

Location 679 High Road London N12 0DA

Reference: 21/6788/FUL Received: 24th December 2021
Accepted: 30th December 2021

Ward: West Finchley Expiry 31st March 2022

Case Officer: Josh Mclean

Applicant: Taylor Wimpey UK Ltd

Proposal: Demolition of the existing building and redevelopment of the site to provide 250 residential units (Use Class C3) within 6 buildings ranging from 4 to 7 storeys. Provision of new pedestrian route and access link, private amenity space, communal amenity and podium gardens, refuse storage, 63 car parking spaces and 457 cycle parking spaces, energy centre, substation building and other associated facilities

1. BACKGROUND

This committee report is a result of an appeal which has been submitted against the non-determination of planning application reference 21/6788/FUL, under Section 78(2) of the Town and Country Planning Act 1990.

In order to express the Council's view to the Planning Inspectorate, Members are asked for their opinion.

The statutory expiry date of the application was 31st March 2022. The need to discuss and obtain further information (pertaining to financial viability and affordable housing) and resolve consultee comments (namely the Greater London Authority and highways) have prevented the application from being formally recommended by officers to the Strategic Planning Committee.

On 11th August 2022, the Planning Inspectorate wrote to the Local Planning Authority to advise of an appeal for non-determination. They have confirmed by letter dated 13th September 2022 that the appeal is valid. The procedure chosen by the appellant and subsequently by the Planning Inspectorate is a planning inquiry, which they have estimated will sit for 4 days. The Inquiry will begin on the 14th December 2022.

As the applicant has lodged an appeal of non-determination this means that the London Borough of Barnet is no longer the determining authority, rather the Planning Inspectorate will consider the application.

The Member's view will be sent to the Planning Inspectorate as part of the Local Planning Authority's Statement of Case.

2. POLICY CONSIDERATIONS

Key Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

National Planning Policy Framework (NPPF) July 2021

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 2021 NPPF was adopted in July 2021 replacing the 2019 NPPF. The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

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 also states that the purpose of the planning system is to contribute to the achievement of sustainable development. In addition, the NPPF retains a 'presumption in favour of sustainable development', unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The London Plan 2021

The London Plan 2021 is the development plan in terms of strategic planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The London Plan policies (arranged by chapter) most relevant to the determination of this application are:

Chapter 1 Planning London's Future – Good Growth

- GG1 (Building strong and inclusive communities)
- GG2 (Making the best use of land)
- GG3 (Creating a healthy city)
- GG4 (Delivering the homes Londoners need)
- GG5 (Growing a good economy)
- GG6 (Increasing efficiency and resilience)

Chapter 2 Spatial Development Patterns

- SD6 (Town Centres and high streets)
- SD8 (Town Centre Network)
- SD10 (Strategic and local regeneration)

Chapter 3 Design

- D1 (London's form, character and capacity for growth)
- D2 (Infrastructure requirements for sustainable densities)
- D3 (Optimising site capacity through the design-led approach)
- D4 (Delivering good design)
- D5 (Inclusive design)
- D6 (Housing quality and standards)
- D7 (Accessible housing)
- D8 (Public realm)
- D11 (Safety, security and resilience to emergency)
- D12 (Fire safety)
- D14 (Noise)

Chapter 4 Housing

- H1 (Increasing housing supply)
- H4 (Delivering affordable housing)
- H5 (Threshold approach to applications)
- H6 (Affordable housing tenure)
- H7 (Monitoring of affordable housing)
- H10 (Housing size mix)

Chapter 5 Social Infrastructure

- S1 (Developing London's social infrastructure)
- S4 (Play and informal recreation)

Chapter 6 Economy

- E11 (Skills and opportunities for all)

Chapter 7 Heritage and Culture

- HC1 (Heritage conservation and growth)

Chapter 8 Infrastructure and Natural Environment

- G1 (Green infrastructure)
- G4 (Open Space)
- G5 (Urban greening)
- G6 (Biodiversity and access to nature)
- G7 (Trees and Woodland)

Chapter 9 Sustainable Infrastructure

- SI 1 (Improving air quality)
- SI 2 (Minimising greenhouse gas emissions)
- SI 3 (Energy Infrastructure)
- SI 4 (Managing heat risk)
- SI 5 (Water infrastructure)
- SI 6 (Digital connectivity infrastructure)
- SI 7 (Reducing waste and supporting the circular economy)
- SI 8 (Waste capacity and net waste self-sufficiency)
- SI 12 (Flood risk management)
- SI 13 (Sustainable drainage)

Chapter 10 Transport

- T1 (Strategic approach to transport)
- T2 (Healthy Streets)
- T3 (Transport capacity, connectivity and safeguarding)
- T4 (Assessing and mitigating transport impacts)
- T5 (Cycling), T6 (Car parking)
- T6.1 (Residential parking)
- T7 (Deliveries, servicing and construction)
- T9 (Funding transport infrastructure through planning)

Chapter 11 Funding the London Plan

- DF1 (Delivery of the Plan and Planning Obligations)

Chapter 12 Monitoring

- M1 (Monitoring)

Strategic Supplementary Planning Documents and Guidance:

- Barnet Housing Strategy 2015-2025
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- Wheelchair Accessible Housing (September 2007)
- Planning for Equality and Diversity in London (October 2007)
- All London Green Grid (March 2012)
- Housing (March 2016)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

- Affordable Housing and Viability (2017)
- The Control of Dust and Emissions during Construction and Demolition (July 2014)
- Mayor's Transport Strategy (2018)
- Play and Informal Recreation (September 2012)

Barnet's Local Plan (2012)

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012. The Local Plan development plan policies of most relevance to the determination of this application are:

Relevant Core Strategy Policies

- CS NPPF (National Planning Policy Framework – Presumption in favour of sustainable development)
- CS1 (Barnet's Place Shaping Strategy – Protection, enhancement and consolidated growth – The three strands approach)
- CS3 (Distribution of growth in meeting housing aspirations)
- CS4 (Providing quality homes and housing choice in Barnet)
- CS5 (Protecting and enhancing Barnet's character to create high quality places)
- CS6 (Promoting Barnet's Town Centres)
- CS7 (Enhancing and protecting Barnet's open spaces)
- CS9 (Providing safe, effective and efficient travel)
- CS10 (Enabling inclusive and integrated community facilities and uses)
- CS11 (Improving health and well-being in Barnet)
- CS12 (Making Barnet a safer place)
- CS13 (Ensuring the efficient use of natural resources)
- CS14 (Dealing with our waste)
- CS15 (Delivering the Core Strategy)

Relevant Development Management Policies:

- DM01 (Protecting Barnet's character and amenity)
- DM02 (Development standards)
- DM03 (Accessibility and inclusive design)
- DM04 (Environmental considerations for development)
- DM06 (Barnet's heritage and conservation)
- DM08 (Ensuring a variety of sizes of new homes to meet housing need)
- DM10 (Affordable housing contributions)
- DM11 (Development principles for Barnet's town centres)
- DM13 (Community and education uses)
- DM14 (New and existing employment space)
- DM16 (Biodiversity)
- DM17 (Travel impact and parking standards)

Local Supplementary Planning Documents:

- Affordable Housing (February 2007 with updates in August 2010)
- Delivery Skills, Employment, Enterprise and Training from Development through S106 (October 2014)
- Green Infrastructure (October 2017)
- North Finchley Town Centre Framework
- Planning Obligations (April 2013)
- Residential Design Guidance (April 2016)
- Sustainable Design and Construction (April 2016)

North Finchley Town Centre Framework

The Council has prepared a Supplementary Planning Document for North Finchley Town Centre which was adopted in February 2018. This provides area- specific guidance on interpreting and implementing Barnet's Local Plan policies together with the environmental, social, design and economic objectives for the town centre. New development within the boundary of this SPD should be in accordance to the vision, strategy and development principles contained with the supplementary guidance. t.

The SPD area is focused on the designated town centre boundary but recognises that areas of land just outside the town centre have an important contribution to play as part of the comprehensive and coordinated regeneration of the town centre as a destination. The SPD identifies four core activity areas each with 'Key Opportunity Sites'.

The application site lies within the southern zone and the 'mixed-use hub'. The vision for this area is a mix of uses that intensifies the residential offer whilst retaining commercial activities. Redevelopment opportunities should enhance the built environment and improve land use efficiency.

Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 has reached a critical stage of advancement and was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 increasing weight can be attributed to the policies and site proposals in the draft Local Plan and the stage that it has reached. The independent Examination in Public commenced on Tuesday 20th September 2022.

North Finchley is a designated District Centre and as such benefits from submitted Policy GSS08 of the emerging Plan. This recognises the important role our main town centres play in delivering sustainable growth,

The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

Environmental Impact Assessment Regulations (2017)

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (hereafter referred to as 'the EIA Regulations') requires that for certain planning applications, an Environmental Impact Assessment (EIA) must be undertaken.

The term EIA is used to describe the procedure that must be followed for certain projects before they can be granted planning consent. The procedure is designed to draw together an assessment of the likely environmental effects (alongside economic and social factors) resulting from a proposed development. These are reported in a document called an Environmental Statement (ES).

The process ensures that the importance of the predicted effects, and the scope for reducing them, are properly understood by the public and the local planning authority before it makes its decision. This allows environmental factors to be given due weight when assessing and determining planning applications.

The Regulations apply to two separate lists of development project. Schedule 1 development for which the carrying out of an Environmental Impact Assessment (EIA) is mandatory and Schedule 2 development which require the carrying out of an EIA if the particular project is considered likely to give rise to significant effects on the environment. The proposed development does not fall within Schedule 1 of the regulations.

The development which is the subject of the application comprises development within column 1 of Schedule 2 of the Regulations. The development is deemed to fall within the description of Infrastructure projects and more specifically urban development projects (paragraph 10(b)).

As a development falling within the description of an urban development project, the relevant threshold and criteria in column 2 of Schedule 2 of the Regulations is that the area of development exceeds 5 hectares or 150 residential units.

An EIA Screening Report was undertaken and assessed by the LPA under the previous application reference 20/3823/FUL and confirmed that an Environmental Statement was not required. The proposed development is similar in form except at a reduced scale and number of residential units. This decision is still considered to be valid for the proposed development under this application.

3. MATERIAL CONSIDERATIONS

Site Description

The application site comprises of a Homebase store, a shed-type low building located on the western side of High Road. The site has an approx. area of 1.07 hectares and is located within the West Finchley Ward of the Borough. The site is located on the southern outskirts of North Finchley Town Centre and is approx. 22m from the nearest primary shopping frontage. The site has a Public Transport Accessibility Level (PTAL) of 3 (moderate).

The existing building is single storey of brick construction with a tiled crown roof. The building comprises of a large footprint (approx. 1/3 of the site), positioned to the back of the site, with a large surface level car park to the front of the site, which provides 120 car park spaces. The main car park entrance is accessed from High Road, with the service access from Woodberry Grove.

To the north (Rosemont Avenue), south (Christchurch Avenue) and west (Woodberry Grove), the site is surrounded by residential streets with terraced houses and flats. To the east, High Road being an A Class road, there is a more varied mixed-use character. Part of the southern boundary of the site is formed by a part two, part single-storey retail unit currently occupied by Topps Tiles. To the rear of this is a servicing yard and customer car parking. The Finchley Mosque is located adjacent to the site at the north-east corner which fronts onto the high road.

The site is not located within a conservation area and the subject building is not statutory or locally listed. There are two statutory listed building within close proximity to the site; 'Christ Church', a Grade II listed church to the east and the 'Men of Finchley War Memorial', a Grade II listed memorial located to the north.

The site lies within the southern zone of the North Finchley Supplementary Planning Document (SPD).

Description of Proposed Development

The application seeks planning permission for the demolition of the existing buildings and redevelopment of the site to provide a residential scheme of 250 units with associated amenity, parking and ancillary facilities.

The scheme can be split into three blocks across the site, comprising 7 buildings (A-G) varying in height from 4 to 7 storeys, with a new central spine through the site linking the High Road and Woodberry Grove. Block A to the east is designed above with a podium level to provide car parking and ancillary facilities at ground floor level, with Block B to the west and Block C to the north which are grounded at street level fronting the immediate streets.

The proposed car parking spaces will be provided within an undercroft under Block A and will be accessed via a new vehicular access into the site from Christchurch Avenue. A total of 63 car park spaces are provided within the development with 448 cycle parking spaces. The central spine from High Road is a one-way street from east to west and give priority to

pedestrians and cyclists and will provide vehicular access for servicing and emergency access.

Block A

Block A sits on the eastern side of the site and consists of three linear buildings (A-C) north to south with internal courtyards between the buildings. Building A fronting the High Road is proposed at 6 storeys, with the overall building heights increasing towards the middle of the site (part-5 and part-7 storeys). All the units provided within this block are apartments. Within this podium area, 63 car parking spaces and 201 cycle spaces are proposed along with a concierge, bin store and energy centre.

Block B

Block B sits on the western side of the site and consists of two linear buildings (D-E) north to south with a ground level internal courtyard between the buildings. Building E fronting Woodberry Gove is proposed at 5 storeys with height increasing to building D of 7 storeys. There are a mix of housing types within this block, with duplex apartments (townhouses) provided along Christchurch Avenue. 165 cycle parking spaces and bin stores are provided at ground floor to serve both buildings.

Block C

Block C sits on the northern side of the site and consists of a linear building (F-G) west to east fronting Rosemont Avenue. Both buildings are 4-storeys in height. All the units provided within this block are apartments.

Additional Information

During the lifetime of the application, in response to consultee comments (namely the GLA), the applicant submitted updated plans and documents to address their Stage 1 comments. The main changes comprised of:

- Natural light and ventilation added to Buildings A-E corridors;
- Amendments to housing mix;
- Highways amendment to general arrangement;

Site History

Reference: 20/3823/FUL

Address: 679 High Road, London, N12 0DA

Decision: Refused

Decision Date: 05.03.2021

Demolition of the existing building and redevelopment of the site to provide 307 residential units (Use Class C3) within 6 buildings ranging from 4 to 9 storeys. Provision of new pedestrian route and access link, private amenity space, communal amenity and podium gardens, refuse storage, 120 car parking spaces and 563 cycle parking spaces, energy centre, substation building and other associated facilities

Appeal Reference: APP/N5090/W/21/3271077

Appeal Decision: Dismissed

Appeal Decision Date: 30.09.2021

The above application was refused by the Council on 5th March 2021 following an Officer overturn and resolution to refuse permission at the Strategic Planning Committee on 13th January 2021. The reasons for refusal were:

1. The proposed development, by virtue of its excessive density, height and scale would represent an over development of the site resulting in a discordant and visually obtrusive form of development that would fail to respect its local context and the pattern of development within the surrounding area, to such an extent that it would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to policies CS NPPF, CS5, DM01 and DM05 of the Barnet Local Core Strategy and Development Management Policies (September 2012), policies 3.4, 3.5, 7.4, 7.6 and 7.7 of the London Plan (2016) and the adopted North Finchley Town Centre Framework SPD (February 2018).

2. In the absence of a Section 106 Agreement, the application does not include a formal undertaking to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to the NPPF; London Plan Policies 3.12, 3.13, 5.2, 6.3, 8.2, Policies DM01, DM02, DM04, DM10 and DM17, Policies CS4, CS9, CS13, CS15 of Barnet Local Plan Development Management (2012) and Core Strategy (2012); the Barnet Planning Obligations (adopted April 2013); Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document; the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014); and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2017).

The Mayor of London did not wish to call in the application and the applicant appealed to the Planning Inspectorate.

The appeal was heard as a Public Inquiry between 5th - 9th July 2021 with a dismissed decision issued on 30th September 2021. There were two main issues considered during the appeal; effect of the proposed development on the character and appearance of the area and whether the Council could demonstrate a 5-year supply of housing land. The principle of a scheme for residential was considered to be entirely appropriate. The appeal decision is attached as Appendix 1. The main headline summary points are set out below:

Character and Appearance

- The surrounding area is sensitive to change in that it is characterised by low to mid-rise residential areas. The existing tall buildings (Arts Depot & Finchley House) do not impact on the perception / experiences of local occupiers (unless with direct view).
- The boundary between the defined town centre boundary and transition into SPD area represents a strong sense of character change. The site is not within an identified KOS area for tall buildings and the SPD emphasises the importance of respecting height, scale and surrounding context and for the need to transition sensitively.

- The taller buildings were considered to be starkly out of keeping, overbearing and overwhelming to the immediate surrounding streets but also experienced from a wider area. This was concluded in resulting with a high to moderate level of harm
- The Inspector made a number of strong criticisms particularly about the design and external appearance, minimal separation between blocks and interpretation of dual aspect outlooks. In addition, the taller buildings would result in a significant and noticeable deterioration in the amenity of Rosemont Ave.
- Identification of some positive elements – building on High Road (6 storeys) and at the western end of the scheme along Rosemont Avenue. Decision commented that the introduction of higher buildings along High Road would be appropriate
- Importance of delivery of housing, affordable housing and improvement to town centre were recognised but harm strongly outweighed any benefits. Inspector commented that scheme was designed firstly to maximise dwelling capacity. Summary concluded that change in the site is inevitable but the tallest blocks in the scheme were a step too far.

5-year Housing Land Supply (5YHLS)

- During the Public Inquiry, the Council sought demonstration that it had equivalent to 5.2 years, with the appellant arguing a supply of 4.06 years.
- Inspector concluded that the Council had about 4.7 years (93.8%) of housing supply. 85% of supply comes from sites with an extant planning permission or prior approval.
- Whilst the shortfall was limited, the Inspector still considered this to be a significant issue. The Inspector also raised the significant matter of the Council underdelivering affordable housing.

Other relevant permissions within the area are:

Reference: 18/4166/FUL

Address: 683 - 685 High Road (Islamic Association of North London), London, N12 0DA

Decision: Pending Decision

Decision Date: 20.11.2020

Description: Part three, part four storey front extension to original building and additional storey to the rear. Associated refuse storage and provision of car and cycle parking

Public Consultation

As part of the consultation exercise, 1,422 letters were sent to neighbouring properties and residents. In addition, the application was advertised in the local press and a site notice posted.

Overall, 354 responses have been received, comprising of 350 letters of objection and 4 letters of support.

The objections received against the application can be summarised as follows:

- Overdevelopment;
- Insufficient changes / proposals not sufficient scale down from previous refused scheme;
- Inappropriate density for local context;
- Excessive density;
- Excessive height;
- Out of keeping with surrounding low-rise and suburban buildings;
- Too many tall blocks in North Finchley;
- Need for more low-rise affordable housing;
- Out of scale and character for local area;
- Overbearing nature of scale/height along Woodberry Grove / Christchurch Avenue;
- Prejudices any future development potential of No. 677 High Road;
- Harm to neighbouring locally listed building;
- Overcrowding;
- Poor design;
- Lack of larger family homes / lower demand for flats;
- Inappropriate housing mix;
- Poor quality units;
- Lack of replacement commercial units;
- Loss of privacy;
- Overlooking;
- Loss of light and overshadowing;
- Impact on wellbeing;
- Impact of noise and air pollution;
- Lack of proposed open space;
- Inadequate green spaces;
- Increase / impact on existing traffic;
- Insufficient parking provision;
- Lack of EV charging points;
- Overspill parking onto surrounding streets;
- Cumulative traffic impact with mosque;
- Inappropriate location of new access on Christchurch Avenue / safety concerns;
- No assessment of visitor parking on weekends;
- Pressure on local facilities and infrastructure;
- No community benefit;
- Disruption to satellite television;
- Increased crime and anti-social behaviour;
- Safety concerns due to overbearing and unwelcoming blocks;
- No provision for offsetting the environmental impact of 250 properties;
- Creation of wind tunnelling.

The letters of support can be summarised as follows:

- Much improved scheme;

- Much needed in area;
- Shortage of accommodation in this area;
- Height is appropriate given the depth of the housing crisis
- Not out of context
- Ample provision for cyclists.

Elected Representatives

Mike Freer MP (Finchley & Golders Green)

As MP for Finchley & Golders Green, I have received many objections from constituents regarding the revised proposals to redevelop the old Homebase site. Despite the changes that have been made to the application, I believe that the scope and scale of the proposed development would still place local services under considerable pressure. The size of the proposed development is still out of keeping with the local area in design and scale. Given that this area is predominantly low-density suburban housing, the visual impact will be detrimental to the local area. Although there has been a reduction in units as part of the new proposals, adding 250 units in a 4-7 storey building would no doubt add significantly to the congestion that already exists on the A1000 High Road and connecting roads. There is also insufficient parking which would place further pressure on parking capacity in the area surrounding Granville Road. On that basis, I strongly encourage the Planning Committee to reject this proposal.

Cllr Geof Cooke (Woodhouse)

This second application is unacceptable for the same reasons as the first was rejected. The location is not in the town centre, public transport accessibility is no better than moderate, the number of cycle parking spaces for the number of flats is optimistic, parking stress on the surrounding area is likely and high-rise, high-density development is not justified and would have an adverse impact on residents across the area including my constituents in low-rise and medium-rise accommodation of suburban character immediately to the east and south of the site. The reduction in scale relative to the earlier application is not sufficient to warrant approval.

Cllr Ross Houston (West Finchley ward)

Submission from Cllr Ross Houston, West Finchley ward. (also on behalf of Cllr Kath McGuirk). Cllr Danny Rich is not able to comment at this stage as a member of the Planning Committee.

I am writing to confirm my concerns about this application. I would also like to request to speak on this application as a local ward councillor should it proceed to committee.

This is a new application following the refusal of the previous application at Planning Committee, a decision upheld by the Planning Inspector. I am disappointed that this application does not address the main concerns with the previous application. The height has been reduced but remains too high and out context of the local area. The basic design

lay out remains fundamentally unchanged. The applicant has not addressed failings in the design which were pointed out by the Planning Inspector.

These new proposals are clearly still too dense and out of character with the surrounding area. The height remains oppressive to the surrounding low rise suburban streets. These proposals are inappropriate to the local context.

This site is outside the Town Centre boundary of the local SPD. The SPD states that this area should "accommodate a sustainable mix and choice of apartments complementing the terraced housing stock". This is not an area intended for high rise blocks. There is absolutely no way in which these proposals compliment the adjacent terraced housing stock - the exact opposite. This area was deliberately left out of the Town Centre boundary for the precise reason that it is not considered to be part of the Town Centre and it is in the middle of a low-rise residential area.

These buildings fall far short of being good design or environmentally sustainable. The excessive height means that the local streets will be overlooked and overshadowed. The effect will be detrimental to the local street scene and local street approaches to North Finchley.

The Planning Inspector stated that the 'minimal space between flats at the limit of acceptability of the mayors 2016 SPD at para 2.3.36 (and in contravention of Barnet 2016 Housing SPD which sets 21m min distance), flexible interpretation of dual aspect, long internal corridors, poor ground level dead façade comprising mostly bin stores, plant rooms and cycle stores facing the central pedestrian walkway all combine to reinforce the impression of a very high level of density that would be unacceptably out of character'. This criticism remains with this application, which has failed to take on board these concerns raised by the Planning Inspector.

The proposed through route the site remains dark and uninviting given the height of the surrounding blocks.

My concerns include:

- London Plan Policy sets strategic target of 50% for affordable housing. Barnet Policy HOU01 sets a minimum of 35%. This application offers no affordable housing. This is completely unacceptable. On this ground alone this application should be rejected.
- This application proposes a mix of unit size completely at variance to Barnet's policy with 48% proposed as 1bed, 45% as 2 bed and only 8% as 3 beds. Barnet's SMHA published in 2018 sets out needs as follows: 1 bed 6%, 2 bed 24%, 3 bed 40%, 4 bed 25% 5 bed 5%. Barnet has a shortage of family homes which this application does not address.
- There is a concern that the green space for this high-density development will be of limited amenity value given that it will be raised and overshadowed by the height and overbearing nature of the proposed blocks.

- The proposed development at 607hr/ha might be appropriate for an inner-city site with PTAL 4+ but it is grossly excessive for an outer suburban site which is mostly PTAL 3. The site is some distance from the nearest tube station.

- The buildings fail on many environmental grounds. They make no attempt to be carbon neutral. This is unacceptable given our climate change targets. Reducing carbon dioxide (CO2) emissions and adapting to future climate change are priorities for Barnet's Local Plan. All developments should aim for zero carbon and 'high levels of environmental awareness and contributes to climate change mitigation and adaptation'. The energy statement submitted states that the development will be able to achieve a 19.7% reduction in regulated CO2 emissions over Part I 2013. On zero carbon it is accepted that this is not achieved and a financial contribution for the 'remaining CO2 emissions of 103.7 tonnes of CO2 per will be required'. This is completely unacceptable. To make such an application the year after the UN Climate Change Conference in Glasgow is particularly disappointing. Again, for this reason alone this application should be rejected.

- The space standards are minimal standards, which post Covid-19 make them even less appropriate for modern living. It is as if the lessons of living in a post Covid-19 world have been completely missed.

- The blocks are too close to one another, an issue made worse by their height.

- Parking pressure is a real issue in this location. The inadequate provision of parking will make the existing parking pressure even worse, especially as the development removes a sizeable car park. Covid-19 crisis meant that this issue to some extent has receded for a temporary period but will return as local shops, offices and the local mosque and church return to pre-lockdown usage levels. The development replaces a large car park with only 63 spaces. Will this be a car free development for those without parking? If not the added parking congestion to the surrounding streets will be unbearable. This site is some distance from the nearest tube station.

- Adding to congestion at the busy southern approach to the Town Centre is also an issue, especially given plans to change the traffic layout of the Town Centre as part of the regeneration project outlined in the North Finchley SPD.

- The size of this development will put additional pressure on local services.

The site has a narrow frontage onto the High Road and runs deep into an area where it is surrounded on all three sides by low level private dwellings. The houses are mostly Victorian or Edwardian, some of them locally listed, and built on just two levels.

There are several material considerations which will in particular blight the life of local residents:

Loss of Light

Although a height of some blocks has been reduced slightly these proposals still face the residents of Rosemont and Christchurch Avenues with 'a compact group of parallel slabs

with substantial combined bulk' which 'do not respond well to the existing grain of the town centre or be well integrated with the predominantly low to mid rise pattern in the area'.

The height will overshadow the neighbouring terraced houses, particularly in Rosemont Avenue, in an oppressive way with 20m high blocks just 20m from low rise terraced houses. Seven storey blocks will leave the back gardens and rear windows of these Edwardian houses in shade. Rooms will be left in shade and gardens will lose their amenity value and their existing biodiversity. London has been declared a national park city. The biodiversity of its existing gardens play a significant role in maintaining this status. At seven storeys loss of light will be an issue for all the surrounding properties.

The developers argue that while, in some cases, the light levels do not reach those recommended by the BRE, they would still be acceptable.

A recent appeal rejection over proposed development of nearby Sharon Court, the Planning Inspector wrote 'I have paid regard to the appellant's Sunlight and Daylight Assessment and the Addendum which sets out that the garden would still receive adequate sunlight, in accordance with Building Research Establishment guidance...I find that the development would nonetheless result in significant harm to the living conditions of the occupants of No 16.' In other words, BRE guidance is not always to be relied on. For Rosemont Avenue in particular it is obvious that tall blocks directly onto the gardens will harm light and privacy.

Overlooking:

This is a significant concern. Will glass and balconies be designed to prevent this with, for example, obscure glass? If so, how will the single aspect units be habitable without a severely restricting their amenity. Clearly with units facing north overlooking into Rosemont Avenue will be a significant issue. It will be an issue for all the surrounding properties.

Accurate plans drawn up by objectors show the dreadful shadowing effects on the houses and gardens if Rosemont Avenue for most of the year. These drawings should be considered and the extent of overlooking demonstrated accurately. Anyone who knows this site knows how crucial this is.

Design:

The proposed design takes no account of the character or appearance of the surrounding buildings. The blocks are box like, overbearing and unattractive. This proposal will ruin the skyline and view of those who live in the surrounding residential area. The vehicular access from Christchurch Avenue will cause considerable added congestion to this residential road.

The new access road will be bleak and very little overlooked at ground level. There is no attempt to create an attractive streetscape with access to flats direct from the street, in line with the surrounding area.

Both the London Plan and Barnet Housing policy say that single aspect and north facing properties are not acceptable. The applicant appears to have ignored this despite this being a key element of the design the Planning Inspector found unacceptable previously.

Despite representations from local residents the blocks with the maximum height appear to have been positioned to cause the maximum adverse effect on the surrounding residential properties. No attempt has been made to lower the height by using basement parking.

In short, I strongly urge the council and the planning committee to reject these proposals. This is the worst type of development - blocks that will need future retrofitting and that are focussed on making the highest profit for the developer to the detriment of the local community and ultimately those who would have to live in this development.

Former Cllr Rozenberg (comments submitted before May elections)

I strongly object to these revised proposals for development at this site, on multiple grounds:

1. The site remains grossly overdeveloped. There are too many residential units for each one to have a proper amenity quality in terms of floorspace and natural light
2. The proposed height of the development is excessive. At seven storeys, it will tower over local low-density housing which has been in place for many decades. It will intrude over existing residents' back gardens and skylights
3. The design is not good. In its monolithic overall massing, it fails to respect the local character and nature of housing in the area
4. No attempt is being made to improve local amenities in line with the increased level of residential provision. There will therefore be a significant and unacceptable impact on neighbours and existing residents in terms of:

- (a) increased congestion on local roads including the High Road and Ballards Lane;
- (b) increased pollution in the area as a result of the additional volume of cars from new residents; and
- (c) an additional strain on already overburdened local services.

Local residents and the wider Finchley community do not want this kind of development imposed upon them. I urge the Council to reject this proposal.

Neighbouring / Residents Associations and Local Amenity Groups

Finchley Society

The Finchley Society objects to this revised application.

We are disappointed that the opportunity to fully address the shortcomings of the scheme, pointed out previously and supported by the Inspector, has not been taken by redesigning to produce a scheme that addresses the townscape and respect the immediate neighbours, creates a good sense of place and provides good quality homes for the future residents.

The ingredients remain that led the Inspector to conclude that harm would outweigh any benefit of new housing. This proposal retains the parallel slab blocks too close together with narrow central corridor serving flats each side. The Inspector stated that the 'minimal space between flats at the limit of acceptability of the mayors 2016 SPD (and in contravention of Barnet 2016 Housing SPD 21m min distance), flexible interpretation of dual aspect, long

internal corridors, poor ground level dead façade comprising mostly bin stores, plant rooms and cycle stores facing the central pedestrian walkway all combine to reinforce the impression of a very high level of density that would be unacceptably out of character'. These elements remain.

Although height of some blocks has been reduced residents of Rosemont Avenue and Christchurch Avenue will face 'a compact group of parallel slabs with substantial combined bulk' which 'do not respond well to the existing grain of the town centre or be well integrated with the predominantly low to mid rise pattern in the area'. This bulk, close to the gardens of Rosemont Avenue houses will block the sky and adversely impact the amenity of their gardens. The scheme continues to be out of character with the locality.

The new access road is very bleak with little natural surveillance at ground level. This is such a wasted opportunity to create a sense of place. The front doors to almost every home are from a narrow corridor. No effort has been made to give ground floor flats their own front door direct from outside.

The blocks do not respond to the change of level across the site. The southern end of blocks D, E on Christchurch Avenue are nearly a storey higher than the pavement. The façade that presents to Woodberry Avenue, E west elevation illustrated, has the potential to be reduced in height. The applicants claim to provide 175 dual aspect and 75 single aspect dwellings. The London Plan and Barnet Housing policy say that single aspect should be avoided. The FS have identified 124 single aspect 49% of the total. Previously the Inspector agreed that the applicant's interpretation of dual aspect was incorrect. This interpretation has been used again. The equivalent of a bay window is not considered by the London Plan as acceptable dual aspect the aim for cross ventilation in the flat. A direct consequence of using the long block with central corridor design is high numbers of single aspect flats.

There is no affordable housing proposed contravening both Local and London Plan policy. Barnet Policy identifies 3-bedroom properties as highest priority, 2 beds as medium priority. Barnet's SMHA 2018, which differs from the London Plan, set out needs as follows: 1 bed 6%, 2 bed 24%, 3 bed 40%, 4 bed 25% 5 bed 5%. This is in stark contrast to the mix being offered on this application of 48% 1 bed, 45% 2 bed and only 8% 3 beds, not encouraging a balanced, long term sustainable community.

Policy CDH01 of the new local plan says that all developments should aim for zero carbon emissions. The climate crisis is accepted, and new developments should be built to zero carbon targets and should not have to be retrofitted in the future. The energy statement submitted states a 19.7% reduction in regulated CO2 emissions over Part I 2013 and accepts zero carbon is not achieved with financial contribution for the 'remaining CO2 emissions of 103.7 tonnes of CO2 per required' This simply is not acceptable.

Responses from External Consultees

Greater London Authority (GLA)

Stage 1 Strategic Issues summary

Principle of development: There are no strategic concerns raised in respect of the loss of retail land uses from the site and the proposed optimisation of the edge-of-centre site for residential use is therefore accepted.

Affordable housing: The scheme proposes 18% affordable housing comprising a shared ownership tenure. This fails to meet the Fast Track Route threshold and in the absence of the independent verification of the viability position, the affordable housing provision is wholly unacceptable. The scheme must be revised to incorporate the provision of low-cost rented housing. A viability assessment has been provided to GLA Officers for scrutiny and interrogation. Early and late-stage reviews are required.

Urban design: The provision of new public realm and the access link are supported. Further consideration should be given to the residential quality provided within the scheme, and further information is required in relation to the play strategy. The incorporation of roofing detailing and architectural features should be incorporated through the whole scheme. A fire statement must be submitted in relation to the proposed scheme.

Sustainable drainage: Further information is required in relation to a number of elements of the energy strategy including energy costs to occupants and quality mechanisms, overheating, DHN potential, on site network and future connection drawings, air source heat pumps and PV provision to address Be Lean, Be Clean, Be Green and Be Seen requirements of the London Plan. Detailed technical comments in respect of energy, whole life-cycle carbon and circular economy have been circulated to the Council under a separate cover to be addressed in their entirety.

Environmental issues: The following information is required in relation to green infrastructure, urban greening, biodiversity, trees policy: a drawing showing the surface cover types to accompany the UGF score calculation; quantitative evidence that the proposal secures a net gain in biodiversity; and further demonstration that the value of tree retained and proposed outweighs the value of the current tree stock. An assessment of sewer, groundwater, and reservoir flooding is required.

Clarifications in respect of the drainage strategy should be provided. Water harvesting and re-use should be considered to reduce consumption of water across the site and could be integrated with the surface water drainage system to provide a dual benefit. An air quality assessment must be submitted prior to determination of the planning application.

Transport: A higher sustainable mode share should be sought for all trips, through on-site design and through delivery of sustainable transport improvements beyond the site boundary. The scheme should provide an expanded level of cycle parking to help achieve a higher sustainable mode share, and the proposed east-west street should accommodate

contraflow cycling. A Stage 1 Road Safety Audit should be submitted, and a Delivery and Servicing Plan, and Construction Logistics Plan should be secured.

Greater London Archaeological Advisory Service (GLAAS)

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The site does not lie within an archaeological priority area. It is evident that the current building and the previous Tram Depot will have had an impact to below ground deposits across much of the site. In light of this it is unlikely that the proposed development would have a significant archaeological impact at this location. No further assessment or conditions are therefore necessary.

Metropolitan Police Secure by Design

No comments were received for this application, but it is noted that no objection was raised in the previous application 20/3823/FUL. Comments provided were "I do not object to this proposal but due to the reported issues affecting the ward, high levels of burglary in Barnet and potential issues as highlighted above, I would respectfully request that a planning condition is attached to any approval, whereby the development must achieve Secured by Design accreditation, prior to occupation."

Thames Water

Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Transport for London (TfL)

The proposal has been revised so that the Central Spine Road now runs east to west, opposite to West to East as originally proposed. This is generally acceptable however the requirement and submission of Stage 1 Road Safety Audit would need to be done for all associated highway proposal prior to the granting of the consent. High Road forms part of the SRN and therefore TfL is the traffic management under TMA 2004; all highway proposals need to be principally acceptable in safety, as such the Conditioning of Stage 1 Road Safety Audit is not appropriate for this instance and should be commissioned ASAP. Further Stages of Road Safety Audit would need to be secured within the s278 Agreement between the applicant and Barnet Council in the delivery stage.

The proposal includes 3 car club spaces; this is not considered necessary to promote sustainable travel modes as parking is limited within the scheme to 0.25 space per unit anyway.

The parking allocation policy on site should be fair and equal to both private and affordable units within the proposed development, this should be embedded into the car parking management plan to be secured by condition.

Responses from Internal Consultees

Affordable Housing

Policy requirement seeks a provision of 40% of which 60% is affordable rented and 40% intermediate.

Drainage

No objection following provision of additional information.

Environmental Health

No objections subject to conditions.

Transport and Highways

No objections subject to appropriate conditions and planning obligations. Detailed comments are incorporated below in the highways section of the report.

Tree Officer

No Objections

4. PLANNING ASSESSMENT

Loss of existing retail / employment use

The existing use of the site is comprised of a large Homebase DIY / retail store (formerly Use Class A1, now Use Class E) with a large building footprint of approx. 3700sqm and associated public car park area. North Finchley is designated as a District Centre by both London and Barnet Plans and therefore the proposal site is classified as an edge-of-centre location.

Barnet's Local Plan does not have any specific policies relating to the loss of retail use outside of designated town centres or primary and secondary frontages.

However, both Barnet Local Plan policies and London Plan policies adopt a town-centre first approach, which recognise that town centres should be the foci for commercial. London Plan policies, SD6, SD7, SD8 and E9 seek to realise the potential of edge-of-centre sites (including retail parks) through mixed-use residential development that makes the best use of land, capitalising on the availability of services within walking and cycling distance, and

their current and future accessibility by public transport. Further, London Plan policy H1 encourages the redevelopment of retail and leisure parks to deliver housing.

Whilst not located in the town centre, the site does fall within the North Finchley SPD delivery strategy area. The SPD (2018) recognises that areas adjacent to the town centre boundary are important to the town centre's future, most notably at the southern gateway where this proposal is sited. These areas are generally considered to be suitable for redevelopment for residential led intensification in order to contribute to the town centre improvements. To improve the vitality and viability, the following relevant actions are proposed:

- (i) Optimising highly sustainable locations for residential development adjacent to town centre services and functions;
- (iii) Improving the gateway functions through enhanced public realm and built form;
- (iv) Reducing retail parades and other sub optimal retail and office uses currently outside of the town centre in order to concentrate economic activity in the core;

Within the consideration of the loss of this retail use, significant weight should be given to the vision and objectives of the North Finchley SPD. It is the overall aim to condense the retail uses within the central area and seek the intensification of residential uses at the town centre edges. The proposal does not seek to re-provide any retail use and any reprovision is not considered to align with other development plan policies or the North Finchley SPD.

As the site does currently provide employment, it has been agreed that a financial contribution will be sought and secured in accordance with the Council's Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD.

Therefore, whilst the proposal would result in the loss of a large retail unit, taking into account the justification set out above, the loss is considered acceptable in this particular instance. GLA Officers also confirm that the total loss of retail from the site does not raise any strategic concerns, given the site's edge of centre location.

Housing Delivery

Policy H1 of the London Plan has set a 10-year target of 23,640 homes for Barnet for the period 2019/20 – 2028/29.

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Barnet's proposed Local Plan seeks to deliver to 2036, a minimum of 35,460 new homes equal to 2,364 new homes per annum.

As an edge-of-centre site, policies of the London Plan seek to realise the potential of edge of centre sites (including existing retail parks) through mixed-use or residential development

that makes the best use of land capitalising on the availability of services within walking and cycling distance, and their current and future accessibility by public transport.

This is also supported by the North Finchley SPD which identifies that residential intensification will be necessary to improve the town centre vitality and viability. The SPD is supportive of areas adjacent to the town centre being developed for residential use.

The area surrounding the application site features a predominate residential character of both terraced dwellings and flats. Therefore, the principle of residential use is supported by both Barnet and London Plan policies with the provision of 250 residential units would contribute towards the Borough's housing targets.

Housing Quality

A high-quality built environment, including high quality housing in support of the needs of occupiers and the community is part of the 'sustainable development' imperative of the NPPF. It is also implicit in London Plan (2021) Chapter 1 'Planning London's Future - Good Growth', Chapter 3 'Design' and Chapter 4 'Housing', and explicit in Policies GG4 (Delivering the homes Londoners need), D3 (Optimising site capacity through the design-led approach), D5 (Inclusive design), and D6 (Housing quality and standards). It is also a relevant consideration in Barnet Core Strategy Policies CSNPPF, CS1, CS4, and CS5 Development Management DPD policies DM01, DM02 and DM03 as well as the Barnet Sustainable Design and Construction SPD, and Residential Design Guidance SPD.

Unit Mix

Development plan policies require proposals to provide an appropriate range of dwelling sizes and types, taking account of the housing requirements of different groups to address housing need (London Plan (2021) Policy H10; Barnet Development Management Policies DPD policy DM08; and emerging Barnet Local Plan Policy HOU02). The Council's Local Plan documents (Core Strategy and Development Management Policies DPD) identify 3- and 4-bedroom units as the highest priority types of market housing for the borough. This should not be interpreted as implying that there is not a need for a full range of unit sizes.

The emerging Local Plan identifies that 3-bedroom (4 to 6 bedspaces) properties are the highest priority, homes with 2 (3 to 4 bedspaces) or 4 bedrooms (5 to 8 bedspaces) are a medium priority for market sale homes.

The application development proposes the following unit mix across the application site:

Total Unit Mix		
Unit Mix	No. of Units	Percentage Mix (%)
1 Bedroom 2 Person	114	46
2 Bedroom 4 Person	116	47
3 Bedroom 5 Person	19	8
Total	250	100

Within the policy preamble, there is recognition that financial viability is a factor and whilst the aspiration is for family-sized homes at intermediate level, products such as shared ownership / low-cost home ownership may be unaffordable. Therefore, smaller 1 and 2-bedroom intermediate tenure homes will also be supported. Affordability is also an important factor for market level housing, with one and two bedrooms being a more affordable option for allowing younger, first-time buyers and young couples to get on the housing ladder in areas that may not have otherwise been possible.

The site is an edge of centre location where the existing housing is likely comprised of terraced housing stock and flatted blocks. The North Finchley SPD expects a mix and choice of housing to complement this existing housing stock.

The majority provision (92%) of units are 1 and 2 bedrooms and this is justified by the site's sustainable location to North Finchley Town Centre, local services and public transport connections. As recognised within the preamble of Policy DM08, the submitted Planning Statement highlights that the proportion of smaller units will be suitable for first time buyers, single people and couples. In addition, increasing housing supply has already been established as a key consideration and therefore to help deliver high-density schemes, a higher proportion of smaller units is required to viably deliver a site with the proposed number of units. An increased population in and around the town centre is also recognised to help drive the vitality and viability of the town centre.

The majority provision of 3-bedroom units have been designated for affordable housing which is strongly supported.

Taking into account the reasons set out above, the proposed dwelling mix is considered to be in accordance with Barnet policy DM08.

Affordable Housing

Policy H4 of the London Plan 2021 sets a strategic target of 50% of all new homes to be delivered across London to be genuinely affordable. Policy H5 provides a threshold approach, allowing the provision of a minimum of 35% affordable housing, subject to the development adhering to the tenure mix requirements of Policy H6; adherence to other relevant policy requirements; and not receiving any public subsidy. Where this cannot be met then the development must be assessed under the Viability Tested Route.

The Barnet Core Strategy and Development Management policies (2012) (CS4 and DM10) seek a borough wide target of 40% affordable homes on sites capable of accommodating ten or more dwellings with a tenure split of 60% social rented and 40% intermediate housing.

The emerging Barnet Local Plan seeks to align with the London Plan requirements but still maintains the 60/40 tenure split.

The application was submitted on the basis of a proposed provision of 18% (by habitable room), wholly comprising an intermediate tenure (shared ownership). Given that the offer was below the London Plan fast track threshold and tenure provision, the applicant submitted a Financial Viability Appraisal (FVA) (by Turner Morum). The applicant's FVA concluded that a proposed scheme comprising 35% AH with a 60/40 split translated to a project deficit of -£12,281,943. They also modelled an 18% provision which produced a -£3,738,321 deficit. The report concluded that despite the projected deficits, the applicant was prepared to offer a proposal at 18% shared ownership. This would have translated to the units within proposed Block E being allocated to affordable housing.

The Council appointed Carter Jonas to independently assess the applicant's FVA. In addition, the GLA's internal viability team have undertaken an assessment of the submitted appraisal.

Juxtaposed to the deficits projected by Turner Morum, Carter Jonas concluded that the proposed scheme could viably support the provision 35% affordable with a policy compliant tenure split, with an additional surplus of circa £6million.

The GLA in their Stage 1 comments also advised that the Affordable Housing provision was unacceptable, and that the proposal to provide 18% intermediate housing does not meet London or local plan requirements. The detailed assessment from their viability team concluded that the scheme was in surplus by circa £11.7million, and scope to provide additional affordable housing.

In response, Turner Morum provided a rebuttal to Carter Jonas in respect of a number of points and also produced a full cost estimate in respect of the proposed scheme. In light of the information provided in the applicant's rebuttal, the additional build costs identified (circa £64million) were identified as having a detrimental impact on the previous identified surplus and Carter Jonas advised that a 35% provision was no longer considered viable. A revised modelling exercise concluded that an affordable offer of 28% (tenure split compliant) was viable.

In June 2022, further discussion took place to discuss the impact of the Council's updated CIL rate, which increased Use Class C3 liability from £135 to £300. The proposal's applicable CIL payment therefore rose from circa £3million to £6million. Carter Jonas undertook a further modelling exercise and projected that a 15% provision reflecting a policy compliant split was viable and produced a small surplus of £31,000.

Within the last round of discussions in July 2022, the applicant submitted a revised offer of 15% by habitable room which comprised of 16no. affordable rent and 16no. shared ownership units, with all the units contained within proposed Block E. Again, this was modelled by Carter Jonas who concluded that the proposed offer was the maximum reasonable that could be justified by viability.

The latest affordable housing offer is set out as below:

	Market	Affordable Rent	Shared Ownership	Total
1 bed 2 person units	100	2	12	124
2 bed 4 person units	105	1	1	107
3 bed 5 person units	3	13	3	19
Total units	218	16	16	250
Habitable Rooms	547	59	39	645
% by Habitable Rooms	85	9.1	6	100

The affordable housing offer is 15% by habitable room and split into a 60/40 tenure split of affordable rent / intermediate.

Within Barnet's Emerging Local Plan, a strategic affordable housing target of 50% of all new homes to be affordable is proposed with a minimum of 35% is proposed. This is consistent with the London Plan and therefore increasing weight should be given to the emerging policy. The proposed 15% offer falls significantly short of those targets. Officers seek members' view on the proposed offer and whether it is considered adequate.

Standard of accommodation

Housing standards are set out within Policy D6 (Housing quality and standards) of the Mayor's London Plan (2021); and Barnet's adopted Sustainable Design and Construction SPD (2016). Table 3.1 in the London Plan provides a minimum gross internal floor area for different types of dwelling.

All the dwellings in the detailed element of the development meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit sizes and also meet the minimum areas for bedrooms, bathrooms w/c's and storage and utility rooms.

From the previous scheme, the number of dual aspect outlooks have been increased to 70% (175 units). It is noted that there are only two single aspect north facing units, which are located at ground floor between blocks B and C along the pedestrian route through the site. Whilst these types of units are normally considered unacceptable, their inclusion within the scheme was known to Officers in attempt to introduce active frontage along this route. These units are oversized, have circa 2.8m floor to ceiling heights and would have access to larger external amenity areas. With these measures, Officers are satisfied that the residential quality of these units will provide a good standard of amenity for future occupiers and their inclusion also has a design benefit in providing street frontage along the new spine route.

To address the comments regarding the standard of accommodation between the buildings the removal and setting in of the upper-level massing across buildings B, C and D will make those buildings less imposing.

The submitted Daylight, Sunlight and Overshadowing reports demonstrate improvement to the proposal units since the previous appeal scheme.

Wheelchair Access Housing

Barnet Local Plan policy DM03 requires development proposals to meet the highest standards of accessibility and inclusive design, whilst policy DM02 sets out further specific considerations. All units should have 10% wheelchair home compliance, as per London Plan Policy D7.

The submission sets out that 10% of the residential units would be provided as wheelchair adaptable in line with aforementioned policy context and in accordance with Part M4(3) of the Building Regulations. This is considered to be acceptable, and a condition is attached which would secure these wheelchair units.

Amenity space

London Plan Policy D6 states that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements. The minimum requirements are set out in table below:

Outdoor Amenity Space Requirements	Development Scale
For Flats: 5m2 of space per habitable room	Minor, major and large scale

The emerging Barnet Local Plan seeks to follow the London Plan requirements as set out in the first paragraph above.

Using the Barnet SPD requirements, the scheme proposes 645 habitable rooms and therefore requires a total of 3,225sqm of amenity space.

The proposed amenity provision has been development to ensure that each dwelling is provided with private outdoor amenity space, with either a balcony, terrace or garden. The total amount of private amenity measures 1,668sqm.

In addition, 1,749sqm of shared amenity space is provided in the form of communal garden located at podium level and a further 2,510sqm at ground floor (excluding the new link through the site and the vehicular access to the car park.

Overall, 5,927sqm of amenity space is provided within the development which is compliant with the Barnet SPD requirements. The development would provide a satisfactory level of outdoor amenity space in accordance with Barnet's adopted Sustainable Design and Construction SPD (2016) standards, and Policy D6 of the Mayor's London Plan (2021).

Children's Play Space

Policy S4 of the London Plan seeks to ensure that development proposals incorporate good-quality, accessible play provision for all ages. At least 10m² of suitable playspace should be provided per child.

Barnet's DPD refers to the Mayor's SPG 'Providing for Children and Young People's Play and Recreation for the accessibility benchmarks for children. Aligning with this, Policy CS7 of Barnet's adopted Core Strategy (2012) requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan. In addition, Barnet's emerging Local Plan (regulation 22 submission) Policy CDH07 states that development proposals should provide play spaces in accordance with the London Plan and Mayor's SPG.

Using the GLA's population yield calculator, the applicant has estimated that the total number of children expected to occupy the development will be 59.1. The development would therefore need to provide 591m² of children's play space, broken down as follows:

Age	Play Requirement	Play Provided
0-4	231.4	233
5-11	152	154
12+	52.9	54
Total	436.3	441

As per the figures in the table above, the amount of playspace provided in the scheme across all age groups would comply with the amount of playspace required by the London Plan Housing SPG.

Privacy and overlooking of future residents

Policy DM01 of the Local Plan requires that development have regard to the amenity of residential occupiers. In this regard it is necessary to consider the design of the scheme and the privacy that would be afforded to future occupiers of the development.

The Council's Sustainable Design and Construction SPD (2016) sets that in new residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. Shorter distances may be acceptable between new builds properties where there are material justifications.

The Design and Access Statement at page 69 sets out the design response to address the internal separation concerns raised by the appeal decision. Screening between apartments in opposing buildings D/E and F/G has been removed as the distance between these has been considerably increased. The overall number of units have been reduced and with the reduced massing and height and increasing of dual aspect units, privacy and overlooking of future residents is considered to be adequately addressed from the appeal decision.

Noise impacts on future residents

In relation to noise impacts on the proposed development, the application is accompanied by a Noise Assessment report.

The assessment results identified that the majority of balconies and terraces as well as within the podium communal spaces would achieve the targets from external noise levels. The front façade of Block A where balconies and terraces will overlook High Road will likely receive exceedances for external noise. However, all residents will benefit from the use of the residential courtyards which have been found to have acceptable noise levels where it is well screened from traffic noise.

In terms of internal noise levels, the report finds that the inclusion of suitable glazing and ventilation will be sufficient to ensure a low impact for future occupiers.

Air Quality impacts on future residents

An Air Quality Assessment has been submitted in support of the application and the results found that there will be no exceedances at any of the proposed development receptors.

Secure by Design

Policy DM01 requires that the principles set out in the national Police initiative, 'Secure by Design' should be considered in development proposals. The proposed development was subject to consultation with the Met Police who have raised no objections subject to the standard condition. Therefore, a condition would be attached to any permission requiring the proposed development and design to achieve Secure by Design Accreditation.

Design

High quality design underpins the sustainable development imperative of the NPPF and Policies D1, D3, D5, D6, D7, D8, and D9 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of surrounding buildings and streets, in accordance with DM01 of the Development Management Policies DPD (2012).

Design concept

The submitted Design and Access Statement begins through an analysis of the surrounding urban grain, building heights, local character and also historic context of the site itself. The document then outlines the evolution of the design, identifying the opportunities and opportunities as well as taking into account building upon the vision and aspirations of the North Finchley SPD.

The scheme recognises its location as an edge-of -town centre site within the southern gateway of the town centre which the SPD places importance for the future of the town centre. The SPD has included areas adjacent to the town centre boundary and considers them suitable for redevelopment, in particular, residential led intensification so that it can contribute improvements to the town centre's vitality and viability.

Layout

The scheme is designed around a central spine on an east-west axis, with two residential Blocks (A & B) to the south with internal courtyards, one at ground level and one at podium level and a residential Block C to the north, which is grounded at street level, along Rosemont Avenue. The Block A to the east and Block B to the west are also split by a new access road from Christchurch Avenue which provides access and egress to the residential car park which sits beneath the podium level of Block A.

This proposed spine would create new pedestrian permeability within the edge-of-centre site and will create a new area of public realm within the area with new landscaping and play opportunities along the route. The proposed spine road has been increased in width to provide greater separation between buildings and enhanced landscaping. The proposed spine road would be open to both future residents of the site and existing residents of the surrounding area.

Scale, massing and height

Scale and height is varied across the proposed development of between four and seven storeys with height being lower at the edges and stepping up to a maximum height within the centre of the site. When viewing east to west, building A fronting the High Road has a height of 6 storeys, increasing up 7 storeys within buildings B, C and D, before stepping down to building E of part 5/ part-6 storeys. Block C which comprises of buildings F and G has heights of 4 storeys.

From the previous appeal scheme, the following changes have been incorporated to the proposed development:

- Reduced buildings heights from 9 to 7 storeys on buildings B, C and D;

- Introduction of stepped massing on north and south elevations on buildings B, C and D, creating a 5-storey shoulder;
- Reduced building heights to 4 storeys on building F;
- Removal of podium and undercroft parking between buildings D and E;
- Reduced building lengths of buildings C, D and E.

In terms of active street frontage, the scheme comprises of units which face directly onto all adjacent streets including the proposed central spine route and areas of landscaping and play space. The removal of the undercroft parking and podium level within Block B has allowed for the introduction of residential units and amenity space at ground floor level which face directly onto and interact with the spine road. In addition, entrances, windows and balconies would overlook the streets, providing natural surveillance.

There would be a marked increase in the scale along the High Road frontage, with the proposal however this is considered acceptable as the site lies along a major arterial route and is defined as the southern gateway into the town centre. The proposal would also be seen in conjunction with the approved mosque extension which comprises of a considerable extension in height and to its frontage as well, as the redevelopment of Finchley House, identified in the NF SPD for 9/10 storeys. The height, fenestration and architectural detailing was previously considered a positive impact of the previous appeal scheme and more sympathetic in scale to its surroundings. This element remains unchanged in the proposed scheme and is therefore considered to be acceptable.

Along this part of Christchurch Avenue, to address the appeal scheme comments, buildings B, C and D have been reduced from 9 to 7 storeys with the upper 2 storeys being set up from the flank elevations and dressed with a contrasting architectural detailing. The introduction of this height and massing variation is considered to provide adequate mitigation for the visual bulk. In addition, the removal of the undercroft and podium level of Block B, allows for the opening up of the ground floor level between the buildings, providing views through the site.

Along Woodberry Grove, the proposal steps down to five storeys, with the higher elements stepped back into the site. Along this street, the existing mature street trees will be retained which are considered to help screen / mitigate the visual transition in scale. The section of the proposal was again highlighted in the appeal decision as being a positive impact with its scale, gable ends and architectural detailing being more sympathetic to its surroundings.

There are two visual considerations to be taken account of from Rosemont Avenue, the introduction of buildings F and G along the street and secondly the visual impact of the taller buildings within the site. The reduced 4 storey height is considered to be an acceptable transition of height adjacent to the existing terraced houses. Its architectural detailing, gabled end and pitched roof is considered to be sympathetic to the street scene character. On the second consideration, the taller buildings within the site have been reduced from 9 to 7 storeys from the appeal scheme and have also been considerably stepped back at the upper two levels. This variation and separation distances is considered to provide adequate mitigation for the overall bulk and considerably reduces the visual impact from Rosemount Avenue compared to the appeal scheme.

Overall, having assessed the effects of the reduced scale, massing and height, the proposed development is found to be acceptable having regard to the site's brownfield, edge-of-centre location, providing an intensification of use. The buildings around the edges have been designed with a pitched roof and carries forward the overarching roof typology of the area. The taller buildings within the centre of the site have flat roofs with parapets to allow for the roof plant and services to support the residential units. These elements have been considerably reduced in scale and massing in order mitigate their impact from the immediate surrounding streets. The Inspector previously found that a number of cumulative factors together reinforced a very high-level density and unacceptable character. In this scheme, a number of those factors have been addressed / improved and whilst spacing between flats hasn't been altered significantly, overall, the amended scheme is considered to have an improved character effect from the previous appeal scheme.

External Appearance and Materials

The design concept has taken inspiration from the site's historical use as a Tramway Depot and the local vernacular of the surrounding area. The primary material is a red multi-brick, with cream and grey multi-bricks incorporated to provide visual interest and separation between elements of podiums and buildings.

In terms of architecture, the GLA comment that the architectural aesthetic appears a good quality contemporary design. The success of the architectural approach will be dependent on the use of the highest quality materials. Details of the external appearance and finishing will be secured via condition.

Heritage

Barnet policy DM06 indicates that all heritage assets will be protected in line with their significance and development proposals must preserve or enhance the character and appearance of Barnet's conservation areas.

Under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a statutory duty to consider the impacts of proposals upon listed buildings and their settings.

The site does not contain any designated heritage assets nor is the site located within a conservation area. There are two statutorily listed buildings and structures in close proximity to the site, namely the Grade II listed Christ Church, and Grade II listed Men of Finchley War Memorial (including the Finchley Metropolitan Tramway and Hendon Garage Memorial Tablets). There are also a number of non-designated (Locally Listed Buildings) within proximity of the site.

The proposal was supported by a Built Heritage Statement (BHS) which identifies the following heritage assets within a 500m radius of the site:

- Christ Church (Grade II);

- Men of Finchley War Memorial, including the Finchley Metropolitan Tramway and Hendon Garage Memorial Tablets (Grade II) and the Finchley United Services Club (non-designated);
- 677a High Road (non-designated);
- 16-26 Christchurch Avenue and 53 Christchurch Avenue (both non-designated);
- The Elephant Inn Public House (non-designated); and
- 672 High Road and 705 High Road (both non-designated).

In establishing the significance of the site's setting of Christ Church, the building sits within a small plot and set back from the High Road and is viewed with the attractive landscaping and existing trees which frame the front of the site. The BHS identifies that in relation to the Grade II Christ Church, the site forms a small part of the asset's wider setting and with the current form of the site, it makes no contribution to the manner in which the church's significance is appreciated. The BHS identifies that the proposed development would introduce a degree of change to the setting of Christ Church. The BHS concludes that due to the limited degree to which the setting of Christ Church contributes to its heritage significance, it is considered that the proposals would represent a neutral change within the church's setting. The findings of the BHS in relation to Christ Church are agreed and that the site's setting is not affected by the proposed development and there is no harm cause to the significance of its setting.

With regards to the Metropolitan Tramway and Hendon Garage Memorial Tablets, this is situated on the corner of Ballards Lane and Dale Grove. The site lies approx. 100m south of the asset and there is no indivisibility with the sites but there is a historic connection with the assets, in particular the listed memorial, as it was the original home to the M.E.T Finchley Depot memorial tablet prior to the demolition of the depot on the site. The BHS acknowledges that the site may therefore be considered to form part of the asset' setting on a contextual basis. However, as the site has since been redeveloped, the BHS does not consider that the site makes a contribution to the significance of the asset or the ability to appreciate that significance at present. Due to the location of both sites, it is not considered there would be any harm caused to the significance of the listed war memorial.

In addition, to the above, a number of Locally Listed Buildings are situated within close proximity of the site. The closest being 677a High Road (currently Topps Tiles) which is located immediately adjacent to the site in the south-east corner. The Council's local list identifies it as being of architectural interest and has a unique corner turret. The proposed development would introduce a change to its setting, introducing much taller forms of development and would no longer be seen in isolation as it is currently viewed. The proposed development is likely to cause harm to the setting of this locally listed building by virtue its scale and immediately adjacent location. However, it is agreed with the findings of the BHS that this would amount to a low level of harm in this instance.

With reference to paragraph 197 of the NPPF, 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 directly or indirectly affect non-designated assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset.

There are a number of other locally listed buildings situated further away from the site and the BHS has also undertaken an analysis and impact of these sites. However, as these are located further away from the site, the BHS finds that the proposed development would either have no impact or a neutral impact of the significance of their setting.

The applicant has identified a series of benefits of the scheme, mainly the redevelopment of a brownfield site and provision of 250 new residential units. The benefits of the proposal and the balancing of these should be considered by members.

Amenity Impact on Neighbouring Properties

Part of the NPPF's (2021) objective of achieving well-designed, high quality, beautiful and sustainable buildings and places is ensuring that planning decisions result in safe, inclusive and accessible development that promotes health and well-being, with a high standard of amenity for existing and future users. Amenity is a consideration of several policies within the London Plan (2021) and Barnet Development Management Policies DPD (2012) DM01.

Privacy, overlooking and Outlook

The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

There are neighbouring residential properties surrounding the site in all directions. The separation distances are measured to each street as follows:

- High Road – the scheme achieves a window-to-window separation distance between 26-28m from the frontage of Building A across to the buildings on the opposite side of High Road. This exceeds the SPD guidance.
- Christchurch Avenue – measured from Block A on the eastern side of the site, buildings A-C are set back from the street due to siting of the Topps Tiles site and therefore there are larger distances of approx. 30m. In addition, there are no windows on this flank elevation of buildings A-C from ground to third floor level. The higher positioned windows are therefore positioned above the windows levels of the buildings opposite and are not considered to raise overlooking concerns. From Block B which fronts onto Christchurch Avenue, the distance measures between 20.5 to 21m which is compliant with SPD guidance.
- Woodberry Grove – The elevation facing Woodberry is stepped, meaning the northern section is closer to the road with an 18.5m separation which increases to the south to 20m with the elevation being setback further within the site. Along the northern part of this elevation, there are a number of large mature street trees.
- Rosemont Avenue – Where buildings F & G front onto Rosemont Avenue, the separation distance from window to window is approx. 18m and reflects the existing line along the street. The dwellings along the northern part of Rosemont Avenue do not extend all the way up the street to the north-west corner, where there are a

number of garages and hard surfaced areas to the rear to the buildings along Ballards Lane. With regards to the distances between the southern dwellings along Rosemont Avenue, the proposed blocks to the south would measure separation distances of between 13-16m to the rear boundaries and between 22-28m to the rear windows.

In light of the above, it is not considered that the proposals would result in any demonstrable loss of privacy to neighbouring properties.

With regards, the Finchley Mosque, The Local Plan does not specify overlooking distances to community buildings, however a separation distance of approx. 10m is measured by the flank elevation of building A and the side elevation of the new existing building and proposed mosque extension. Within building A, the main outlook is east and west with secondary windows facing towards the mosque building. As such, overlooking is not considered to be harmful issue with regards the existing mosque building or the approved extension should it be constructed.

Impact on daylight, sunlight and overshadowing

A detailed daylight and sunlight analysis has been undertaken in accordance with BRE guidelines and a report submitted in support of the application. When assessing any potential effects on the surrounding properties, the BRE guidelines suggest that only those windows that have a reasonable expectation of daylight or sunlight need to be assessed. The BRE guidelines provide three principal measures of daylight – Vertical Sky Component (VSC), No-Skyline (NSL) and Average Daylight Factor (ADF).

The amount of direct sunlight a window can enjoy is dependent on its orientation and the extent of any external obstructions. Annual Probable Sunlight Hours (APSH) is used to consider any sunlight effect to surrounding properties.

The report conducted an analysis on a considerable number of properties in the immediate area:

- 622 – 644 High Road;
- 687-693 High Road;
- 1-14 and 15-35 Colman Court;
- 11 and 17 Christchurch Avenue;
- 6a-d Woodberry Grove;
- 298 – 318 Ballards Lane;
- 26 – 54 Rosemont Avenue; and
- 1 – 27 Rosemont Avenue.

In respect of the neighbouring properties, the proposed development has a VSC compliance with the BRE of 73%, compared to 59% with the Appeal Scheme. There are also improved compliance rates for both NSL and APSH forms of assessment, with the proposed development having a 93% NSL compliance (compared to 89% for the Appeal Scheme) and a 99% compliance rate for APSH (compared to 90% for the Appeal Scheme).

Whilst there remain some daylight and sunlight effects to some windows around the site that exceed the BRE guidelines, these results represent a significant improvement upon the previously submitted scheme for the site, with an increased level of compliance against the daylight, sunlight and overshadowing recommendations. In total, by comparison to the previously submitted scheme, 81% of windows tested experience improvements in VSC, with 55% of rooms having improved retained NSL levels and 64% of southerly orientated rooms retaining improved APSH sunlight levels. The setting back and reduction in massing has notably improved the effect upon the rear elevations and gardens of the properties along Rosemont Avenue. In fact, the majority of windows along 1-27 Rosemont Avenue will now meet the BRE criteria and where they do not, each of the unencumbered windows will retain at least 23% VSC which is widely considered a good level in urban areas.

Furthermore, in terms of the provision of direct sunlight to neighbouring amenity areas and private gardens, the analysis indicates that 18 of the 19 gardens tested will meet the BRE guideline recommendations either by retaining at least two hours of direct sunlight to 50% of its area, or by experiencing no more than a 20% relative change in sunlight availability. This represents a significant improvement upon the Appeal Scheme where only 6 gardens would meet the BRE sun on ground recommendations.

Overall, the reductions in building height and massing has resulted in a positive effect upon the daylight, sunlight and overshadowing to neighbouring residential properties, and demonstrates a significant improvement when compared to the effects arising from the appeal scheme.

Environmental Considerations

Policy DM04 of Barnet's adopted Development Management Policies DPD (2012) seeks to reduce and mitigate against the impacts (i.e. noise, air pollution, and land contamination) of development which have an adverse effect on the health of the surrounding environment and the amenities of residents and businesses alike. This is consistent with the objectives of Section 15 of the National Planning Policy Framework (2021), which seeks to ensure that planning decisions conserve and enhance natural environment and avoid significant adverse impacts on health and quality of life.

Noise and general disturbance

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the residential character of the wider area. In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for a residential environment. The council's environmental health team have recommended appropriately worded conditions for noise reporting and impact mitigation, extract and ventilation equipment and plant noise. It should be noted that any excessive or unreasonable noise is covered by the Environmental Protection Act 1990.

Air Quality

In respect of air pollution, the submitted Air Quality Assessment has assessed the potential impacts of the proposed development in terms of construction and operational impact. In terms of construction, any overall effects of dust nuisance would be temporary, short term, local in effect and of medium to high risk without mitigation. However, the report recommends that dust mitigation implemented during the construction phase, can reduce the effects to low to negligible. Details of dust mitigation are to be secured by condition.

At operational phase, the report finds that there will not any significant changes against the current background and traffic baseline conditions. In fact, the proposal is considered to result in small reductions of air pollutant concentrations due to the expected reduction in the number of vehicle trips on the local network as a result in the proposed change from Homebase store to residential. Annual Average daily traffic is expected to reduce from 1,000 to 250 vehicle movements.

In addition to the above report, the applicant has also submitted an Air Quality Neutral Assessment which assesses whether the building is 'Air Quality Neutral'. As it has been predicted, the proposed development will result in a significant reduction of vehicle movements and the transport emissions footprint has been calculated considerably lower than the Transport Emissions Benchmark. Therefore, no mitigation in terms of transport emissions is required. The calculated building emissions footprint is also considerably lower than the benchmark figure for the development and no mitigation is required.

The Council's Environmental Health service has also reviewed the submitted information and has raised no objections.

Following comments from the GLA, the applicant has updated their Air Quality Neutral Assessment and the GLA have confirmed that the development is better than air quality neutral.

Highways / Parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies CS9 and DM17 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Residential Car Parking

It is recognised within the Barnet Local Plan policies that the residential parking standards will be applied flexibly based on different locations and issues related to public transport

accessibility, parking stress and controls, ease of access by cycling and walking, and population densities. Appropriate parking for disabled people should always be provided. Barnet's Local Plan (2012), draft (regulation 22 submission) Local Plan, and the Mayor's London Plan (2021) recommend a range of parking provision for new dwellings based on the site's Public Transport Accessibility Level (PTAL) and the type of units proposed. Policy DM17 of the Local Plan sets out the parking requirements for different types of units with the range of provision as follows:

- four or more-bedroom units - 2.0 to 1.5 parking spaces per unit
- two and three-bedroom units - 1.5 to 1.0 parking spaces per unit
- one-bedroom units - 1.0 to less than 1.0 parking space per unit

The application site is located with a PTAL rating of 3 (moderate).

Also of note, Barnet's Draft Local Plan – Regulation 22 submission was approved by the Council on 19th October 2021 for submission to the Secretary of State for examination. Whilst the plan has not yet been adopted, and the 2012 Barnet Local Plan remains the statutory development plan for the Council, the policies of the draft Local Plan hold some weight in the overall planning balance. The draft Local Plan responds to the Mayor's adopted London Plan (2021) parking standards, intending to adopt similar standards that it has established for residential car parking.

The London Plan (2021) states that the accessibility of each site should be taken into consideration, including the PTAL, local population density and vehicle ownership, access on foot and by bike and other relevant transport considerations. The standards in both the Barnet draft Local Plan and Mayor's London Plan (2021) are as follows:

Location	Barnet Draft Local Plan – Reg 22		London Plan (2021)	
	1/2 bed units	3+ bed units	1/2 bed units	3+ bed units
Outer London / PTAL rating: 2-3	0.75	1	Up to 0.75 spaces per dwelling	Up to 1 space per dwelling

The LBB plan also states that levels of car parking provision can be reduced through the delivery of car club parking bays and pool cars which promote more efficient use of parking spaces. The plan also states that developers providing car club membership can assist residents in moving away from dependence on private vehicles.

The scheme proposes a total of 63no. parking spaces (ratio of 0.252 spaces per dwelling) which will be provided within the undercroft area of Block A. 8no. disabled parking spaces are provided; 20% will have electric vehicle charging points (EVCP) with passive provision for all remaining spaces. In addition, the proposed development comprises of the provision of up to two car club spaces. Each eligible resident will be given three years' free membership of the car club.

The site is located within a Controlled Parking Zone (CPZ), with various parking and waiting restrictions on the immediate residential streets surrounding the application site. However, there are no restrictions on the streets further south.

Barnet's Transportation Officers are satisfied that the proposed level of residential car parking will be adequate to address forecast demand in this location subject to the provision that overspill parking can be mitigated through the investigation and review of the CPZ arrangements and with future occupants being restricted from applying for parking permits. These measures would be required to be secured via a S106 agreement, along with a travel plan.

Cycle Parking

The development includes the provision of a total of 448 cycle spaces which is in compliance the London Plan policy standards.

Trip Generation

In comparison to the previous application where the proposed levels of traffic generation / impact were accepted this scheme is smaller in scale (i.e. the number of residential dwellings is lower). No issues are raised in terms of vehicle impact on the surrounding road network. In relation to net traffic generation, it is noted that the TA report states 'that the development is expected to result in +2 and -68 two-way vehicle movements during the AM and PM peak hours, respectively.'

Proposed Transport Improvements

Following submission of the application and Transport Assessment, Council Officers provided feedback on additional requirements to ensure that the development impacts are adequately mitigated. This included a requirement to undertake an ATZ/Healthy Streets assessment and report on recommendations that can be secured through a legal agreement.

A Framework Travel Plan has been submitted in support of the planning application which includes ambitious sustainable mode share targets and extensive measures in the form of infrastructure, information and incentives. The Travel Plan will be secured via a legal agreement.

In addition to the robust targets and measures contained in the Travel Plan, the proposed development will deliver a suite of transport improvements designed to promote sustainable travel behaviour. The improvements comprise of the following:

- Residential cycle parking in compliance of the adopted and LP standards;
- Residential parking for electric vehicles in compliance with adopted and LP standards;
- Developer to fund post-occupation parking survey and any necessary TROs;
- Provision of up to 2no. Car Club parking spaces either on the site or on the adjacent streets;

- Free Car Club membership to residents; plus, Car Club available to wider local community;
- Upgrading of pedestrian and cycle crossing on High Road;
- Financial contribution towards planned improvement schemes for pedestrian, cycle and safety schemes as part of the North Finchley SPD works

The Proposed Development has been designed from the outset to encourage sustainable travel behaviour and to reduce the need to travel, especially by car. This primary objective is balanced with the practical requirements of a development in this location.

The above measures would be secured by means of a Legal Agreement. The mitigation measures proposed are considered to be comprehensive and will ensure that the development is sustainable and minimises impact to the surrounding area. Accordingly, Transport Officers have raised

Having considered all the factors above, it is considered that the proposed development is acceptable on transport matters.

Landscaping, trees and biodiversity

Landscape

The submitted Landscape Design and Access Plan provides a comprehensive and detailed breakdown of the proposed landscaping and open space provision. The proposal will deliver multi-functional landscaping and play spaces which include:

- a landscaped central spine providing pedestrian and cycle space;
- the access link between the central spine and Christchurch Avenue will be a dynamic and engaging play space which uses the change of levels for climbing and sliding activities with a central play pocket;
- the frontage onto the residential streets will have new tree planting;
- new street trees planted along the frontage onto High Road;
- provision of podium communal gardens with a variety of uses – playspace, social areas and self-growing beds; and
- provision of biodiverse roof across the buildings.

The provision of new external amenity is considered to be appropriate in terms of its size and consider that the proposed landscaping is of a high quality and will result in highly valued public realm and landscaped areas for existing and new residents.

Trees

There are several small trees and soft landscape areas within the existing car park area which will be removed as a result of the proposed development. At present these only provide a very modest contribution to the tree amenity in the local area and entrance to the application site. The Council's Arboricultural Officer does not raise any objections to the loss of trees/shrubs subject to replacement planting. As set out in the section above, the proposed new landscaping and tree planting is considered to be acceptable.

Around the site boundaries of the site, there are a number of street trees. The submitted Arboricultural Impact Assessment indicates that 4no. streets are proposed to be removed; 2no. on Woodberry Grove and 2no. on Christchurch Avenue. In order to compensate for the loss of these trees, the applicant will be required to pay the relevant CAVAT value of each respective tree. This will be secured via the Section 106 agreement.

The Council's Arboricultural Officer has reviewed the submitted reports and raises no objections in respect of trees subject to appropriate conditions.

Ecology

The Council's Ecology Consultants have reviewed the submitted Preliminary Ecological Appraisal and Bat Emergence Survey Report which have been submitted in support of the application.

The ecology report states that there are nine nationally designated sites within 5km and 17 Sites of Importance for Nature Conservation (SINCs) within 2km. Lower Dollis Brook SINC was the closest at c.0.9km to the north west. The Ecologists consider that due to the scale of the proposed development, impacts on designated sites are not anticipated. Therefore, they are satisfied that the evidence provided by the applicant is sufficient to address potential impacts and implications on biodiversity receptors. Conditions are recommended in respect of the provision of a lighting strategy and compliance with the mitigation and recommendations as set out in the approved reports.

The Bat Emergence report states that no evidence for the presence of any roosting bats was recorded during the survey work undertaken.

Urban Greening

London Plan policy requires new developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. The GLA comments that the level of urban greening across the proposed development is well considered at ground, podium and roof levels. The proposal achieves a score of 0.40 which exceeds with the target of 0.49 set by Policy G5 of the London Plan.

Officers agree with the GLA that considerable new green infrastructure has been proposed as part of the proposed development.

Energy and Sustainability

Energy Statement

London Plan (2021) policy SI2 states that major development should be net zero-carbon. The hierarchical principles of be lean, be clean, be green, and be seen should be implemented in order to reduce greenhouse gas emissions and minimise energy demands.

An Energy Strategy has been submitted in support of the application. The energy statement outlines a series of measures which will be incorporated into the proposal to improve sustainability and reduce carbon emissions. The Strategy follows the London Plan Energy Hierarchy: Be Lean, Be Clean and Be Green. The overriding objective in the formulation of the strategy is to maximise the reductions in total CO2 emissions through the application of the hierarchy with a technically appropriate and cost-effective approach, and to minimise the emission of other pollutants. The development will be constructed to comply with Part L 2013 (with 2016 amendments) of the Building Regulations and in line with the London Plan to achieve a minimum of 57% CO2 reduction for the domestic elements. In order to achieve zero carbon, the developer will need to make a carbon offset contribution to bridge this gap. A contribution of £295,500 will be required to be secured via planning obligation.

Water Consumption

In terms of water consumption, a condition would be recommended 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 Barnet's Core Strategy (2012) Policy CS13 and Policy SI5 of the London Plan (2021).

The proposed development, subject to conditions, would therefore meet the necessary sustainability and efficiency requirements of the London Plan (2021).

Flood Risk / SuDS

Policy CS13 of the Barnet Core Strategy states that "we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels".

The application is accompanied by a Flood Risk Assessment and Below Ground Drainage Strategy. This has been assessed by the Council's appointed drainage specialists who, following the submission of further details, have raised no objection to the development. If permission were granted, a condition securing the submission of a further details of the surface water drainage scheme would be attached.

Public Benefits

As stated earlier, after an assessment of the proposed development, a low level of harm has been identified to the locally listed building of 677a High Road (currently Topps Tiles) which is located immediately adjacent to the site in the south-east corner.

Paragraph 197 of the NPPF requires that with applications which directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset. The building will remain as it is located adjacent to the application site, however the proposed development would

introduce a change to its setting, introducing much taller forms of development and would no longer be seen in isolation as it is currently viewed. Its significance is not considered to contribute to its wider setting.

The proposed benefits of the scheme are:

- Redevelopment of an existing edge-of-centre brownfield site;
- Provision of 250 new residential units
- Support for the future vitality and viability of North Finchley Town Centre;
- Provision of new public link and public realm with enhanced landscaping and biodiversity measures across the site;
- Financial contributions through skills and employment and loss of employment; and
- CIL payments to improve local infrastructure.

In applying paragraph 197 of the NPPF, Members will need to consider whether the package of public benefits outweighs the harm that would arise through the impact on the setting of the non-designated heritage asset.

5. 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; and
- 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 site is accessible by various modes of transport, including by foot, bicycle, public transport and private car, thus providing a range of transport choices for all users of the site.

A minimum of 10% of units will be wheelchair adaptable.

The development includes level, step-free pedestrian approaches to the main entrances to the building to ensure that all occupiers and visitors of the development can move freely in and around the public and private communal spaces. Dedicated parking spaces for people with a disability will be provided in locations convenient to the entrances to the parking area.

The proposals are considered to be in accordance with national, regional and local policy by establishing an inclusive design, providing an environment which is accessible to all.

6. SUMMARY OF ASSESSMENT / RECOMMENDATION TO MEMBERS

On the basis of the merits of the case, it is considered that should an officer recommendation have been made to the Strategic Planning Committee, it would have set out a refusal for the following reasons:

OFFICER RECOMMENDATION – REFUSAL for the following reasons:

- 1. The development in its current form would only provide 15% affordable housing (by habitable room) which falls significantly below the strategic target of 50% of the London Plan and emerging Barnet Local Plan of new homes being affordable and below the minimum requirement of 35%, contrary to London Plan policies H4 and H5, policies CS4 and DM10 of Barnet Local Plan Core Strategy (2012) and Development Management (2012) and policy HOU01 of the emerging Barnet Local Development Plan.**
- 2. In the absence of a Section 106 Agreement, the application does not include a formal undertaking to secure the planning obligations which are necessary to make the application acceptable. The application is therefore contrary to the NPPF; London Plan Policies H4, H5, H7, SI2, T4, DF1, Policies DM01, DM02, DM04, DM10 and DM17, Policies CS4, CS9, CS13, CS15 of Barnet Local Plan Development Management (2012) and Core Strategy (2012); the Barnet Planning Obligations (adopted April 2013); Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Document; the Barnet Supplementary Planning Document on Delivering Skills, Employment and Enterprise Training (SEET) (adopted October 2014); and the Mayor's Supplementary Planning Guidance on Affordable Housing and Viability (2017).**

7. CONCLUSION

It is recommended that Members advise whether they would have been minded to refuse the Application for the above reasons, to assist the Council's response to the non-determination appeal.

Plan numbers / Documents considered

Plans:

Existing Site Plans

Site Location Plan	1/1250	E1266D6000	P1
Application Boundary Plan	1/500	E1266D6001	P1
Site Topographical Survey	1/500	E1266D6002	P1
Proposed Demolition Plan	1/500	E1266D6003	P1

Proposed GA Site Plans

Ground Floor Plan	1/500	E1266D6100	P2
First Floor Plan	1/500	E1266D6101	P2
Second Floor Plan	1/500	E1266D6102	P2
Third Floor Plan	1/500	E1266D6103	P2
Fourth Floor Plan	1/500	E1266D6104	P2
Fifth Floor Plan	1/500	E1266D6105	P2
Sixth Floor Plan	1/500	E1266D6106	P2
Roof Plan	1/500	E1266D6107	P2

Building GA Floor Plans

Buildings A, B, & C Ground Floor Plan	1/200	E1266D1100	P2
Buildings A, B, & C First Floor Plan	1/200	E1266D1101	P2
Buildings A, B, & C Second Floor Plan	1/200	E1266D1102	P2
Buildings A, B, & C Third Floor Plan	1/200	E1266D1103	P2
Buildings A, B, & C Fourth Floor Plan	1/200	E1266D1104	P2
Buildings A, B, & C Fifth Floor Plan	1/200	E1266D1105	P2
Buildings A, B, & C Sixth Floor Plan	1/200	E1266D1106	P2
Buildings A, B, & C Roof Plan	1/200	E1266D1107	P2
Buildings D, E, F & G Ground Floor Plan	1/200	E1266D2100	P2
Buildings D, E, F & G First Floor Plan	1/200	E1266D2101	P2
Buildings D, E, F & G Second Floor Plan	1/200	E1266D2102	P2
Buildings D, E, F & G Third Floor Plans	1/200	E1266D2103	P2
Buildings D, E, F & G Fourth Floor Plan	1/200	E1266D2104	P2
Buildings D, E, F & G Fifth Floor Plan	1/200	E1266D2105	P2
Buildings D, E, F & G Sixth Floor Plan	1/200	E1266D2106	P2
Buildings D, E, F & G Roof Plan	1/200	E1266D2107	P2

Existing & Proposed Street Elevations

Christchurch Avenue & Central Spine Street Elevations	1/200	E1266D6200	P2
High Street, Woodberry Grove & Rosemont Avenue Street Elevations	1/200	E1266D6201	P1

Proposed Elevations B&W

Proposed Elevations Building A	1/200	E1266D1200	P2
Proposed Elevations Building B	1/200	E1266D1201	P2
Proposed Elevations Building C	1/200	E1266D1202	P2
Proposed Elevations Building D	1/200	E1266D1203	P2
Proposed Elevations Building E	1/200	E1266D1204	P2
Proposed Elevations Building F & G	1/200	E1266D1205	P2

Proposed Elevations Colour

Proposed Elevations Building A	1/200	E1266D2200	P2
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Proposed Elevations Building B	1/200	E1266D2201	P2
Proposed Elevations Building C	1/200	E1266D2202	P2
Proposed Elevations Building D	1/200	E1266D2203	P2
Proposed Elevations Building E	1/200	E1266D2204	P2
Proposed Elevations Building F & G	1/200	E1266D2205	P2

Proposed Part Elevations Colour

Proposed Part Elevation Building A	1/50	E1266D3100	P1
Proposed Part Elevation Building B	1/50	E1266D3101	P1
Proposed Part Elevation Building C	1/50	E1266D3102	P1
Proposed Part Elevation Building D	1/50	E1266D3103	P1
Proposed Part Elevation Building E	1/50	E1266D3104	P1
Proposed Part Elevation Building F	1/50	E1266D3105	P1
Proposed Part Elevation Building G	1/50	E1266D3106	P1

Proposed GA Sections

Proposed Section AA (Buildings A, B, C, D & E)	1/200	E1266D6300	P1
Proposed Sections BB & DD (Buildings A, E & F)	1/200	E1266D6301	P1
Proposed Section CC (Buildings A, B, C, D & E)	1/200	E1266D6302	P1
Proposed Section EE (Buildings F & G)	1/200	E1266D6303	P1
Proposed Sections FF & GG (Buildings B & C)	1/200	E1266D6304	P1

Documents:

Air Quality Assessment, AESG (ref. DMD-HNF-AGA-00 dated 30/05/2022)
Arboricultural Impact Assessment, SES (Rev B dated 15/12/2021)
Archaeological Desk-Based Assessment, RPS (GSP/JAC26222 dated 01/02/2020)
Built Heritage Statement, RPS (Version 1 dated 06/12/2021)
Car Parking Management Plan, Vectos (dated 01/12/2021)
Circular Economy Statement, Hodkinson (v.5 dated 07/06/22)
Construction and Logistics Plan, Vectos (dated 01/12/2021)
Daylight, Sunlight & Overshadowing Report, Point 2 (V2 dated 01/01/2022)
Delivery and Servicing Management Plan, Vectos (dated 01/12/2021)
Design and Access Statement, tp bennett (dated 01/12/2021)
Desk Study / Preliminary Risk Assessment Report, Jomas Associates (P2632J1889/AJH dated 31/01/2020)
Energy Statement, Hodkinson (v.2 dated 16/12/2021)
Fire Strategy, Elementa Consulting (Rev 2 dated 12/05/2022)
Healthy Streets Transport Assessment, Vectos (dated 01/12/2021)
Landscape Statement, Exterior Architecture (Rev 02 dated 15/12/2021)
Planning Noise Assessment, NSL (90345/PNA dated 08/12/2021)
Preliminary Ecological Appraisal, AESG (Rev 03 dated 11/01/2022)
Surface Water Drainage Strategy, aegaea (AEG0223_N12_North Finchley_07_v2 dated 01/01/2022)
Sustainability Statement, Hodkinson (v.2 dated 16/12/2021)
Residential Travel Plan, Vectos (dated 01/12/2021)
Town Planning Statement, DaviesMurch (dated 01/12/2021)
Urban Greening Factor, Exterior Architecture (P01 dated 01/04/2022)
Viability Study, Turner Morum (dated 17/12/2021)
Whole Life Cycle Carbon Emissions Assessment, Hodkinson (v.3 dated 04/03/2022)

