by the 2010 Appeal based upon planning policy prevailing at the time the new application must be considered in the light of the subsequent adoption of the new London Plan 2011.

Objection on Grounds of height bulk, density, siting and effect upon street scene.

- The London Plan 2011 Policy 3.4, table 3.2 (Density Matrix) and Table 8.1 Key Performance Indicator 2 set out the basis by which a site's housing should be optimised. The current proposal has a density of 633 Habitable rooms per hectare. In a suburban setting with a Public Transport Accessibility Level of 2 this is excessive resulting in overdevelopment of the site. Whilst the Density Matrix should not be applied mechanically Central London densities are not appropriate for this location.
- The existing building provides a step in and blends with the built form to the East of the High Road whether viewed in context of the town centre to the south or larger buildings to the north. It is considered that the proposal is a storey too high and would detract from the street scene.  
The proposal does not allow sight lines to the low density suburban

housing on Mayfield and Friern Watch Avenues nor does it respect their building lines. In the Appeal the Inspector incorrectly justified the building line on these suburban roads by citing the position of Sainsburys but should have considered the fact that part or full set backs are a feature of most developments in this part of the High Road, and not to set a building back in this way would be contrary to paragraph 34 of PPS1:

*“Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted.”*

To comply with this statement development should be limited to four storeys in height and should remove an area of parking to provide a set back in keeping with the building line of neighbouring houses on Mayfield and Friern Watch Avenues.

#### Officer Response

- It is acknowledged that the policy background for consideration of the application has changed since the appeal decision in particular in relation to the new London Plan. This has been considered when assessing the appropriateness of the density of development which has seen a reduction from that of the appeal scheme. It is considered that even with the amended London Plan Policy it remains reasonable to find a proposal (and a density) acceptable where it exceeds the relevant density range so long as it is found to be acceptable in all design, amenity and other relevant regards. This issue is further addressed in part 3.3 of the report.
- The scale of the proposed development is considered to be acceptable in terms of its relationship to the street scene. There are examples of taller buildings in the vicinity of the application site which support the scale of the proposed building.
- Amendments to the proposals have resulted in an improved relationship with the front building lines of properties on Mayfield Avenue and Friern Watch Avenue. The proposal provides a greater distance between the rear of the building and these properties at 1<sup>st</sup> floor than previously considered to be acceptable by the planning inspector and is considered acceptable.

#### Highways

- The Society supports the applicant’s approach to vehicular egress from the site only by way of the High Road whilst maintaining a one way system into and out of the proposed parking area. Physical measures of traffic control should be used to achieve this and should be consulted on prior to granting planning consent rather than securing the controls by condition.
- The Society supports the restriction of parking for future residents to the associated car park by removing the right for the purchase of residents’ parking permits which should be included within any associated legal agreement.

#### Officer Response

- Heads of terms have been established for the proposal including an amendment to the Local traffic order to prevent future occupiers from applying for CPZ permits.

### Summation of Residents Objections

#### General

- Concerns are raised over the capacity of the local sewage system
- Increased demand for schools, hospitals and services including water supply can not be supported by Barnet's infrastructure.
- The increase in residents and associated noise would impact upon the local bird population.

#### Officer Response

- Thames Water have not raised concern in regards to local sewage capacity. No objections have been raised by statutory consultees in relation to sewage or water capacity.
- S106 obligations have been required in regards to school and hospital provision.
- The biodiversity of the site is likely to be increased by the inclusion of green roofs and soft landscaping which should be of benefit to local bird populations.

#### Amenity

- Concerns are raised that the provided communal amenity space above the car park would not be suitable as a play area for children living in the flats.
- Privacy of future occupants would be compromised at ground floor by the full height windows proposed.
- The proposals would result in a loss of privacy to nearby residents.
- The five storey height of the proposal would significantly overshadow the houses to the rear of the development where they would result in significant loss of light.
- The high density would result in social problems caused by lack of onsite amenities and space.

#### Officer Response

- Provision for 140m<sup>2</sup> of dedicated child play space are secured by condition in keeping with the mayor's standards.
- Full height window design is unlikely to lead to a loss of privacy, future residents can use blinds or curtains. No residential units are at ground floor and there is little possibility of direct overlooking to the majority of units. There would be no policy ground to reduce the size of the windows.
- It is not considered that the proposed development would result in a loss of privacy or light to neighbouring residential units. This is further

considered in 3.5.

- The amenity levels provided are considered to comply with policy. This is further expanded upon in section 3.4.

#### -Design & Context

- The proposed design would not match the local vernacular.
- The proposal is unsightly and is not appropriate in this location.
- The development would be ugly and intrusive.
- The development would impact upon the desirability of the surrounding area.
- The design includes no architectural relief to round or soften the building's box like appearance this is not in keeping with good design practice.
- The proposed window frames and fittings are shown as having a dark or black colour where there is a desperate need for a light colour.
- There is inconsistency in the number of window lights to many of the windows.

#### Officer Response

- Officers consider that the layout, form detailed design and materials of the current proposal create an acceptable development in respect of design and character policies.
- The submitted proposal differs significantly from the presentation made at the pre application exhibition.
- The proposals have lost the associated vegetation which was presented to residents in November.
- The choice of brickwork has changed since the scheme was presented to residents in November and is now considerably darker. It appears that the choice has been made in order to blend with the appearance of local buildings which have been darkened through exposure to pollution. Starting with a darker colour the building will simply become more and more drab as it too is discoloured.
- A cream coloured cladding was shown on the plans presented at the public exhibition this material has now been removed from the design following discussions with Planners. The result is a building which is significantly more oppressive than that shown at the initial meeting.
- The position of windows in the original design showed a level of undulation and variation of their position from floor to floor. The current proposals have windows in vertical stacks which would result in an effect of monotonous repetition adding to the severe, hard edged and intimidating appearance of the building which unlike the existing building and other buildings in the locality is not softened by the inclusion of any curved design elements.
- An increase in the height of the top floor of the building has occurred since the November presentation, this is clearly shown when comparing identical views from the western side of the High Road.
- The top floor was originally shown as having a lightly glazed finish

whereas the proposals include heavy framing to this area, although this is apparently being changed to better reflect the originally presented plans. The use of excessive glass in this area is likely to result in dwellings on the top floor acting as heat traps.

#### Officer's Response

- The pre application presentation that took place in November would have shown indicative plans and elevations and it is not unexpected to find that there have been some changes between what was presented at the time and the submitted plans. For the most part the information shown accorded with the submission, but even if it had not an evaluation would still have to be based upon the current proposals which are considered to be acceptable.
- The development would as a result of its substantial height impact upon the outlook from existing resident's homes.
- The existing character of North Finchley is of semidetached houses not oversized high density flat developments.
- The design has little to break up its overall block appearance and would not enhance this area of North Finchley.
- The proposed building is harsh, monochromatic, austere, repetitive, unimaginative overbearing and intimidating and would be reminiscent of a 1960's Soviet block
- Proposals would not accord with policies H16, D1 and D2 of the unitary development plan.
- By dividing the building into three blocks the 5 storey height of the proposed building is accentuated.
- The proposed development is vastly greater in mass than the existing building that is being replaced and would result in a shocking street scene transition along the High Road.
- The proposed use of copper or zinc cladding materials would be unsuitable and would not enhance the suburban housing streetscape.

#### -Office Use

- There is no need for the proposed office use as it can be seen from the many for let signs on the High Road.

#### -Highways

- There should be no entrance or exit from the proposed development onto Friern Watch Avenue.
- The level of parking in Friern Watch Avenue and Mayfield Avenue would increase significantly as a result of the proposed development.
- Local streets are likely to become rat runs.
- The development will result in an increase in congestion, pollution and noise.
- The number of cars generated by the proposal are likely to have a detrimental impact upon both traffic and parking in the area.



- Future residents with two or more vehicles are likely to want to apply for resident's parking permits.
- Access and egress should be allowed both onto both roads from the proposed parking area.
- The increase in associated traffic would result in a direct impact upon the health of local residents
- Noise levels would be increased by vehicles accessing the car park.
- Insufficient car parking provision is provided.
- No formal undertaking is included with the submission to enter into a travel and traffic management plan or to restrict applications for local parking permits.
- The statement of community involvement incorrectly suggests that the proposed development would have 72 car parking spaces rather than the submitted 61.
- There is a significant existing parking problem in the area which is exasperated in the evenings by customers of nearby restaurants.
- The Level Of Car Parking would not be sufficient for the proposed number of units.
- Available on street parking bays are already being lost due to the conversion of front gardens into parking courts, the proposals would further worsen the pressure on parking.
- The introduction of speed bumps along Mayfield Avenue and Friern Watch Avenue should be considered to reduce the likelihood of rat running.
- The 75 Cycle parking spaces are likely to remain unused and the space would better serve the development as an additional parking area.
- Parking problems would result from the number of additional car users on nearby roads including Highwood Avenue.
- Vehicular access to the site should be directly from the High Road in order to avoid congestion of Mayfield Avenue and Friern Watch Avenue, this would require the introduction of a slip road to the front of the proposal to avoid associated congestion on the High Road.
- The proposed development is likely to result in additional illegal parking in the local area.

#### Consultation

- Site notices advising of the application were not placed upon the building itself but were instead wrapped around lampposts to the corner of the site making them less apparent and less easy to read.
- Copies of the plans should have been made available in the local library.

#### Other

- There are Existing sewage flooding issues and it is unlikely that the associated infrastructure will support 60 new homes.
- No provision has been made for members of the public to use facilities within the development.
- The Statement of Community Involvement includes assertions that support for the scheme had been voiced by individuals who expressed no

such views.

- Proposals do not account for impacts upon existing residents in the area.
- It is unclear whether all of the dimensions of the new proposal all fall within the envelope of the previously submitted application, this is of particular concern relating to the height of the proposal.
- Balconies could become waterfalls in heavy rain or could develop standing pools as a result of heavy rain.
- It is likely that future inhabitants will want to use their balcony space to hang out towels and washing, this would be a blight on the local neighbourhood.

#### -Pro-Forma Letters

Two types of pro-forma letter were received (Type 1 and Type 2) For avoidance of doubt these have been individually counted to achieve to total number of objector's letters.

A Total of 47 'Type 1' Letters were received.

These state that the signatories desire development of the site but:

- The proposed building is too high and too large,
- The proposal would result in too many additional vehicles in the area,
- Extra pressure would result upon local services.

The letter concludes that the plan should be amended to reduce its density and size, and improve the building's appearance in order to reduce its impact upon local amenities.

A Total of 6 'Type 2' Pro-forma Letters were received, these state that the signatory objects to the development for the following reasons:

- The proposals are substantially the same as the previously refused development.
- The reduction from 65 to 60 units would still result in too many families living in such a small place and has not resulted in a significant reduction of the building's mass.
- The proposed development would set a precedent for high density development in the area which was rejected in the case of 931 High Road (Planning application F/04553/09)
- The argument that due the poor state of the existing site justifies any form of development is not acceptable.
- The 'Art Deco' frontage of the existing building serves the character of the area well. A development that retained an aspect of this design approach would be welcomed.

#### Over Development

- The addition of 60 residential units on this small site is not acceptable, it is

noted in the planning statement that the proposal should have a density of 200-450 habitable rooms per hectare whereas the current proposal would result in 633 habitable rooms per hectare.

- The Council's UDP policy H21 states that: "...the Council will favourably consider proposals for higher density, residential development within Barnet's Major and District Town Centres...provided such proposals comply with Policy D1 and relate satisfactorily to their surroundings." (D1 states: "All new developments should represent high quality design and should be in keeping with the Council's objectives of sustainable development and ensuring community safety.") It is not considered that the proposed development would relate well to its surroundings as adjacent properties are family homes and businesses and not blocks of flats.
- Barnet does not have the infrastructure to cope with an increase in demand on schools and hospitals. Water supply is also a problem in London and the number of residential flats in the area should be restricted.

#### Children's Play Space

- It is not considered that the communal amenity space above the car parking area is a suitable play area for children living in the proposed flats. Such a provision would not be considered suitable if considering the adoption of a rescue dog so how can it be for a child?

#### Height & Mass

- The Mass and height of the proposed building is out of keeping with the adjacent buildings.

#### Parking & Road Usage

- There are concerns that traffic from the development will travel right down Mayfield Avenue even with traffic controls measures are put in place to prevent this.
- Although it has been indicated that no business parking permits are to be issued in the future political or policy changes at Barnet could allow such permits to be issued.

#### Travel Plan

- The submitted Travel Plan document includes several errors which raise concern as to the overall approach:
  - i. Woodside Park Tube Station is incorrectly identified as being on the Northern Line.
  - ii. It is reported that there are cycle routes close by to the application site when there are not.
  - iii. It is reported that the development would result in a reduction of traffic to and from the existing site when compared with the existing situation. This is incorrect as there is currently no traffic to or from the site.

- Encroachment of the established building line.
- The proposed building would disrupt the established building line on both Mayfield Avenue and Friern Watch Avenue.

#### Environmental Considerations

- Barnet should be leading the way in the sustainability of its developments the BREEAM and Code levels achieved should be significantly higher than proposed.

#### Comments in support of the proposal

- The current building is an eyesore.
- The development appears to have been well thought out and should be supported in this current economic climate.
- The proposal would result in a tremendous improvement to the area.
- The approach taken to the site and the details of the proposal should be supported

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

##### **Transport for London (TfL):**

Have not raised any objections to the proposal nor have they requested any conditions. TfL have recommended a reduction in the number of car parking spaces and the provision of showers and lockers for staff wishing to cycle to work.

##### **Metropolitan Police Service:**

Have not raised any objections to the proposal and confirmed that they have discussed the proposal with the developer. A condition is recommended requiring submission of details of the security of the undercroft car parking area.

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

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

##### **Environment Agency:**

Have responded to the consultation and have not raised any objections to the proposal nor have they requested any conditions upon any grant of consent. The Environment Agency indicated the standing advice that should be considered for a development of this scale in this location (flood zone 1) and the appropriate standing advice has been included as an informative.

##### **Natural England:**

Have responded to the consultation and confirmed that they have no comments to make on the proposal.

**Thames Water:**

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

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

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

**Environmental Health Service:**

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

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

The application site is located in the Woodhouse Ward on the east side of the High Road (A1000), south of Mayfield Avenue and north of Friern Watch Avenue. The site covers an area of approximately 0.27 hectares and presently accommodates a three storey building, rising to four storeys in a pitched roof over part of the building. Two courtyard areas are situated to the rear of the building.

The building is vacant but was previously occupied as a furniture retail store, with ancillary office and storages space. The building also contains 8 residential flats. The courtyard areas are accessed by Mayfield Avenue and Friern Watch Avenue and were used for deliveries, servicing and parking. The application is accompanied by a number of documents that identify the existing building as suffering from significant contamination. The site does not contain any trees.

The High Road is dominated by commercial and mixed use developments and contains some substantial buildings, for example the office block opposite this site at 915 High Road (Solar House). This part of the High Road currently falls within the secondary retail frontage defined in the Barnet Unitary Development Plan for North Finchley Town Centre. Amendments to the North Finchley Town Centre Boundary have been made within the Development Management Town

Centre Policy Maps which once adopted will exclude 886-902 High Road and see the application site as an edge of centre location.

From the commercial and mixed-use High Road the built environment rapidly changes to the east (Mayfield Avenue and Friern Watch Avenue) into a traditional suburban character containing predominantly two storey houses. To the north of the application site the High Road contains a three storey office building, with an additional level of accommodation in the roof space. To the south of the application site the High Road contains two storey mixed use buildings with an additional level of accommodation in the roof space.

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

The application proposes the demolition of the existing building and the erection of a new building up to five storeys high containing 60 units of residential accommodation (use class C3) on the first to fourth floors and 548m<sup>2</sup> of Office space (B1 use Class) at ground floor.

The application proposes the following mix of dwellings types:

- 5 three bedroom five person flats (approximately 8.3% of the dwellings)
- 5 three bed four person flats (approximately 8.3% of the dwellings)
- 14 two bedroom four person flats (approximately 23.3% of the dwellings)
- 18 two bedroom 3 person flats – including 6 Wheelchair units (approximately 30.0% of the dwellings)
- 18 one bedroom two person flats (approximately 30.0% of the dwellings)

All of the units proposed would meet or exceed the minimum floor space standards specified in Table 3.3 of the London Plan. Each unit would have direct access to a private balcony area and access to the communal amenity area to the rear of the site from their associated stair cores.

The Planning, Design and Access Statement submitted with the application confirms that all of the units proposed would be constructed to meet the relevant Lifetime Homes Standards.

Six 1<sup>st</sup> floor units (10% of the residential units) would achieve wheelchair accessible standards or be easily adaptable to meet these standards. 6 of the residential car parking spaces would be provided as disabled sized spaces. (A single disabled sized car parking space would also be provided for the B1 use class units.)

10 affordable housing units are proposed, 6 Social Rented and 4 Intermediate Ownership.

### **Social Rented Units**

- 4 x 2 bed 3 person flats including a wheelchair standards unit;
- 1 x 2 bed 4 person flat
- 1 x 3 bed 5 person flat.

#### Intermediate units

- 3 x 2 bed 4 person units including a wheelchair standards unit;
- 1 x 3 bed 5 person unit.

This would equate to 17% by unit or 18% by habitable room. Levels of affordable housing have been determined subject to viability assessment which is considered later in the report.

The office space (B1 use class) would be sub divided into four units providing a variety of units of a scale appropriate to Small and Medium Enterprises (SMEs). Whilst these units would achieve a gross external area of 548m<sup>2</sup> the Total Net Internal Floorspace would be 472m<sup>2</sup>.

#### Proposed Office (B1 Use) Unit Sizes

- Unit a – 74m<sup>2</sup>
- Unit b – 180m<sup>2</sup>
- Unit c – 138m<sup>2</sup>
- Unit d – 81m<sup>2</sup>

The scheme would provide 61 car parking spaces at a ground floor level, to the rear of the development below a podium of amenity space at 1<sup>st</sup> floor. Access would be from Friern Watch Avenue with egress onto Mayfield Avenue.

60 car parking spaces are for residential units achieving a level of 1:1 parking and including 10% disabled spaces.. A single disabled space would be provided for the office uses.

75 secure cycle parking spaces are proposed in the ground floor parking area, 5 of these identified for the office units.

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

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

- Design and Access Statement by Alan Camp Architects;
- Addendum to Design and Access Statement by Alan Camp Architects;
- Amenity Report by Alan Camp Architects
- Planning Statement by GVA
- Transport Assessment by Hyder
- Travel Plan by Hyder
- Sustainability Statement by AJ Energy Consultants Limited;
- Planning Statement by Turnhold Properties;
- Energy Statement by AJ Energy Consultants
- Exterior Daylight and Sunlight Assessment by Jessop Associates;

- Statement of Community Involvement by Turnhold Developments;
- Noise Impact Assessment by Hepworth Acoustics
- Foul Sewage and Utilities Assessment by ID Limited
- Ecology/Bat Study By Amphibian, Reptile&Mammal Conservation Limited
- Waste Management Strategy by Alan Camp Architects

### **3. PLANNING CONSIDERATIONS**

#### **3.1 Principle of mixed residential and office use**

London Plan Policy 2.15 states that development proposals in town centers should conform with policies 4.7 and 4.8 and should:

- sustain and enhance the viability of the centre;
- accommodate economic and or housing growth through intensification and selective expansion in appropriate locations;
- support and enhance competitiveness, quality and diversity of town centre retail, leisure arts and cultural consumer and public services;
- be in scale with the town centre and promote access by public transport, walking and cycling.

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

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

Policy TCR 11 States that within secondary retail frontages changes of use at ground floor from A1 retail use class will not be permitted if this would harm the town Centre's Viability.

Policy EMP6 states that in considering proposals for new office development preference will be given to proposals that involve the re-use or redevelopment of existing, vacant office premises, or sites in town centres which are highly accessible, form a part of a mixed use scheme which would cause no harm to the vitality and viability of town centres.

Policy EMP8 states that the Council will encourage proposals which provide B1 accommodation for small and starter businesses.



Policy TCR13 of the Barnet Unitary Development Plan states that housing development in and near town centres will be permitted except on the ground floor of primary and secondary frontages.

The existing site contains an element of residential accommodation, over an A1 retail unit with ancillary offices. The site has not been identified for any other specific use, is previously developed and has close proximity to town centres amenities.

The proposal to redevelop the ground floor A1 retail unit to B1 Office use is in keeping with the approach taken to the North Finchley Town Centre boundary by the emerging Development Management Plan. The application site is excluded from the town centre within proposed Development Policy Maps, such changes were not challenged by the Inspector at the Examination in Public and should be afforded significant weight.

The town centre boundary change was proposed due to the site's distance from the Primary frontage, the low level of footfall associated with the site and the prolonged vacancy of the existing A1 unit and is intended to consolidate the existing town centre.

The site is immediately adjacent to bus stops for three bus routes on the High Road. In addition the North Finchley Bus Station and Woodside Park Underground Station are both within 10 minutes walking distance and the layout of the surrounding roads makes pedestrian movements simple.

The provision of B1 office use in this location would facilitate the change from the current A1 retail store in keeping with the intentions of the emerging Local Plan, it would also be in character with the immediate area where there are several other examples of office use. It is considered that the town centre would benefit as a result of increased footfall from future office users.

Mixed use developments the nature proposed (residential and office) are broadly encouraged by development plan policy in such locations, it is considered that due to the availability of a choice of means of transport, links to nearby town centre facilities and the intended boundary changes to the town centre the principle of developing the site with residential units above a ground floor B1 Office, as proposed is acceptable, subject to compliance with other policies.

Matters pertaining to the impact of the proposed development on its surroundings and the compatibility of the design proposed with the character of the surrounding area are discussed in detail further on in this report.

### **3.2 Dwelling mix**

Development plan policies require proposals to provide a suitable range of housing sizes and types, taking account of the housing requirements of different groups. The Council's emerging Local Development Framework documents (Core Strategy and Development Management Policies DPD) identify 3 and 4

bedroom family units as the highest priority types of dwellings for the borough.

The application proposes the following mix of dwellings types:

- 5 three bedroom five person flats (approximately 8.3% of the dwellings)
- 5 three bed four person flats (approximately 8.3% of the dwellings)
- 14 two bedroom four person flats (approximately 23.3% of the dwellings)
- 18 two bedroom 3 person flat of which 6 are Wheelchair units (approximately 30.0% of the dwellings)
- 18 one bedroom two person flats (approximately 30.0% of the dwellings)

The inclusion of approximately 17% of the units proposed as three bedroom dwellings is welcomed. Officers consider that the fact that the proportion of three bed (or larger) dwellings is not higher reflects the town centre location and constrained nature of the site. It is considered that in this instance the dwelling mix proposed is acceptable.

### **3.3 Density of development**

The National Planning Policy Framework supports development which is sustainable in terms of its economic, social and environmental impacts which is in accordance with the local plan.

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

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 (see below) which provides a guide to appropriate density ranges for particular locations, depending on accessibility (according to Public Transport Accessibility Level –PTAL calculation) and setting. It states that development proposals which compromise the policy should be resisted.

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

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

The site is considered to fall within a transitional area between the urban and suburban settings as defined in the London Plan and has a PTAL Level of 2. Taking these factors into consideration the London Plan Density Matrix would suggest a range of between 35-170 units per hectare or 150-450 habitable rooms per hectare (see table above).

The proposed development has a density of approximately 222 units per hectare at 633 habitable rooms per hectare. This represents a 30% increase by unit above the density proposed by the London Plan exceeding the range considered optimal by the London Plan.

In evaluating the significance of this it needs to be recognised that the supporting text to policy 3.4 of The London Plan states:

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

Development proposals must be considered on the basis of their individual circumstances and make effective use of land. In this instance the application site fronts on to a main arterial route and is located within secondary retail frontage of North Finchley Town Centre. In addition although the site backs onto an area which is suburban in nature the existing building is of a scale which is

similar, in certain regards, to the proposal and sits within the context of other examples of substantial buildings in the surrounding area.

It should also be recognised that the proposal is considered to be fully compliant with policies on good design, local context and character, providing acceptable amenities for future occupants and the protection of amenities of neighbouring occupiers.

#### Appeal

It should also be noted when evaluating the current proposal that when considering applications F/02361/09 and F/04523/09 (appeal reference APP/N5090/A/10/2126020) which exceeded the density of the *current* proposal by a further 20% and 7% respectively the Inspector did not directly cite density as a reason to uphold the Council's decision to refuse the application even though this issue had been raised within the Council's appeal statement. It was instead considered appropriate to measure acceptability in terms of compliance with policies on good design, local context and character, the provision of acceptable amenities for future occupants and protection of amenities of neighbouring occupiers.

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

It is noted that a new London Plan with a different policy approach to density has been adopted since this decision. However, it is considered that under the present policy approach of 'optimising housing potential' it remains reasonable to find a proposal (and a density) acceptable where it exceeds the relevant density range, but is found to be acceptable in all design, amenity and other relevant regards. Taking account of the factors outlined above officers consider that the density of development proposed is acceptable in this instance.

For the avoidance of any doubt this planning application is not referable to the Mayor.

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

Policy GBEnv2 of the Barnet Unitary Development Plan (UDP) requires high quality design in all new development to improve the quality of the built environment, amenity and the quality of environment of future residents, in order to help meet the objective of sustainable development. Policy D1 of the Barnet Unitary Development Plan states that new developments should be of high quality design and in keeping with the objectives of sustainable development. Policy D5 identifies that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers and

users. Policy ENV12 states that proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. The Council will also seek to ensure that uses which are sensitive to air pollution (such as residential uses) are located away from sources of air pollution under policy ENV7.

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

Policy H18 requires that for flats the minimum provision of amenity space should be 5m<sup>2</sup> per habitable room. However, proposals in or near town centres may be exempt from this requirement if alternative amenities are provided. The Council's supplementary planning guidance, Sustainable Design and Construction, provides more detailed amenity space standards for new residential development. This includes minimum sizes for private external amenity space (balconies or terraces). This equates to 3m<sup>2</sup> for 1 person or 2 person dwellings with an extra 1m<sup>2</sup> needed for each additional person.

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

#### Dwelling size

Table 3.3 in the London Plan provides a minimum gross internal floor area for different types of dwelling. The type of dwelling, minimum unit area (using the London Plan standards) and the unit area actually proposed are set out in the Table at Appendix 4 below:

All of the units proposed would have a gross internal area which meets or exceeds the requirements of the London Plan for a dwelling of that type. The proposals exceed the Minimum space standards by an average of 1.1m<sup>2</sup> per person and the proposal is therefore considered to be acceptable in this regard.

#### Dwelling outlook

Development plan policy requires that new dwellings are provided with adequate outlook and do not significantly impact upon the outlook of existing residents whilst taking account of the need to avoid unacceptable levels of overlooking between facing properties.

The design approach proposed maximizes the outlook of occupiers of the new dwellings in this town centre location, whilst preventing unacceptable levels of overlooking at neighbouring properties. It achieves this through a variety of measures the most significant of which is the setting back of the rear face of the building from 1<sup>st</sup> floor up by 17m from 2 Mayfield Avenue and 16.5m from 1 Friern Watch Avenue (the two residential properties in closest proximity to the application site).

All units have been designed to achieve an element of dual aspect thereby avoiding poor levels of natural light and providing improved options for outlook for future occupants.

The careful siting and orientation of windows along with an angled approach to window design at 2<sup>nd</sup> and third floors directly facing the flank walls of residential properties at these properties has been taken to ensure that privacy is not significantly affected.

#### Amenity space provision

##### Private amenity space

All of the dwellings proposed would have access to their own private amenity space in the form of a balcony or terrace. The size of the private amenity area provided for each of the dwellings is set out in **Appendix 5**.

There are eight instances (in Bold at **Appendix 5**) where the standards detailed in the Sustainable Design and Construction SPD (SD&C SPD) are not met. The worst cases being at units 18 and 34, these are 3 bed 5 person units with balconies of 4.6m<sup>2</sup>, 1.4m smaller than the target area. Most of the shortfalls are however significantly lower with an average shortfall for the eight identified units of 0.6m<sup>2</sup>.

The combined private amenity area of balconies and terraces proposed totals 756.9m<sup>2</sup>.

The importance of the provision of a satisfactory level of private amenity space is clear from the Inspector's decision to uphold the refusal of application F/04523/09 on the grounds of lack of provision of private amenity space to every dwelling combined with poor accessibility to on site communal areas in an area recognised to be deficient in public parks.

All units in the new development have access to a level of private amenity space. 8 of the 60 proposed residential units (13%) fail to achieve the target set out in the SD&C SPD but in these cases only by a marginal amount.

##### Communal amenity space

All of the dwellings proposed would also have access to the communal amenity area to the rear of the building from their internal stair cores. One of the

inadequacies identified by the inspector of application F/04523/09 was that some residents would have to exit the building prior to accessing the communal amenity space, this has now been overcome.

The communal amenity space measures 490m<sup>2</sup> and has scope for the provision of 140m<sup>2</sup> of children's dedicated play space in accordance with the Mayor's supplementary planning guidance. Play equipment would be installed in areas identified on plan number 'GA\_AD\_L01C rev C' the precise details of which are to be agreed under conditions recommended.

The total area of communal and private amenity space provided at the site equates to approximately 1246m<sup>2</sup>. Taking the Barnet UDP standard of 5m<sup>2</sup> per habitable room (including kitchen over 13m<sup>2</sup> and with rooms over 20m<sup>2</sup> counting as two rooms) for flats the development would be required to provide 1100m<sup>2</sup> of amenity space. The proposal therefore exceeds the minimum requirements of the Barnet UDP.

#### Appeal

Under the inspector's report the only material reason given for refusal of application F/04523/09 related to an unsatisfactory provision of associated amenity space to the proposed units and it was concluded:

From paragraph 44 of APP/ N5090/A/10/2127011

"...inadequacies remain in relation to garden or amenity space and, in the case of some flats, this would result in the absence of balconies or poor accessibility to on site communal areas..."

Every residential unit has access to private amenity space, the majority of which significantly exceed local space standards. All units have direct access to the rear communal garden area from their internal stair cores where there is available and identified space for provision of dedicated children's play space in line with the Mayor's guidance, it is therefore considered that the development is acceptable in this important respect.

#### Privacy and overlooking

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

#### Daylight

The submission documents include an assessment of the daylight that would be received in the habitable rooms of the dwellings proposed. This was carried out by Jessop Associates. Using the methodology found in the latest guidance (published in 2011) from the Building Research Establishment on how to assess

the daylight received in new dwellings the evaluation found that all of the habitable rooms proposed would meet the relevant standards. The proposal is found to be acceptable in this regard.

#### Noise and air quality

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

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

#### Conclusions on the amenities of future occupiers

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

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

Objections have been received from a number of residents expressing concern that the proposed development would be detrimental to the amenities of neighbouring and surrounding occupants. Concerns include loss of light, visual impact, increased noise and disturbance, overlooking and loss of privacy.

#### Overlooking and Loss of privacy

Policy H17 of the UDP states that to avoid a loss of privacy a minimum distance of 21m between facing windows to habitable rooms and 10.5m to a neighbouring gardens should be maintained. This distance should be increased by 3m for each additional storey above two storeys. The policy accepts that these standards may not apply in town centres and that higher density developments which provide lower distances should include innovative design solutions to avoid overlooking.

#### Habitable rooms

Given the position of the proposed building the only instances of direct overlooking between windows to habitable rooms could occur to houses at 2 Mayfield Avenue or 1 Friern Watch Avenue.

In both instances all windows in these elevations are obscure glazed. Whilst the internal layout of the properties is not known it would appear that facing windows at 2 Mayfield Avenue are to a stairway. Windows at 1 Friern Watch Avenue however, appear likely to include two 1<sup>st</sup> floor windows to a bedroom or other habitable room.



Overlooking would not be possible from ground or first floor levels of the proposed development. At ground floor the business units would be separated by the enclosed car parking to the rear and at first floor a 2.1m privacy screen to the eastern elevation would prevent direct overlooking from both windows to the units and users of the amenity area.

Above 1<sup>st</sup> floor the proposal would not directly face neighbouring windows, however actions have been taken to avoid indirect overlooking from these higher floors. At second and third floors east facing windows to the north and south elements of the proposed building would either be obscure glazed (in instances where a second window to the room would allow an alternate outlook), or would be in the form of an angled bay window designed to direct outlook away from neighbouring windows. Balconies in these areas would also include obscure glazing to the east of 1.7m in height.

At the 5<sup>th</sup> floor any possible overlooking from habitable rooms would be prevented by an obscure glazed balcony of 1.7m in height.

#### Gardens

The rear gardens of 2 Mayfield and 1 Friern Watch Avenue and to a lesser extent neighbouring gardens to the east of these properties could be subject to privacy impacts from overlooking. The distance from the proposed rear elevation to the garden is 15.5m at its closest point. Again there is no issue regarding the ground and 1<sup>st</sup> floors but the level of overlooking from upper floors should be considered.

At the 2<sup>nd</sup> floor of the proposal distances to neighbouring gardens would accord with distances as advised by policy H17, however the addition of a further 3m distance requirement at 3<sup>rd</sup> floor and again at 4<sup>th</sup> floor level would result in an encroachment to the prescribed distances by 1m and 1.5m at these respective floors.

Given the allowance within Policy H17 for standards not to apply in some Town Center locations and considering the relationship that would result between the existing houses and the new development the impact upon the privacy of neighbouring occupants garden areas is considered to be acceptable and in keeping with the policy requirement.

#### Appeal

The inspector in his consideration of Application F/04523/09 (which was significantly closer to 1 Friern Watch Avenue at 10m and 2 Mayfield Avenue at 11m but retained similar distances to the rear gardens) considered there would be no significant impacts upon privacy.

Conditions have been recommended requiring details of measures to be installed to prevent overlooking and loss of privacy to neighbouring properties to be provided, agreed by the Local Planning Authority and implemented. These measures are likely to include the use of screens, of an appropriate design quality, and obscured glazing.

Subject to the controls in place under these conditions it is concluded that the design and layout of the proposal is such that the development would not result in unacceptable levels of overlooking and loss of privacy at the neighbouring properties and would comply with development plan policy in these regards.

#### Daylight, Sunlight and Overshadowing

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

#### Outlook and Visual Impact

The documents submitted with the application include plans and illustrative images showing the impact of the proposed development from a number of key locations within the area surrounding the site including the relationship of the proposed building with neighbouring properties and spaces.

#### 2 Mayfield Avenue and 1 Friern Watch Avenue

The design of the proposed development sets the mass and height of the proposal towards the High Street thereby reducing its impact upon views from the rear of 2 Mayfield Avenue and 1 Friern Watch Avenue.

Currently the existing building on site adjacent to these properties' boundaries is 3-4 storeys in height and extends along most of the boundary of these properties gardens.

The proposal would be slightly higher than the existing building and would extend the whole length of the High Road frontage between Mayfield Avenue and Friern Watch Avenue, however given the additional distance to this elevation it is considered that an improved outlook from the rear of these properties would result.

#### Other Properties

Properties to the north of Mayfield Avenue and the south of Friern Watch Avenue would gain views of the proposed development from the fronts of their houses. It is considered that as these properties are well removed from the main bulk of the proposal and obtain only indirect views of the building there would be no significant impact upon their outlook.

The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

### Noise

The residential and office uses proposed in the development are of a nature that would not be expected to generate unacceptably high levels of noise and disturbance that would harm the amenities of the occupiers of neighbouring residential properties.

The provision of designated children's play space within the communal amenity area may result in a level of noise disturbance, however, it is considered that the activity would be in keeping with the use of neighbouring rear gardens and that the 2.1m high fence will prevent any levels from resulting in a significant nuisance.

Conditions have been recommended in relation to the mechanical plant to be installed as part of the proposal and the hours of use of the office can be in operation to ensure that the development does not result in noise and disturbance that is detrimental to the amenities of neighbouring occupiers.

Conditions have also been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance, these including the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

### Conclusions

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

### **3.6 Design, character and landscaping matters:**

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

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

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

It should be noted that when considering application F/04523/09 at appeal the Inspector carefully considered matters of scale height and context.

From paragraph 11 and 12 of Appeal APP/N5090/A/10/2127011:

“...the proposed building would make a significant and even prominent contribution to the street scene. However, it seems that this could be said of the existing building...I also accept that what is proposed would gain prominence as a result of its size, its height and its contrasting palette of materials. However, there are buildings nearby of equal or greater height. Also, while many of the more modern buildings have a uniformity that results from the predominant use of brick, this should not preclude the use of a wider pallet where this is carefully and sensitively handled. Here the variety of materials proposed would draw attention to a new and relatively prominent addition to the High Road but the contrasts would be deliberate... While there is room for alternative opinions, there is no overriding reason to reject the scheme on the grounds of its general appearance.

The site could no doubt be satisfactorily redeveloped in a low key fashion that would largely avoid adverse comment. However by redeveloping the whole frontage between Mayfield Avenue and Friern Watch Avenue the schemes appear to grasp an opportunity to create a building with Character and attitude that would possess its own vitality and interest. This is not a conservative approach to urban design but there is no reason to regard this negatively... This appears to be a reasonable response to this aspect of the proposals.”

It is clear from the above and also from the conclusion to the inspector's report where he cites poor provision of and access to amenity space as the only reasons for upholding the Council's refusal that the previous proposal was considered to be acceptable in terms of its impact upon the street scene, its height, bulk and mass and its design approach.

Officers consider that the layout, form and detailed design of the current proposal create an acceptable development in respect of design and character policies. The bulk and scale of the building reduces in an acceptable manner away from the High Road, whilst still making efficient use of a previously developed site. The design of the elevations of the new building and the materials proposed are felt by officers to provide the correct balance between creating a building which does not shrink from the design solution adopted, whilst clearly linking the development to its context. The elements in the palette of materials proposed, such as the red brick have been selected to match with existing materials in the locality and assist in creating a design which has an acceptable relationship with the character of the surrounding area. To ensure that the use of high quality materials is carried through to the implementation stage, it is proposed that the matter be controlled through the imposition of the materials condition recommended. With the condition attached the development is considered acceptable in this regard.

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

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

#### **Parking provision**

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

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

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

This equates to parking provision of between 42 to 81 parking spaces for the proposed 60 residential units to meet the parking standards set out in the UDP (depending on the PTAL Score for the site). The proposed parking provision of residential spaces is within the range that UDP would expect to be provided.

In accordance with the UDP, flexibility can be exercised in applying the parking standards by considering the specific circumstances found on a site. As the PTAL Score for the site is 2, indicating a low level of public transport accessibility, the parking provision of 60 parking spaces for the proposed

residential development is considered to comply with the parking standards as set out in the UDP 2006. Account has also been taken of the sites town centre position (and the local amenities this provides) and the located within the existing North Finchley Controlled Parking Zone (CPZ).

Development Plan Policy requires that developments provide 10% of the proposed car parking spaces to a disabled parking space standard. The application proposes to provide 7 of the 61 spaces to a disabled parking space standard. The number of disabled parking spaces proposed is considered to be acceptable.

1 disabled parking space is proposed for the B1 office use located in the external bay accessed off Friern Watch Avenue.

The applicant has confirmed that an electrical charging point will be provided for at least 1 in five of the proposed car parking spaces to assist in encouraging the uptake of electric vehicles by future users of the site. This is considered to be a positive aspect of the scheme and a condition has been recommended to ensure that this aspect of the scheme is delivered.

The scheme provides 75 bicycle parking spaces on a two tier rack. This level of provision is considered to be reasonable and policy compliant in this instance.

This level and of car and cycle parking provision is considered to be acceptable considering the site's location at the edge of a Town centre, the availability of pay and display parking on the A1000 High Road to the front of the site and the existing North Finchley CPZ.

Car parking provision for both uses is considered acceptable, however, it is recognised that there are parking pressure on roads in the vicinity of the development and to ensure that the parking demands from the proposed development do not create any additional parking pressure on roads in the vicinity of the development a Section 106 Agreement exempting the new occupiers from purchasing parking permits for the Church End CPZ is considered necessary. As such the planning obligations recommended include a financial contribution of £2000 to cover the cost of amending the existing Traffic Management Order to prevent the occupants of the new development from purchasing parking permits for the North Finchley Controlled Parking Zone (CPZ).

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

#### Trip generation

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

Existing Development:

Existing Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	6	4	10
PM (17:00 – 18.00)	20	21	41

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

Residential Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	3	11	14
PM (17.00 – 18.00)	7	4	13

Commercial Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	5	0	5
PM (17.00 – 18.00)	0	7	7

Combined Trips:

Proposed Development Trips	Arrivals	Departures	2-way
AM (8.00 – 9.00)	8	11	19
PM (17.00 – 18.00)	7	11	20

9 additional vehicle trips are predicted During the Morning Peak Hour (08.00 – 09.00). However, there is a reduction in trips by 21 trips predicted during the Evening Peak Hour (17.00 – 18.00). Therefore the potential overall impact of the proposed development on public highway is considered relatively minor.

**Travel Plan**

An initial residential travel plan is included in the documentation submitted with the application. Conditions and obligations are recommended to ensure that a travel plan is provided for all of the uses proposed and a travel plan coordinator is appointed. In order to ensure that the objectives of the travel plan are met a monitoring contribution of £5000 is included in part of the planning obligations recommended.

**Construction Management Plan**

To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need

to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended.

### Conclusion

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

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

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

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

The documents submitted with the application identify a number of ways in which the design of the proposed building has been influenced by the desire to make it accessible for all members of the community. The Planning, Design and Access statement identifies that all the proposed dwellings would meet the relevant Lifetime Homes standards and 10% of the dwellings proposed would meet wheelchair accessible standards. As outlined above 7 of the parking spaces proposed would be provided to a disabled parking space standard.

Conditions have been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards, 10% of the dwellings proposed would meet or be easily adapted to meet wheelchair accessible standards and 7 of the parking spaces proposed are to be provided to a disabled parking space standard. Subject to these controls and the requirements in place under other legislation officers conclude that the design and layout of the proposal is such that it is acceptable in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

### **3.8 Flooding and water infrastructure matters:**

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



Thames Water has confirmed specifically that in terms of sewage infrastructure they do not have any objection to the proposals. A condition has been recommended to ensure that suitable drainage infrastructure is provided in respect of the development generally. Subject to this condition the development is found to be acceptable in respect of drainage and flooding matters.

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

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

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

### **3.10 Safety and security matters:**

Policies GBEnv3 and D9 require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime. Policy D10 states that where a proposed development is likely to affect community safety the developer will be required to enter into planning obligations with the Council to undertake measures which will improve safety and security.

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

### **3.11 Energy, climate change and sustainable construction matters:**

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

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

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

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

#### Carbon dioxide emissions

The application is accompanied by an Energy Strategy. This sets out measures which the development could incorporate to reduce carbon dioxide emissions in accordance with the energy hierarchy set out above. The measures identified include a range of energy efficiency measures and the use of photovoltaic panels. And a gas Fired CHP unit. The measures identified are predicted to result in an improvement of the dwelling emission rate over the target emission rate of approximately 29.1%, which would result in the development exceeding the carbon dioxide reduction requirements of the London Plan. Conditions have been recommended to ensure that the development achieved an adequate level of carbon dioxide reductions as a minimum. Subject to these conditions the proposal is found to be acceptable and policy compliant in respect of reducing carbon dioxide emissions.

#### Other aspects of sustainable design and construction

A Sustainable design and Construction statement, prepared by AJ Energy Consultants Limited, has been submitted with the application. This identifies a number of sustainable design elements that the proposal would incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. The report includes preliminary Code for Sustainable Homes and BREEAM evaluations for the residential and non-residential elements of the scheme respectively. The statement makes it clear that the residential element of the proposal could meet Code for Sustainable Homes Level 4 and the non-residential elements of the proposal would reach an 'excellent' rating under the BREEAM evaluation. It is considered that the details provided in the submission are acceptable in this regard and that the application

would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters. To ensure that they are carried through acceptably to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures to be incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

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

### **3.12 Environmental Impact Assessment Regulations:**

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

Taking account of the threshold and criteria in column 2 of Schedule 2 and the criteria set out in Schedule 3 of the Regulations, the guidance provided in Circular 02/99 and other material considerations, it is considered that the development described in the information accompanying the application would not have significant effects on the environment, in the sense intended by the Regulations. Therefore an Environmental Impact Assessment is not necessary and an Environmental Statement, in line with the Regulations, is not required to be submitted with the application.

### **3.13 Affordable Housing**

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

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

- f. the specific circumstances of individual sites.

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

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

The application proposes that the following units of affordable housing be provided within the development:

**Social Rented Units**

- 4 x 2 bed 3 person flats including a wheelchair standards unit;
- 1 x 2 bed 4 person flat
- 1 x 3 bed 5 person flat.

**Intermediate units**

- 3 x 2 bed 4 person units including a wheelchair standards unit;
- 1 x 3 bed 5 person unit.

This would equate to 17% by unit or 18% by habitable room. Levels of affordable housing have been determined subject to viability assessment which is considered later in the report.

**Affordable Housing Viability Assessment and Independent Review**

The Council requested that GL Hearn perform an independent review of the developer's viability assessment.

The review concluded that any further provision of affordable housing would result in an unviable scheme. In particular it recognised that asbestos removal costs totalling £667,000 would have a significant impact upon the viability of the proposal.

**Affordable Housing Conclusion**

In accordance with London Plan Policy 3.12 the viability of the development, the individual circumstances of the site and other scheme requirements need to be taken into account when considering the level of affordable housing provision. In this case the circumstances of the site and scheme requirements justify the provision of 18% Affordable Housing provision in the following unit and tenure mix:

### **3.14 Planning obligation matters:**

UDP Policy IMP1 states that the Council's key priorities for planning obligations will be for the provision of the following:

#### Residential Development:

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

#### Non-residential Development:

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

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

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

#### Apprenticeships and Employment Training

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

#### Education

Under Saved Policy CS8 of the Barnet UDP 2006 the Council will seek to secure financial contributions through a Section 106 Agreement for future education needs generated by developments in the borough. In accordance with the Council's Contributions to Education SPD, and based on the total number of residential units proposed, a contribution of **£173,328** is required.

### Healthcare

Under Saved Policy CS13 of the Barnet UDP 2006 the Council will seek financial contributions to secure the provision of healthcare facilities through a Section 106 Agreement where a development creates a need for such facilities in the borough. Using the Healthy Urban Development Unit (HUUU) model, a contribution of **£52,336** is required towards improvements to health facilities within the borough as a result of the development.

### Libraries

In accordance with Saved Policy CS2 of the Barnet UDP 2006 and the Council's Contributions to Libraries SPD a contribution of **£9,761** is required towards the provision of library facilities within the borough as a result of the development.

### Amendment to Local Traffic Order

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

### Travel Plan

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

### Travel Plan Monitoring

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

### Monitoring of the Section 106 Agreement

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

### Town Centre, Public Open Space and Public Realm Enhancements

In accordance with Development Plan policy L12 on providing enhancements to the public realm and public open space in areas of deficiency of public open space a contribution of **£30,000** is required towards enhancements and improvements to the town centre, public realm and public open within 1.5km of the site.

### Affordable Housing

See 3.13 Above

### **3.15 Mayoral Community Infrastructure Levy**

The proposed development is liable for charge under the Mayoral Community Infrastructure Levy (CIL). As the applicant has confirmed that the existing floorspace on the site has been vacant since 2010 it would appear likely that all of the floor space proposed would be liable for charge. Using the buildings gross internal area of X<sup>m</sup><sup>2</sup>, at the relevant rate of £35 per square metre, this equates to a charge of £X.

## **4. EQUALITIES AND DIVERSITY ISSUES**

Section 149 of the Equality Act 2010, which came into force on 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:

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

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

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

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

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

The new building proposed would be required to comply with current legislative requirements in respect of matters, for example access for the disabled under Part M of the Building Regulations. In addition to this the development, as

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

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

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

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

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

## **6. CONCLUSION**

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

The existing building on the site is in a poor state of repair and has been vacant since 2006. Its replacement with a new mixed use building of the nature proposed, that provides a high quality design approach, relates acceptably to its neighbouring properties, is in keeping with the character of the area, does not cause any unacceptable harm to the amenities of the neighbouring properties and would provide its future occupiers with a good standard of accommodation is considered to accord with policies that seek to optimise the use of sites in town centre locations.

The development provides an appropriate level of car parking for the residential and office uses proposed, which reflects the location and accessibility of the site.



A number of conditions and planning obligations have been recommended to mitigate impacts resulting from the development and to accord with local development Policy.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the Adopted UDP, The Mayor's London Plan (July 2011), as well as other relevant guidance and material considerations have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. As such it is considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 agreement **APPROVAL** is recommended as set out in the recommendations section at the beginning of this report.

## **APPENDICES**

**APPENDIX 1: KEY POLICY CONTEXT AND ANALYSIS**

**APPENDIX 2: PLANS AND ELEVATIONS OF THE PROPOSED DEVELOPMENT**

**APPENDIX 3: COMPUTER GENERATED IMAGES OF THE PROPOSED DEVELOPEMNT**

**APPENDIX 4: LONDON PLAN MINIMUM SPACE STANDARDS TABLE**

**APPENDIX 5: PRIVATE AMENITY SPACE TABLE**

**APPENDIX 6: INFORMATIVES**

**APPENDIX 7: DECISION NOTICE -APPLICATION F/04523/09**

**APPENDIX 8: APPEAL DECISION –APPEAL APP/N5090/A/10/2127011**

**APPENDIX 9: SITE PLAN**