

Homebase North Finchley, 679 High Road

Local Planning Authority: Barnet
local planning authority reference 20/3823/FUL

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| <p>Strategic planning application stage II referral</p> <p>Town and Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town and Country Planning (Mayor of London) Order 2008.</p> |
| <p>The proposal</p> <p>Demolition of the existing building and redevelopment of the site to provide 307 residential units (35% affordable housing) within 6 buildings ranging from 4 to 9 storeys in height, the provision of a new pedestrian route and access link, amenity spaces, car parking, cycle parking, energy centre and other associated facilities.</p> |
| <p>The applicant</p> <p>The applicant is Redrow Homes Limited and Taylor Wimpey, and the architect is TP Bennett.</p> |
| <p>Key dates</p> <p>Pre-application meeting: 14 April 2020 Stage I report: 19 October 2020 Committee meeting: 13 January 2021</p> |
| <p>Strategic issues</p> <p>Barnet Council has resolved to refuse permission for this application. The Mayor may issue a direction under section 2A of the Town and Country Planning Act 1990 to take over determination of the application in accordance with Article 7 of the Town and Country Planning (Mayor of London) Order 2008 or may decide that he is content for the authority to determine the application itself.</p> <p>Having regard to the details of the application, the matters set out in the committee report, the outstanding issues from Stage 1 described in this report and the Council's draft decision to refuse the application, though the principle of development is supported in strategic planning terms, there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under section 2A of the Order 2008.</p> |
| <p>The Council's decision</p> <p>In this instance Barnet Council has resolved to refuse planning permission for this application.</p> |
| <p>Recommendation</p> <p>That Barnet Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take and does not therefore wish to direct that he is to be the local planning authority.</p> |

Context

1 On 26 August 2020, the Mayor of London received documents from Barnet Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A, 1B(c) and 1C(1c) of the Schedule to the Order 2008:

- *Category 1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*
- *Category 1B(c): “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - outside Central London and with a total floorspace of more than 15,000 square metres.”*
- *Category 1C(1c) - “Development which comprises the erection of a building that is more than 30 metres high and is outside the City of London”.*

2 On 19 October 2020, the Mayor considered planning report GLA/6377/01, and subsequently advised Barnet Council that the application did not yet fully comply with the London Plan and Mayor’s Intend to Publish London Plan; however, the possible remedies set out in paragraph 97 of the above-mentioned report could address these deficiencies:

3 A copy of the above-mentioned report is available on the GLA’s public register¹ at this [link](#). The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 On 13 January 2021, Barnet Council resolved to refuse planning permission for this application against officers’ recommendation. On 17 February 2021, Barnet Council advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decisions to proceed unchanged, or issue a direction, under Section 2A of the Town and Country Planning Act 1990 in accordance with Article 7 of the 2008 Order, that he is to act as the local planning authority for the purpose of determining the application. The Mayor has until 2 March 2021 to notify Barnet Council of his decision(s) and to issue any direction(s).

5 The Mayor’s decision(s) on this case, and the reasons, will be made available on the GLA’s website: www.london.gov.uk.

The Council’s decision

6 The Council resolved to refuse this application. The Council’s draft decision notice set out the following reasons for refusal:

- 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

¹ <https://planning.london.gov.uk/pr/s/planning-application/a0i4J000002SOnYQAW/20206377>

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).

- 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).

Article 7: Direction that the Mayor is to be the local planning authority

7 In order to exercise the power to direct that he is to be the local planning authority and to determine a PSI application (within Categories 1 and 2 of the Schedule to the Order 2008), the Mayor must be satisfied that certain statutory tests set out in Article 7 of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused

8 The relevant statutory tests comprise the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
- c) there must be sound planning reasons for issuing a direction.

9 Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

10 As set out above, the application is for 307 residential units. Article 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 residential units will be delivered, part (b) does not apply. As such, only parts (a) and (c) of the statutory tests are engaged in respect of the present application.

11 Moreover, Article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI

application, to take account of certain matters. Where the proposed development falls within Category 1A of the Schedule to the 2008 Order, the Mayor is required to take account of the extent to which the relevant Council has achieved their targets for new housing including affordable housing, and in respect of all categories of PSI application, the Mayor is required to take account of whether the Council has achieved any other relevant development plan targets.

12 This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to article 7(3), the Mayor should direct that he is to be the local planning authority. This report does not consider the merits of the application, although consideration has been given to the key planning issues in so far as is necessary in applying the statutory tests in Article 7(1) as set out below.

Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

13 It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the implementation of the “spatial development strategy”, namely the current adopted London Plan and this is therefore the focus to the consideration of article 7(1)(a).

London Plan policy context – housing and affordable housing

14 London Plan Policy 3.3 recognises the pressing need for new homes in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Part B of this policy states that the Mayor will seek to ensure that the housing need identified in paragraphs 3.16a and 3.16b of the London Plan is met through the provision of at least an annual average of 42,000 net additional homes across London. Moreover, London Plan Policy 3.11 seeks provision of at least 17,000 net affordable homes per year in London. The Mayor’s Publication London Plan sets a housing target of approximately 520,870 homes over ten years, with Policy H4 setting a strategic target for 50 per cent of all new homes delivered across London to be genuinely affordable. Local Authorities are expected to incorporate the Mayor’s housing and affordable housing targets into local policy.

Recent delivery – London-wide

15 Table 1 below sets out the London-wide delivery against the current London Plan targets between 2016-2019, the most recent years for which data is available.

| Total completions | FY2016-17 | FY2017-18 | FY2018-19 | Total | Delivery |
|-----------------------------------|------------------|------------------|------------------|----------------|----------------------|
| <i>Homes target</i> | 42,388 | 42,388 | 42,388 | 201,762 | 88% of target |
| Homes delivered | 44,846 | 31,692 | 35,795 | 112,333 | |
| <i>Affordable homes target</i> | 17,000 | 17,000 | 17,000 | 51,000 | 35% of target |
| Affordable homes delivered | 6,827 | 4,431 | 6,648 | 17,906 | |

Table 1: Delivery against pan-London net housing and affordable housing targets (source: London Development Database).

16 Based on Table 1, it is evident that the delivery of London-wide housing is below the London Plan target, and that the delivery of new affordable housing on a London-wide basis is significantly below the London Plan target.

Recent delivery – Barnet Council

17 At a borough level, the London Plan sets Barnet a target of 23,489 homes between 2015 and 2025. To monitor delivery against these targets, Barnet has been assigned an annual target of a minimum of 2,349 net additional homes per year. The Mayor’s Publication London Plan sets Barnet a ten-year target for net housing completions of 23,640 for the period 2019/2020 to 2028/2029.

18 Barnet’s Local Plan Core Strategy Policy CS4 identifies a minimum target of 5,500 new affordable homes to be delivered by 2020/26 and sets a local borough wide target of 40% affordable homes on sites capable of accommodating 10 or more dwellings. This equates to a numerical target of 940 affordable homes per annum based on the London Plan housing target, and 366 new affordable homes per annum based on the 2012 Core Strategy. It is noted that the borough level target is lower than the London Plan target for new affordable homes. Regard has been had to both targets for the purposes of this report, but GLA officers consider that the 2016 London Plan targets better reflect housing need.

19 Table 2 below sets out delivery against Barnet’s borough level targets during the financial years 2016-2019.

| Total supply | FY2016- 17 | FY2017-18 | FY2018- 19 | Total | Delivery |
|--|--------------|--------------|--------------|--------------|------------------|
| <i>Homes target</i> | 2,349 | 2,349 | 2,349 | 7,047 | 96% of target |
| Homes delivered | 2,034 | 2,224 | 2,232 | 6,760 | |
| <i>London Plan Affordable homes target</i> | 940 | 940 | 940 | 2,820 | 29% of target |
| Affordable homes delivered | 483 | 341 | -4 | 820 | |

Table 2: LB Barnet’s delivery against London Plan housing target including conventional and non-self-contained supply, and long term vacants returning to use (source: London Development Database).

| Total supply | FY2016- 17 | FY2017-18 | FY2018- 19 | Total | Delivery |
|-----------------------------------|------------|------------|------------|------------|------------------|
| <i>Affordable homes target</i> | 366 | 366 | 366 | 1,098 | 72% of target |
| Affordable homes delivered | 483 | 341 | -4 | 793 | |

Table 3: LB Barnet’s delivery against 2012 Core Strategy affordable housing targets (source: London Development Database).

20 From Tables 2 and 3 it is evident that the Council has not met the aggregated London Plan annual monitoring target for new homes. Notably, the Council has not met the aggregated 2016 London Plan and 2012 Core Strategy annual monitoring target for new affordable homes over the tabulated three years, and affordable housing delivery remain significantly below target. The Council recorded a negative figure for affordable

housing delivery in 2018/19. It should also be noted that all targets are expressed as minimums, with a clear expectation in the London Plan and Local Plans that delivery of housing should be maximised.

Potential contribution of this scheme to London Plan objectives – housing and affordable housing

21 Barnet has delivered 96% of its current housing targets between 2016/17 and 2018/19. As presently proposed, the development would deliver up to 307 residential units, contributing to Barnet Council's overall annual housing target and the borough's 10-year London Plan target. The Council has delivered only 29% of its affordable housing targets against the 10-year London Plan target and 72% against the Local Plan. The scheme would contribute towards the Mayor's strategic target of 17,000 affordable home per year.

22 The provision of 307 residential units through the optimisation of an underutilised, brownfield site is supported in principle. The proposed 35% affordable housing by habitable room, with a tenure split of 60% London Affordable Rent and 40% intermediate housing, is also supported. The delivery of 307 residential units would make a positive contribution to the delivery of housing and affordable housing at a London-wide level, and it is therefore considered the development would have a significant impact on the implementation of the London Plan in terms of provision of new homes and affordable homes.

23 The proposed level of housing and affordable housing represents approximately 13% of the borough's current London Plan annual housing target and approximately 11% of the London Plan target for affordable homes. When considered in the context of the borough's recent performance, which is set out in Table 1 above, the scheme would make a meaningful contribution to the borough achieving its targets.

Statutory test 7(1)(c): Sound planning reasons for intervening

24 Notwithstanding part (a), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council's draft reasons for refusal, and in particular the concerns about residential quality it is considered on balance, there are no sound planning reasons to intervene in this case.

25 In order for the Mayor to issue a direction that he is to be the local planning authority, all relevant policy tests must be met. Given that policy tests (a) and (c) have not been met, there is no basis to issue a direction under Article 7.

Strategic planning policy and guidance update

26 The Report of the Examination in Public of the draft London Plan was published in October 2019, and the Intend to Publish London Plan version (December 2019) was subsequently submitted to the Secretary of State. On the 13 March and 10 December 2020 the Secretary of State issued the Mayor with directions under Section 337 of the Greater London Authority Act 1999.

27 On 21 December 2020 the Mayor submitted to the Secretary of State his Publication London Plan with amendments designed to address these directions. This is

the most up to date version of the Mayor's London Plan and should be taken into account as a material consideration on the basis described in the NPPF.

28 On 29 January 2021, the Secretary of State confirmed that he had no further matters to raise and the Publication London Plan (December 2020) conformed with the previous Directions and could now be published. The Mayor will now proceed to publish his London Plan.

Issues raised at consultation stage

29 Notwithstanding the above, when considering whether to take over the application it is also relevant for the Mayor to have regard to the following planning issues which were raised at consultation stage. In this context, it should be noted that at this stage the Mayor is only considering whether to intervene by becoming the local planning authority. The Mayor is not at this stage required or being invited to reach any decision on the overall merits of the proposal and whether or not to grant or refuse planning permission. The planning issues identified at consultation stage (set out at paragraph 97 of the Stage 1 report) were identified as follows:

- **Principle of development:** The proposed optimisation of the edge-of-centre site for residential use is strongly supported. There are no strategic concerns raised in respect of the loss of retail land uses from the site.
- **Affordable housing:** The scheme proposes 307 residential units of which 35 per cent is proposed as affordable housing by habitable room, with a tenure split of 60 per cent London Affordable Rent and 40 per cent intermediate housing. Subject to confirmation from the Borough that the proposed tenure is supported, and that the 35% affordable housing is proposed without public subsidy, the scheme will be eligible to follow the Fast-Track Route. The rent levels and eligibility criteria for the affordable units must be appropriately secured. An early stage review mechanism must also be secured
- **Design:** The layout of the scheme seeks to optimise the site, and the proposals generally present a high-quality scheme. There are no strategic concerns raised in respect of height and massing of the proposals. The provision of new public realm and the access link are supported. Further consideration should be given to the residential quality provided for some units within the scheme.
- **Energy:** Further information is required in respect of a number of elements of the energy strategy. Detailed technical comments in respect of energy have been circulated to the Council under a separate cover to be addressed in their entirety.
- **Air quality:** The applicant must submit an air quality neutral assessment, and detail a scheme of mitigation should the development exceed the building or transport emissions benchmarks. An assessment of the gas boilers is required to determine whether the development will have adverse impacts on air quality.
- **Sustainable drainage and water efficiency:** The surface water drainage strategy does not give appropriate regard to the drainage hierarchy, namely infiltration, and greenfield runoff rates. Further details on how SuDS measures at the top of the drainage hierarchy will be included in the development, and how greenfield runoff rate will be achieved should be provided. Water

harvesting and reuse should be considered to reduce consumption of wholesome water across the entire development site. This can be integrated with the surface water drainage system to provide a dual benefit.

- **Circular economy:** A Circular Economy Statement should be prepared and submitted in accordance with the GLA guidance demonstrating the development proposals have integrated circular economy principles as part of the design process.
- **Transport:** A higher sustainable mode share for all trips should be targeted, through a combination of on-site design, reduction in car parking provision, and by working with the Council to deliver sustainable transport improvements beyond the site boundary. A safer junction and improved crossing of High Road should be provided to ensure safety for road users. The proposals should be integrated into the wider cycle network and the east-west street should accommodate contraflow cycling.

Update

Housing

30 As stated at Stage 1, the housing mix comprises a range of unit sizes including 1-beds, 2-beds and 3-beds, which is supported in principle. Barnet Planning officers stated in the committee report that the proposed dwelling mix is considered to be acceptable and in accordance with Barnet policy DM08, and while Barnet Council has resolved to refuse the application, it is noted that the reasons for refusal do not make reference to housing mix. As such, further to paragraph 19 of the Stage 1 report, GLA officers can confirm support of the housing mix from a strategic perspective.

31 On the basis of the above assessment, the proposals accord with London Plan Policies 3.8 and 3.11, and Policy H10 of the Mayor's Publication London Plan.

Affordable housing

32 As set out in the Stage 1 report, the scheme would deliver 35% affordable housing by habitable room, with a tenure mix comprising 60% London Affordable Rent and 40% intermediate housing. Since Stage 1, the applicant has advised that the precise type of intermediate housing accommodation is proposed to be determined once an registered provider has been identified and it will be provided in accordance with the criteria set out in paragraphs 2.43 to 2.52 of the Mayor's Affordable Housing and Viability SPG.

33 Should the scheme be considered at appeal or a revised application submitted, suitable S106 obligations should secure all eventualities, and the intermediate housing must meet the definition of genuinely affordable housing and be secured in perpetuity. Notably, shared ownership units should be offered in accordance with the household income cap and eligibility criteria set out in the London Plan, the Mayor's Publication London Plan and the London Annual Monitoring Report. Paragraph 4.6.9 of the Mayor's Intend to Publish London Plan, paragraph 2.50 of the Mayor's Affordable Housing and Viability SPG and paragraph 3.78 of the London Plan Annual Monitoring Report are clear that intermediate housing should be affordable for households with a range of incomes below the upper limit of

£90,000. This should be secured in any Section 106. An early stage review should be secured in any S106 agreement and, if the scheme is not able to be considered under the Fast Track route, a late stage review should also be secured, in line with the Intend to Publish London Plan and Mayor's Affordable Housing and Viability SPG.

Urban design

Height, massing and architecture

34 As Stage 1, GLA officers noted that the height of the proposed development responds well to its edge of centre context, optimises an underused brownfield site and raises no strategic concerns in respect of height and massing. GLA officers also consider that the use of roofing detail for Block F and G, and road fronting facades of Blocks A and E is supported and adds interest. In general, the architectural aesthetic appears a good quality, contemporary design. Should the scheme be considered at appeal or a revised application submitted, materials should be secured to by condition.

Layout and public realm

35 At Stage 1, GLA officers supported the proposed east to west link across the site in principle as it improves permeability in this edge of centre site and provides pedestrian permeability and improved access for residents of the development and residents in the surrounding area. Should the scheme be considered at appeal or a revised application submitted, noting that this access link also provides for service and emergency vehicle access, suitable mitigation measures should be in place to ensure a safe space for pedestrians and cyclists and to ensure this public realm is safe and welcoming to all people, including people with disabilities and a maintenance and management strategy for this space should also be secured.

Residential quality

36 The concerns set out at Stage 1 in respect in respect of privacy as well as daylight and sunlight provision of the proposed single-aspect, north facing units located at ground level are maintained. Further to the comments made at Stage 1, natural ventilation and daylight within the cores of residential units should also be provided in any revised scheme. Should the scheme be considered at appeal or a revised application submitted, the application should demonstrate compliance with D6 of the Mayor's Publication London Plan.

Fire safety

37 At Stage 1, the applicant was asked to revise the submitted fire statement to address all the requirements of Policy D12 of the Mayor's Publication London Plan. A revised fire statement dated November 2020 was submitted by the applicant, which addresses the majority of the requirements set out at Policy D12 however it is noted that Policy D12(B6) the statement should also be amended to address how potential future modifications to the building will take into account and not comprise the base build fire safety and protection measures. Should the scheme be considered at appeal or a revised application submitted, this requirement D12(B6) should be addressed, and the fire statement should also be revised to incorporate the proposed scheme amendments so that the content of the Fire Statement always remains

consistent with the latest scheme proposals. In addition, compliance with this policy should be secured through the imposition of a condition to ensure the safety of all building users

Play space

38 Following comments made by GLA officers at Stage 1, the applicant had provided 88.7 sq.m. of play space for the 12+ age group within the proposed site, which has been accepted by Barnet Council planning officers alongside a financial contribution for offsite provision for the 12+ age group.

39 While it is noted that the applicant has contended that further provision of the 12+ play space within the site would be at the expense of the general amenity proposed through the scheme, this (and any other relevant planning constraints) must be demonstrated. In addition, further details of the proposed financial contribution and what it will be used for must be provided in order to demonstrate that the play space proposals fully satisfy the needs of the development whilst continuing to meet the needs of existing residents.

40 Should the scheme be considered at appeal or a revised application submitted, further information should be provided to address all the requirements of Policy S4 of the Mayor's Publication Plan and the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012.

41 Further, should the scheme be considered at appeal or a revised application submitted, the provision of on-site high quality, safe, playable features for children, as well as safety measures and shaded spaces, should be secured via condition or obligation within a S106 agreement, and the proposed on-site play space at ground floor which will be shared by all residents regardless of tenure should be secured by condition. As noted by GLA officers at Stage 1, there may be some segregation in the proposed play spaces at podium level through the restriction of access to residents of each respective block, and as such, all play spaces provided at podium levels should be secured as "tenure blind" in terms of both quantum of play space and quality of playable features.

Heritage

42 As stated at consultation stage, having regard to the statutory duties in respect of listed buildings and conservation areas in the Planning (Listed Buildings and Conservations Areas) Act 1990, and NPPF requirements in relation to listed buildings, structures and conservation areas, GLA officers are satisfied that no harm will arise to the nearby designated heritage assets through the delivery of the proposed scheme

43 Additionally, as stated at Stage 1, noting the high-quality design of the scheme, the proposed development is generally sympathetic to the form, scale, materials and architectural detail of the nearby designated heritage assets as considered above, and the scheme accords with London Plan Policy 7.8. and Policy HC1 of the Mayor's Publication London Plan.

Inclusive design

44 As noted at Stage 1, the planning statement sets out that 10% of the accommodation is designed to meet part M4(3) of the Building Regulations and the remainder of the accommodation meets part M4(2). Should the scheme be considered at appeal or a revised application submitted, policy compliant levels of accessible dwellings are carried through to the detailed design stages with appropriate conditions securing the provision and providing accessible units across a range of tenures and typologies, providing disabled and older people similar choices to non-disabled people. A minimum of at least one lift per core (or more subject to capacity assessments) should also be secured as a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

Environment

Energy

45 Further information has been provided since Stage 1 to address a number of the energy comments by GLA officers, however the provision of the photovoltaic potential of the scheme should be further explored should the scheme be considered at appeal or a revised application submitted. The development is proposed to 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 41% CO2 reduction for the domestic elements. In order to achieve zero carbon, an carbon offset contribution £308,892 is required and this should be secured within a S106 legal agreement.

Air quality

46 The applicant has provided information to the satisfaction of GLA Officers to address comments made at Stage 1. Should the scheme be considered at appeal or a revised application submitted, compliance with the Non-Road Mobile Machinery (NRMM) Low Emission Zone for London should be conditioned, as well as the submission of an Air Quality and Dust Management Plan (AQDMP), with the measures in the AQDMP employed and maintained throughout the construction phase.

Flood risk

47 As set out at consultation stage, the approach to flood risk management for the proposed development as per the submitted flood risk assessment complies with London Plan Policy 5.12 and Policy SI.12 of the Mayor's Publication London Plan.

Sustainable drainage

48 An updated drainage flood risk assessment (FRA) was provided by the applicant to address GLA Officers comments made in respect of drainage at Stage 1. The updated FRA explains green roofs are integral to the drainage system, as such, should the scheme be considered at appeal or a revised application submitted, these should be secured by condition.

Urban greening and trees

49 As stated at Stage 1, the Urban Greening Factor of the proposed development has been calculated as 0.4, which meets the target set by Policy G5 of the Mayor's Publication London Plan.

Circular economy

50 While a circular economy statement has been submitted by the applicant following a request by GLA Officers at Stage 1, further information is required to address policy requirements set out in Policies SI7 and D3 of the Mayor's Publication London Plan, as well as relevant guidance. It is noted at Stage II this information was outstanding and should the scheme be considered at appeal or a revised application submitted, further discussion on this, as well as a number of other environmental issues previously discussed, must continue to ensure that all environmental issues are suitably addressed.

Transport

51 At consultation stage, a number of concerns were raised about the application proposals and the wider transport context, with the main challenge relating to low sustainable mode share. The proposal is expected to meet or exceed the mode share aims for walking, cycling and public transport set out in the Mayor's Publication London Plan, and a lower car parking ratio could help discourage car use and in turn help increase the mode share for walking, cycling and public transport. Should the scheme be considered at appeal or a revised application submitted, the sustainable mode share must be address, as well as transport matters more broadly, to ensure that all transport issues are suitably addressed.

Response to consultation

52 The application was advertised by site and press notice, and by sending 1,085 individual letters to surrounding properties. The consultation process generated 345 letters of objection.

53 The representations received by the Council during the consultation period during the course of the application have been set out in detail in the Council's planning committee report and the individual representations have been made available to the Mayor as part of the statutory referral process. The key issues raised by the consultations are outlined below:

Objections

- Loss of retail use;
- Overdevelopment of small site;
- No provision of affordable housing;
- Excessive height;
- High rise blocks of poor design;
- Too dense;
- Area known for low-rise suburban landscape
- Proposed design/ external appearance is out of keeping with the surrounding area;
- Height and scale out of proportion;
- Lack of storage provision with the proposed units;
- Tall building will create wind tunnel issues;

- Loss of privacy;
- Overlooking;
- Loss of light and sunlight;
- Overbearing;
- Overcrowding;
- Increased pollution;
- Inadequate parking provision;
- Inappropriate location of new access on Christchurch Avenue;
- Additional demand on public transport;
- Increase in traffic;
- Shortage of parking in surrounding area;
- Impacts for highways safety;
- Cumulative traffic impact with Mosque;
- Lack of proposed green space;
- Lack of greenery on the High Road to absorb pollution levels;
- Impact on existing trees;
- Impact on local services;
- Strain on local infrastructure;
- Lead to increased crime;
- Disturbances during construction phases.

Responses from Elected Members

- **Mike Freer MP:** Objection on the basis of the scope and scale of the proposal would push local services to breaking point; the size of the proposal is out of keeping with the local area in design and scale, given that this area is predominantly low-density suburban housing; detrimental visual impact to the local area; and the proposal would add significantly to the congestion that already exists on the A1000 High Road and connecting roads and would place further pressure on parking capacity in the surrounding residential roads.
- **Andrew Dismore AM:** Urged the council to come up with a planning brief for this site to ensure any development here is appropriate. Objected to on the basis that nine storey buildings are too high in the context of the surrounding roads, especially around Christchurch Avenue; proposal buildings will overlook neighbours and give an overbearing appearance; proposal is too close to neighbouring properties; density on site is unacceptable, which may lead to 1,000 extra residents in a part of the borough with limited capacity to increase infrastructure and public services (e.g. school places and GP surgeries); the design provides only limited amenity space for such a large development, with most unusable to the general public and of limited value to residents themselves, being mostly very close to the flats. The parking situation locally will also worsen as the parking in the Homebase car park is lost and yet more parking is displaced onto busy neighbouring streets.
- **Cllr Ross Houston:** Raised an objection on the basis that the proposals are too dense and out of character with the surrounding area; the height is oppressive and inappropriate to the local context; this site is outside the Town Centre boundary of the local SPD and 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 and the proposals do not compliment the adjacent terraced housing stock; this area

was deliberately left out of the Town Centre boundary as it is in the middle of a low-rise residential area; these buildings fall short of being good design or environmentally sustainable; the excessive height means that the local streets will be overlooked and overshadowed which will be detrimental to the local street scene and local street approaches to North Finchley; the proposed through route the site will be dark and uninviting given the height of the surrounding blocks; there is no social housing and only 33% is identified as 'affordable'; the majority of units are 1 and 2 bed units not the mix of larger family units which the Local Plan would require; the site lacks green space and adequate play space and there is no nearby green space for this high-density development and what is proposed 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 buildings fail on many environmental grounds and make no attempt to be carbon neutral - this is unacceptable given climate change targets; some units are single aspect and face north which is unacceptable and adds to the concerns about overlooking; the space standards are the minimal standards, which post Covid-19 make them even less appropriate for modern living; there is no private amenity space for many of the units; the blocks are too close to one another, an issue made worse by the proposed height; the provisions for refuse storage and collection are not adequate; the proposed cycle storage appears to be there to 'tick box' rather than provide useable and convenient storage for residents near to their flats; the inadequate provision of parking will make the existing parking pressure even worse, especially as the development removes a sizeable car park; the development replaces a large car park with only eight short stay 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; where will delivery and maintenance vans be able to park and deliver?; 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; loss of light, overlooking and proposed density is much higher than guidelines; proposed design takes no account of the character or appearance of the surrounding buildings. The blocks are box like, overbearing and unattractive; 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.

- **Cllr Geoff Cooke:** Represents Woodhouse ward which lies across the road to the south and east of the site and raised an objection on the basis that the scheme is too intense, high and bulky for this location and it is out of character with the surrounding area which contains much lower residential buildings. If approved, the proposal would radically change the area for the worse and set a precedent for further inappropriate development.

Responses from local amenity groups

- **The Finchley Society:** Strongly objects on the basis that the site is located outside of the town centre and therefore tall buildings are excluded; design choice of large blocks spanning across the site raised up onto a podium is

alien to the existing urban grain and character of the area, and there is inadequate separation distances between proposed blocks; lack of street frontage and lack of usable green space within the site; inappropriate housing mix; proposed units only meet the minimum National Space Standards; provision of single aspect, north facing units; inadequate cycle provision facilities; and too dense and out of character for the area.

- **West Finchley Residents Association:** Objection on the basis of over-intensification of density, the height and bulk of the planned buildings and the lack of play-space and the plans do not integrate with the North Finchley SPD.
- **Islamic Association of North London (IANL)** (Owners of the neighbouring property at 683-685 High Road, London N12 0DA): Objection on basis that outlook from the proposed flats overlook property and directly into prayer space; the proposal is considerably higher than approved development on site owned by IANL by approximately 2 storeys; IANL have designed approved development to be architecturally iconic; IANL consider the massing of the proposed development will take away the impact of the skyline in approved design.

Response from statutory bodies and other organisations

54 The following organisations responded to consultation as summarised as follows:

- **Greater London Archaeological Advisory Service (GLAAS):** The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. The site does not lie within an archaeological priority. 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.
- **Historic England:** No comment.
- **Metropolitan Police:** No objection but due to the reported issues affecting the ward, high levels of burglary in Barnet, request that a planning condition is attached to any approval, whereby the development must achieve Secured By Design accreditation, prior to occupation.
- **Thames Water:** No objection.

Representations to the Mayor

55 The Mayor has received 10 written representations directly from members of the public, all of which have objected to the application. The reasons for these objections are summarised below:

- Height;
- Density – too high for this suburban locality;
- Overlooking, privacy and overshadowing impacts on existing residents, and resulting mental health impacts;
- Impact on oversubscribed local schools and services (e.g. doctors surgeries, hospitals);
- Lack of green space in proposal and surrounding area;

- No support received for the proposals;
- Proposal not in keeping / character of the surrounding area which comprises mainly Edwardian and Victorian Houses;
- Inadequate parking;
- Impact on pedestrian safety at the junction between Christchurch Avenue and Woodberry Grove;
- The country is going through a pandemic and more social distancing is needed, not making areas more congested and densely populated.

56 The Mayor received a written response directly from the Finchley Society, objecting to the scheme for the following (summarised) reasons:

- Out-of-character of this suburban locality;
- Concerns with urban form, height and massing;
- Podium blocks do not reflect existing urban grain;
- Proposed units will not receive adequate daylight, sunlight and fresh air;
- Lack of access to public green spaces, play spaces and private amenity spaces;
- Blank façade at street level, rendering it with no natural surveillance and missing the opportunity to create an active street;
- Concerns with residential quality including high number of units per floor and high number of single aspect dwellings;
- Lack of natural light and ventilation in corridors of proposed units; and
- Building line of proposals on Rosemont Avenue - impact on immediate neighbours,

57 The Mayor has received 1 written representation from the applicant as summarised below:

- Urged the Mayor to issue a direction and becomes the planning authority and takes over the determination of the application at a Stage 3 hearing;
- The refusal of this application undermines confidence in those considering investing in the town centre to deliver homes and employment opportunities.
- The applicant has identified amendments that could be made to the scheme that would increase housing and affordable housing delivery. Specifically, the scheme architect's TP Bennett have identified that the scheme could deliver an additional circa 14 homes (321 units overall), by reducing parking to 70 spaces (ratio of 0.22 spaces per unit), without increasing height, bulk or massing. The applicant has indicated that it would be willing to provide 60% of any uplift in housing on the site, above the proposed 307 homes, as affordable housing if the Mayor is willing to take the application over for his determination.
- The Council has not met its housing delivery targets over the last three years. It has delivered less than half of the Council's own strategic affordable housing target and only a third of the Mayor's strategic affordable housing target. Both factors will have a significant impact on the implementation of the spatial development strategy by not providing the homes that London needs and is identified as a strategic priority by the draft London Plan.

- The development will make a significant contribution towards the Council's housing target and help address the shortfall against their housing target; and
- This application would have significant impact on more than one London Borough. This is because the Council is failing to meet its housing obligations and therefore the burden falls upon other London Boroughs to exceed their own targets to address the capitals housing need.

Response to public consultation - conclusion

58 Should the Mayor take over the application for his own determination, the consultation responses, and the issues raised within them, will be fully considered as part of GLA officer's assessment of the application. The above recommended conditions should be applied to any decision notice granted at appeal.

Legal considerations

59 The local planning authority has resolved to refuse this application, the Mayor therefore has the power to issue a direction under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he is to act as the local planning authority for the purpose of determining the applications and any connected application. The Mayor may also leave the decisions to the local authority. In order to issue a Direction that he is to act as the local planning authority the Mayor must be satisfied that the criteria set out in Article 7(1) of the 2008 Order are all fulfilled. In determining whether these criteria are fulfilled the Mayor is required to have regard to the matters set out in Article 7(3). He is also required to provide reasons for his decision. Those reasons must specify how the matters set out in Article 7(3) have affected his decision.

Financial considerations

60 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

61 Having regard to the details of the application, the matters set out in the committee report, the outstanding issues from Stage 1 described in this report and the Council's draft decision to refuse the application, though the principle of development is supported in strategic planning terms, there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under section 2A of the Town and Country Planning Act 1990 in accordance with Article 7 of the Town & Country Planning (Mayor of London) Order 2008.

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