

Location **Britannia House 960 High Road London N12 9RY**

Reference: **17/6593/FUL** Received: 17th October 2017
Accepted: 25th October 2017

Ward: Woodhouse Expiry 24th January 2018

Applicant: Mr Avi Dodi

Proposal: Internal alterations to create 23no self-contained flats. Insertion of external projecting balconies with glass balustrades to provide amenity space for each flat. Provision of storage for 26no. bicycles.

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;

2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Highways (traffic order) £2,022.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Affordable Housing Contribution £165,000
A financial contribution (commuted payment) towards the cost of providing affordable housing within the Borough of Barnet of £165,000 together with a review mechanism in accordance with the Mayor's Affordable Housing and Viability SPG 2017.

5. Monitoring of the Agreement £101.22
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 462/PL/001 - Location Plan

462/PL/100 - Existing Ground Floor Plan, 462/PL/101 - Existing First Floor Plan, 462/PL/102 - Existing Second Floor Plan, 462/PL/103 - Existing Third Floor Plan, 462/PL/104 - Existing Fourth Floor Plan, 462/PL/105 - Existing Fifth Floor Plan, 462/PL/106 - Existing Sixth Floor Plan, 462/PL/107 - Existing Roof Plan, 462/PL/108 - Existing Elevations, 462/PL/109 - Existing And Proposed Sections A-A, 462/PL/200D - Proposed Ground Floor Plan, 462/PL/201A - Proposed First Floor Plan, 462/PL/202A - Proposed Second Floor Plan, 462/PL/203 - Proposed Third Floor Plan, 462/PL/204 - Proposed Fourth Floor Plan, 462/PL/205 - Proposed Fifth Floor Plan, 462/PL/206 - Proposed Sixth Floor Plan, 462/PL/207 - Proposed Roof Plan, 462/PL/208 - Proposed Elevations

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 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 2016.

4 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 prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of

the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

5 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

6 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason

In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise dust, noise and vibration pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2011).

8 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or

other refuse storage containers where applicable, together with a satisfactory point of collection 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 a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

9 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.

10 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 35% 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.

11 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

12 a) Before the development hereby permitted is first occupied, details of privacy screens (minimum height 1.6 metres) to the north facing balconies at first and second floor

level to be installed and details of opaque glazing to the balconies on the west (front) facing balconies 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

13 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.

14 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

15 The roofs of the building 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 Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 10/09/2020 unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

2. The proposed development fails to provide a formal undertaking to provide affordable housing on site or the costs of monitoring the provision for affordable housing and as such, the proposed development fails to provide for affordable housing to meet the Borough's needs. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (2012), Policy DM10 of the Development Management Policies DPD (2012) and the Planning Obligations SPD (2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

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.

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

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

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 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 or by telephoning 0208 359 4500.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.
- 6 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

Officer's Assessment

This planning application is being referred back to the area planning committee for amendment to the Section 106. Following the resolution to grant permission at the Finchley and Golders Green Area Planning Committee on 14th May 2019, the applicant raised concerns about the implications of the section 106 on the viability of the scheme and that the contribution sought was greater than that recommended by Colliers (the Councils independent viability advisers).

Colliers originally advised that the proposed scheme could accommodate approximately 20% affordable housing, equating to five affordable units. The officer report recommendation was for "The provision of five units for rent on site. " The committee amended that recommendation to ensure that at least 2 of the social housing units were 3 beds.

The applicant has subsequently challenged the implications for the viability of the scheme.

Colliers International were "initially instructed to review the viability of Britannia House, 958-964 High Road, London N12 9RY on 22nd February 2018. Following a thorough review of the proposed scheme and the status of the property market, we concluded in August 2018 that whilst the proposed scheme could not support a fully policy compliant Affordable Housing provision, it could potentially support an element of on-site units. Following this review, it is our understanding that a S.106 agreement was drawn up but remains unsigned. We further understand that the applicant has since requested an updated viability review, as they continue to believe that the proposed scheme is not viable."

It was therefore agreed that it would be reasonable for the applicant to submit a new viability appraisal. David Matzdorf was instructed by Invordan Britannia UK Ltd to carry out an updated viability assessment of this proposed development and to appraise the financial viability of providing affordable housing. The applicant's viability report states that "The developer acquired a building with a substantial Existing Use Value and when they assessed the potential of the building for residential conversion, they took into account two Prior Approval notices, which they interpreted to mean that there was consent to create 30-36 units. A dispute ensued about the status of the Prior Approval notices, resulting in the reduction of the scale of the residential conversion to 23 residential units with a reduced GDV. As the DAT appraisal shows, a conversion to 23 units is not sufficiently profitable, compared with the EUV of the pre-existing offices, to merit the development being undertaken, even without providing affordable housing. The 23-unit scheme makes a deficit, even with 100% private housing and 0% affordable housing."

Colliers have recently reassessed this second viability appraisal and concluded:

"As can be seen above, we have calculated similar opinions of GDV, development cost, and residual site value to the applicant. However, as we are of the opinion that the EUV has been inflated by double counting the second floor office space, our modelling results in a surplus being generated, as opposed to the deficit suggested by the applicant.

However, we would note that the small surplus that we have calculated is not significant enough to support a policy compliant affordable housing provision. In fact, having modelled various different scenarios, we are of the opinion that the surplus could likely only support the provision of a single 2 bedroom affordable flat or two 1 bedroom apartments.

Whilst we are therefore of the opinion that the scheme does generate a surplus, we do have some sympathy with the applicant's suggestion that it would be difficult to find a Registered Social Landlord (RSL) who would be looking to manage an affordable housing scheme of the size suggested above." and "have therefore concluded that the scheme generates a

surplus of approximately £165,000. We would however note that this surplus would only support a very small affordable housing provision of 1 or 2 on site dwellings."

The Council's Affordable Housing officer states that given the reduction in units, a commuted sum would be preferred rather than on site provision, subject to a review mechanism in accordance with the Mayor's Affordable Housing and Viability SPG 2017.

The amended officer recommendation is therefore to accept the provision of a commuted sum of £165,000, together with a review mechanism.

The 2018 committee report is now replicated below.

Officer's Assessment

1. Site Description

The subject site is Britannia House, primarily a seven storey building, dating from the mid-1960s, on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the principal frontage on the High Road and steps down to three storeys to the side and rear fronting Britannia Road.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side but the north side is primarily residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

The applicant property is not listed nor located within a conservation area. There are no protected trees on or adjacent to the application site.

2. Site History

Reference: F/03733/11

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: - Approved subject to conditions

Decision Date: 21.10.2011

Description: Change of use of Ground floor from B1 (Office) space to D1 (Ophthalmic Diagnostics Clinic including Surgical procedures).

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: 16/6697/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Approved following legal agreement

Decision Date: 15.08.2017

Description: Creation of additional floor above top floor (7th floor) which is under the level of the existing lift enclosure to provide one additional self-contained unit

Reference: 16/6693/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Approved following legal agreement

Decision Date: 18.08.2017

Description: Two storey side extension to provide 2 additional flats at first and second floor levels

Reference: 16/2568/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Appeal dismissed

Decision Date: 25/05/2017

Description: Creation of additional floor above top floor level (7th floor) of existing building to provide 2 No self-contained flats

Reference: 16/2602/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Appeal following legal agreement

Decision Date: 13.10.2016

Description: Proposed rear extensions above 2nd floor level of existing building to the eastern wing to provide 3 no. self-contained flats at 3rd and 4th level

Reference: 17/1608/PNO

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Refused

Decision Date: 7 Apr 2017

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (30 Units)

Reference: 17/4341/PNO

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 01.11.2017

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (4 Units)

Reference: 17/5201/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused

Decision Date: 28.03.2018

Description: The construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading.

Reference: 17/7144/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Approve following legal agreement

Decision Date: 03.05.2018

Description: The proposed development is an extension to the east wing of Britannia House which would be sited behind the main building line of residential properties. It would provide 153sqm of B1 office floor space over the basement and ground floor, and 2 x 1 bedroom/1 person flats at first and second floors of 48sqm and 44sqm respectively, together with rear private balconies.

Reference: 18/2499/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused

Decision Date: 06.07.2018

Description: Construction of an additional floor at 7th floor level to provide 2no self-contained 2bedroom/3 person residential units together with private outdoor amenity areas and balustrading

Reference: 18/5483/FUL

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Approved subject to a S106

Decision Date: Committee resolution 13.11.2018

Description: Creation of additional floor at 7th floor level to provide two x 2B/3B self contained units, each with private outdoor amenity space. Alterations to fenestration and cladding of existing building

3. Proposal

Internal alterations to create 23no self-contained flats. Insertion of external projecting balconies with glass balustrades to provide amenity space for each flat. Provision of storage for 26no. bicycles. The recommendation has been revised to offer a commuted sum towards affordable housing rather than on site provision

4. Public Consultation

Consultation letters were sent to 176 neighbouring properties. A site notice was posted on the 02.11.2017. 5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Over development
- increased rubbish
- parking pressures
- overlooking

Finchley Society: the balconies will lead to a loss of privacy

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 updated and published on 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

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, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM08, 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.

Residential Design Guidance SPD (adopted October 2016).
North Finchley Town Centre Framework (adopted February 2018)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of locating a residential use at this site
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters

5.3 Assessment of proposals

This planning application is being referred back to the area planning committee for amendment to the s106. The affordable housing contribution sought by the original area planning committee was significantly different to that which was recommended by Colliers (the Councils viability advisers).

Colliers International were "initially instructed to review the viability of Britannia House, 958-964 High Road, London N12 9RY on 22nd February 2018. Following a thorough review of the proposed scheme and the status of the property market, we concluded in August 2018 that whilst the proposed scheme could not support a fully policy compliant Affordable Housing provision, it could potentially support an element of on-site units. Following this review, it is our understanding that a S.106 agreement was drawn up but remains unsigned. We further understand that the applicant has since requested an updated viability review, as they continue to believe that the proposed scheme is not viable."

It was therefore agreed that it would be reasonable for the applicant to submit a new viability appraisal. David Matzdorf was instructed by Invordan Britannia UK Ltd to carry out an updated viability assessment of this proposed development and to appraise the financial viability of providing affordable housing. The developer acquired a building with a substantial Existing Use Value and when they assessed the potential of the building for residential conversion, they took into account two Prior Approval notices, which they interpreted to mean that there was consent to create 30-36 units. A dispute ensued about the status of the Prior Approval notices, resulting in the reduction of the scale of the residential conversion to 23 residential units with a reduced GDV. As the DAT appraisal shows, a conversion to 23 units is not sufficiently profitable, compared with the EUV of the pre-existing offices, to merit the development being undertaken, even without providing affordable housing. The 23-unit scheme makes a deficit, even with 100% private housing and 0% affordable housing.

Colliers have recently reassessed this viability appraisal and consider that the costs are wholly reasonable and in fact slightly lower than expected. Colliers therefore recommend agreeing to adopt the applicant's costs in the modelling and therefore make no change to their original conclusion and the figures provided in the original study. Consequently, the viability having now been reassessed, the Independent assessor has agreed that the scheme can only make a lesser contribution - secured as a commuted sum rather than on site provision.

The 2018 committee report is now replicated below.

The principle of residential use at this site

Britannia House has a recent history of applications where approval for residential use has been consented. The principle of the use has therefore been established and its appropriateness should be assessed under 'standards' below. The North Finchley Town Centre Framework (adopted February 2018) recognises that the area to the north of North Finchley Town Centre is suitable for further residential use and already seeing a transition to residential development through piecemeal residential development and conversions from permitted development rights.

Impact on the character of the area

This scheme would reduce the number of units allowed from 28, under the various prior approval schemes, to 23. The quality of the units will be an improvement on the previous layouts and this will benefit the way the building functions. The overall number of occupants will be similar to the levels that would have been seen under the prior approvals, with a similar degree of comings and goings, but the design and layout will be more coherent. The scheme will provide integrated refuse and cycle storage facilities and these will be secured by condition.

There will be no alterations to the mass and form of the building with changes confined to the cladding system and new external balconies. A condition will seek to ensure that there is an improved standard of external landscaping.

Impact on the amenities of neighbours

Policy DM01 seeks to ensure that new development does not materially affect the amenity of adjacent occupiers. There would be no material loss of daylight or sunlight or an increase in the sense of enclosure to existing residential occupiers of Britannia Road or the High Road since the proposal is within the existing framework of the building.

A series of external balconies are proposed at first and second floors on the rear north facing wall line but none on the rear wall of the main building. At fourth, fifth and sixth floors of the main building there are no balconies on the rear wall facing east. To protect neighbour amenity, a condition is recommended to ensure obscure glazing is provided to balconies to prevent overlooking.

Whether the scheme would provide an adequate standard of accommodation for future residents

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes. Internal Design Standards: Unlike previous proposals for this site, this application seeks to reduce the number of units from 28 to 23.

First floor: Unit 1 - 2B/3P 63sqm, Unit 2 - 2B/3P 62sqm, Unit 3 - 3B/4P 102sqm, Unit 4 - 2B/3P 62sqm, Unit 5 - 3B/6P 96sqm, Unit 6 - 2B/4P 86sqm.

Second floor: Unit 7 - 1B/2P 55sqm, Unit 8 - 2B/2P 48sqm, Unit 9 2B/3P 62sqm, Unit 10 - 3B/6P 96sqm, Unit 11 - 2B/3P 66sqm

Third floor: Unit 12 - 2B/3P 64sqm, Unit 13 - 2B/3P 64sqm, Unit 14 - 3B/5P 101sqm

Fourth floor: Unit 15 - 2B/3P 64sqm, Unit 16 - 2B/3P 64sqm, Unit 17 - 3B/5P 101sqm

Fifth floor: Unit 18 - 2B/3P 64sqm, Unit 19 - 2B/3P 64sqm, Unit 20 - 3B/5P 101sqm

Sixth floor: Unit 21 2B/3P 64sqm, Unit 22 - 2B/3P 64sqm, Unit 23 - 3B/5P 101sqm

All 23 units will therefore comply with internal space standards. All units would have acceptable levels of daylight and sunlight and acceptable levels of outlook.

The standards set a minimum ceiling height of 2.3 metres for at least 75% of the Gross Internal Area. The ceiling heights in this proposal are significantly higher in this proposal for the full site area and all units.

The proposal includes the provision of external projecting balconies with toughened clear glass balustrades to give each flat a private amenity space. Each private balcony will be 3sqm. Swan Lane Open Space is about a ten-minute walk from the Britannia House site and Friary Park is within about a 20-minute walking distance. Neither is a substitute for the provision of private open space which serves different needs. However, the proposed flats are small units and unlikely to be used by families. The demand for private space would therefore be reduced when compared to other forms of households. This is very much an on-balance consideration as the scheme provides fewer units than the prior approval schemes and is acceptable in other aspects.

Highway and parking matters

Parking is provided on site to meet the requirements of all occupiers of the building. Taking into consideration that the site is close to local amenities, the site has a Public Transport Accessibility (PTAL) of 3 which is considered as medium accessibility, the site is within an All Day Controlled Parking Zone which operates from Monday to Saturday 9am to 5pm and Payment parking is in operation on roads in the vicinity of the site, this is acceptable.

The applicant has agreed to enter a legal agreement to exclude residents of the proposed development from qualifying for parking permits. To implement the necessary change to the Traffic Order a contribution of £2,022 is to be required under S106 Agreement.

The proposal includes the provision of 26 cycle parking spaces in accordance with the London Plan Cycle Parking Standards. This will be secured by condition

Energy

In order to meet a 35% reduction in CO₂, renewable energy technologies in the form of a solar PV system has been proposed.

The total dwelling emission rate (DER) for the 23 flats without any renewable energy is 513.81kgCO₂/m²/year. With a 35kw PV system, this is reduced to 330.52kgCO₂/m²/year, a reduction of 35.67%.

The solar PV system itself will consist of a total of 140 panels, each of which is 250 watts, making 35kw altogether. These will be situated horizontally on the flat roof on top of Britannia House. The solar panels will not have any over-shading from adjacent buildings or trees, allowing them to produce the optimum amount of electricity for their location. The panels would be 1m x 1.6m in size, therefore 140 panels would equate to 224m² in total, which could be accommodated on the roof and will also allow for easy access for servicing and cleaning.

Affordable Housing

The Council commissioned an independent assessment of the ability of the scheme to deliver affordable housing. Colliers International were appointed in March 2018. The conclusion from the analysis was that the scheme could not provide a compliant mix of affordable accommodation. However, the scheme could deliver a level of affordable housing. The profit generated would be in excess of the figure the applicant has applied as their profit benchmark. Having assessed the level of affordable housing which may be provided, the independent assessors advise the proposed scheme could accommodate approximately 20% affordable housing, equating to five affordable units. This will be secured through the legal agreement.

The amended provision of affordable housing is discussed further above.

Accessibility and Sustainability

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). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO₂ 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 to ensure compliance with the Policy.

In terms of water consumption, a condition is attached 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).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

The objections and concerns from residents have been considered within the evaluation above.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval and S106 legal agreement.