

**Location**                      **12 - 18 High Road London N2 9PJ**

**Reference:**                      **16/2351/FUL**                      Received: 11th April 2016  
Accepted: 26th April 2016

Ward:                              East Finchley                      Expiry 26th July 2016

Applicant:                      Safeland PLC

Proposal:                      Demolition of existing buildings and construction of 2 no. 4 storey buildings providing 21 no. self-contained flats and 265sqm of B1 office space at ground level to block A with associated refuse and recycling storage, cycle store, 2no off street parking spaces and amenity space (AMENDED PLANS - MINOR CHANGES)

**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. 3. Highways Improvements - an agreement to provide junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.
4. A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.
5. Car Club associated with the development
6. Commuted sum towards Affordable Housing - £850,000
7. Monitoring of the Agreement - £100

#### RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

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

HR-AGE01

HR-G-AG01 E

HR-G-AG02 D

HR-G-AG03 D

HR-G-AG04 E

HR-G-AG05 D

HR-G-AGP01 F

HR-G-AGP02 E

HR-G-AGP03 D

HR-G-AGP04 E

HR-G-AGP05 E

HR-G-AE01 D

HR-G-AE02 B

HR-G-AE03 A

HR-G-AE04 B

HR-G-AE05 C

HR-G-AE06 D

HR-G-AE07 C

HR-G-AE08 B

HR-G-AE09 A

HR-G-AE10 B

HR-G-AE11 B

Design and Access Statement

12-18 High Road - East Finchley Site Analysis

Daylight and Sunlight Report

Construction Management Plan

Transport Assessment

Revised Environmental Assessment

Planning Statement

Air Quality Assessment

Travel Plan

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 levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

4 a) No development other than demolition works 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 2015.

5 a) No development other than demolition work shall take place until details of the location within the development and specification of the 2 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 those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2015.

6 The development shall be implemented in accordance with the measures detailed within the approved construction management plan.

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 April 2013) and Policy 5.21 of the London Plan (2015).

7 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, (ii) Details of the enclosures, screened

facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) 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).

8 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

9 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

10 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) 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 (Preliminary Risk Assessment) 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 approved in writing by the Local Planning Authority.

b) 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.

c) 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 shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

d) 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 in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report 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 content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

12 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the ground floor office as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report 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 content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

13 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report 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 content and recommendations

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

14 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning

Authority. The equipment shall be installed using anti-vibration mounts. The report 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 content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

15 The level of noise emitted from the (\_specify machinery\_) plant 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 in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

16 a) A scheme for air pollution mitigation measures based on the findings of the air quality report shall be submitted to and approved by the Local Planning Authority prior to development.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

18 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 April 2013) and 7.21 of the London Plan 2015.

19 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

20 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.



21 Before the development hereby permitted is first occupied or the use first commences the parking spaces, and cycle parking shown on Drawing No.HR-G-AG01D 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.

22 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced 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 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

23 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).

24 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

25 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.

26 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 40 % 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.

27 The ground floor of block A shall be used for an office and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

### RECOMMENDATION III:

#### 0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 07/03/2017 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The proposals make no provision for necessary highways works which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 2012.

The application does not provide any on site affordable housing or a contribution towards affordable housing in the local area. It has not been demonstrated to the satisfaction of the Local Planning Authority that it would not be viable to provide affordable housing on the site or a contribution towards this. The application is therefore unacceptable and contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.

## **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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. Your planning application has been assessed at this time as liable for a £58,180.50 payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for a £224,410.50 payment under Barnet CIL.

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://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 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 Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:1997 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

- 4 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 (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - 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;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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 listed in the above list.

- 5 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 so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting 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) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

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 listed in the above list.

- 6 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 7 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 7294.

- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

## **Officer's Assessment**

### **1. Site Description**

The site is a plot of land on the east side of High Road within East Finchley Town Centre. The site is a rectangular plot of approximately 0.12 hectares.

The site is currently used by Greater London Hire (GLH) who operate the site as minicab and courier service.

The site contains a two storey building with pitched roof running alongside the southern boundary. To the rear of the site is a fenced off parking area with two storey demountable buildings. To the rear of the building it reduces to single storey.

To the immediate south of the site is Park House, a T-shaped two storey building containing a nursery. To the north is a parade of shops within a two storey building with rooms in roofspace.

Opposite the site is East Finchley Underground Station.

### **2. Site History**

C07443 - Change of use of ground floor from Hostel to use as Municipal Offices and provision of additional car parking - Approved - 13/5/81

C07443A - Change of use of first floor from hostel accommodation to Local Government Municipal offices, provision of a footway and car parking - Approved 17/3/82

C00050N - Continued use as offices - Approved - 30/3/77

C00050R - Erection of a four-storey office building and 28 car parking spaces (outline) - Refused - 30/4/86

C00050S - Erection of a three-storey block of 12 flats and 14 car parking spaces - (outline) Refused - 1/10/86

C00050V - Use of land and buildings for a car hire business - Lawful - 27/6/91

C00050W/03 - Change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1) for a temporary period expiring 31 December 2005 - Approved - 20-07-2004

C00050W/03 - Change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1) for a temporary period expiring 31 December 2005. - Approved following legal agreement - 11.02.2004

C00050X/04 - Change of use from offices (Class B1) to mixed use, part offices, part control and despatch for private hire vehicles (Class B1/sui generis). - Approved - 30.11.2004

C00050Z/05 - Continued change of use from Local Government Municipal Offices (Class B1) to Educational Facility (Class D1). New application pursuant to C00050W/03 (which is due to expire 31.12.05). - Approved - 06.12.2005 - Split Decision at Appeal in relation to condition 7 (Allowed) and 8 (Dismissed) - 06.12.2005

### **3. Proposal**

The proposals are for the demolition of existing buildings on site and the construction of residential development.

The development would take the form of two blocks.

Block A would be sited to the frontage of the site and would have a ground floor office (B1 Class) with residential units above.

Block B would be sited to the rear of the site and would be residential in use.

Both blocks would be four storeys in height. The upper two storeys would be recessed from the edges of the buildings.

The development would be for 21no. residential units in total.

#### *Block A*

Block A is sited to the frontage and would be

Ground Floor- 265sq m Office space

First Floor - 3x1 bed, 1 x2 bed

Second Floor - 2x2beds, 1 x 1bed

Third Floor - 1x2bed

#### *Block B*

Ground Floor = 2x2 bed, 1x3 bed

First Floor = 2x1bed, 2x2bed

Second Floor = 2x1bed, 2x2bed

Third Floor = 2x2beds

Further to initial consultation, the plans have been amended to reduce the size of the building and reduce the development to 21 units from 22.

Further amendments have been made in order to take into account the requirement for a lift and to make minor elevational alternations.

#### **4. Public Consultation**

Consultation letters were sent to 193 neighbouring properties.

32 responses have been received, comprising 31 letters of objection, 1 letters of comment.

The objections received can be summarised as follows:

##### *Principle of Development*

Doesn't make provision for larger units

Loss of jobs from existing facility

Density Excessive

Existing building (Formerly known as Valona House) is one of the oldest buildings in East Finchley and is of historic interest.

##### *Design Issues*

Overdevelopment

Proposals don't pay sufficient regard to Victorian houses on neighbouring roads

Poor Quality Design

Overpowers Park House and buildings on High Road

The materials, roofline, roof pitch, lack of eaves, gables, chimney stacks, dormer are not typical of development in the area.

##### *Amenity Issues*

Loss of light



Loss of privacy

Noise pollution

Neighbouring properties have not been represented correctly (Note no.9 Ingram avenue is 18.7m from development)

Daylight and Sunlight Report has not looked at internal layout of neighbouring properties and does not have full diagrams (Truncated). Development would be contrary to BRE guidelines as would go beyond 25 degree limit.

Houses on Ingram road are not North facing as stated within Daylight/Sunlight report – they are west facing

Noise assessment states that development will result in harmful noise, so needs to be fixed shut, which precludes ventilation

No consideration to noise from underground or increase to underground use has been considered.

Ceiling height of development is below 2.5m

Air Source Heat pumps will cause noise

### *Highways Issues*

Proposals don't make provision for parking

Access issues for vehicles for commercial development, deliveries, fire access

Waste Management Issues

Access road will cause disruption in Town Centre

### *Other Issues*

Schools in the area are over subscribed

Noise and disturbance during construction

Ecological impact

Impact of construction

The Finchley Society has objected on the following grounds:

*'This application hardly differs from the previous application and therefore our previous comments still apply.*

*The development is too dense for this site. It is poorly designed and sits badly within its context. GLH House, formerly Valona House and then The Shrubbery that currently sits on the site dates from 1841 is one the few remaining historic houses of East Finchley and some consideration should be given to its Historic value to the area. This is a key site at the beginning of East Finchley High road, opposite the station and deserves a better design.*

*The plans of the flats are poorly considered with insufficient storage space and living space. There are a number of instances where living rooms are stacked over bed rooms. The space standards do not meet Lifetime Home standards thus contravening Barnet policy*

*No affordable housing is evident in the development*

*Amenity space is inadequate for 24 homes, some for families. There is no provision for refuse storage and removal. There is insufficient external space for the homes.*

*With no car parking provision there should be alternative provision for safe and secure parking of bicycles, but there is none. The turning space for the 2 cars shown is inadequate and will force a dangerous exist across the pavement onto the busy main road Response to the street scape is extremely poorly considered and indeed is insensitive to the adjoining properties. The height of the block does not take into account that the road is falling towards the railway - height has been taken from the top of a pitched roof further up the street near Baronsmere Road and continued straight having no consideration for the falling ground or the properties adjacent and to the impact on houses to the rear.*

*The applicant is simply trying to cram too much onto the site with no acceptable consideration for the quality of the housing nor the subsequent townscape and design within the High Road location.'*

The representations received can be summarised as follows:

The GLH Building has greater significance than it is being given credit for. Building is one of the few surviving buildings from the earliest days of East Finchley.

Additional consultation was undertaken on the basis of amended plans and an additional 40 objections were received, the majority from residents who had already objected initially. These comments mention issues raised above, including parking and design matters.

A site notice was put up on 27/04/16

The development was advertised in the local press on 05/05/16

## **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 Governments 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.

#### 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, CS3, CS4, CS5, CS9, CS11, CS12, CS13, CS14, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM11, DM13, DM14, DM16, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

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

Policy 3.13 Affordable Housing Threshold

Policy 4.2 Offices

Policy 4.3 Mixed Use Development and Offices

Policy 4.7 Retail and Town Centre development

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

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 7.5 Public Realm

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 7.15 Reducing Noise

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodland

Policy 8.1 Implementation

Policy 8.2 Planning Obligations

Policy 8.3 Community Infrastructure Levy

Residential Design guidance Development Plan Document 2013

Sustainable Design and Construction Development Plan Document 2013

Supplementary Planning Document: Affordable Housing

Supplementary Planning Document: Planning Obligations

Supplementary Planning Document: Enterprise and Training

#### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of the development including loss of the existing uses on site and provision of retail unit
- Highways Issues
- Impact on the character and appearance of the streetscene and general locality
- Whether harm would be caused to the living conditions of neighbouring and future residents.
- Noise and Air Quality Issues
- Affordable Housing
- Sustainability/Environmental Issues
- Section 106 Issues

### **5.3 Assessment of proposals**

#### 1. Principle of the development including loss of the existing uses on site and provision of retail unit

##### *1.1 Land Use*

The site is currently a minicab and courier business and associated car parking. This is considered to be a Sui Generis use.

Whilst such uses are not protected per se, the existing minicab hire and courier business and associated offices do generate jobs. Policy DM14 states that *'Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.'*

In the opinion of officers of the Local Planning Authority, compliance with policy DM14 needs to be demonstrated in order to address this issue. It should be noted that the proposals seek to provide 265 sq metres of office space within the town centre. The existing building accommodates approximately 250 square metres of space.

In this way, the re-provision of office space would address any concerns relating to policy DM14.

##### *1.2 Loss of the existing building*

A number of consultation responses have referred to existing building on site and its historic significance within East Finchley. The building appears to be of Victorian era and notable features include its attractive brick façade, sash windows and detailing.

However it must also be noted that the existing building has been altered substantially in the past.

As such, it is recognised that the building is of some historic significance. It is accordingly considered as a non-designated heritage asset. Therefore the loss of the existing building must be considered against paragraph 135 of the National Planning Policy Framework.

This states that: *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

The loss of the building therefore needs to be weighed up against the benefits of the scheme, i.e. provision of housing units and office space and redevelopment of a town centre site. It must be noted that the building has been substantially altered in the past, especially the rear of the building. It is considered that whilst there is some harm resulting from the building being demolished, the significance of the building is moderate. Retention of the building would also be likely to be prejudicial to the redevelopment of the site given its low site coverage and siting.

It is therefore considered that the loss of the building could be acceptable if it could be considered that this outweighed but wider benefits of the scheme.

### *1.3 Density*

The site has an area of 0.13ha. It is located in an area of PTAL rating 5 close to East Finchley Underground Station.

The London Plan advises that development should be at 45-260 units/hectare. The proposals appear to be at approximately 161 units/hectare.

The London Plan advises that development should be at 200-700 habitable rooms per hectare. The proposals appear to be at approximately 369 habitable rooms/hectare.

It is recognised that the development is a mixed use development and as such the density of the development is not entirely representative of the amount of development proposed. Nevertheless the density is well within the tolerances within Table 3.2 of the London Plan and as specified in the London Plan. Furthermore, town centres are considered an appropriate location for intensification. The Mayor's Supplementary Planning Guidance on Town Centres states that *'projected growth in London's population presents a significant opportunity for London's town centres to become high quality, liveable places, generating local footfall, supporting vibrant and viable town centres with greater levels of housing and sustainable modes of travel..... Boroughs and town centre partners are encouraged to: draw on London Plan policy to support the intensification of town centres, particularly for mixed use development including higher density housing together with supporting infrastructure (including transport, social and digital connectivity)'*

In this way, the density of the development is considered appropriate.

### *1.4 Unit Mix*

The development consists of:

- 7no. 1 bedroom units
- 13no. 2 bedroom units
- 1no. 3 bedroom unit.

Policy DM08 states that *'dwelling size priorities are:*

- i. For social rented housing – homes with 3 bedrooms are the highest priority*
- ii. For intermediate affordable housing – homes with 3/4 bedrooms are the highest priority*
- iii. For market housing – homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.'*

However this is not say that other mix of dwellings on site may is inappropriate.

The development mix is considered acceptable in accordance with policy DM08, especially considering the town centre location which makes provision of smaller sized units more appropriate.

## 2. Whether the development will have an acceptable impact on Highway and pedestrian safety

### *Site and Existing Highway Description*

The existing property is occupied by a minicab company which has their head office on the site and is also used as a parking area for the company's vehicles.

The site is located on the eastern side of the A1000 High Road, within close proximity of the East Finchley Underground Station, in the Borough of Barnet. The site is located at numbers 12-18 High Road, and it is directly accessed off the High Road. The predominant surrounding land use is residential but includes a mix of uses consisting of retail and commercial.

The site is within a Controlled Parking Zone (CPZ), in close proximity to a East Finchley Underground Station, several bus routes and town centre amenities. Site visits indicate that there is intense parking pressure in the roads in the vicinity of the site.

### *Accessibility by Foot*

In terms of existing facilities for pedestrians, the site is very convenient for walking. There are wide high quality footways on either side of the A1000 High Road, linking into the wider footway network, which extends into Finchley and beyond. To the south, the A1000 High Road offers convenient pedestrian access to Highgate. A staggered signalised pedestrian crossing is located just to the south of the site access, which features dropped kerbs and tactile paving to facilitate the movement of the physically and visually impaired, providing a safe access to the underground station. A second pedestrian crossing is also located to the north of the site access, just after the junction of High Road with Baronsmere Road. This is an informal staggered crossing point with dropped kerbs and tactile paving.

Side road and site access crossings along High Road are also generally fitted with dropped kerbs. A number of footpaths are within the vicinity.

### *Accessibility by Cycling*

The development site is located in a convenient location for cycling trips including both daily commuting and leisure usage. High Road has no dedicated cycle ways, however it is part of the London Cycle Network Link 5, which has, in parts, marked cycle ways and, in other parts, cycle routes shared with bus lanes. In addition, just to the south of the site there is a toucan crossing that allows crossing for cyclists along with pedestrians.

### *Accessibility by Public Transport*

Public Transport Accessibility Level (PTAL) is a form of measuring public transport accessibility in London. PTALs range from 1 to 6 where 6 represents a high level of accessibility and 1 a low level of accessibility.

Transport for London (TfL) gives this site a PTAL Rating of 4 which within the medium accessibility level.

The closest bus stops to the site are located along the A1000 High Road just to the south of the site. A total of seven bus services are accessible from three different bus stops located within 100m from the development site. The bus stops served by routes 102, 143, 234, 263, 603, 653, H3 and N20. These routes provide access to destinations such as Barnet, Brent Cross, East Finchley and Golders Green.

The nearest underground station to the site is East Finchley which is approximately 100m to the south west of the site accessed from the pedestrian crossing over the High Road. The nearest rail station is New Barnet which is approximately 2.5km.

#### *Development Proposal:*

The proposal is for demolition of existing buildings and construction of new buildings to provide 22 dwellings comprising of 8 x 1-bedroom, 13 x 2-bedroom and 1 x 3 bedroom in addition to 265 sqm of office space.

A total of 2 parking spaces are proposed for the development accessed via existing vehicle access from the High Road. One would be allocated to the 3 bedroom dwelling and the second for a car club bay.

#### *Vehicle Access*

The development will use the current access on the High Road that is 4.5m wide at the entrance. The entrance to the proposed development will be managed by secure gates which will be installed to allow access for pedestrians and vehicles separately.

The development will be accessed from the existing access on the High Road, the Transport Statement that will be 4.5 metres including footway. No details were submitted showing any modifications to the existing access but this will require improvement including any remedial work to facilitate the main office entrance, tactile paving to assist the mobility impaired at the crossing point, there may also be level changes to the access. These works are to be agreed under a S278 Agreement.

The Transport Assessment Appendix B showed that a vehicle parked in the car parking spaces within the site would mount the proposed footway to turn and exit in forward gear. This is poorly designed and based on the lower level of vehicle movements it is recommended that this is a shared surface so that a vehicle can manoeuvre easily. Modifications are therefore required and will be conditioned to be provided.

#### *Car parking provision*

The adopted Barnet's Local Plan (Development Management Policies) Policy DM17 indicates the maximum parking standards for residential development, as:

- i. 2 to 1.5 spaces per unit for 4 or more bedrooms)
- ii. 1.5 to 1 spaces per unit for 2 to 3 bedrooms;
- iii. 1 to less than 1 space per unit for 1 bedroom

This equates to a parking provision of up to 14 to 29 parking spaces for the residential development to meet the parking standards as set out in the Barnet Local Plan Development Management Policy DM17 approved in September 2012.

For a site in a PTAL5 area, a provision of 17 parking spaces would be required.

The proposal includes 2 parking spaces, 1 for the 3 bedroom dwelling and 1 for a car club bay and therefore is not in accordance with the parking standards.

Taking into consideration several factors including:

- The PTAL rating in this area is at a good accessibility range.
- According to the Census 2011 data the parking ratio for households in the Census Output Area where the site is located is higher than 1 per household.
- This residential development sits within an all-day (Mon-Sat 10am-6.30pm) Controlled Parking Zone (CPZ). A parking survey was carried out on 3rd -4th February 2016 and showed there was space available on-street to accommodate any potential overspill for overnight residents.
- The number of on-street parking permits issued is above 90% of the available space and is therefore under parking stress.

The developer has offered to enter into an agreement to remove the right of purchase of residential parking permits and provide a car club.

### *Cycle parking provision*

A cycle store is provided and details are required to be submitted to show that the development will meet the London Plan minimum requirements for cycle parking.

### *Travel Plan*

A Travel Plan Framework has been included in the submission to encourage sustainable modes of transport. A car club bay will be provided on the site. As the development falls below the threshold in the SPD for a Travel Plan this is voluntary but encouraging. Barnet will work with the developer in developing the plan.

### *Construction Management*

A Construction Management Plan has been included with the submission and details on-site accommodation and how deliveries are made, routed on the highway network and managed. This is adequate for the development.

### *Refuse and Servicing*

A Refuse storage area is provided on the access road within the building. A refuse and servicing strategy is required so that any impact to the highway network is reduced.

### *Section 106 Obligations*

The following contributions and commitments are sought under a Section 106 Agreement :

- (a) Highways Works

The following proposed highway works shall be carried out under S278 of the Highways Act 1980 and to be concluded in S106 Agreement.

- Junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.



- (b) Traffic Management Order Contribution

A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.

Overall highways officers consider that on balance the proposals would have an acceptable impact on highway and pedestrian safety and the free flow of traffic.

### 3. Whether the proposals will harmfully impact on the character and appearance of the streetscene and general locality

#### *3.1 Layout*

The proposed development is comprised of two blocks running north to south across the site.

The existing site is mostly hard landscaping and parking areas, with building running along the southern boundary of the site. The proposals would provide an opportunity to build a front age block which would relate to the existing parade of shops to the north. In this way the existing development is already out of character within the area.

The proposed layout would not be out of character with the pattern of development within the area and is considered acceptable.

#### *3.2 Scale and Massing*

The site is located on a slope, which decreases from north to south. The site is located within East Finchley Town Centre, with a mixture of building heights. To the north are shopping parades which are two storey with rooms in roof space. Opposite the site is East Finchley Underground Station which is Grade II listed. There is also a four storey office building opposite and three storey residential blocks with pitched roofs.

The massing of the building has been reduced at second and third floors so that it sits more comfortably against the parade of shops to the north. Furthermore, the recess would prevent the building appear jarring against Park House to the south.

The buildings vary between two and four stories in height. This is considered an appropriate scale for the site given the height of neighbouring buildings and the location within the town centre. It is considered important that the detailing of any building relates appropriately to the shopping parade with traditional form to the north. To the south, Park House is an unremarkable two storey flat roof building, however it is still important that any building does not appear jarring when viewed against this.

Overall, it is considered that the scale of the development is appropriate for the site.

#### *3.3 External Appearance and Design*

The proposed building would be flat roofed with recessed upper storeys. In this way the building above second floor would not be as dominating as viewed against the pitched roof of 20-22 High Road.

The proposed design of the scheme has been amended in order to separate the ground and upper floor levels of Block A and make them more distinctive given their differing uses.

Materials proposed include:

- Red stock brick
- Sandstone coloured render to projecting bays
- Zinc Cladding for roof
- Wood Laminate to rear projections
- Crittal Windows

It is considered that the design of the proposed building would be acceptable in terms of its impact on the character and appearance of the area.

### *3.4 Landscaping*

The site is currently covered by buildings and hard landscaping with only very limited soft landscaping informally around the edges of the site.

The proposals would represent an opportunity to provide increased soft landscaping to the site, particularly in terms of proposed communal garden areas.

It is suggested that a detailed landscaping scheme is secured by condition.

### *The impact on the setting of East Finchley Underground Station as a listed building*

The underground station is a notable listed building within East Finchley Town Centre, which is located opposite the site. Whilst the replacement building forming part of the development is of some presence, it is not considered that it would be overpowering or prejudicial to the setting of this listed building.

## 4. 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. It suggests that negotiations on sites should take account of their individual circumstances including development viability. This approach is reflected in Policy CS4 of the Core Strategy and policy DM10 of the Development Management Policies DPD. The Policy sets a target of 40% affordable housing on sites of 10 units of more or covering 0.4 hectares or more.

The applicant has submitted a Financial Viability Report in support of the scheme. This has been independently reviewed by Colliers International on behalf of the Council. Further to this, it has been agreed that a contribution of £ 870,000 can be made towards affordable housing within the Borough. This represents a contribution of 23% and is considered to be the maximum amount the scheme can provide.

Whilst commuted sums are only acceptable in exceptional circumstances it is suggested that where a scheme either can only provide a small number of units on-site and there isn't an obvious self-contained block, a commuted sum could be justified. This is because 'pepper potted' affordable units or less than 10 units tend to be unattractive to RSLs as they are difficult to manage.

In this way, the proposals would comply with policy DM10 of the Development Management Policies 2012.

## 5. Whether harm would be caused to the living conditions of neighbouring and future residents.

### *5.1 Impact on neighbouring occupiers*

#### *5.1.1 Daylight/Sunlight*

A daylight and sunlight report accompanies the planning application. This assessed Vertical Sky Component (VSC), and Annual Probable Sunlight Hours (APSH).

The report shows that whilst there may be a small increase in overshadowing of gardens of houses on Ingram Road, this would not be materially harmful to the living conditions of occupiers of these properties. There would be no significant impact to houses on Baronsmere Road.

In terms of sunlight, the impact on 20-22 High Road would generally accord with Building Research Establishment (BRE) Guidance, with one window receiving less Winter Sun than normally advised. The BRE guidance is a useful tool for assessing such impacts but does not cover every eventuality.

Comments from residents have been received in respect of the Daylight and Sunlight Report. These states that the report has not looked at internal layout of neighbouring properties and does not have full diagrams as they are truncated. In the view of the resident development would be contrary to BRE guidelines as would go beyond 25 degree limit. It should be noted that the BRE Guidance states that *'If a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

*-receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable*

*sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year greater than 4% of annual probable sunlight hours''*

None of the above conditions are met.

Residents have also pointed out that houses on Ingram road are not North facing as stated within Daylight/Sunlight report, they are west facing. This is acknowledged. However, the report assesses the impact on these windows in any event.

Overall, it is considered that whilst there may be some impact in terms of overshadowing to residents on Ingram Road, this is relatively minor and not significant enough to warrant refusal of the planning application.

#### *5.1.2 Privacy*

Block B is sited to the rear of the site and is closest to neighbouring residential properties.

It should be noted that the plans do not show the extensions to properties on Ingram Road to the east. No.9 appears to have been extended in the form of a single storey rear extension. No.7 appears to have been extended at roof level. The houses on Ingram Road are L shaped and have rear two storey outriggers.

It is estimated that there is a distance of approximately 9.3m from the rear wall of the nearest property to the rear and boundary with the site (No.11 Ingram Road) measured from the rear of it's outrigger. The distance from the main rear wall would be approximately 15.3m. In the case of no.9, the ground floor rear wall is approximately 7m from the rear boundary where it has been extended.

#### *Impact on no.11 Ingram Road*

At ground and first floors, the proposed building would be approximately 28.5m from the main rear wall of no.11 and 21.3m from the rear outrigger.

At second and third floor the proposed building would be approximately 30.8m from the main rear wall of no.11 and 23.9m from the rear outrigger.

All balconies at second and third floor level have been removed beyond the main rear wall of block B.

The building would comply with the overlooking standards within the Supplement Planning Document: Residential Design Guidance document. The upper floors would be stepped even further to prevent possible overlooking.

#### *Impact on no.9 Ingram Road*

It is noted that no.9 has the benefit of a single storey rear extension and therefore the distances at ground floor between buildings is approximately 18.7m measured from the rear outrigger.

This only applies to the ground floor. It must be viewed in the context that the SPD contains guidance, and this is not to say that development should be refused if it exceeds these, especially in town centres.

Otherwise, the distances between the buildings is marginally more than in the case of no.11.

It is noted that there is a small balcony proposed facing this property at first floor level of approximately 1.5m depth. This would be sited away from the part of the building directly facing the outrigger. On balance it is not considered that harmful overlooking would result if this element is screened adequately and a condition is suggested to ensure this.

#### *Impact on other residential properties*

The other property directly facing the site is sited further away from the site though any impact would be similar to no.9 and no.11 Ingram Road. Though this property has a roof level, it is not considered that any impact would be materially harmful to the living conditions of the occupiers of this property.

The proposed Block A is sited to the front of the site. Overlooking from this block is unlikely given that residential properties are some distance to the north and east of the site.

Furthermore, the scheme has been designed to prevent any possible overlooking to the nursery at Park House to the south. It should however be noted that there is no policy seeking to prevent overlooking to schools and there would be no grounds to refuse an application on these grounds.

### *5.1.3 Visual Impact/Outlook*

The houses to the rear of the site on Ingram Road are closest to the development. These are sited at a height similar to that of the site. They have rear outriggers which step back from the main rear wall of the buildings by approximately 7m.

The existing building is located some 9m from the boundary with no.11 and 20m at first floor level between windows. At ground floor the building is sited some 1m from the boundary.

Whilst the proposed building would be larger than that which exists on site, the second and third floors would be stepped back further to reduce their perceived visual impact.

The proposed block B would be sited approximately 16m from the rear boundary with houses on Baronsmere Road and 26m from the rear walls of these houses. Furthermore, any view would be of the side of the block which is shallow in depth.

It is not considered that the proposed building would appear overbearing or cause harmful loss of outlook as viewed from neighbouring residential properties to Ingram Road, Baronsmere Road or above commercial premises on High Road.

### *5.1.4 Noise and Disturbance*

The site is located within East Finchley Town Centre and is within appropriate density ranges.

The commercial parts of the building would be sited to the front of the site away from residential properties to the rear.

Given the nature of the use it is not considered that the proposals would cause harmful noise and disturbance to neighbouring residential properties.

### *5.1.5 Light Pollution*

Given the nature of the proposed use, and the siting and distance between windows, it is not considered that harmful light pollution would result from the development.

## *5.2 Impact on amenities of future occupiers*

### *5.2.1 Internal Amenity*

#### *Block A*

First Floor Unit 1 (1 Bed) – 54 square metres

First Floor Unit 2 (1 Bed) – 54 square metres

First Floor Unit 3 (1 Bed) – 54 square metres

First Floor Unit 4 (2 Bed) – 90 square metres

Second Floor Unit 1 (2 Bed) – 68.6 square metres

Second Floor Unit 2 (2 Bed) – 75.2 square metres

Second Floor Unit 3 (2 Bed) - 92.7 square metres

Third Floor (2 Bed) – 93 square metres

### *Block B*

Ground Floor Unit 1 (2 Bed) - 67.7 square metres

Ground Floor Unit 2 (3 Bed) - 90.8 square metres

Ground Floor Unit 3 (2 Bed) – 67.7 square metres

First Floor Unit Unit 1 (2 Bed) – 67.6 square metres

First Floor Unit Unit 2 (1 Bed) – 56 square metres

First Floor Unit Unit 3 (1 Bed) – 56 square metres

First Floor Unit Unit 4 (2 Bed) – 67.6 square metres

Second Floor Unit Unit 1(2 Bed) – 67.6 square metres

Second Floor Unit Unit 2 (1 Bed) – 51 square metres

Second Floor Unit Unit 3 (1 Bed) – 51 square metres

Second Floor Unit Unit 4 (2 Bed) – 67.6 square metres

Third Floor Unit 1 (2 Bed) – 71 square metres

Third Floor Unit 2 (2 Bed) – 71 square metres

The development would comply with the internal space standards within Mayor's London Plan.

It is noted that some of the proposed residential units would be single aspect. However, none of the units would be north facing. In this way the scheme would provide good outlook for future residents.

### *5.2.2 External Amenity Space*

The following amenity areas would be provided in association with the development:

- Communal Area of 103 square metres to rear of Block A
- Communal Area of 168 square metres to rear of Block B
- Ground floor private patios of 19, 27 and 31 square metres
- Communal Roof terrace (Third Floor) 57 square metres
- Third Floor Balconies of 19 square metres (x2)

240 square metres of external amenity space would be required in accordance with the Supplementary Planning Document on Sustainable Design and Construction. The development makes provision for 328 square metres.

## 6. Noise and Air Quality Issues

The Noise Consultants, Sharps Redmore, consider it is likely that the western and southern facades, which are closest to the High Road, will require a sealed acoustic glazing system and the northern and eastern facades will require thermal double glazing.

To enable the windows to remain closed acoustic air bricks or an individual or whole building mechanical ventilation system may be required. This would be acceptable to Environmental Health Officers.

The information is satisfactory and shows that the operational air quality impact of the proposal not to be significant. Environmental Health Officer would also like to note that the proposed noise mitigation options (such as acoustic air bricks or an individual or whole building mechanical ventilation) would also have act as an air quality mitigation measure. If mechanical ventilation is used they would recommend that air is drawn in from the rear of the building as this would be the cleanest side of the building)

The applicant has submitted a Construction Management Plan in support of the proposals. Environmental Health Officers consider that this is acceptable.

## 7. Sustainability/Environmental Issues

### *7.1 Accessibility*

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

Policy 3.8 of the London Plan requires 10% of new dwellings to be wheelchair adaptable or accessible. The development would comply with this requirement.

### *7.2 Carbon Dioxide Emissions*

The applicant has submitted an Environmental Sustainability Statement. This states that photovoltaic panels will be used as part of the development on the roof.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy

### *7.3 Water usage*

In terms of water consumption, a condition [is attached/would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

### *7.4 Drainage*

The site is located within if Flood Zone 1. The site has a low risk of surface water flooding.

The applicant has submitted a drainage strategy. The Lead Local Flood Authority has been consulted and they are of the view that a more detailed Drainage Strategy should be submitted before the development commences. This could be secured by condition. It is recommended that the feasibility of implementing infiltrating Sustainable urban Drainage Systems (SuDS) be provided as well as giving more consideration to the SuDS hierarchy.

### *7.5 Biodiversity*

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The existing site contains buildings and hardstanding, with some vegetation around the residential boundaries with neighbouring properties. It is considered to be of low ecological value and as such, there is no requirement for surveys of protected species. A condition is attached requiring biodiversity improvements in accordance with policy DM16.

#### *7.6 Waste and Recycling*

The applicant has amended the plans to provide 6 x 1,100 litres bins. This is considered appropriate provision and is considered acceptable by the Waste and Recycling Team.

#### 8. Impact on security

The proposed would maintain commercial use to the front of the site. The rear facing windows would provide surveillance to the rear garden of the site and it is not considered that the risk of antisocial behaviour would increase as a result of the development.

No objection has been received from the Metropolitan Police Designing Out Crime officer.

#### 9. Section 106 Issues

The following planning obligations are required in association with the development:

Contribution of commuted sum towards affordable housing

Amendment to Traffic Order to prevent residents of the development obtaining parking permits.

Furthermore, a contribution would be required towards Mayoral and Barnet Community Infrastructure Levy.

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

#### *Principle of Development*

Doesn't make provision for larger units - *Addressed in main report*

Loss of jobs from existing facility - *Addressed in main report*

Density Excessive - *Addressed in main report*

Existing building (Formerly known as Valona House) is one of the oldest buildings in East Finchley and is of historic interest. - *Addressed in main report*

#### *Design Issues*

Overdevelopment - *Addressed in main report*

Proposals don't pay sufficient regard to Victorian houses on neighbouring roads - *Addressed in main report*

Poor Quality Design - *Addressed in main report*

Overpowers Park House and buildings on High Road - *Addressed in main report*

The materials, roofline, roof pitch, lack of eaves, gables, chimney stacks, dormer are not typical of development in the area. - *Addressed in main report*

#### *Amenity Issues*

Loss of light - *Addressed in main report*

Loss of privacy - *Addressed in main report*

Noise pollution - *Addressed in main report*

Neighbouring properties have not been represented correctly (Note no.9 Ingram avenue is 18.7m from development) - *Noted however the impact of the development is considered acceptable*

Daylight and Sunlight Report has not looked at internal layout of neighbouring properties and does not have full diagrams (Truncated). Development would be contrary to BRE guidelines as would go beyond 25 degree limit. - *Addressed in main report*

Houses on Ingram road are not North facing as stated within Daylight/Sunlight report – they are west facing - *Addressed in main report*



Noise assessment states that development will result in harmful noise, so needs to be fixed shut, which precludes ventilation - *Addressed in main report. Environmental Health Officers are satisfied with details*

No consideration to noise from underground or increase to underground use has been considered. - - *Noise issues are addressed in main report*

Ceiling height of development is below 2.5m - - *Addressed in main report*

Air Source Heat pumps will cause noise - *Air pumps are not proposed*

*Highways Issues*

Proposals don't make provision for parking - *Addressed in main report*

Access issues for vehicles for commercial development, deliveries, fire access - *Addressed in main report*

Waste Management Issues - *Addressed in main report*

Access road will cause disruption in Town Centre - *Addressed in main report*

*Other Issues*

Schools in the area are over subscribed – *The proposals make provision towards Community Infrastructure Levy which would contribute to this*

Noise and disturbance during construction – *This is covered by Environmental Health Legislation. In any event, a construction management plan has been provided and is considered acceptable*

Ecological impact *Addressed in main report*

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

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need 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.

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**

The proposals would involve the redevelopment of a town centre site and provide contribution to office stock within the borough as well as additional residential units. The development would make a significant contribution to affordable housing within the borough. The development would not have a harmful impact on highway safety subject to legal agreement and not materially harm neighbouring living conditions. Whilst there is some harm arising from the loss of the non-designated heritage asset, this is considered to be moderate and outweighed by the benefits of the scheme. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

