

LOCATION: Land at South East End of Arcadia Avenue, London, N3 2JU
REFERENCE: F/04781/12 **Received:** 20 December 2012
Accepted: 20 December 2012
WARD(S): Finchley Church End **Expiry:** 21 March 2013
Final Revisions:

APPLICANT: Online Property Ltd.
PROPOSAL: Retention of existing building (comprising basement car park, offices at ground and first floor levels and 14 self contained dwelling units at second, third and fourth floor levels) with alterations involving part removal of the fourth floor (Removal of bedroom and en-suite bathroom to Flat 7) to change Flat 7 from a 2-maisonette to a 1-bed flat (including formation of a roof terrace for Flat 7 at fourth floor level) so as to result in 9no. 2-bed and 5no.1-bed flats.

RECOMMENDATION: Approve Subject to S106

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 **Education Facilities (excl. libraries) £27,636.00**

A contribution towards the provision of Education Facilities in the borough.

- 4 **Libraries (financial) £1,946.00**

A contribution towards Library Facilities and Resources in the borough

- 5 **Health £9,917.00**

A contribution towards Health Facilities and Resources in the borough

- 6 **Monitoring of the Agreement £1,974.95**

Contribution towards the Council's costs in monitoring the obligations of the agreement.

- 7 **Affordable Housing (financial) £35,421.05**

A contribution towards the provision of Affordable Housing within the London Borough of Barnet.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/04781/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. PL-100; Drawing no. PL-101; Drawing no. PL-102; Drawing no. PL-103; Drawing no. PL-104; Drawing no. PL-200; Drawing

no. PL-201; Drawing no. PL-202; Drawing no. PL-203; Drawing no. PL-204; Code For Sustainable Homes Pre-Assessment Report by ThermEnergy; Sustainability Statement by ThermEnergy (date received 20-Dec-2012); PTAI Study Report (date received 14-Jan-2013).

Reason:

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

- 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 The hereby approved parking spaces shall not be used for any purpose other than the parking of vehicles in connection with the approved residential 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 4 The building comprising Class B1 office space on the ground and first floors and self-contained residential units on the second, third and fourth floors together with the provision of parking spaces at basement level shall be demolished and all materials resulting from the demolition shall be removed within six months of the date of failure to meet either requirement (i), or any one of the requirements set out in (ii) to (v) below:

(i) within six months of the date of this decision details of obscure glazed screens to the balconies shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details.

(ii) details of obscure glazed screens to the balconies shall be submitted for the written approval of the local planning authority and the details shall include a timetable for its implementation.

(iii) if within six months of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iv) if an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(v) the approved details shall have been carried out and completed in accordance with the approved timetable.

Reason: To protect the amenities of neighbouring occupiers in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 5 The building comprising Class B1 office space on the ground and first floors and self-contained residential units on the second, third and fourth floors together with the provision of parking spaces at basement level shall be demolished and all materials resulting from the demolition shall be removed within six months of the date of failure to meet either requirement (i), or any one of the requirements set out in (ii) to (v) below:

(i) within six months of the date of this decision details of external lighting to the balconies shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details.

(ii) details of external lighting to the balconies shall be submitted for the written approval of the local planning authority and the details shall include a timetable for its implementation.

(iii) if within six months of the date of this decision the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iv) if an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(v) the approved details shall have been carried out and completed in accordance with the approved timetable.

Reason: To protect the amenities of the neighbouring occupiers and prevent light pollution in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012)..

- 6 The flat roof section of the building hereby permitted (with the exception of areas marked as balconies or terraces on the hereby approved drawing) shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows:

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

The Mayor's London Plan: July 2011

- Policy 2.15 – Town Centres
- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 3.10 – Definition of Affordable Housing
- Policy 3.11 – Affordable Housing Targets
- Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 – Affordable Housing Thresholds
- Policy 3.14 – Affordable housing thresholds
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 6.12 – Road network capacity
- Policy 7.1 – Building London's Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

Core Strategy Policies 2012

- Policy CS 1 Barnet's Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet
- Policy CS 5 Protecting and Enhancing Barnet's character to create high quality places
- Policy CS 6 – Promoting Barnet's town centres
- Policy CS 7 – Enhancing and Protecting Barnet's Open Spaces
- Policy CS 9 – Providing safe, effective and efficient travel
- Policy CS 15 – Delivering the Core Strategy

Development Management Policies 2012

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM04 Environmental considerations for development
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM10 Affordable housing contributions

- DM11 Development principles for Barnet's town centres
- DM13 Community and education uses
- DM14 New and existing employment space
- DM17 Travel impact and parking standards

Local Supplementary Planning Documents (SPDs):

- Barnet SPD: Planning Obligations (Section 106) (September 2006)
- Barnet SPD: Contributions to Health Facilities from Development (July 2009)
- Barnet SPD: Contributions to Education from Development (February 2008, Updated January 2010)
- Barnet SPD: Contributions to Library Services from Development (June 2008)
- Barnet SPD: Sustainable Design and Construction (June 2007)
- Barnet SPD: Affordable Housing (February 2007, Updated August 2010)

ii) The proposal is acceptable for the following reason(s): The building as amended would result in a suitable addition to this part of Finchley and would not harm the setting of the nearby Glenhill Close conservation area. The proposals provide good standards of amenity for future occupiers and as conditioned protect the residential amenity of neighbouring occupiers. The proposals are acceptable on highways grounds. Suitable planning contributions have been secured by legal agreement to offset the impact of the proposals on local services. The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

iv) In this case formal pre-application advice was sought prior to submission of the application.

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

3 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 £63,105.00.

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

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.

RECOMMENDATION III

That if an agreement has not been completed by 23/03/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/04781/12 under delegated powers for the following reason/s:

1. The development would require a Unilateral Undertaking and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional education, health, affordable housing and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policies CS4, CS10 and CS11 of the Local Plan Core Strategy DPD (Adopted) 2012 and DM10 of the Local Plan Development Management Policies DPD (Adopted) 2012; and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The Mayor's London Plan: July 2011

- Policy 2.15 – Town Centres
- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.8 – Housing Choice
- Policy 3.9 – Mixed and Balanced Communities
- Policy 3.10 – Definition of Affordable Housing

- Policy 3.11 – Affordable Housing Targets
- Policy 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 – Affordable Housing Thresholds
- Policy 3.14 – Affordable housing thresholds
- Policy 5.2 – Minimising carbon dioxide emissions
- Policy 5.3 – Sustainable design and construction
- Policy 5.14 – Water quality and wastewater infrastructure
- Policy 5.15 – Water use and supplies
- Policy 6.12 – Road network capacity
- Policy 7.1 – Building London’s Neighbourhoods and Communities
- Policy 7.2 – An Inclusive Environment
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.6 – Architecture
- Policy 7.14 – Improving air quality

Core Strategy Policies 2012

- Policy CS 1 Barnet’s Place Shaping Strategy – The Three Strands Approach
- Policy CS 3 Distribution of growth in meeting housing aspirations
- Policy CS 4 Providing quality homes and housing choice in Barnet
- Policy CS 5 Protecting and Enhancing Barnet’s character to create high quality places
- Policy CS 6 – Promoting Barnet's town centres
- Policy CS 7 – Enhancing and Protecting Barnet’s Open Spaces
- Policy CS 9 – Providing safe, effective and efficient travel
- Policy CS 15 – Delivering the Core Strategy

Development Management Policies 2012

- DM01 Protecting Barnet’s character and amenity
- DM02 Development standards
- DM04 Environmental considerations for development
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM10 Affordable housing contributions
- DM11 Development principles for Barnet’s town centres
- DM13 Community and education uses
- DM14 New and existing employment space
- DM17 Travel impact and parking standards

Local Supplementary Planning Documents (SPDs):

- Barnet SPD: Planning Obligations (Section 106) (September 2006)
- Barnet SPD: Contributions to Health Facilities from Development (July 2009)
- Barnet SPD: Contributions to Education from Development (February 2008, Updated January 2010)
- Barnet SPD: Contributions to Library Services from Development (June 2008)

- Barnet SPD: Sustainable Design and Construction (June 2007)
- Barnet SPD: Affordable Housing (February 2007, Updated August 2010)

Relevant Planning History:

C/00726/AA/06	Erection of new building comprising of Class B1 office space on ground and first floors and a total of 14 self-contained residential units on second, third, and fourth floors. Provision of 15 car-parking spaces at basement level – Refused 2006
C/00726/AB/06	Erection of new building comprising of Class B1 office space on ground and first floors and a total of 14 self-contained residential units on second, third, and fourth floors. Provision of 15 car-parking spaces at basement level – Refused by planning committee in 2007 – Allowed at appeal 2008
C00726U	Part four, part three storey office (B1) building with basement car parking for 40 cars – Approved 1991
C00726V	Redevelopment to provide a part 3, part 4 storey office building with basement parking for 40 cars – Approved 1992

Consultations and Views Expressed:

Neighbours Consulted: 153 Replies: 16
 Neighbours Wishing To Speak 1

Objections received can be summarised as follows:

- Increase in traffic and insufficient parking facilities.
- The building's planning permission has now expired.
- The proposed development compromises the privacy of properties in The Avenue.
- The existing development is out of scale with surrounding buildings and is over-bearing to the smaller dwellings on The Avenue.
- Barnet Council's planning rules are being ignored and manipulated by the developer.
- The existing building bears no resemblance to the approved documents that granted planning permission on the 14th of January.
- The development is out of character with Glenhill Close.
- Materials used are different to those of the original proposals. (Zinc roofline & powder coated horizontal windows, white painted render and glass screens.
- Condition 9 regarding obscure glazed windows and balcony screens have not been complied with as mentioned in Appeal Decision APP/N5090/A/07/2051319.
- The application is not proposing any measure to address the issues of non-compliance and it is detrimental to the local amenity.
- The brick used is out of character with Glenhill Close.
- Loss of light, loss of privacy, increase in light pollution, noise pollution & effect on the Conservation Area.
- Condition controlling parking has not been satisfied.
- Car park was supposed to provide parking for 15 vehicles- it does not,

- increasing parking congestion and traffic.
- Vegetation does not screen penthouse
- Development compromises privacy as the view from fourth floor of existing building allows sight into bedrooms

Internal /Other Consultations:

- Traffic & Development – no objection
- Conservation and Design - no objection

Date of Site Notice: 10 January 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located at the end of Arcadia Avenue, off Regents Park Road. The site is highly accessible, close to the amenities of Finchley Church End town centre, main bus routes and Finchley Central tube station.

Arcadia Avenue is characterised by buildings of different styles varying between three to four storeys in height. The rear of the site backs onto properties on Glenhill Close which is a conservation area and The Avenue (not within a conservation area). Both Glenhill Close and the Avenue are residential streets.

The site currently consists of part three, part four storey building consisting of offices and flats.

Planning History and Proposal:

The site has an extensive planning history. The most relevant application is planning application reference C/00726/AB/06. This application for “Erection of new building comprising of Class B1 office space on ground and first floors and a total of 14 self-contained residential units on second, third, and fourth floors. Provision of 15 car-parking spaces at basement level” was refused by the Council in 2007. An appeal was subsequently allowed in 2008. This appeal decision is a material consideration.

Building works started on site and an enforcement investigation was opened as there were concerns that the proposals were not being implemented in accordance with the approved drawings.

An enforcement notice was served in November 2011 requiring the demolition of the building. The reasons for issuing the notice referred to the top floor which was considered overbearing and out of character with the area, the fenestration and lack of financial contributions.

The notice was appealed and the time limit for compliance was extended to April 2013 to enable to applicant to reach an agreement with the Local Planning Authority.

Since then, the applicant has engaged with officers to discuss the best way forward. Several meetings were held and the application presented to the planning committee is the rest of those negotiations.

The current application seeks planning permission for the retention of the existing building (comprising basement car park, offices at ground and first floor levels and 14 self contained dwelling units at second, third and fourth floor levels) with alterations involving part removal of the fourth floor.

The alterations to the third floor would result in the removal of a bedroom and en-suite bathroom to Flat 7 which would change from a 2-maisonette to a 1-bed flat. It is also proposed to form a roof terrace for Flat 7 at fourth floor level. The development would then consist of nine 2-bed and five 1-bed flats. The applicant also proposes to relocate downpipes in the front elevation to reduce their visibility.

Planning Considerations:

Residential Use

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

The site is previously developed land and therefore is sequentially preferable for residential development. The site is within a short walk of Finchley Church End town centre and its amenities. The town centre is well connected to public transport links. The site is accessible by a choice of means of transport and has good links to existing shops and services. The site is not identified in the UDP or any other documents for other uses or development. The surrounding area comprises a mixture of commercial and residential uses. The principle of residential use on the site is deemed to be acceptable and has been accepted as part of the 2008 appeal.

Residential Density

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

The application site has good access and benefits from a PTAL of 4 and is considered to fall within an urban setting as defined in the London Plan. The majority of the units would be 1 or 2 bed flats and therefore the habitable room average will be low. The London Plan Density Matrix therefore suggests a range of 70-170 units per hectare. Taking the site area of 0.088ha, the proposal for 17 flats would equate

to a density of 159 units per hectare (420 habitable room per ha) which complies with the London Plan density matrix.

Amenity of future occupiers

Policy 3.5 of the London Plan requires the design of all new dwellings to meet dwelling space standards which are set out in Table 3.3 of the plan. The proposals comply with this standard.

Council guidelines require 5 square metres of usable amenity space per habitable room for residential developments. It recognises that proposals in or near town centre sites may be exempt from this requirement if alternative amenities are provided. Balconies and terraces are provided to all the flats as per the 2008 permission when the amenity standards were similar and this aspect of the proposals is considered acceptable.

Design

National guidance makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. It makes it clear that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. The statement also points out that although visual appearance and the architecture of buildings are factors in achieving high quality design, securing high quality design goes far beyond aesthetic consideration. It then makes it clear that good design also involves integrating development into the existing urban form and built environment.

This is reinforced by Policy DM01 of the adopted Local Plan which advocates that the design and layout of proposals should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene.

The previous inspector described that building as “well proportioned”. He stated that the building “would relate satisfactorily in scale and massing to the other buildings in Arcadia Avenue”.

The proposals involve the removal of part of the fourth floor. The fourth floor as built has resulted in an obtrusive feature that has harmed the character of this part of Finchley. As a result of the removal of this feature proposed as part of the current planning application, the building would be less bulky than the 2008 permission. This would significantly improve the appearance of the building when viewed from Arcadia Avenue and The Avenue. The impact on the Glenhill Close conservation area would also be reduced to a level which is considered acceptable. As part of the 2008 appeal the Inspector commented that “the planting on the boundary is not within the appeal site and given the existing ground levels, the works within the site would not result in significant ground disturbance so as to endanger the existing trees and shrubs”. He considered that “the screening would remain and would be effective in minimising the impact of the proposal on the adjoining conservation area”. This aspect of the proposals has not changed.

Impact on Neighbouring Amenity

The layout of the proposals is not different to the 2008 approval. The position of windows and balconies remains as per the 2008 approval. However, in view of the proximity of those balconies and terraces from surrounding residential properties, it is considered that details of lighting should be conditioned to ensure that there is no unacceptable light spillage to neighbouring sites.

As in the 2008 appeal decision, a planning condition is required to ensure that windows and balcony screens shown on the plans to be obscure glazed shall be so fitted and thereafter retained as such.

It is considered that the design and bulk of the proposed building and the orientation of habitable room windows and balconies ensure that the development does not impact more on neighbouring properties through significant overlooking than the 2008 appeal permission.

Highways and Access

15 car parking spaces are provided on site, one of which is a disabled space. For residential developments, council standards require the provision of 1 space per 1 bed unit and between 1.5 and 1 space per 2 and 3 bed units. The parking provision complies with policy. The development incorporates a turning head within the site. Access arrangements and the number of spaces remains unchanged from the 2008 appeal. The council's Highways department have not objected to the application.

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
 - a. affordable housing targets adopted in line with Policy 3.11,
 - b. the need to encourage rather than restrain residential development (Policy 3.3),
 - c. the need to promote mixed and balanced communities (Policy 3.9)
 - d. the size and type of affordable housing needed in particular locations
 - e. the specific circumstances of individual sites.

It suggests that negotiations on sites should take account of their individual circumstances including development viability.

This approach is reflected in Core Strategy policy CS4 and Development Management policy DM10 which state the maximum amount of affordable housing should be sought having regard to a target of 50% affordable housing overall and to a viability assessment for individual developments. The Policy sets a target of 40% affordable housing on sites of 10 units or more or covering 0.4 hectares or more. Therefore, the site should deliver the maximum reasonable amount of affordable

housing, subject to viability.

As a result of the enforcement and pre-application discussions, it became clear that the site is not suited to accommodate affordable units on site and in view of the site's circumstances and the 2008 appeal decision when the Inspector supported the principle of a contribution, officers resolved to determine the maximum contribution that the development could afford.

An independent consultant was appointed by the Council and a Viability Assessment has been obtained. The independent consultant's conclusion is that the development can afford no more than £140,000.

The following other contributions are required:

- f. Education £27,636.00
- Libraries £1,946.00
- Health £9,917.00
- Monitoring £1,974.95
- Mayoral CIL £63,105.00

The available remaining affordable housing contribution is therefore £35,421.05. This is secured by legal agreement.

Education needs generated by the development:

The proposal provides 14 residential units that are considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2008. It is considered that a financial contribution towards future education facilities is justified and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme of 14 residential units requires a contribution of £27,636.00 plus a monitoring fee of 5%

Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £1946.00 plus a monitoring fee of 5%.

Contributions to Health facilities:

The proposal would provide 14 additional residential units that are considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £9,917.00 and a monitoring fee of 5%.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the grounds of objections have been addressed in the above appraisal. It is acknowledged that some of the detailing of the building (bricks and windows for example) are different to those seen by the appeal inspector as part of the previous scheme. It is not considered that the change in those details would warrant refusing the application.

4. EQUALITIES AND DIVERSITY ISSUES

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. CONCLUSION

The building as amended would result in a suitable addition to this part of Finchley and would not harm the setting of the nearby Glenhill Close conservation area. The proposals provide good standards of amenity for future occupiers and as conditioned protect the residential amenity of neighbouring occupiers. The proposals are acceptable on highways grounds. Suitable planning contributions have been secured by legal agreement to offset the impact of the proposals on local services. The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

SITE LOCATION PLAN: Land at South East End of Arcadia Avenue, London, N3 2JU

REFERENCE: F/04781/12



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