

**Location**                    **707 High Road London N12 0BT**

**Reference:**                **18/0782/FUL**                    Received: 5th February 2018  
Accepted: 5th February 2018

Ward:                        West Finchley                    Expiry 2nd April 2018

Applicant:                 Mr P Lyons

Proposal:                    Two storey extension to existing podium , creating 9 new residential units with a roof garden with associated parking at ground and basement level; additional bike and bin stores to serve additional residential units within the wider scheme; and elevation upgrade to the whole building

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

#### RECOMMENDATION I:

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

1.     Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2.     All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
  
3.     Amendment to Traffic Management Order (£2,000)
  
4.     Review of surrounding CPZ once the development is 85% occupied (£20,000).

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

OS Map 1:1250

S01 (Existing Basement Floor Plan)  
S02 (Existing Ground Floor Plan)  
S03 (Existing First Floor Plan)  
S04 (Existing Second Floor Plan)  
S05 (Existing Third Floor Plan)  
S06 (Existing Fourth Floor Plan)  
S07 (Existing Fifth - Eight Floor Plan)  
S08 (Existing Elevations)  
S09 (Existing Elevations)

P01 A (Proposed Basement Floor Plan)  
P02 A (Proposed Ground Floor Plan)  
P03 A (Proposed First Floor Plan)  
P04 A (Proposed Second Floor Plan)  
P05 A (Proposed Third Floor Plan)  
P06 A (Proposed Roof / Fourth Floor Plan)  
P07 A (Proposed Fifth - Eight Floor Plan)  
P08 A (Proposed Elevations)  
P09 A (Proposed Elevations)

Air Quality Report (dated October 2016)  
Air Quality Assessment (dated February 2018)  
Daylight and Sunlight Study (dated 19.10.2016)  
Daylight and Sunlight Covering Letter (dated 05.02.2017)  
Design and Access Statement (dated January 2018)  
Energy Assessment (dated 01.02.2018)  
Noise Impact Assessment (dated 13.03.2018)  
Transport Statement (dated 12.12.2017)

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3
  - a) No development shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- 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.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 6 Prior to the occupation of the residential units, the development shall be fully constructed and implemented in accordance with acoustic glazing details stipulated within the approved Noise Impact Assessment dated 13.03.2018.

Reason: To order to protect the amenity of the future occupiers of the residential units.

- 7 a) Before the development hereby permitted is first occupied, details of the window panels to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The panels shall be installed in accordance with the details approved under this condition before first occupation and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

- 8 a) Before the development hereby permitted is first occupied, details of the glass screening and balustrades to be installed on second and third floor terraces and fourth floor roof garden shall be submitted to and approved in writing by the Local Planning Authority.

b) The screening and balustrades shall be installed in accordance with the details approved under this condition before first occupation and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2016) and the Sustainable Design and Construction SPD (adopted April 2016).

- 9 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of

(i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider; and

(ii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 11 Prior to first occupation the amenity space atop the podium as show on Proposed 4th Floor Plan, Dwg No. P06 shall be made available to all occupiers of the flats hereby approved and retained as such in perpetuity.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

- 12 Before the development hereby permitted is occupied cycle parking spaces in accordance with London Plan Cycle Parking Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. P01 and P02 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of

the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 14 Before the development hereby permitted is occupied 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 safety and the free flow of traffic in the area and in accordance with policies CS9 and DM17 of the Barnet Local Plan.

- 15 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 16 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 36.44% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 18 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) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the extensions to the building(s) 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 2015 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 DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

- 19 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

#### RECOMMENDATION III:

- 1 That if an agreement has not been completed by 30 June 2018, that unless otherwise agreed in writing, the Head of Development Manager should REFUSE the application 18/0782/FUL under delegated powers for the following reasons:

1. The proposed development does not include any provision to restrict the parking permits of future occupiers or carry out a review of the surrounding CPZ following occupation of the building that would be needed as a result of the development contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

#### Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government



at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://www.legislation.gov.uk)

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

- 3 The applicant is advised that Woodhouse Road A1003, Kingsway and A1000 High Road N12 is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 4 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a 278 Agreement under the Highways Act 1980.
- 6 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 7 No works shall commence on site until a Traffic Management Act Notification is submitted to and approved in writing by the Local Planning Authority and agreed with Transport for London. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.
- 8 Prior to occupation the applicant must submit highway works required on the public highway necessitated by development proposals for approval and works must be implemented to substantial completion.

- 9 The applicant is advised that the layout as illustrated on the submitted floor plans as being consider under planning reference 17/6746/PNO are not approved under this application.
- 10 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 11 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the corner of Kingsway and the High Road and lies within the southern boundary of the North Finchley Town Centre. The site consists of a nine-storey office building with a two-storey podium.

There are a variety of uses surrounding the site given its town centre location.

The site is located within the area of the North Finchley Town Centre Supplementary Planning Guidance (SPD).

### **2. Site History**

Reference: 17/6746/PNO

Address: 707 High Road, London, N12 0BT

Decision: Pending Consideration

Date: N/A

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (63 Units)

Reference: 16/7575/FUL

Address: 707 High Road, London, N12 0BT

Decision: Approved following legal agreement

Date: 31.05.2017

Description: Two storey extension to existing podium and one storey extension to existing tower, to create 9no additional residential units with associated parking at ground and basement level, cycle store and refuse and recycling store

Reference: 16/7473/PNO

Address: 707 High Road, London, N12 0BT

Decision: Prior Approval Required and Approved

Date: 20.01.2017

Description: Change of use of 1st to 8th floors from Class B1 (Office) to Class C3 (Residential) (43 Units)

Reference: 16/5692/PNO

Address: 707 High Road, London, N12 0BT

Decision: Prior Approval Required and Approved

Date: 10.10.2016

Description: Conversion of existing building from B1 (a) office use to residential use (46 flats)

Reference: 16/3986/PNO

Address: 707 High Road, London, N12 0BT

Decision: Prior Approval Required and Refused

Date: 27.07.2016

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (46 Units)

Reference: C01760AB/03

Address: 707 High Road, London, N12 0BT

Decision: Finally Disposed Of

Date: 31.12.2003

Description: Extension at 2nd, 3rd, 4th and 5th floor levels above existing west wing of building including new fire escape stairway (scheme B). Provision of one additional car parking space at basement level in place of existing storage enclosure.

Appeal Reference: APP/N5090/A/03/1135811

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 22.04.2004

Reference: C01760AC/03

Address: 707 High Road, London, N12 0BT

Decision: Finally Disposed Of

Date: 30.12.2003

Description: Extension at 2nd, 3rd, 4th, 5th, 6th and 7th floor levels above existing west wing of building including new fire escape stairway (scheme A). Provision of one additional car parking space at basement level in place of existing storage enclosure.

Appeal Reference: APP/N5090/A/03/1135804

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 22.04.2004

### **3. Proposal**

The application seeks consent for the construction of a two-storey extension to the existing podium to create 9no self-contained flats. The application also seeks the alterations to re-clad the existing elevations, provision of a roof terrace above the proposed podium extension, associated amenity space, parking and cycle parking and bin and refuse storage.

The proposal would provide 4 x studio units and 5-bedroom units.

### **4. Public Consultation**

Consultation letters were sent to 442 neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Proposed third will be cantilevered which increases the podium's dominance and bulk;
- Increase in parking pressure on surrounding streets;
- Insufficient parking within surrounding area;
- Increase in traffic generation;
- Addition noise and disturbance;
- Overshadowing
- Loss of light and privacy to neighbouring properties;

### **5. Planning Considerations**

#### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

### Supplementary Planning Documents

North Finchley Town Framework SPD (adopted February 2018)

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking.

### 5.3 Assessment of proposals

Under application reference 16/7575/FUL, consent was granted in May 2017 for the construction of a two-storey extension to existing podium and one-storey extension to existing tower to create 9no. additional units with associated parking at ground and basement level. The proposal also involved the re-cladding of the existing building.

This application is similar but only seeks consent for the construction of an extension to the existing podium and recladding of the building.

Also under consideration is a prior approval application (LPA reference 17/6746/PNO) to convert the existing office space into 63 residential units. At the time of this report, the application is still under consideration but remains a separation consideration to this application. While the proposals are related to the same building, they are not inter-related or dependent upon each other in order to be constructed or facilitated. The proposed 9no. self-contained units would have access via a separate staircase from the ground floor level which leads directly to the second and third floor areas. Access is not reliant upon the main entrance which is included within the PNO application. From the submitted plans, the proposal is seen as self-contained from the rest of the building is not directly connected on any levels to the PNO plans. There are no changes to the PNO layout. The application is for 9no units which is therefore not liable for the provision of affordable housing.

#### Impact on the character and appearance of the host building, street scene and surrounding area

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. The recently adopted North Finchley Town Centre Framework SPD is intended to be a high-level strategy for North Finchley that sits within Barnet's overall development plan. The site lies within a Key Opportunity Site (KOS) - KOS 3: Finchley House - and plays an important role in that it is located on a highly prominent site at the southern gateway to the town centre.

The principle of a two-storey extension to the existing podium has previously been established through 16/7575/FUL. Given the site's town centre location, residential uses are considered to be appropriate in this location and is supported by the SPD.

The proposal would extend across the entire podium depth and width at second floor level and would be stepped back from the southern building line facing Rosemont Avenue. The proposed layout, siting and scale is similar to the development previously approved. Within this stretch of Kingsway, there is a four-storey flatted development adjacent to the site to the west. The overall height of the proposal would be of proportionate height to this adjacent building and as such would appear appropriate within the street scene. In fact, it is considered that the proposed podium extension fills a gap in the street scene resulting in a more continuous and positive urban environment. A comment has been received that there is additional adverse bulk created on the west elevation where the second-floor cantilevers over the outdoor terrace area of flat 2 on the second floor. While this is a variation from the previously approved plans, it is not considered that this would result in a detrimental impact on the character and appearance which would warrant refusal of the application.

The proposed changes to the external fabric in terms of recladding are considered to be positive and would improve the overall appearance of the existing building and the gateway to the town centre.

Overall, the proposal is considered to be acceptable, having an appropriate and improved impact on the character and appearance of the host building, street scene and surrounding area. The application is considered to be in compliance with the North Finchley Town Centre Framework SPD. Comments have been received from the Finchley Society commenting that as the site does not include the High Road properties to the south, the proposal is not in accordance with the SPD and the overarching vision for KOS 3. However, the applicant is not in control of these sites and therefore the application is assessed on its own merits.

#### Impact on the amenity of neighbouring residents

During previous appeals in 2003 about a scheme featuring a four and six storey podium extension (LPA reference C01760AB/03 and C01760AC/03), an Inspector dismissed the appeals on the basis that the existing residents on Rosemont Avenue would be negatively affected due to the impacts on rear garden privacy and overbearing. Within the previous application this was reduced to two storeys, with the third storey stepped back. This was considered to increase the separation from the residents on Rosemont Avenue and High Road and provide them more privacy.

Due to the proposed third-floor set back, the proposal is not considered to have a detrimental impact in terms of overbearing on the residents on High Road and Rosemont Avenue. Previously the applicant submitted a daylight and sunlight report which concluded that the proposal will not have a noticeable impact on the light received by the neighbouring properties. This was accepted within the previous officer's delegated report. The applicant has submitted an updated cover letter from their light consultants who state that the revised drawings are relatively minor in comparison to the previous scheme and their assessment is that the proposal will not be materially different from the findings of the previous report. Given that the level of reduction of light previously was considered to be acceptable and the proposal is not significantly different, it is considered that the findings of the previous light report are still relevant and accurate. As such, it is considered that the proposal will not have a detrimental impact in terms of loss of light on the neighbouring properties.

The Council's Residential Design guidance SPD (2016) advises that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings. In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

There are a number of proposed units which have south facing private terrace areas with a communal roof garden at fourth floor level. At second floor level, there are 2 x 5sqm terraces which are inset and measure approximately between 14 - 18m from the boundaries of the residents on Rosemont Avenue. This exceeds the minimum distance as prescribed in the SPD. Due to inset arrangement, it is considered that any impacts to the properties along High Road to the south would be reduced. At third floor level, the terraces are stepped back 2.5m from the rear building and has a planted landscape inset between the terraces and rear building line. The third-floor walkway and terraces would have a separation distance ranging between 12 - 19m which again would comply with the SPD requirements. The fourth-floor communal garden would be stepped approximately 5m away from the rear building line with a planted landscape inset. This would provide separation distances between 16 - 23m. The proposal is not considered to result in any detrimental levels of overlooking from on the neighbouring residential occupiers.

### Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units. The proposed units would measure:

Flat 1 - 1B2P - 50sqm  
Flat 2 - 1B2P - 50sqm  
Flat 3 - 1B2P - 50sqm  
Flat 4 - Studio - 40.2sqm  
Flat 5 - Studio - 37sqm  
Flat 6 - 1B2P - 50sq.m  
Flat 7 - Studio - 39.9sqm  
Flat 8 - Studio - 39.9sqm  
Flat 9 - 1B2P - 56.9sqm

Following a review of the internal floor plans, all of the proposed units are deemed to meet the minimum internal space standards. The majority of units would have dual aspect outlooks with the exception of flats 4 and 5 on the second floor. While generally not considered ideal, these units are studios and would have glazing across the entire width of the front elevation, providing good access to sunlight and daylight. On consideration it is considered that on balance these units would be considered acceptable in terms of provide adequate accommodation for future occupiers.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises that 5sq.m should be provided per habitable room for flats. It is noted that amenity space is proposed to be provided through a combination of private balconies and a large communal floor terrace (87sq.m). Two thirds of the units would have private 5sqm terraces. Overall, as the site is located within a town centre location and through a combination of the private and communal terraces, it is considered that the proposal would provide adequate levels of outdoor amenity space for future occupiers.

### Highways safety and parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For studio and 1 bedroom units                      0.0 to 1.0 space per unit

The proposal would provide 9no one-bedroom units. The application proposes 33 parking spaces at ground floor and basement levels. The application is located within the North Finchley Town Centre and has a PTAL rating of 3. Consideration has been given to the wider development proposals within the site where there are prior approval applications for the conversion of office space to residential previously approved and currently under



consideration. Within the submitted transport documentation, it is stated that parking spaces will be allocated to individual residential units. Given the site's sustainable location in terms of access to public transport, the Council's Traffic and Development service state that the proposal would be acceptable if future occupiers were restricted from applying and obtaining parking permits. In addition, as a result of the potential cumulative increase in flats when considering the prior approvals, they have also requested that a financial contribution be sought to assess the impact on the existing CPZ areas and to allow for any resulting actions to be undertaken. These contributions will be sought via a legal agreement.

Subject to the completion of this legal agreement, the proposal is not considered to result in any significant impacts on the public highway and any future issues will be mitigated by the contributions sought.

#### **5.4 Response to Public Consultation**

The issues raised in the letters of representation have been addressed within the assessment of the report. The following additional comments are made:

**Proposed third will be cantilevered which increases the podium's dominance and bulk** - addressed within the assessment section of the report. This additional bulk is not considered to be detrimental to the character and appearance of the host building, street scene or surrounding area.

**Increase in parking pressure on surrounding streets** - Application will provide 33 off-street parking spaces. Future occupiers will also be restricted from obtaining parking permits so there will not be increased pressure within the surrounding streets.

**Insufficient parking within surrounding area** - Application will provide 33 off-street parking spaces. Future occupiers will also be restricted from obtaining parking permits so there will not be increased pressure within the surrounding streets.

**Increase in traffic generation** - Proposed traffic generation resulting from the development is not considered to be detrimental.

**Addition noise and disturbance** - Residential units are considered to be an acceptable use in this location.

**Overshadowing** - Addressed within the assessment section of the report. Proposal is not considered to result in detrimental levels of overshadowing.

**Loss of light and privacy to neighbouring properties** - Addressed within the assessment section of the report. Proposal is not considered to result in detrimental levels of loss of light or privacy.

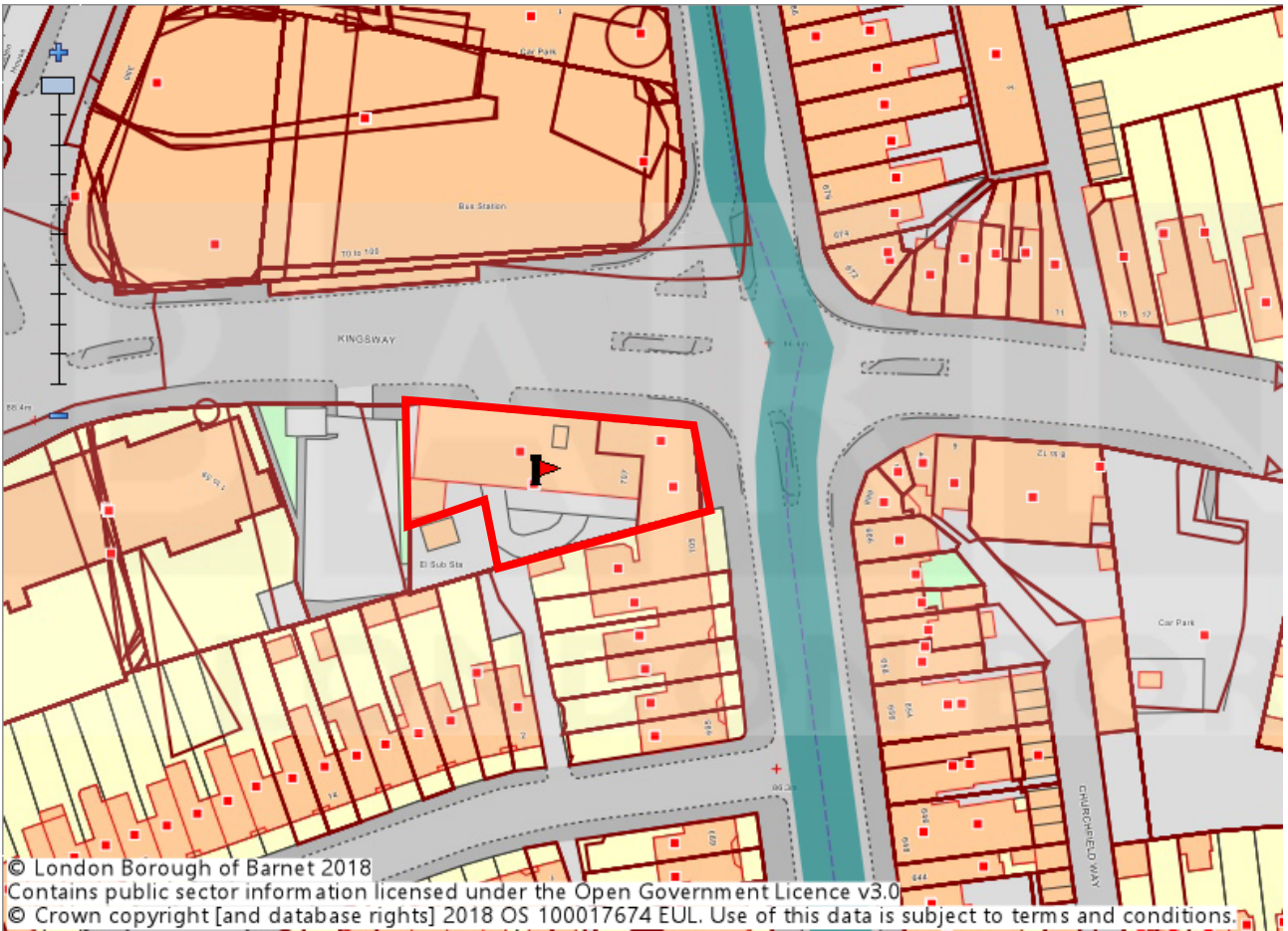
**Much more value placed on the building as residential** - Not a planning matter.

#### **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to the completion of a legal agreement and compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The proposal would provide 9no additional housing units. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or highways. This application is therefore recommended for approval.



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