

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

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

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

### **APPLICATION SUMMARY**

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

- A new building with six full above ground floors of accommodation;
- a roof top garden (above the sixth floor) providing approximately 254m<sup>2</sup> of communal amenity space;
- two basement levels of car parking to provide 35 car parking spaces;
- 126m<sup>2</sup> of new office (use class B1) floorspace on the ground floor; and
- 34 new residential units (use class C3), which would each have their own private balcony or terrace, provided over the first to fifth floors.

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

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

The proposal would result in a net loss of employment generating floorspace at the site. However, the current office space is vacant, has been actively marketed, is of a poor quality and the loss of this space was previously accepted by an Inspector at two planning appeals in 2009. Furthermore the application would provide 126m<sup>2</sup> of new office space.

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

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

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

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

## **RECOMMENDATION - APPROVE SUBJECT TO:**

### **Recommendation 1**

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

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

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

## **Recommendation 2:**

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

### **COMMENCEMENT**

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

## **PLANS OF THE DEVELOPEMNT**

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

**Reason:**

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

## **MATERIALS**

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

**Reason:**

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

## **SITE LEVELS**

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

**Reason:**

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

## **MEASURES TO ENSURE PRIVACY**

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

Reason:

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

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

Reason:

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

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

Reason:

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

## **REFUSE AND RECYCLING**

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

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

Reason:

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

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

Reason:

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

## **TRANSPORT**

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 16 Before the development hereby permitted is occupied the six disabled standard parking spaces shown on plan number A101 (REV J) and A102 (REV J) shall be provided in accordance with the approved drawings.  
Reason:  
To ensure that parking is provided as proposed in the application and in the interests of pedestrian and highway safety in accordance with policies M14 of the Barnet UDP 2006 and policies 6.13 of the London Plan 2011.
- 17 Before the development hereby permitted is occupied a Travel Plan prepared in accordance with all relevant technical and good practice guidance shall be submitted to and approved by the Local Planning Authority. The development shall be fully implemented and managed in accordance with the approved plan. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act (as amended) which accompanies this application.  
Reason:  
To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies GSD and M3 of the Barnet UDP 2006.
- 18 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. Details of interim car parking management arrangements for the



duration of construction;

- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason:

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

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

Reason:

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

## **ACCESSIBILITY**

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

Reason:

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

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

Reason:

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

## **SUSTAINABILITY**

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

**Reason:**

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

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

**Reason:**

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

## **LANDSCAPING**

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

## **NO TELECOMMUNICATIONS EQUIPMENT**

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

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

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

Reason:

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

## **CONTAMINATED LAND**

29

### Part 1

Before development commences other than for investigative work:

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

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

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

### Part 2

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

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

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

the development.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 36 The level of noise emitted from the all mechanical plant to be installed at the site as part of the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
- Reason:  
To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties and to accord with Policy ENV13 of the Barnet UDP.

### **WATER AND DRAINAGE**

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

### **OFFICE HOURS OF USE**

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

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

Reason:

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

## **BIODIVERSITY**

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

Reason:

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

## **INFORMATIVES:**

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

## **1. MATERIAL CONSIDERATIONS**

### **1.1 Key Relevant Planning Policy**

#### Introduction

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

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



## The London Plan and Barnet Unitary Development Plan

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

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

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

## The Emerging Local Development Framework/Local Plan

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

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

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

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

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

### Draft Finchley Church End Town Centre Framework

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

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

### Supplementary Planning Guidance and Documents

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

### National Planning Guidance

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

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

### The Community Infrastructure Levy Regulations 2010

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

## **1.2 Key Relevant Planning History**

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

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

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

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

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

#### Public Consultation

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

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

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

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

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

#### **Design and Character:**

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

#### Officer Response:

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

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

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

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

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

### **Officer Response:**

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

### **Highways, transport and Parking:**

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

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

Officer Response:

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

**General:**

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

raised previously.

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

Officer Response:

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

## Comments from Local Associations and Societies

### **Finchley Society:**

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

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

### Officer Response:

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

### **Dollis Park and District Residents Association:**

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

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

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

Officer Response:

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

Consultation Responses from Statutory Consultees and Other Bodies

**Transport for London (TfL):**

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

**Highways Agency:**

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

**Metropolitan Police Service:**

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

**London Fire and Emergency Planning Authority:**

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

**Environment Agency:**

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

**Natural England:**

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



**Thames Water:**

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

**English Heritage Archaeology:**

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

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

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

**Environmental Health Service:**

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

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

The application site is rectangular in shape, covers approximately 0.076ha and is situated on the north-west corner of Nether Street and Albert Place in the West Finchley Ward. The site presently contains a building between one and three stories in height which provides 862m<sup>2</sup> of commercial floor space, comprising a mixture of A2 and B1 uses. An area of hard surface to the rear of the building provides a space for parking up to 12 cars. This is accessed via Albert Place.

The Planning Statement submitted with the application states that building is presently vacant and has been since the end of 2010. In January 2008 the property housed three businesses and was fully occupied and in April 2008 two businesses occupied approximately 400m<sup>2</sup> of the site. Since this time, and until the end of 2010, approximately 97m<sup>2</sup> of the building was been occupied by a single business.

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

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

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

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

Detailed planning permission is sought by the applicant (P. Titan Properties) for the demolition of the existing office building on the site (mixture of use classes B1 and A2) and its redevelopment to provide a mixed use development including 126m<sup>2</sup> of office space (use class B1), 34 residential units (use class C3) and basement car parking for 35 cars. 6 of the proposed car parking spaces would be provided to a disabled parking space standard. All of the car parking spaces provided would be provided with electric vehicle charging points. The pedestrian access to the proposed dwellings and office space would be accessed at the northern corner of Nether Street and Albert Place. Vehicular access to the site would be via Albert Place. The area surrounding the building would contain a mixture of hard and soft landscaping. Approximately 68m<sup>2</sup> of this space around the building would be designed as a private (not accessible to the general public) play area for children.

The proposed building would provide 6 floors of accommodation above ground level containing the office space, residential lobby, refuse and recycling storage, bicycle storage (capacity for 38 bikes) and a sub station provided on the ground floor and five levels of residential flats above. In addition to this the roof (seventh above ground level) of the building would provide a communal roof garden accessed by stairs and a lift that are contained in a single storey mono-pitched structure. The communal garden would have an area of approximately 254m<sup>2</sup>. The remainder of this level would comprise a green roof and an area of photovoltaic panels.

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

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

The application proposes the following mix of dwellings types:

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

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

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

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

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

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

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

### **3. PLANNING CONSIDERATIONS**

#### **3.1 Principle of the proposed uses**

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

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

primary and secondary frontages as defined on the proposals map.

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

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

On the basis of the circumstances of the cases the Inspector who dealt with the appeals against the refusals of planning permission for redevelopment at this site in 2008 concluded that the schemes would not conflict with the objectives of the relevant UDP policies on employment uses or be significantly harmful to the local economy. Given that further marketing of the site has taken place since that decision (without success), the current application proposes a similar amount of new employment generating floor space (126m<sup>2</sup>) to the previous applications (126m<sup>2</sup> or less) with a potentially higher quality and intensity of employment generating use (Use Class B1) than that previously sought (potentially A1, A2 or A3) and the quality of the existing office space at the site has deteriorated further (due to flooding) since the Inspectors decision, it is not considered that the council could justify a refusal of planning permission on the basis of employment policies. It is not considered that the changes to the development plan and the wider planning policy and guidance framework (including emerging planning documents) since the Inspectors decision alter this conclusion.

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

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

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

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

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

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

### **3.2 Dwelling mix**

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

The application proposes the following mix of dwellings types:

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

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

### **3.3 Density of development**

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

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

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

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
<b>Suburban</b>	<b>150-200 hr/ha</b>	<b>150-250 hr/ha</b>	<b>200-350 hr/ha</b>
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>	<b>150-250 hr/ha</b>	<b>200-450 hr/ha</b>	<b>200-700 hr/ha</b>
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>	<b>150-300 hr/ha</b>	<b>300-650 hr/ha</b>	<b>650-1100 hr/ha</b>
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/hr	100-240 u/ha	215-405 u/ha

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

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

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

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

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

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

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

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

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

Policy H18 requires that for flats the minimum provision of amenity space should be 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 bed space.

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

### Dwelling size

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

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

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

### Dwelling outlook

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

### External amenity space provision

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



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

All of the dwellings proposed would also have access to two further communal amenity areas. These comprise a roof terrace measuring 254m<sup>2</sup> and a play area for children (not accessible to the general public) measuring 68m<sup>2</sup>. This second area would have play equipment installed within it, the precise details of which are to be agreed under the conditions recommended.

The total amount of communal and private amenity space provided at the site equates to approximately 618m<sup>2</sup>. Using the Barnet UDP standard of providing 5m<sup>2</sup> of usable amenity space 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 590m<sup>2</sup> of amenity space. The proposal therefore exceeds the minimum requirements of the Barnet UDP in this respect and as such is considered to be acceptable.

#### Privacy and overlooking

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

#### Daylight

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

#### Noise and air quality

Conditions have been recommended which require the development to be

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

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

#### Conclusions on the amenities of future occupiers

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Overlooking and Loss of privacy**

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

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

#### Daylight, Sunlight and Overshadowing

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

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

#### Outlook and Visual Impact

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

#### Noise

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

#### Wind Environment

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

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

### Conclusions

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

### **3.7 Affordable Housing**

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

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

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

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

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

### Affordable Housing Viability Assessment and Independent Review

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

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

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

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

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

#### Affordable Housing Conclusion

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

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

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

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

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

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

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

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

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

#### **Parking provision**

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

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

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

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

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

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



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

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

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

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

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

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

#### Trip generation

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

#### Existing Development:

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

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

#### Residential Trips:

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

### Commercial Trips:

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

### Combined Trips:

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

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

### Access to the basement parking

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

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

### Travel and construction management plans

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

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

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

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

#### Parking, highways and transport conclusions

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

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

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

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

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

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

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

#### **3.12 Safety and security matters:**

Policies GBEEnv3 and D9 require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime. Policy D10 states that where a proposed development is likely to affect community safety the developer will be required to enter into planning obligations with the Council to undertake measures which will improve safety and security.

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

### **3.13 Archaeological impacts:**

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

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

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

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

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

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

### **Carbon dioxide emissions**

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

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

#### Other aspects of sustainable design and construction

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

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

#### **3.15 Environmental Impact Assessment Regulations:**

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

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

#### **3.16 Planning obligation matters:**

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

be for the provision of the following:

**Residential Development:**

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

**Non-residential Development:**

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

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

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

Apprenticeships and Employment Training

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

Education

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

Healthcare

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

### Libraries

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

### Amendment to Local Traffic Order

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

### Travel Plan

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

### Travel Plan Monitoring

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

### Monitoring of the Section 106 Agreement

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

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

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

### Affordable Housing

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

### **3.17 Mayoral Community Infrastructure Levy**

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

4347m<sup>2</sup>, at the relevant rate of £35 per square metre, this equates to a charge of £152145.

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

Section 149 of the Equality Act 2010, which came into force on 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 seeks to promote sustainable development and encouraging mixed use schemes in town centre locations such as this.

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

The proposal would result in a net loss of employment generating floorspace at the site. However, the current office space is vacant, has been actively marketed, is of a poor quality and the loss of this space was previously accepted by an Inspector at two planning appeals in 2009. Furthermore the application would provide 126m<sup>2</sup> of new office space.

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

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

proposal.

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

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

## APPENDIX 1: KEY POLICY CONTEXT AND ANALYSIS

Table 1: Analysis of the proposals compliance with London Plan (July 2011) Policies

Policy	Content Summary	Extent of compliance and comment
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.	Compliant: The proposal is considered to constitute sustainable development and section 3 of the main report sets out in more detail how the proposal would comply with the relevant development plan policies.
2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); and 2.8 Outer London: Transport	Work to realise the full potential of outer London.  Seek to address the constraints and opportunities in the economic growth of outer London.  Recognise and address the orbital, radial and qualitative transport needs of outer London.	Compliant: The proposal is considered to demonstrate the influence of these policies and would comply with their key relevant objectives.  These include the provision of new homes which meet development plan policy, supporting the outer London economy by providing new office space and the siting of the development in an area of good public transport accessibility, along with the inclusion of measures encouraging travel by non car modes of transport.
Policy 2.15 (Town Centres)	Development in town centres should conform with policies 4.7 and 4.8, enhance vitality and viability, accommodate economic and housing growth, be in scale, promote access by non-car modes of transport and contribute an enhanced environment.	Compliant: The application demonstrates the influence of this policy and would fulfil the key criteria of this policy where they are relevant. The proposal would bring a vacant site back into use and have a positive impact on Finchley Church End Town Centre. The way in which the development would meet the diverse objectives of this policy are discussed in greater detail in the relevant sections of the main report.
Policy 2.18 (Green infrastructure: the network of open and green spaces)	Development proposals should enhance London's green infrastructure.	Compliant: Subject to the conditions recommended the proposal would provide appropriately designed soft landscaped areas and areas of green roof. In addition to this a planning obligation has been recommended which would result in a financial contribution towards the enhancement of public space in the area.
Policy 3.2 (Improving health and addressing health inequalities)	New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.	As controlled by the conditions and obligations recommended the proposal would be designed, constructed and managed in ways that promote healthy lifestyles. Examples of this include measures to ensure the provision of a suitable air quality and noise conditions within the development and facilities to encourage cycling.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.	Compliant: The proposal would provide 34 new flats contributing towards strategic housing targets for Barnet and London.
3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy should be resisted.	Compliant: While the proposed development exceeds the relevant density range identified in the London Plan for a location such as this the scheme is considered to comply with the objective of this policy, by providing an optimum density of development. The proposal puts forward an acceptable design response which complies with the relevant development plan policies, responds acceptably to the local context and character and

		takes account of the sites town centre location and good access to public transport. Further detail on this matter is set out in section 3.3 of the main report.
Policy 3.5 (Quality and design of housing developments)	<p>Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan.</p> <p>The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.</p>	<p>Compliant: The application is considered to demonstrate the influence of these policies and compliance with their key objectives.</p> <p>The design approach proposed takes suitable account of its context, the character of the area, the developments relationships with neighbouring buildings and spaces and provide a scheme of the appropriate design quality.</p> <p>The new dwellings proposed would all achieve the London Plan minimum space standards and, as controlled by the conditions recommended the scheme would be of a sufficiently high quality internally, externally and in relation to its context and wider environment.</p> <p>These issues are discussed in greater detail in section 3 of the report.</p>
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.	Compliant: The proposal provides sufficient quantities of space for play and informal recreation (approximately 25m <sup>2</sup> required to comply) and conditions have been recommended to ensure that the space is implemented in a manner which meets the objectives of this policy. The provision of amenity space at the site is discussed in greater detail in section 3 of the report.
3.8 (Housing choice)	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including:</p> <ul style="list-style-type: none"> <li>• New developments should offer a range of housing sizes and types.</li> <li>• All new housing should be built to Lifetime Homes standard.</li> <li>• 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users.</li> </ul>	<p>Compliant: The proposed development is considered to provide an appropriate mix of dwelling types for this ton centre location.</p> <p>All of the units would be built to achieve the Lifetime Homes Standard and not less than 10% of the units would be designed to be wheelchair accessible, or easily adaptable for wheelchair users. Conditions have been recommended to ensure that these elements of the proposal are carried through to implementation of the development.</p>
Policy 3.9 (Mixed and balanced communities); Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes); Policy 3.13 (Affordable housing thresholds)	<p>Communities mixed and balanced by tenure and household income should be promoted across London.</p> <p>The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of a specific sites individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential development.</p> <p>Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.</p>	<p>Compliant: The application is accompanied by an assessment which adequately demonstrates that it is not viable for the development to make a contribution to affordable housing provision. This assessment and its conclusions have been independently verified.</p> <p>A review mechanism has been included to ensure that the scheme make a financial contribution to affordable housing should it be found to be viable at a later date. This issue is addressed in greater detail in section 3 of the main report, in particular section 3.7.</p>

<p>Policy 3.16 (Protection and enhancement of social infrastructure)</p>	<p>London requires additional and enhanced social infrastructure provision to meet the needs of its population.</p>	<p>Compliant: The conditions and obligations proposed are considered to ensure that the development would provide the social infrastructure necessary for it to be acceptable.</p>
<p>Policy 4.1 (Developing London's economy); 4.2 (Offices); 4.3 (Mixed use development and offices); 4.7 (Retail and Town Centre Development); Policy 4.12 (Improving opportunities for all)</p>	<p>Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.</p> <p>Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and address the wider objectives of this plan.</p> <p>Encourage the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility. Development should support the consolidation of and enhancements to the quality of office stock in London.</p> <p>The following principles should be applied to town centre development:</p> <ul style="list-style-type: none"> <li>i. Scale should be related to the size role and function of the centre.</li> <li>ii. Should be focused on town centre sites.</li> </ul> <p>Proposals should support local employment, skills development and training opportunities.</p>	<p>Compliant: The application proposes the replacement of the existing vacant poor quality office space with a mixed use development including modern new office space in a town centre location that is accessible by public transport.</p> <p>The application would also provide a planning obligation that makes a contribution to employment and skills training in the borough.</p> <p>The application is considered to demonstrate the influence of these policies and compliance with their key objectives. This is discussed in greater detail in section 3 of the report.</p>
<p>Policy 5.1 (Climate Change Mitigation); Policy 5.2 (Minimising carbon dioxide emissions);</p>	<ul style="list-style-type: none"> <li>iii. Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. <ul style="list-style-type: none"> <li>- The Mayor will seek to ensure that developments meet the following targets for CO<sub>2</sub> emissions, which are expressed as year improvements on the 2010 Building Regulations: <ul style="list-style-type: none"> <li>- 2010 - 2013 – 25% (Code for Sustainable Homes level 4);</li> <li>i. 2013 – 2016 – 40%</li> </ul> </li> </ul> </li> <li>iii. Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).</li> </ul>	<p>Compliant: The proposal is accompanied by an adequate energy and sustainability assessments and includes a range of measures to mitigate climate change and reduce carbon dioxide emissions in accordance with the requirements of this policy. Conditions have been recommended to ensure that these are carried through into implementation. The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives.</p>
<p>Policy 5.3 (Sustainable design and construction)</p>	<p>Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.</p>	<p>Compliant: The proposal includes a range of elements and measures to achieve an appropriate level in respect of sustainable design and construction, provide an acceptable standard of environmental performance and adapt to the effects of climate change. This includes the new office</p>

		<p>space achieving a BREEAM rating of 'excellent' and the new dwellings achieving Code for Sustainable Homes level 4. These matters are outlined in detail in section 3 of the main report report.</p> <p>The development is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that this is carried through to implementation.</p>
<p>Policy 5.6 (Decentralised energy in development proposals)</p>	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>	<p>Compliant: The submission demonstrates how the development proposed would include measures to achieve acceptable reductions in carbon dioxide emissions and have good sustainability credentials more widely, without the inclusion of CHP (which is not proposed for use in the development). Conditions have been recommended to ensure that the suggested measures are adopted at implementation and as controlled the proposal is considered to be acceptable in this instance.</p>
<p>Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)</p>	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>	<p>Compliant: The proposal would achieve reductions in carbon dioxide emissions through the inclusion of renewable energy (photovoltaic panels).</p> <p>The submission identifies measures that are included in the scheme to reduce the potential for overheating and reliance on air conditioning.</p> <p>The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives.</p>
<p>Policy 5.10 (Urban greening); Policy 5.11 (Green roofs and development site environs)</p>	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.</p> <p>Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.</p>	<p>Compliant: The proposed development incorporates areas of green roof and new soft landscaping on the site. Details of these would be controlled through the conditions recommended to ensure that they achieve as many of the objectives of this policy as are possible.</p>
<p>Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)</p>	<p>Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.</p> <p>Proposals should utilise sustainable urban drainage systems unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London Plan.</p>	<p>Compliant: As conditioned the proposal is considered to demonstrate the influence of these policies and compliance with their key objectives.</p> <p>The proposal falls outside the threshold for development that requires a Flood Risk Assessment to be submitted and Environment Agency have responded to the consultation and have not raised any objections to the proposal.</p> <p>Conditions have been recommended to ensure that the drainage provided as part of the development meets the requirements of this policy.</p>
<p>Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15</p>	<p>Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development.</p> <p>Development should minimise the use of</p>	<p>Compliant: Thames Water have confirmed that there is adequate waste water infrastructure to accommodated the development.</p> <p>Conditions have been recommended to ensure that</p>

(Water use and supplies)	mains water and conserve water resources.	the proposal would minimise the use of mains water and conserve water.
Policy 5.17 (Waste capacity)	Suitable waste and recycling facilities are required in all new development.	Compliant: Conditions have been recommended which require the provision of suitable waste and recycling facilities.
Policy 5.21 (Contaminated land)	Appropriate measures should be taken to ensure that contaminate land does not activate or spread contamination.	Compliant: Conditions are proposed to require the appropriate investigation and mitigation of any contamination.
6.1 (Strategic Approach); 6.3 (Assessing Effects of Development On Transport Capacity)	<p>The Mayor will work with all relevant partners to encourage the closer integration of transport and development.</p> <p>Streetspace managed to take account of the different roles of roads for neighbourhoods and road users in ways that support promoting sustainable means of transport.</p> <p>Development should ensure that impacts on transport capacity and the transport network are fully assessed. Proposals should not adversely affect safety on the transport network.</p> <p>Transport assessments, travel plans, construction and logistics plans and service and delivery plans should be prepared in accordance with the relevant guidance.</p>	<p>Compliant: The site has a good public transport accessibility score (5) and the application proposes measures to encourage access to the site by a range of modes of transport, including non-car modes. These measures include a travel plan seeking to encourage appropriate proportions of journeys by non-car modes of transport under the planning obligations and conditions recommended.</p> <p>The Transport Assessment has assessed the impact of the scheme over an appropriate area of influence and has reported on the road traffic impacts across the area adjacent the site. No significant impacts on the adjacent local highway network have been identified.</p> <p>The conditions and obligations recommended would ensure that the necessary transport related plans would be required and completed in accordance with the relevant guidance.</p>
6.5 (Funding Crossrail and other strategically important transport infrastructure)	Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.	Compliant: The development would be required to make a contribution under the Mayoral Community Infrastructure levy.
6.9 (Cycling); 6.10 (Walking)	<p>Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists.</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.</p>	Compliant: Officers consider that the scheme proposes a suitable quality of pedestrian environment and the proposal would provide appropriate levels of facilities for cycles and cyclists. Conditions have been recommended to ensure that the objectives of these policies would be carried through to implementation.
6.11 (Smoothing Traffic Flow and Tackling Congestion)	Take a coordinated approach to smoothing traffic flow and tackling congestion.	<p>Compliant: The proposal includes measures to minimise impact on traffic flow and tackle congestion. These include a travel plan setting sustainable modal split targets and encouraging shifts to non-car modes of transport, that would be enforceable under the planning obligations recommended.</p> <p>The Transport Assessment has assessed the impact of the scheme over an appropriate area of influence, and has reported on the road traffic impacts across the area adjacent the site. No significant impacts on the adjacent local highway network have been identified.</p>

6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.	Compliant: The proposal is considered to demonstrate the influence of this policy and provide appropriate levels of parking in the relevant regards. Conditions have been recommended to ensure appropriate parking facilities, including electrical charging points and parking for disabled people are implemented.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.	Compliant: The application is considered to demonstrate the influence of this policy and design of this proposal and its position in a town centre location with good access to public transport accord with the objectives of this policy. This is discussed in greater detail in the relevant parts of section 3 of the main report.
7.2: (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.	Compliant: The proposal includes a range of measures to ensure that the development would provide an inclusive environment for all members of the community. Through the conditions recommended it would be ensured that the development would be implemented and operated to accord with the objectives of this policy.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.	Compliant: The proposal includes a number of elements to meet the requirements of this policy and the Metropolitan Police Service has confirmed that they are satisfied with the proposals. Through the conditions recommended the development would be implemented and operated to accord with the objectives of this policy.
7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture)	Buildings, streets and spaces should provide a high quality design response.  Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.  Architecture should make a positive contribution to a coherent public realm, incorporate the highest quality materials and design appropriate to its context.	Compliant: Officers consider that, subject to the requirements of the conditions recommended, the proposed development provides an appropriate and quality design approach to the buildings and spaces which form part of the application. The proposal is considered to demonstrate the influence of these policies and compliance with their key objectives where they are relevant. These matters are addressed in greater detail in section 3 of the main report and in particular section 3.5.
7.8 (Heritage assets and archaeology)	Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.  Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.  New development should make provision for the protection of archaeological resources, landscapes and significant memorials.	Compliant: The proposal would not have significant negative impacts on any heritage assets. The application is considered to demonstrate the influence of this policy and compliance with its key objectives.  English Heritage have responded to the consultation and confirmed that they would not raise any objection or request that conditions are placed on any grant of consent.



7.13 (Safety, security and resilience to emergency)	Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.	Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that the objectives of this policy would be carried through to implementation.  The Metropolitan Police Service and London Fire and Emergency Protection Authority have not raised any objections to the application.
7.14 (Improving air quality)	Proposals should: ii. Minimise increased exposure to existing poor air quality and make provision to address existing air quality problems. • Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings. • Be at least air quality neutral and not lead to further deterioration of poor air quality. – Ensure that where provision needs to be made to reduce development emissions this is usually on site.	Compliant: The submission assesses the impact of the proposal on air quality and the impact of local air quality on future occupants of the development. The assessment concludes that the proposal would not have a significant adverse impact on air quality and that the impact of local air quality on the future occupiers of the development can be adequately mitigated.  The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended to ensure that the objectives of this policy would be carried through to implementation.
7.15 (Reducing noise)	Proposals should seek to reduce noise by: – Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposals. – Separate noise sensitive development from major noise sources wherever practical. – Promote new technologies and practices to reduce noise at source.	Compliant: The proposal is considered to demonstrate the influence of this policy and compliance with its key objectives. Conditions have been recommended which would ensure that the development did not have an adverse impact on neighbouring occupiers and users and that the amenities of future occupiers would be adequately protected as far as is practicable in this instance. These issues are addressed in greater detail in section 3 of the main report.
7.19 (Biodiversity and access to nature)	Proposals should: – Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. – Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites. – Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan.	Compliant: Natural England have not raised any objections to the proposal and the application is considered to demonstrate the influence of this policy and includes measures to make a positive contribution to biodiversity.  Conditions have been recommended to ensure that the key objectives of this policy would be carried through at implementation.
7.21 (Trees and woodlands)	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.	Compliant: The application is considered to demonstrate the influence of this policy and compliance with its key objectives. The proposal would not result in the removal of any trees and the scheme includes measures to enhance the environmental quality of the site, including new soft landscaping.  Conditions and planning obligations have been recommended to ensure that the key objectives of this policy would be carried through at implementation.

<p>8.2 (Planning obligations; 8.3 (Community Infrastructure Levy)</p>	<p>Development proposals should address strategic as well as local priorities in planning obligations.</p> <p>The supporting of Crossrail (where appropriate) and other public transport improvements should be given the highest importance, with Crossrail (where appropriate) having higher priority than other transport improvements.</p> <p>Importance should also be given to talking climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.</p> <p>Guidance will be prepared setting out a framework for the application of the Community Infrastructure Levy to ensure the costs incurred in providing infrastructure which supports the policies in the London Plan can be funded wholly or partly by those with an interest in land benefiting from the grant of planning permission.</p>	<p>Compliant: A comprehensive set of planning obligations will be required before planning permission can be granted. Heads of Terms are attached to this committee report. It is considered that the package of planning obligations and conditions recommended would mitigate the potential adverse impacts of the development and also ensure that the infrastructure necessary to support and planning benefits of the scheme are delivered. The application will also necessitate a contribution under the Mayoral Community Infrastructure Levy.</p>
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**Table 2: Analysis of the proposals compliance with Barnet UDP (May 2006) Saved Policies**

Policy	Content Summary	Extent of Compliance and Comment
GSD (Sustainable development)	Ensure development and growth is sustainable.	Compliant: It is considered that this development demonstrates the influence of this policy and achieves the overall requirements of this policy.
GMixedUse (Mixed use)	<p>Proposals should incorporate a mix of uses and take account of:</p> <ul style="list-style-type: none"> <li>- Character and diversity of the existing area.</li> <li>- Potential nuisance.</li> <li>- Accessibility by a range of means of transport.</li> </ul>	Compliant: The application contains a mixture of appropriate uses, is in-keeping with the character of the area, has adequately minimised any potential nuisance to neighbouring occupiers, would not conflict unacceptably with the uses that surround it and has good access to a range of means of transport. It is considered that the development achieves the overall requirements of this policy.
GWaste (Waste disposal)	<p>Encourage principles of:</p> <ul style="list-style-type: none"> <li>• Waste management hierarchy</li> <li>• Best practical environmental option</li> <li>• Proximity principle.</li> </ul>	Compliant: It is considered that this development demonstrates the influence of this policy and subject to the conditions recommended would achieve the requirements of this policy.
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> <li>• Enhance the quality and character of the built and natural environment.</li> <li>• Require high quality design.</li> <li>• Provide a safe and secure environment.</li> </ul>	Compliant: The application demonstrates the influence of this policy and will produce a development with an appropriate design response. Officers consider that the design principles that underpin the application fulfil the key criteria of these policies.
GRoadNet (Road network); GParking (Parking);	<p>Seek to ensure that roads within borough are used appropriately.</p> <p>Apply standards to restrain growth of car use and regulate parking.</p>	Compliant: Subject to the controls imposed by the conditions and planning obligations recommended, it is not considered that the development would result in the inappropriate use of roads in the borough.

		The amount of proposed off street parking are policy compliant and the application includes a range of measures to regulate parking to an acceptable level.
GCS1 (Community facilities);	Adequate supply of land and buildings for community, religious, educational and health facilities.	Compliant: The planning obligations recommended ensure that suitable community facilities could be provided to support the development.
GEMP2 (Promoting business activities); GEMP3 (Maximising job creation); GEMP4 (Protecting employment land);	Promoting business activities and maximising job creation – <ul style="list-style-type: none"> <li>• Provide and promote sites.</li> <li>• Creation of maximum number and quality of jobs.</li> <li>• Retain employment land that meets the requirements of users.</li> </ul>	Compliant: The application would bring a site that is in a poor state of repair and which has been vacant since 2010 back into use and contains an element of employment generating (office) use. The applicant estimates that the development overall would increase employment at the site to 15 full time posts. The proposal is considered by officers to comply with the objectives of these policies.
GTCR3 (Enhancing town centres)	The quality of the environment of town centres should be enhanced.	Compliant: It is considered that the design of the development and nature of the uses proposed are such that it would enhance this part of Finchley Church End Town centre.
ENV7 (Air pollution)	Air pollution: <ul style="list-style-type: none"> <li>• Any possible impacts from development must be mitigated.</li> <li>• Minimise impact on development through siting.</li> <li>• Reduce traffic and need to travel.</li> </ul>	Compliant: The application site has good access to public transport and is situated within walking distance of a range of town centre amenities. The application includes a number of controls which reduce the impact of the development on air pollution and minimize the impacts of air pollution on the development.
ENV12 (Noise generating development); ENV13 (Minimising noise disturbance)	Location of noise generating development and noise sensitive receptors should be carefully considered. Minimise impact of noise disturbance through mitigation.	Compliant: Conditions have been recommended which would ensure that the development did not have an adverse impact on neighbouring occupiers and users and that the amenities of future occupiers would be adequately protected as far as is practicable in this instance. These issues are addressed in greater detail in the main report.
ENV14 (Contaminated land)	Development on contaminated land will be encouraged subject to site investigations and conditions to require survey and mitigation.	Compliant: Conditions are proposed to require the appropriate investigation and mitigation of any contamination.
D1 (High quality design)	Development should: <ul style="list-style-type: none"> <li>• Be of high quality design</li> <li>• Be sustainable</li> <li>• Ensure community safety</li> </ul>	Compliant: The application demonstrates the influence of this policy and would produce a development with high quality design. It is considered that, subject to the requirements of the conditions recommended, the design approach selected would fulfil the key criteria of this policy.  The current application is considered to have overcome the reasons for refusing previous proposals for the site.
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.	Compliant: The application demonstrates the influence of this policy and the design of the development would protect and respect the character and quality of the site and wider area. The design approach as controlled by the conditions recommended would fulfil the key criteria of this policy.  The current application is considered to have overcome the reasons for refusing previous

		proposals for the site.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.	Compliant: The design of the spaces in and around the development would enhance the application site and be in keeping with the character of the overall area.  The current application is considered to have overcome the reasons for refusing previous proposals for the site.
D4 (Over-development)	Proposals not to cause over development of a site.	Compliant: Officers consider that this policy has been met and the development proposed is not found to be an overdevelopment of the site.  The current application is considered to have overcome the reasons for refusing previous proposals for the site.
D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.	Compliant: The design and siting of the development is such that it would fulfil the requirements of this policy in respect of both adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.	Compliant: The design approach proposed is considered to provide a good level of visual interest at street level.
D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.	Compliant: The submission is considered to demonstrate the influence of this policy and subject to the conditions recommended the proposal is considered to be compliant with the key elements of this policy.  The Metropolitan Police Service and London Fire and Emergency Protection Authority have not expressed any concerns about the proposals.
D11 (Landscaping); D12 (Tree preservation orders); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> <li>• Achieve a suitable visual setting for buildings</li> <li>• Provide attractive and accessible spaces</li> <li>• Contribute to community safety, environmental and ecological quality</li> <li>• Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate)</li> <li>• Ensure appropriate new planting</li> </ul>	Compliant: As controlled by the conditions recommended the proposals for the site in respect of trees and landscaping would enhance the environmental quality of the site and are considered to be compliant with the requirements of these policies.
HC1 (Conservation areas)	The council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas.	Compliant: The design approach proposed for the development, including its height, size, scale and materials, is such that it would not impact adversely on the Finchley Church End Conservation Area.
HC17 (Archaeological Remains – Local)	Protect archaeological remains of local significance where appropriate.	Compliant: English Heritage has been consulted on the application and have not raised any concerns or requested that conditions are placed upon any grant of consent.
L12 (Public open space – areas of	The council will encourage: <ul style="list-style-type: none"> <li>• Improvements to public open provision and quality space in</li> </ul>	Compliant: The obligations recommended in a financial contribution to the enhancement of public open space in the area. This would enhance the

deficiency); L14 (Public open space – improved provision)	<p>areas, particularly in areas of deficiency.</p> <ul style="list-style-type: none"> <li>The full use of public open spaces by all sections of the community.</li> </ul>	quality of public open space and encourage its use by the community.
M1 (Transport Accessibility)	The council will expect major developments to be in locations which are, or will be made, accessible by a range of modes of transport.	Compliant: The application site is accessible by a range of modes of transport and has a Public Transport Accessibility Level of 5.
M2 (Transport impact assessments)	The council will require developers to submit a full transport impact assessment.	Compliant: A suitable Transport Assessment has been submitted with the application. This assesses the transport impacts of the development and demonstrates that the development can be satisfactorily accommodated on the site.
M3 (Travel plans)	For significant trip-generating developments the council will require the occupier to develop and maintain a Travel Plan.	Compliant: A planning obligation and condition have been recommended which would require the development and maintenance of a suitable travel plan.
M4 (Pedestrians and cyclists – widening opportunities); M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.	Compliant: Subject to the controls in place under conditions recommended the development is considered to provide appropriate facilities and access for the development
M6 (Public transport – use)	Developments should be located and designed to make use of public transport more attractive.	Compliant: The development is situated in an areas that has good access to public transport (a Public Transport Accessibility Level of 5).
M8 (Road hierarchy); M10 (Reducing traffic impacts)	<p>The council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use or adversely affect the operation of roads.</p> <p>Where it is considered necessary as a consequence of a development, the council may introduce measures to reduce the traffic impacts on the environment and the community and the council will seek to secure a planning obligation from the developer.</p>	<p>Compliant: The Transport Assessment has appropriately assessed the impact of the scheme and no significant impacts on the adjacent local highway network have been identified.</p> <p>The planning obligations and conditions recommended include the appropriate and necessary measures to reduce the traffic impacts of the development. These include a travel plan, the exclusion of occupiers of the development from obtaining parking permits for the local CPZ and controls on the provision, management and maintenance of the parking facilities at the site.</p>
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	<p>The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.</p> <p>The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.</p>	<p>Compliant: The design of the development is considered to take full account of the safety of all road users and would not unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.</p> <p>The proposal is considered to demonstrate that acceptable and safe access for all road users, including pedestrians would be provided to the site.</p> <p>It is considered that, subject to the conditions and obligations recommended, the submission demonstrates the influence of these policies and meets their requirements.</p>

M14 (Parking standards)	<p>The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be:</p> <ul style="list-style-type: none"> <li>• 2 to 1.5 spaces per unit for detached and semi-detached houses;</li> <li>• 1.5 to 1 spaces per unit for terraced houses and flats; and</li> <li>iii. 1 to less than 1 space per unit for development consisting mainly of flats.</li> </ul>	<p>Compliant: The scheme will provide the following parking spaces: Office 1 (1 disabled) Residential 39 (5 disabled) Total Proposed Parking 35 (6 disabled)</p> <p>The scheme is compliant with London Plan standards for non-residential uses. The scheme complies with the UDP residential parking standards.</p>
H2 (Housing – other sites)	<p>Assess residential proposals on site not allocated for housing based on appropriateness, access to facilities, impact, accessibility and whether land is required for another use.</p>	<p>Compliant: The proposal will provide new housing in an accessible and sustainable town centre location and make a contribution towards meeting strategic housing targets. The proposal is considered to be appropriate, would not have any unacceptable impacts and the site is not required for another use.</p>
H5 (Affordable housing); H8 (Affordable housing – commuted payments)	<p>Council will negotiate the maximum reasonable amount of affordable housing.</p> <p>Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.</p>	<p>Compliant: The application is accompanied by an assessment which adequately demonstrates that it is not viable for the development to make a contribution to affordable housing provision. This assessment and its conclusions have been independently verified.</p> <p>A review mechanism has been included to ensure that the scheme make a financial contribution to affordable housing should it be found to be viable at a later date. This issue is addressed in greater detail in section 3 of the main report, in particular section 3.7.</p>
H16 (Residential development – character)	<p>Residential development should:</p> <ul style="list-style-type: none"> <li>• Harmonise with and respect the character of the area. <ul style="list-style-type: none"> <li>i. Be well laid out.</li> <li>ii. Provide adequate daylight, outlook and residential amenity,</li> </ul> </li> <li>• Provide a safe and secure environment</li> <li>• Maintain privacy and prevent overlooking.</li> <li>• Provide adequate amenity space.</li> </ul>	<p>Compliant: The proposal is considered to provide a design approach which demonstrates the influence of this policy and adequately meets its objectives. This is discussed in greater detail in the above report, in particular in sections 3.4, 3.5, 3.6 and 3.12.</p>
H17 (Residential development – privacy standards)	<p>Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking. In town centre developments these standards may not apply, but proposals should include design solutions to avoid overlooking.</p>	<p>Compliant: Subject to the conditions recommended the proposal includes design measures which would provide adequate privacy and prevent overlooking for future and neighbouring occupiers.</p>
H18 (Residential development – amenity space standards)	<p>The minimum provision of amenity space for new residential schemes is 5m<sup>2</sup> per habitable room.</p>	<p>Compliant: The proposal provides a total of approximately 618m<sup>2</sup> of amenity space on site. This exceeds the minimum of 590m<sup>2</sup> that would be required under this policy.</p>
H20 (Residential development – public recreational space)	<p>Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.</p>	<p>Compliant: The application site falls within a part of the borough where a deficiency in public open space exists. Therefore a planning obligation has been recommended which includes a contribution of £68,000 towards enhancements and improvements to Finchley Church End Town Centre, Public Open Space and the Public Realm within 1.5km of the application site.</p>
H21	<p>Will favourably consider higher densities</p>	<p>Compliant: While the proposal has a high density it</p>

(Residential density)	in district town centres provided they comply with policy D1 and relate satisfactorily to their surroundings.	is considered to be fully compliant with policy D1 and relate satisfactorily to its surroundings. This is discussed in greater detail in sections 3.3, 3.4, 3.5 and 3.6 of the above report.
H24 (Conversion of non-residential uses)	Changes of use from non-residential to residential use will be permitted provided the site is in a suitable area for housing, having a reasonable standard of amenity, and there is no realistic prospect of re-use for employment or other non-residential purposes.	Compliant: The site is found to be suitable for housing and, subject to the conditions recommended, the dwellings proposed are found to provide their future occupiers with an acceptable standard of amenity in all regards.  The development includes an element of employment generating use and it is considered that the submission adequately demonstrates that there is no realistic prospect of the re-use of the site for any non-residential purposes. In addition to this the loss of the existing uses has previously been accepted by a Planning Inspector at appeal. Further detail on this is provided in section 3.1 of the main report.
EMP2 (Employment land – protection); EMP3 (Employment land consolidation)	At sites that have last been used, for class B1 or similar industrial uses, the council will not grant permission to redevelop or change them to non-business uses. Exceptions will only be made where there is no realistic prospect of re-use or of redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses.  Consolidation of employment land including new office use permitted provided that it is appropriate.	Compliant: The development includes an element of employment generating (126m <sup>2</sup> of use class B1 office) use and it is considered that the submission adequately demonstrates that there is no realistic prospect of the re-use of the site for any industrial or business use or redevelopment to include any further significant industrial uses.  In addition to this the loss of the existing uses has previously been accepted by a Planning Inspector at appeal and the planning obligations recommended include a contribution of £25,000 towards providing apprenticeships and employment training in the borough. This is considered to further mitigate the loss of the existing employment uses.  It is considered that the uses proposed are acceptable and compliant with the relevant development plan policies in all regards.  Further detail on these issues is provided in section 3.1 of the main report.
EMP6 (Offices – new development); EMP7 (Offices – re-use); EMP8 (Small businesses)	Preference will be given to proposals for new offices that involve the re-use or redevelopment of existing, vacant office premises and sites in town centres, provided that such sites are highly accessible by public transport, are intended to host mixed use schemes, and there would be no harm caused to the vitality and viability of the town centres. Proposals which provide office space for small and starter businesses will be encouraged.  The development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case, the priority for re-use would be as a mixed use development.	Compliant: The proposal involves new office space as part of a mixed use development in an accessible, town centre location on a site which presently contains vacant office space. It is considered that the design of the building sought and uses proposed in the development would have a positive impact on the vitality and viability of the town centre.  It is considered that the reduction in office space on the site proposed as part of this scheme has been adequately justified. In addition to this the loss of the existing uses has previously been accepted by a Planning Inspector at appeal and the planning obligations recommended include a contribution of £25,000 towards providing apprenticeships and employment training in the borough. This is considered to further mitigate the loss of the existing employment uses.  Further detail on these issues is provided in section 3.1 of the main report.

<p>CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)</p>	<p>Where appropriate the council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.</p>	<p>Compliant: The recommendations made include planning obligations to secure the achievement of appropriate contributions to the provision of community facilities (libraries), school places and health and social care facilities in the borough.</p>
<p>TCR1 (Sequential approach)</p>	<p>Sequential approach to development of new retail and other key town centre uses.</p>	<p>Compliant: The application proposes a main town centre use (Use Class B1 office) in a town centre location and as such is considered to be compliant with the objectives of this policy.</p>
<p>TCR13 (Residential development in town centres)</p>	<p>Housing development through conversion and redevelopment of existing buildings and new development, will be permitted except on the ground floor of primary and secondary frontages.</p>	<p>Compliant: The application proposes new housing outside of the ground floor of primary and secondary frontages.</p>
<p>TCR18 (Mixed use development)</p>	<p>New large developments in town centres should combine a mix of uses, which would normally include:</p> <ul style="list-style-type: none"> <li>• Residential accommodation (including affordable housing), where suitable amenity standards can be met, and which accords with policies H8 and H24; and</li> <li>• Uses at ground floor level that provide a direct service to visiting members of the public, and accord with the accepted town centre uses contained in policies TCR10 and TCR11</li> </ul>	<p>Compliant: The development includes a mixture of uses appropriate for this town centre location, including residential accommodation provided with suitable amenities and in compliance with policy H24 and other relevant development plan policies. It is considered that the schemes lack of contribution to affordable housing has been adequately justified in this instance.</p> <p>The site falls inside the town centre boundary but outside the defined primary and secondary retail frontages referred to in policies TCR10 and TCR11. As such the proposal of an office ground floor use is considered to be entirely reasonable and compliant with the objectives of this policy</p>

Key relevant policies from the emerging Local Development Framework/Local Plan Documents

**Core Strategy:**

CS NPPF – National Planning Policy Framework – presumption in favour of sustainable development

CS1 – Barnet’s place shaping strategy – protection, enhancement and consolidated growth – the three strands approach

CS3 – Distribution of growth in meeting housing aspirations

CS4 – Providing quality homes and housing choice in Barnet

CS5 – Protecting and enhancing Barnet’s character to create high quality places

CS6 – Promoting Barnet’s town centres

CS7 – Enhancing and protecting Barnet’s open spaces

CS8 – Promoting a strong and prosperous Barnet

CS9 – Providing safe, effective and efficient travel

CS10 – Enabling inclusive and integrated community facilities and uses

CS11 – Improving health and well being in Barnet



- CS12 – Making Barnet a safer place
- CS13 – Ensuring the efficient use of natural resources
- CS14 – Dealing with our waste
- CS15 – Delivering the core strategy

**Development Management Policies:**

- DM01 – Protecting Barnet’s character and amenity
- DM02 – Development standards
- DM03 – Accessibility and inclusive design
- DM04 – Environmental considerations
- DM06 – Archaeology and conservation
- DM08 – Ensuring a variety of sizes of new homes to meet housing need
- DM10 – Affordable housing contributions
- DM11 – Development principles in the town centres
- DM14 – New and existing employment spaces
- DM15 – Green belt and open spaces
- DM16 – Biodiversity
- DM17 – Travel impact and parking standards

Key relevant local and strategic supplementary planning documents

**Local Supplementary Planning Documents and Guidance:**

- Church End Finchley Town Centre Framework: Final Draft (December 2012)
- Contributions to Health Facilities from Development (July 2009)
- Contributions to Education from Development (February 2008)
- Contributions to Library Services from Development (February 2008)
- Sustainable Design and Construction (June 2007)
- Affordable Housing (February 2007)
- Planning Obligations (Section 106) (September 2006)

**Strategic Supplementary Planning Documents and Guidance:**

- Accessible London: Achieving an Inclusive Environment (April 2004)
- Housing (November 2005)
- Sustainable Design and Construction (May 2006)
- Health Issues in Planning (June 2007)
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- Providing for Children and Young People’s Play and Informal Recreation (March 2008)
- Industrial Capacity (March 2008)

- Draft SPG Note Affordable Housing (November 2011)
- Housing – Draft Supplementary Planning Guidance (December 2011)
- Preparing Borough Tree and Woodland Strategies - Draft Supplementary Planning Guidance (January 2012)
- Shaping Places: Children and Young People’s Play and Informal Recreation – Draft Supplementary Planning Guidance (February 2012)

## APPENDIX 2: KEY PLANNING HISTORY FOR THE SITE

**F/03458/10** 'Demolition of the existing building and redevelopment of the site to provide a mixed use scheme over a basement level, ground floor and nine upper floors creating 220m<sup>2</sup> of ground floor office (use class B1) space and 42 residential units (use class C3) above, parking for 27 cars and associated refuse storage, cycle parking, landscaping and works' Withdrawn (2010).

**F/00647/08** 'Demolition of existing buildings and erection of a ten storey building comprising residential accommodation (56 units) and ground floor class A1, A2, A3 and/or B1 unit (shop/financial and professional services/cafe and restaurants/business). Associated parking and vehicular access' Refused (2008). Appeal dismissed (2009).

**F/00506/08** 'Demolition of existing buildings and erection of a ten storey building comprising privately managed student accommodation and ground floor class A1, A2 and/or B1 unit (shop/financial and professional services/business). Associated parking and vehicular access' Refused (2008). Appeal dismissed (2009).

**C01535AS/07** 'Environmental Impact Assessment - Screening Opinion' Environmental Statement not required (2007).

**C01535AR/05** 'Demolition of existing buildings and erection of a 9 storey building comprising class B1 (office) on ground, first and second floors and 24 No. residential units on upper floors plus basement and sub basement parking for 37 cars (outline)' Withdrawn (2005).

**C01535AQ/03** 'Demolition of existing building and erection of nine-storey building comprising B1 office use at ground floor level and 24no. residential units on the upper floors plus basement and sub-basement parking for 37no. cars (outline)' Granted (2003).

**C01535AP/02** 'Change of use from offices (B1) to Health and Fitness studio (D1)' Granted (2002).

**C01535AN/01** 'Change of use from office (Class B1) to employment agency office (Class A2)' Granted (2001).

**C01535AM/00** 'Six storey building accommodating eighteen, two bedroom flats with underground car parking (outline)' Refused (2001). Appeal allowed (2001).

**C01535AK/00** 'Six storey office building with car parking for 30 cars. Vehicular access from Nether Street (outline)' Granted (2000).

**C01535AJ** 'Change of use of part of second floor from offices (Class B1) to a flat' Granted (1999).

**C01535AG** 'Rear extension at second floor level to create additional office space. Alterations to ground floor of building to create 4 additional car parking spaces' Granted (1997).

**C01535AF** 'Renewal of Planning Permission Reference No. C01535AD dated 25.02.92 for six storey office building with underground car parking for 63 cars. Vehicular access from Nether Street (outline)' Granted (1995).

**C01535AE** 'Details pursuant to Condition 03 (design and external appearance) of planning permission reference No. C01535AD for office development' Granted (1995).

**C01535AD** 'Six storey office building with underground car parking for 63 cars. Vehicular access from Nether Street (outline)' Granted (1992).

**C01535AB** 'Single storey front extension' Granted (1991).

**C01535AA** 'Six storey office building with underground car parking for 63 cars; vehicular access from Nether Street (Outline)' Granted (1990).

**C01535Z** 'Six storey office building with underground car parking for 63 cars, vehicular access from Nether Street and surface level parking for 5 cars having

vehicular access from Albert Place (Outline)' Refused (1990).

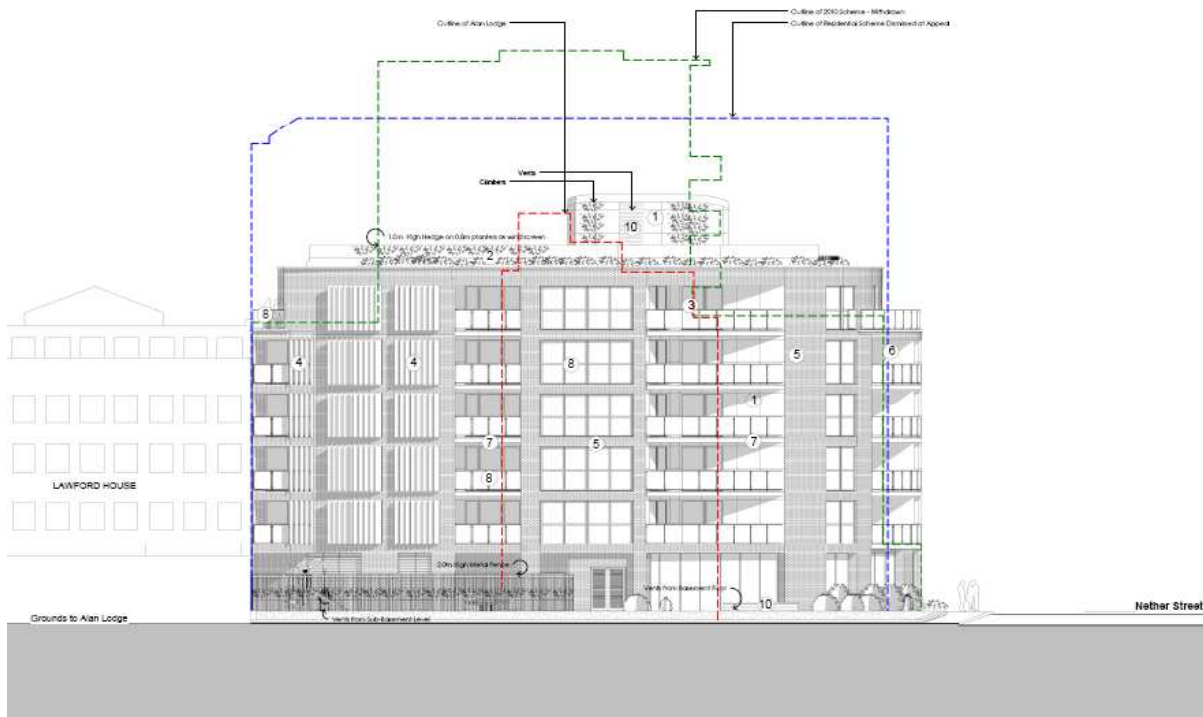
**C01535Y** 'Redevelopment to provide six storey office building with basement and ground floor car parking (Outline)' Granted (1989).

# APPENDIX 3: PLANS OF THE PROPOSED DEVELOPMENT

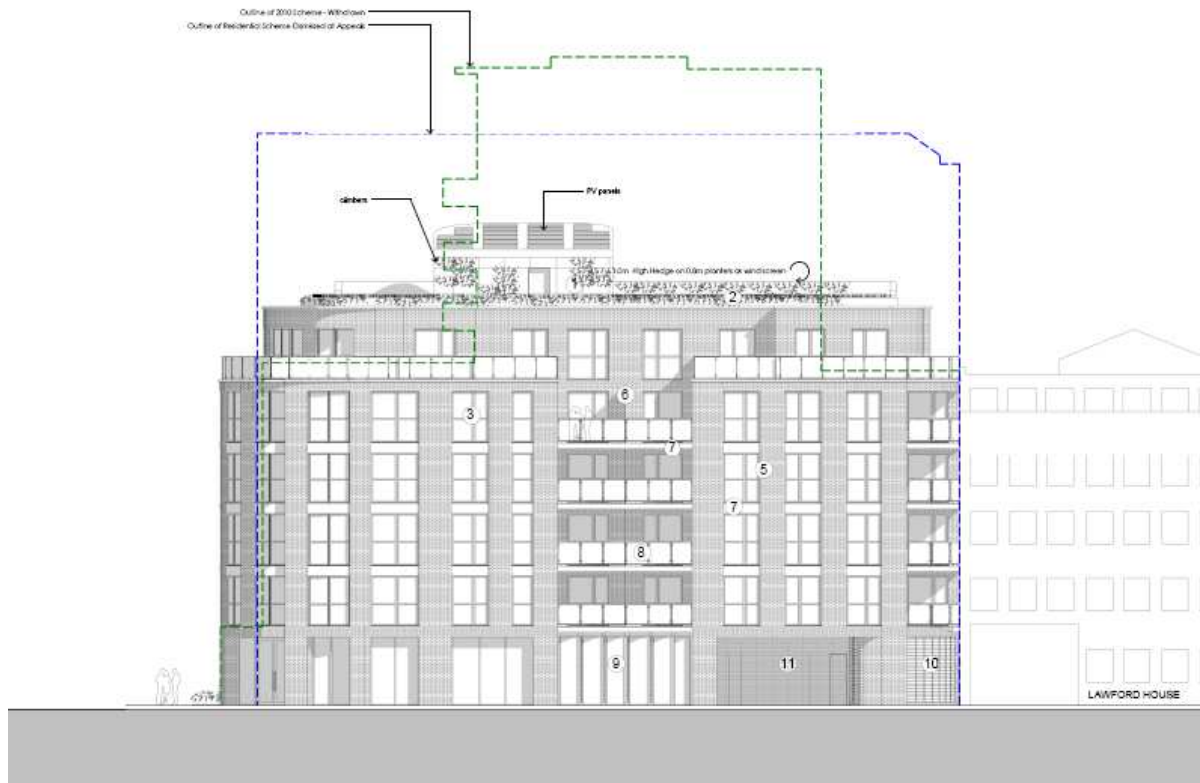
## South-West Elevation



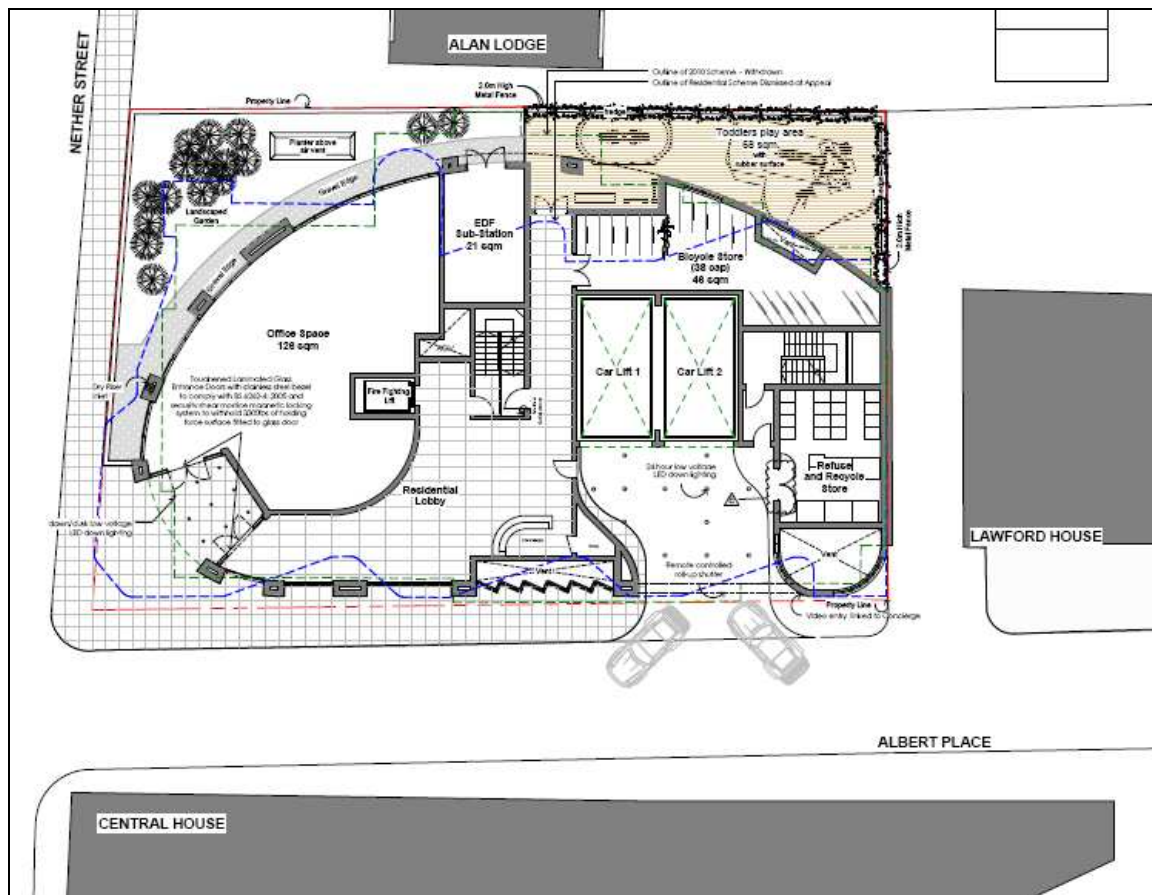
## North-West Elevation



# South-East Elevation



# Ground Floor Plan



## APPENDIX 4: COMPUTER GENERATED IMAGES OF THE PROPOSAL

View towards Albert Place



View from Nether Street towards Ballards Lane





View from Albert Place towards Nether Street



View towards Nether Street



## APPENDIX 5: INFORMATIVES

1 In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010, this informative summarises the local planning authority's reasons for granting planning permission for this development and the relevant development plan policies taken into account in this decision.

In summary, the Local Planning Authority considers that the proposed development should be permitted for the following reasons:

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

The proposal would result in a net loss of employment generating floorspace at the site. However, the current office space is vacant, has been actively marketed, is of a poor quality and the loss of this space was previously accepted by an Inspector at two planning appeals in 2009. Furthermore the application would provide 126m<sup>2</sup> of new office space.

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

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

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

In conclusion, the proposed development accords with the relevant development plan policies generally, individually and taken overall. As such



it is considered that there are material planning considerations which justify the grant of planning permission.

A summary of the development plan policies relevant to this decision is set out in Tables 1 and 2 below:

Table 1: Summary of the London Plan (2011) policies relevant to this decision

<b>Policy</b>	<b>Content Summary</b>
1.1 (Delivering the strategic vision and objectives for London)	Strategic vision and objectives for London including managing growth and change in order to realise sustainable development and ensuring all Londoners to enjoy a good and improving quality of life.
2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); and 2.8 Outer London: Transport	Work to realise the full potential of outer London.  Seek to address the constraints and opportunities in the economic growth of outer London.  Recognise and address the orbital, radial and qualitative transport needs of outer London.
Policy 2.15 (Town Centres)	Development in town centres should conform with policies 4.7 and 4.8, enhance vitality and viability, accommodate economic and housing growth, be in scale, promote access by non-car modes of transport and contribute an enhanced environment.
Policy 2.18 (Green infrastructure: the network of open and green spaces)	Development proposals should enhance London's green infrastructure.
Policy 3.2 (Improving health and addressing health inequalities)	New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles.
3.3 (Increasing housing supply)	Boroughs should seek to achieve and exceed the relevant minimum borough annual average housing target. For Barnet the target is 22,550 over the next 10 years with an annual monitoring target of 2,255.
3.4 (Optimising housing potential)	Development should optimise housing output for different types of location taking into account local context and character, the London Plan design principles and public transport capacity. Proposals which compromise this policy should be resisted.
Policy 3.5 (Quality and design of housing developments)	Housing developments should be of the highest quality internally, externally and in relation to their context and wider environment, taking account of the policies in the London Plan.  The design of all new housing should incorporate the London Plan minimum space standards and enhance the quality of local places, taking account of physical context, local character, density, tenure and land use mix and relationships with and provision of spaces.
Policy 3.6 (Children and young people's play and informal recreation facilities)	New housing should make provision for play and informal recreation based on the child population generated by the scheme and an assessment of future needs.

3.8 (Housing choice)	<p>Londoners should have a genuine choice of homes that they can afford and which meet their requirements, including:</p> <ol style="list-style-type: none"> <li>i. New developments should offer a range of housing sizes and types.</li> <li>ii. All new housing should be built to Lifetime Homes standard.</li> <li>iii. 10% of new housing is designed to be wheelchair accessible, or easily adaptable for wheelchair users.</li> </ol>
<p>Policy 3.9 (Mixed and balanced communities);  Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes);  Policy 3.13 (Affordable housing thresholds)</p>	<p>Communities mixed and balanced by tenure and household income should be promoted across London.</p> <p>The maximum reasonable amount of affordable housing should be sought for individual schemes. Negotiations should take account of a specific sites individual circumstances, including viability, the availability of subsidy, requirements and targets for affordable housing, the need to promote mixed and balanced communities and the need to encourage residential development.</p> <p>Boroughs should normally require affordable housing provision a site which has capacity to provide 10 or more homes.</p>
<p>Policy 3.16 (Protection and enhancement of social infrastructure)</p>	<p>London requires additional and enhanced social infrastructure provision to meet the needs of its population.</p>
<p>Policy 4.1 (Developing London's economy); 4.2 (Offices); 4.3 (Mixed use development and offices); 4.7 (Retail and Town Centre Development);  Policy 4.12 (Improving opportunities for all)</p>	<p>Promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.</p> <p>Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and address the wider objectives of this plan.</p> <p>Encourage the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility. Development should support the consolidation of and enhancements to the quality of office stock in London.</p> <p>The following principles should be applied to town centre development:</p> <ul style="list-style-type: none"> <li>- Scale should be related to the size role and function of the centre.</li> <li>- Should be focused on town centre sites.</li> </ul> <p>Proposals should support local employment, skills development and training opportunities.</p>
<p>Policy 5.1 (Climate Change Mitigation);  Policy 5.2 (Minimising carbon dioxide emissions);</p>	<ol style="list-style-type: none"> <li>i. Development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy.</li> <li>ii. The Mayor will seek to ensure that developments meet the following targets for CO<sub>2</sub> emissions, which are expressed as year improvements on the 2010 Building Regulations: <ul style="list-style-type: none"> <li>o 2010 - 2013 – 25% (Code for Sustainable Homes level 4);</li> <li>o 2013 – 2016 – 40%</li> </ul> </li> <li>iii. Major development proposals should include a comprehensive and appropriately detailed energy assessment to demonstrate how these targets are to be met within the framework of the energy hierarchy (Be lean, be clean, be green).</li> </ol>
<p>Policy 5.3 (Sustainable design and construction)</p>	<p>Development proposals should demonstrate that sustainable design standards are integral to the proposal, considered from the start of the process and meet the requirements of the relevant guidance.</p>
<p>Policy 5.6 (Decentralised energy in development proposals)</p>	<p>Development should evaluate the feasibility of combined heat and power (CHP) systems and where they are appropriate also examine the opportunities to extend the system beyond the site boundary.</p> <p>Energy systems should be selected in the following hierarchy, connection to existing heating or cooling networks; site wide CHP network; communal heating and cooling.</p>

Policy 5.7 (Renewable energy); Policy 5.9 (Overheating and cooling)	<p>Within the framework of the energy hierarchy proposals should provide a reduction in expected carbon dioxide emissions through the use of on site renewable energy generation where feasible.</p> <p>Proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this has been achieved.</p>
Policy 5.10 (Urban greening); Policy 5.11 (Green roofs and development site environs)	<p>Development proposals should integrate green infrastructure from the beginning of the design process to contribute to urban greening.</p> <p>Proposals should be designed to include roof, wall and site planting to deliver as wide a range of the objectives associated with such planting as possible.</p>
Policy 5.12 (Flood risk management); Policy 5.13 (Sustainable drainage)	<p>Proposals must comply with the flood risk assessment and management requirements of set out in PPS25.</p> <p>Proposals should utilise sustainable urban drainage systems unless there are practical reasons for not doing so and should aim to achieve Greenfield runoff rates and ensure that surface water runoff is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other objectives of the London Plan.</p>
Policy 5.14 (Water quality and wastewater infrastructure); Policy 5.15 (Water use and supplies)	<p>Proposals must ensure that adequate waste water infrastructure capacity is available in tandem with development.</p> <p>Development should minimise the use of mains water and conserve water resources.</p>
Policy 5.17 (Waste capacity)	Suitable waste and recycling facilities are required in all new development.
Policy 5.21 (Contaminated land)	Appropriate measures should be taken to ensure that contaminate land does not activate or spread contamination.
6.1 (Strategic Approach); 6.3 (Assessing Effects of Development On Transport Capacity)	<p>The Mayor will work with all relevant partners to encourage the closer integration of transport and development.</p> <p>Streetspace managed to take account of the different roles of roads for neighbourhoods and road users in ways that support promoting sustainable means of transport.</p> <p>Development should ensure that impacts on transport capacity and the transport network are fully assessed. Proposals should not adversely affect safety on the transport network.</p> <p>Transport assessments, travel plans, construction and logistics plans and service and delivery plans should be prepared in accordance with the relevant guidance.</p>
6.5 (Funding Crossrail and other strategically important transport infrastructure)	Contributions will be sought from developments to Crossrail and other transport infrastructure of regional strategic importance to London's regeneration and development.
6.9 (Cycling); 6.10 (Walking)	<p>Proposals should provide secure, integrated and accessible cycle parking facilities in line with in minimum standards and provide on-site changing facilities for cyclists.</p> <p>Development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.</p>
6.11 (Smoothing Traffic Flow and Tackling Congestion)	Take a coordinated approach to smoothing traffic flow and tackling congestion.

6.13: (Parking)	The maximum standards in the London Plan should be applied to planning applications and developments should also provide electrical charging points, parking for disabled people and cycle parking in accordance with the London Plan standards. Delivery and servicing needs should also be provided for.
7.1 Building London's Neighbourhoods and Communities	In their neighbourhoods people should have a good quality environment in an active and supportive local community with the best possible access to services, infrastructure and public transport to wider London. Neighbourhoods should also provide a character that is easy to understand and relate to.
7.2: (Inclusive environment)	Design and Access Statements should explain how, the principles of inclusive design, including the specific needs of older and disabled people, have been integrated into the proposed development, whether relevant best practice standards will be complied with and how inclusion will be maintained and managed.
7.3 (Designing out crime)	Development proposals should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture)	Buildings, streets and spaces should provide a high quality design response.  Public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.  Architecture should make a positive contribution to a coherent public realm, incorporate the highest quality materials and design appropriate to its context.
7.8 (Heritage assets and archaeology)	Development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.  Development affecting heritage assets and their settings should be conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.  New development should make provision for the protection of archaeological resources, landscapes and significant memorials.
7.13 (Safety, security and resilience to emergency)	Proposals should contribute to the minimisation of potential physical risks and include measures to assist in designing out crime and terrorism.
7.14 (Improving air quality)	Proposals should: <ul style="list-style-type: none"> <li>- Minimise increased exposure to existing poor air quality and make provision to address existing air quality problems.</li> <li>- Promote sustainable design and construction to reduce emissions from the demolition and construction of buildings.</li> <li>- Be at least air quality neutral and not lead to further deterioration of poor air quality.</li> <li>- Ensure that where provision needs to be made to reduce development emissions this is usually on site.</li> </ul>
7.15 (Reducing noise)	Proposals should seek to reduce noise by: <ul style="list-style-type: none"> <li>- Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of proposals.</li> <li>- Separate noise sensitive development from major noise sources wherever practical.</li> <li>- Promote new technologies and practices to reduce noise at source.</li> </ul>
7.19 (Biodiversity and access to nature)	Proposals should: <ul style="list-style-type: none"> <li>- Wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity.</li> <li>- Prioritise assisting in meeting targets in biodiversity action plans and/or improve access to nature in areas deficient in accessible wildlife sites.</li> <li>- Be resisted where they have significant adverse impacts on the population or conservation status of a protected species, or a priority species or habitat identified in a biodiversity action plan.</li> </ul>
7.21 (Trees and woodlands)	Existing trees of value should be retained and any loss as a result of development should be replaced. Wherever appropriate the planting of additional trees should be in developments.
8.2 (Planning obligations); 8.3 (Community Infrastructure)	Development proposals should address strategic as well as local priorities in planning obligations.  The supporting of Crossrail (where appropriate) and other public transport improvements should

Levy)	<p>be given the highest importance, with Crossrail (where appropriate) having higher priority than other transport improvements.</p> <p>Importance should also be given to talking climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops.</p> <p>Guidance will be prepared setting out a framework for the application of the Community Infrastructure Levy to ensure the costs incurred in providing infrastructure which supports the policies in the London Plan can be funded wholly or partly by those with an interest in land benefiting from the grant of planning permission.</p>
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Table 2: Summary of the Saved Barnet UDP (2006) policies relevant to this decision

<b>Policy</b>	<b>Content Summary</b>
GSD (Sustainable development)	Ensure development and growth is sustainable.
GMixedUse (Mixed use)	Proposals should incorporate a mix of uses and take account of: <ul style="list-style-type: none"> <li>• Character and diversity of the existing area.</li> <li>• Potential nuisance.</li> <li>• Accessibility by a range of means of transport.</li> </ul>
GWaste (Waste disposal)	Encourage principles of: <ul style="list-style-type: none"> <li>• Waste management hierarchy</li> <li>• Best practical environmental option</li> <li>• Proximity principle.</li> </ul>
GBEnv1 (Character); GBEnv2 (Design); GBEnv3 (Safe environment)	<ul style="list-style-type: none"> <li>• Enhance the quality and character of the built and natural environment.</li> <li>• Require high quality design.</li> <li>• Provide a safe and secure environment.</li> </ul>
GRoadNet (Road network); GParking (Parking);	<p>Seek to ensure that roads within borough are used appropriately.</p> <p>Apply standards to restrain growth of car use and regulate parking.</p>
GCS1 (Community facilities);	Adequate supply of land and buildings for community, religious, educational and health facilities.
GEMP2 (Promoting business activities); GEMP3 (Maximising job creation); GEMP4 (Protecting employment land);	<p>Promoting business activities and maximising job creation –</p> <ul style="list-style-type: none"> <li>• Provide and promote sites.</li> <li>• Creation of maximum number and quality of jobs.</li> <li>• Retain employment land that meets the requirements of users.</li> </ul>
GTCR3 (Enhancing town centres)	The quality of the environment of town centres should be enhanced.
ENV7 (Air pollution)	<p>Air pollution:</p> <ul style="list-style-type: none"> <li>• Any possible impacts from development must be mitigated.</li> <li>• Minimise impact on development through siting.</li> <li>• Reduce traffic and need to travel.</li> </ul>
ENV12 (Noise generating development); ENV13 (Minimising noise disturbance)	<p>Location of noise generating development and noise sensitive receptors should be carefully considered.</p> <p>Minimise impact of noise disturbance through mitigation.</p>
ENV14 (Contaminated land)	Development on contaminated land will be encouraged subject to site investigations and conditions to require survey and mitigation.
D1 (High quality design)	<p>Development should:</p> <ul style="list-style-type: none"> <li>• Be of high quality design</li> <li>• Be sustainable</li> <li>• Ensure community safety</li> </ul>
D2 (Character)	Protect or enhance local character and respect the overall character and quality of the area.
D3 (Spaces)	Spaces should enhance the development and be in keeping with the overall area.

D4 (Over-development)	Proposals not to cause over development of a site.
D5 (Outlook)	New developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
D6 (Street interest)	New development should provide visual interest at street level.
D9 (Designing out crime); D10 (Improving community safety)	Development to be designed to reduce crime and fear of crime. Safety and Security to be secured through planning obligations where proposal would affect community safety.
D11 (Landscaping); D12 (Tree preservation orders); D13 (Tree protection and enhancement)	Proposals should: <ul style="list-style-type: none"> <li>• Achieve a suitable visual setting for buildings</li> <li>• Provide attractive and accessible spaces</li> <li>• Contribute to community safety, environmental and ecological quality</li> <li>• Retain and protect as many trees as practicable (with Tree Preservation Orders made if appropriate)</li> <li>• Ensure appropriate new planting</li> </ul>
HC1 (Conservation areas)	The council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas.
HC17 (Archaeological Remains – Local)	Protect archaeological remains of local significance where appropriate.
L12 (Public open space – areas of deficiency); L14 (Public open space – improved provision)	The council will encourage: <ul style="list-style-type: none"> <li>• Improvements to public open provision and quality space in areas, particularly in areas of deficiency.</li> <li>• The full use of public open spaces by all sections of the community.</li> </ul>
M1 (Transport Accessibility)	The council will expect major developments to be in locations which are, or will be made, accessible by a range of modes of transport.
M2 (Transport impact assessments)	The council will require developers to submit a full transport impact assessment.
M3 (Travel plans)	For significant trip-generating developments the council will require the occupier to develop and maintain a Travel Plan.
M4 (Pedestrians and cyclists – widening opportunities); M5 (Pedestrians and cyclists – improved facilities)	Developers will be expected to provide convenient safe and secure facilities for pedestrians and cyclists both (both on and off-site) and encourage access to developments by pedestrians and cyclists, maximising opportunities to travel on foot and by cycle.
M6 (Public transport – use)	Developments should be located and designed to make use of public transport more attractive.
M8 (Road hierarchy); M10 (Reducing traffic impacts)	The council will take into account the function of adjacent roads, and may refuse development that would result in inappropriate road use or adversely affect the operation of roads.  Where it is considered necessary as a consequence of a development, the council may introduce measures to reduce the traffic impacts on the environment and the community and the council will seek to secure a planning obligation from the developer.
M11 (Safety of road users); M12 (Safety of road network); M13 (Safe access to new development)	The council will ensure that the safety of road users, particularly those at greater risk, is taken fully into account when considering development proposals.  The council will seek to reduce accidents by refusing development proposals that unacceptably increase conflicting movements on the road network or increase the risk, or perceived risk, to vulnerable road users.  The council will expect developers to provide safe and suitable access for all road users (including pedestrians) to new developments.

M14 (Parking standards)	The council will expect development to provide parking in accordance with the London Plan parking standards, except in the case of residential development, where the standards will be: <ul style="list-style-type: none"> <li>i. 2 to 1.5 spaces per unit for detached and semi-detached houses;</li> <li>ii. 1.5 to 1 spaces per unit for terraced houses and flats; and</li> <li>iii. 1 to less than 1 space per unit for development consisting mainly of flats.</li> </ul>
H2 (Housing – other sites)	Assess residential proposals on site not allocated for housing based on appropriateness, access to facilities, impact, accessibility and whether land is required for another use.
H5 (Affordable housing); H8 (Affordable housing – commuted payments)	Council will negotiate the maximum reasonable amount of affordable housing.  Council may exceptionally accept the provision of off site housing or a commuted payment instead of on-site provision.
H16 (Residential development - character)	Residential development should: <ul style="list-style-type: none"> <li>• Harmonise with and respect the character of the area.</li> <li>• Be well laid out.</li> <li>• Provide adequate daylight, outlook and residential amenity,</li> <li>• Provide a safe and secure environment</li> <li>• Maintain privacy and prevent overlooking.</li> <li>• Provide adequate amenity space.</li> </ul>
H17 (Residential development – privacy standards)	Development to provide appropriate distances between facing habitable rooms to allow privacy and prevent overlooking. In town centre developments these standards may not apply, but proposals should include design solutions to avoid overlooking.
H18 (Residential development – amenity space standards)	The minimum provision of amenity space for new residential schemes is 5m <sup>2</sup> per habitable room.
H20 (Residential development – public recreational space)	Permission will only be granted for housing developments if they provide proportionate amounts of public recreational space, consummate improvements or contribute towards providing children’s play space, sports grounds and general use areas where a deficiency in open space exists.
H21 (Residential density)	Will favourably consider higher densities in district town centres provided they comply with policy D1 and relate satisfactorily to their surroundings.
H24 (Conversion of non-residential uses)	Changes of use from non-residential to residential use will be permitted provided the site is in a suitable area for housing, having a reasonable standard of amenity, and there is no realistic prospect of re-use for employment or other non-residential purposes.
EMP2 (Employment land – protection); EMP3 (Employment land consolidation)	At sites that have last been used, for class B1 or similar industrial uses, the council will not grant permission to redevelop or change them to non-business uses. Exceptions will only be made where there is no realistic prospect of re-use or redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses.  Consolidation of employment land including new office use permitted provided that it is appropriate.
EMP6 (Offices – new development); EMP7 (Offices – re-use); EMP8 (Small businesses)	Preference will be given to proposals for new offices that involve the re-use or redevelopment of existing, vacant office premises and sites in town centres, provided that such sites are highly accessible by public transport, are intended to host mixed use schemes, and there would be no harm caused to the vitality and viability of the town centres. Proposals which provide office space for small and starter businesses will be encouraged.  The development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case, the priority for re-use would be as a mixed use development.

CS2 (Community and religious facilities – planning obligations); CS8 (Educational needs generated by new housing development); CS13 (Health and social care facilities – planning obligations)	Where appropriate the council will seek to enter into planning obligations to secure the provision of community facilities, school places and health and social care facilities.
TCR1 (Sequential approach)	Sequential approach to development of new retail and other key town centre uses.
TCR13 (Residential development in town centres)	Housing development through conversion and redevelopment of existing buildings and new development, will be permitted except on the ground floor of primary and secondary frontages.
TCR18 (Mixed use development)	New large developments in town centres should combine a mix of uses, which would normally include: <ul style="list-style-type: none"> <li>– Residential accommodation (including affordable housing), where suitable amenity standards can be met, and which accords with policies H8 and H24; and</li> <li>– Uses at ground floor level that provide a direct service to visiting members of the public, and accord with the accepted town centre uses contained in policies TCR10 and TCR11</li> </ul>

- 2 Thames Water would recommend that petrol and interceptors are fitted in all car parking facilities provided.
- 3 Where a developer proposes to discharge water to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Where a developer proposes to discharge groundwater into a public sewer a groundwater discharge permit will be required. Groundwater permit enquires should be directed to Thames Water's Risk Management Team. They can be contacted on 02085074890. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- 4 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out – habitable rooms away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint – setting further away from source of poor air quality.

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



5 In complying with the contaminated land condition parts 1 and 2 reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already identified in the above list.

6 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport: Railway Noise and insulation of dwellings.

7 If any existing redundant vehicular crossovers are required to be reinstated to footway level then the work has to be carried out by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

8 The applicant is advised that an application under Section 184 or 278 of the Highways Act (1980) may need to be submitted for the provision of a vehicular access to the property. The access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development,

will be borne by the applicant. To receive a copy of our Guidelines for Developers and an application form please contact Traffic & Development Section - Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

- 9 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Environment Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays or existing waiting restrictions affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 10 In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged.
- 11 The applicant is advised that construction of a vehicular access/crossover may involve alterations to the existing on-street parking bays or waiting restrictions. Alterations to on-street parking bays or waiting restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Any related costs for the alterations will be borne by the applicant.
- 12 The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 13 The applicant is advised that the development is located on or near a Strategic Road Network (SRN)/Transport for London Road Network (TLRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 14 Any details submitted in respect of the Demolition and Construction Management /Logistic Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of

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

- 15 The applicant is advised that Nether Street is Traffic Sensitive Route from 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday – Saturday and Ballards Lane is Traffic Sensitive Route from 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday – Friday.
- 16 Any works necessary on the public highway to facilitate the development may be carried out under rechargeable works or under a Section 278 agreement.
- 17 The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided.
- 18 The London Plan promotes electric vehicle charging points with 20% active and 10% passive provision and should be provided.
- 19 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £152145

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)

20 The Environment Agency recommend that:

- A) If the construction of the proposed development is to involve the use of piling a 'Piling Risk Assessment' should be carried out to demonstrate that the chosen piling method does not increase the risk of near surface pollutants migrating.
- B) The surface water management good practice advice in cell F5 of their 'Flood Risk Standing Advice' is used to ensure sustainable surface water management is achieved as part of the development.

The Environment Agency can be contacted at [colneplanning@environment-agencu.gov.uk](mailto:colneplanning@environment-agencu.gov.uk) or on 01707632332.

**APPENDIX 5: SITE LOCATION PLAN:**

**Adastra House, 401-405 Nether Street, London, N3 1QG**

