

LOCATION: Gateway House, 318-330 Regents Park Road, Finchley Church End, London, N3

REFERENCE: F/03933/13

Received: 03/09/2013

Accepted: 30/09/2013

WARD: Finchley Church End

Expiry: 30/12/2013

APPLICANT: Maverick Estates Ltd.

PROPOSAL: Demolition of the existing building and redevelopment of the site to provide 77 residential flats (all use class C3), 522 square metres of office space (use class B1), 501 square metres of retail space (use class A1) and a library (use class D1) covering 960 square metres in a building ranging between five and eight storeys in height (with additional lower ground floor, basement and roof terraces), together with associated car parking (72 spaces), communal amenity space (including roof top terraces), access, landscaping, refuse and recycling facilities, cycle parking, plant and related works.

RECOMMENDATION APPROVE THE APPLICATION SUBJECT TO:

Recommendation 1

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

- (a) Legal Professional Costs Recovery
Paying the Council's legal and professional costs of preparing the Agreement and any other enabling arrangements.
- (b) Enforceability
All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
- (c) Library Delivery
The delivery of the library facility which forms part of this application on the following terms:
 - Either complete the construction to a 'shell' stage (but including internal stair cases, heating, ventilation and air conditioning or comfort cooling) and carry out the internal fitting out of the library facility to a standard where it is ready for occupation (a 'turnkey' facility) at cost, which shall not exceed a sum of **£945,000** (sum in relation to the internal fitting out only), to the developer to the reasonable satisfaction of the Council; or alternatively following the completion of the construction to a 'shell' stage (but including internal stair cases, heating, ventilation and air conditioning or comfort cooling) the Council can appoint contractors to undertake the internal fitting out works and the applicant shall pay the contractor's costs on provision of appropriate invoices itemising the works to which the payment relates and upon being reasonably satisfied that such works have been undertaken in a proper manner, up to a maximum sum of **£945,000** (sum in relation to the internal fitting out only).

- Unless it has otherwise previously been agreed in writing by the Local Planning Authority under an application for a non-material minor amendment, the library facility constructed shall have a total gross internal floorspace of not less than 960.4m² and this shall comprise minimum gross internal floorspace areas of 541.5m² on the ground floor of the building and 418.9m² on the lower ground floor of the building.
- Within 10 days of the practical completion of the construction of the library facility to a 'shell' standard (but including internal stair cases, heating, ventilation and air conditioning or comfort cooling) the developer shall grant a lease for the premises to the Council for a term of 125 years on the payment of a premium of £1 and at a rent not exceeding £100 per annum.
- The provision of a sum of **£250,000** by the developer to the Council for the purchase and implementation of library furnishings and furniture, media and information technology equipment and any other library equipment the Council considers as appropriate for the new library.
- The delivery of the library facility and the payment of the associated monies in accordance with a timetable that has been agreed in writing with the Council prior to the commencement of the development.

(d) Travel Plans

A requirement that the applicant shall enter into Travel Plans that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion. The following Travel Plans of this nature shall be entered into:

- A Local Level Residential Travel Plan that is ATTtrBuTE and iTRACE compliant and that will have a lifespan of 5 years after first occupation of the final unit.
- A Local Level Travel Plan (staff and visitors) for the Non-Residential Uses proposed (Use Classes D1, B1 and A1) that is ATTtrBuTE and iTRACE compliant and that will have a lifespan of at least 5 years.

(e) Travel Plan Incentives

The Local Level Residential Travel Plan (required under item (d) above) shall include financial incentives to a total value of **£11,550** (equivalent to £150 per unit) such that upon the first occupation of each new residential unit, regardless of tenure, the occupier shall be given a voucher to a minimum value of £150 per dwelling. The voucher provided shall allow the occupier to purchase one of the following Travel Plan incentives:

- Subsidised membership of and credit for a Car Club.
- Credit on an Oyster Card travel pass.
- A bike voucher.

(f) Travel Plan Monitoring

A contribution of **£10,000** (index linked) towards the monitoring of the Travel Plans for the development.

- (g) Amendment to Local Traffic Order
A contribution of **£2,000** (index linked) to cover the costs of making an amendment to the existing Traffic Management Order for the Church End Controlled Parking Zone.
- (h) Highway Works Plan
The prevention of the occupation of the proposed development until the alterations specified in a Highway Works Plan, which has previously been submitted to the Local Planning Authority and approved in writing, have been carried out in their entirety. The Highway Works Plan shall provide full details of the alterations proposed on Regents Park Road and Arcadia Avenue and any relevant adjacent land to facilitate the development. This shall include (but not be limited to) details of:
- Any proposed alterations to the design and layout of Regents Park Road and Arcadia Avenue and any adjacent land.
 - Any alterations to street furniture.
 - The stopping up of any land under Section 247 of the Town and Country Planning Act 1990.
 - Any works to be carried out under Section 278 of the Highways Act 1980.
 - The dedication of any land under Section 38 of the Highways Act 1980.
 - Any alterations to parking, loading and waiting restrictions and road markings.
- (i) Trees on Public Highway
A contribution of up to **£15,000** (index linked) towards the provision of up to 7 new trees on the public highway.
- (j) Enhancements to Adjoining Property
Repair of and enhancements to the external appearance of the south-western flank wall at the adjoining property, 332 Regents Park Road, in accordance with details that have previously been submitted to the Council and agreed in writing.
- (k) Employment and Training
The delivery of not less than three apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the three apprenticeships, two must be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) and one must be at not less than a Level 4 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) or an appropriate equivalent graduate scheme. Should the applicant not deliver the 3 apprenticeships within the terms of this obligation a contribution of **£25,000** (index linked) shall be made towards the provision of apprenticeships and employment training within the borough.
- (l) Monitoring of the Section 106 Agreement
A contribution of **£3,849** (index linked) towards the monitoring and management of the S106 planning obligations.

Recommendation 2:

That upon completion of the agreement specified in Recommendation 1, the Assistant Director – Strategic Planning and Regeneration approve the planning application reference F/03933/13 under delegated powers and grant planning permission subject to the following conditions and any changes to the wording of the conditions considered necessary by the Assistant Director - Strategic Planning and Regeneration:

COMMENCEMENT

1. This development must be commenced within three years from the date of this permission.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

PLANS OF THE DEVELOPEMNT

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

144_S_00 (Revision A); 144_PL_GA_LG (Revision F);
144_PL_GA_B1 (Revision F); 144_PL_GA_00 (Revision L);
144_PL_GA_01 (Revision F); 144_PL_GA_02 (Revision F);
144_PL_GA_03 (Revision F); 144_PL_GA_04 (Revision F);
144_PL_GA_05 (Revision F); 144_PL_GA_06 (Revision F);
144_PL_GA_07 (Revision F); 144_PL_GA_08 (Revision F);
144_PL_GA_RF (Revision F); 144_PL_GE_01 (Revision H);
144_PL_GE_02 (Revision E); 144_PL_GE_03 (Revision F);
144_PL_GE_04 (Revision F); 144_PL_GE_05 (Revision E);
144_PL_GE_06 (Revision C); 144_PL_GE_07 (Revision C);
144_PL_GS_01 (Revision D); 144_PL_GS_02 (Revision D);
144_PL_GS_03 (Revision D); and 144_PL_GS_04 (Revision D)

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the application as assessed in accordance with policies CS1, CS4, CS5, DM01 and DM02 of the Barnet Local Plan and policy 1.1 of the London Plan.

MATERIALS

3. Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not commence (other than for Groundworks and Site Preparation Works) unless and until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed building at the site have been submitted to and approved in writing by the Local Planning Authority. The Development shall thereafter be implemented in full accordance with such details and samples as so approved before the Development is first

occupied or brought into use.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5, DM01, DM05 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan.

SITE LEVELS

4. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence unless and until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the levels of the site associated with the works permitted by this permission shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with such details as so approved before the dwellings and non-residential uses otherwise hereby approved are first occupied or brought into use.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the amenities of the area and neighbouring occupiers and the health of any trees or vegetation in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

MEASURES TO ENSURE PRIVACY

5. Notwithstanding the details shown in the plans submitted and otherwise hereby approved the building hereby granted consent shall not be occupied or brought into use unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify all the windows and other openings in the proposed building that are to be permanently glazed with obscured glass and fixed shut or provided with only a fanlight (or other similar) opening and the manner and design in which these windows and openings are to be implemented. Before the building hereby approved is occupied or brought into use the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

6. Notwithstanding the details shown in the plans submitted and otherwise hereby approved the building hereby granted consent shall not be occupied unless and until plans and other appropriate details are submitted to the

Local Planning Authority and approved in writing which specify the size, design, materials and location of all privacy screens and panels to be fixed to the proposed building. Before the building hereby approved is occupied the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

7. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the insertion of windows, rooflights and external doors in the building hereby approved, other than those shown in the approved plans, shall not be undertaken without the prior receipt of a specific express planning permission in writing from the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policies DM01 and DM02 of the Barnet Local Plan.

REFUSE AND RECYCLING

8. Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is brought into use or occupied the following information shall be submitted to and approved in writing by the Local Planning Authority:
- i. A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider.
 - ii. Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable.
 - iii. Plans showing satisfactory points of collection for refuse and recycling.

The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason:

To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04 and DM17 of the Barnet Local Plan.

ACCESSIBILITY

9. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, before the development commences (other than for Groundworks and Site Preparation Works) details setting out how the 77 new residential dwellings (use class C3) within the development will be constructed to meet and achieve the relevant criteria of the 'Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details as approved under this condition prior to the occupation of the development.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

10. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, before the development commences (other than for Groundworks and Site Preparation Works) details of the location within the development and specification of the 8 dwellings (Use Class C3) to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority. The specification provided shall include sufficient particulars to demonstrate how the 8 dwellings would be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users. The development shall be implemented in full accordance with the details as approved under this condition prior to the occupation of the development.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

11. Before the development hereby permitted is commenced (other than for Groundworks and Site Preparation Works) a scheme detailing the provisions to be made to achieve inclusive access for all members of the community into and within the library (Use Class D1), shop (Use Class A1) and office (Use Class B1) units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the scheme approved under this condition prior to the first occupation of the non-residential uses (Use Classes A1, B1 and D1) hereby approved.

Reason:

To ensure that the development is accessible for all members of the community and to comply with policies 3.8 and 7.2 of the London Plan and policy DM02 of the Barnet Local Plan.

NO TELECOMUNICATIONS EQUIPMENT

12. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

- The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

Reason:

To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with policies CS5 and DM01, DM05 and DM06 Barnet Local Plan.

CONTAMINATED LAND

13. Part 1

Before development commences other than for investigative work:

- a) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
 - i. a risk assessment to be undertaken,
 - ii. refinement of the Conceptual Model, and
 - iii. the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local

Planning Authority.

- c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the Method Statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies Document (2012), CSNPPF of the Adopted Barnet Core Strategy (2012) and 5.21 of the London Plan.

BIODIVERSITY

14. Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to birds and the implementation of the areas of green roof and soft landscaping. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

15. Prior to the commencement of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be put in place to ensure that the clearance of the site and construction of the development hereby approved is compliant with development plan policy and legislation on the protection of breeding birds shall be submitted the Local Planning Authority and approved in writing. The site clearance works and construction of the approved development shall be carried out in full accordance with the scheme of measures approved under this condition.

Reason:

To ensure that the development meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policy 7.19 of the London Plan.

SUSTAINABILITY

16. Prior to their first occupation the 77 residential dwellings (use class C3) in the development hereby permitted shall all be constructed to achieve not less than a standard of 'Code Level 4' in accordance with the Code for Sustainable Homes (or the equivalent standard in such measure of sustainability for house design which may replace that scheme). None of the residential dwellings in the proposed development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a Code Level 4 has been achieved (using this methodology) for all the dwellings and this certification has been submitted to the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

17. Prior to its first occupation the library (use class D1) within the development hereby permitted shall be constructed to achieve not less than a standard of 'Very Good' when assessed against a suitable and up to date (not prior to 2011) scheme under the Building Research Establishment Environmental Assessment Method (BREEAM). The library within the development shall not be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a standard of 'Very Good' has been achieved (under the relevant BREEAM methodology) for the library and this certification has been submitted to the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

18. Prior to their first occupation the retail (use class A1) and office (use class D1) units within the development hereby permitted shall all be constructed to achieve not less than a standard of 'Very Good' when assessed against a suitable and up to date (not prior to 2011) scheme under the Building Research Establishment Environmental Assessment Method (BREEAM). No retail (use class A1) or office (use class D1) units within the development shall be occupied until formal certification from a suitably qualified party has been issued confirming that not less than a standard of 'Very Good' has been achieved (under the relevant BREEAM methodology) for the unit concerned and this certification has been submitted to the Local Planning Authority.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

19. Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) hereby approved an Energy Strategy detailing in full the measures that the scheme will incorporate to

comply with the objectives of development plan policies on climate change mitigation, reducing carbon dioxide emissions and the use of on-site renewable energy technologies shall have been submitted to and approved in writing by the Local Planning Authority. The Energy Strategy submitted under this condition shall include details:

- To demonstrate how the residential and non-residential elements of the development would achieve an improvement of not less than 25% in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations.
- Of the photovoltaic panels that would be implemented as part of the scheme and the carbon dioxide emission reductions that these features would achieve.

The development shall be implemented in accordance with the details identified in the approved Energy Strategy in full prior to the first occupation of the development.

Reason:

To ensure that the development is sustainable and in accordance with policies DM01 and DM02 of the Barnet Local Plan and policies 5.2 and 5.3 of the London Plan.

WATER AND DRAINAGE

20. The development hereby permitted shall not commence until a Water Infrastructure and Drainage Strategy detailing in full all on and off site water infrastructure and drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning. The information provided in the Water Infrastructure and Drainage Strategy submitted shall also include (but not be limited to) full plans, specifications and other relevant details (as appropriate) of the areas of green roof to be constructed as part of the development (which shall cover an area not less than 309m²) and any backflow protection and oil and petrol interceptors to be included in the infrastructure provided. No foul or surface water shall be discharged from the development hereby approved into the public sewer system until the water infrastructure, drainage works and Sustainable Urban Drainage System features identified in the approved Water Infrastructure and Drainage Strategy have been implemented in their entirety.

Reason:

To ensure that the development provides appropriate drainage infrastructure and to comply with policy CS13 of the Barnet Local Plan and policies 5.13 and 5.14 of the London Plan.

21. The residential dwellings (Use Class C3) and non-residential uses (Use Classes B1, A1 and D1) hereby approved shall have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

22. The only toilets to be installed in the development hereby approved shall be dual flush (6 to 4 litres) toilets and all taps fitted in the development shall be spray or flow restricted taps.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

23. Before the residential dwellings (Use Class C3) hereby permitted are first occupied details of the water efficiency measures to be installed in them to ensure that they achieve a water usage standard of not more than 105 litres per head per day shall be submitted to and approved in writing by the Local Planning Authority. The details provided shall include sufficient particulars to demonstrate how the water usage standard of not more than 105 litres per head per day for the new dwellings shall be achieved. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the residential dwellings.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Local Plan and policy 5.15 of the London Plan.

PILING METHOD STATEMENT

24. No impact piling shall take place in connection with the works approved under this application until a Piling Method Statement detailing all types of piling to be undertaken as part of implementation of the development and the methodology by which such piling will be carried out, including the measures to be used to prevent damage to neighbouring properties and subsurface sewerage infrastructure and the programme for the works, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. Any piling carried out in connection with the works approved under this application must be undertaken in full accordance with the Piling Method Statement approved under this condition.

Reason:

To protect neighbouring properties and underground sewerage utility infrastructure in close proximity to the application site from piling work associated with the development proposed and to comply with policy 5.14 of the London Plan.

NOISE AND AIR QUALITY MANAGEMENT AND MITIGATION

25. No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

26. Prior to the commencement of the development hereby permitted (other than for Groundworks and Site Preparation Works) a Scheme of Air Pollution Mitigation Measures to be provided in the development to protect the amenities of future occupiers of the development shall have been submitted to the Local Planning Authority and approved in writing. The approved Scheme of Air Pollution Mitigation Measures shall be implemented in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of future occupiers are protected in accordance with policy DM04 of the Barnet Local Plan and policies 5.3 and 7.14 of the London Plan.

27. Prior to the commencement of the development hereby permitted (than for Groundworks and Site Preparation Works) a report detailing in full all Combined Heat and Power Systems to be implemented as part of the scheme, the anticipated air quality impacts arising from any Combined Heat and Power Systems proposed and any mitigation to be implemented in respect of air quality impacts arising from Combined Heat and Power Systems proposed. The development shall be implemented in full accordance with the details provided (both in terms of the proposed Combined Heat and Power Systems and any mitigation) in the report approved under this condition in its entirety before the first occupation of the development.

Reason:

To ensure that the proposed development does not have an unacceptable impact on air quality in accordance with policy DM04 of the Barnet Local Plan and policies 5.3 and 7.14 of the London Plan.

28. Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic, the activities of uses neighbouring the site and any other relevant sources of noise on the future occupiers of the new dwellings in the development shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures submitted shall ensure that the levels of noise as measured within habitable rooms of the new dwellings hereby approved shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am and the submission made shall include sufficient details and information to adequately demonstrate how these standards would be met. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

29. Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a Scheme of Sound Insulation

Measures shall be submitted to and approved in writing by the Local Planning Authority. The Scheme of Sound Insulation Measures submitted shall set out how the development would be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. The sound insulation used in this respect shall ensure that the levels of noise generated from the Class A1, B1 and D1 uses hereby approved as measured within habitable rooms of the new dwellings in the development shall be no higher than 35dB (A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. The development shall be constructed in full accordance with the approved Scheme of Sound Insulation Measures prior to its first occupation.

Reason:

To ensure that the amenities of the occupiers of the development are not prejudiced by noise and vibration and to accord with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

30. Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works) on site details of all extraction and ventilation equipment to be installed in the development shall be submitted to and approved writing by the Local Planning Authority. Extraction and ventilation equipment shall be installed at the site in full accordance with the details approved under this condition before the first occupation of the development.

Reason:

To ensure that the proposed development does not prejudice the amenities of the occupiers of the proposed dwellings and neighbouring residential properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

31. Before the development hereby permitted commences (other than for Groundworks and Site Preparation Works), a report shall be carried out by a competent acoustic consultant, submitted to the Local Planning Authority and approved in writing which clearly sets out and assesses the likely noise impacts from all the ventilation and extraction plant to be installed as part of the development and the mitigation measures proposed to be used to reduce the noise impacts arising from the ventilation and extraction plant to be installed to acceptable levels. The report submitted shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The mitigation measures proposed to reduce the noise impacts arising from the ventilation and extraction plant set out in the report approved under this condition shall be implemented in their entirety before the development is occupied.

Reason:

To ensure that the amenities of the occupiers of the proposed dwellings and neighbouring properties are protected from noise in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

32. The level of noise emitted from any plant installed as part of the development hereby approved shall be at least 5dB(A) below the

background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

33. The Use Class D1 (library), A1 (shop) and B1 (office) uses hereby approved shall not be open to customers or staff before 7am or after 11pm on any day.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and the new dwellings in the development hereby approved in accordance with policies DM04 of the Barnet Local Plan and 7.15 of the London Plan.

REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO EXTEND

34. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the development hereby permitted shall not be extended in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality, the amenities of future occupiers of the dwellings proposed and the enjoyment by neighbouring occupiers of their properties in accordance with policies CS5, DM01 and DM02 of the Barnet Local Plan.

TRANSPORT

35. Before the development hereby permitted is occupied the 72 car parking spaces shown on plan numbers 144_PL_GA_LG (Revision F) and 144_PL_GA_B1 (Revision F) shall be provided in the development and shall not be used for any purpose other than the parking and turning of vehicles in connection with the development hereby approved.

Reason:

To ensure that satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies CS9 and DM17 of the Barnet Local Plan.

36. Before the development hereby permitted is occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on site parking controls and charges and enforcement measures to be put in place

to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason:

To ensure that parking is provided and managed at the development in the interests of highway and pedestrian safety and the free flow of traffic in the area and in accordance with policies CS9 and DM17 of the Barnet Local Plan.

37. Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and constructed in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. a method statement for the demolition of the existing building; and
- xi. details of a community liaison contact for the duration of all works associated with the development.

Reason:

To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of adjoining properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

38. Before the first occupation of any of the new dwellings (Use Class C3) hereby permitted a local level residential Travel Plan prepared in accordance with all relevant technical and good practice guidance, which is ATTrBuTE and iTRACE compliant and that includes the appointing of a Travel Plan Champion shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied and managed in accordance with the Travel Plan approved under this condition. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies DM17 and CS9 of the Barnet Local Plan.

39. Before the first occupation of the non-residential uses (Use Classes B1, D1 and A1) hereby permitted a local level Travel Plan (staff and visitors) prepared in accordance with all relevant technical and good practice guidance, which is ATTrBuTE and iTRACE compliant and that includes the appointing of a Travel Plan Champion shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied and managed in accordance with the Travel Plan approved under this condition. The Travel Plan approved shall be implemented and enforceable in accordance with the agreement completed under section 106 of the Town and Country Planning Act 1990 (as amended) which accompanies this application.

Reason:

To encourage the use of sustainable forms of transport to the site and minimise transport impacts of the development in accordance with policies DM17 and CS9 of the Barnet Local Plan.

40. Before the first occupation of the development hereby approved a Cycle Parking Plan shall be submitted to the Local Planning Authority and approved in writing. The Cycle Parking Plan submitted shall identify suitable parking and storage facilities for not less than 106 bicycles within the development and shall set out how the cycle parking facilities proposed will be allocated between the different uses within the development. The development shall be implemented in full accordance with the approved Cycle Parking Plan prior to the first occupation of the development and be occupied in accordance with Cycle Parking Plan in perpetuity thereafter.

Reason:

In the interests of promoting cycling as a mode of transport in accordance with Policies CS9 and DM17 of the Barnet Local Plan and Policy 6.13 of the London Plan.

41. Before the development hereby permitted is occupied or brought into use not less than the following numbers of disabled standard parking spaces shall be provided at the site in accordance with details that have previously been submitted to the Local Planning Authority and approved in writing:

- 4 disabled standard parking spaces for the residential dwellings (Use Class C3) hereby approved.
- 2 disabled standard parking spaces for the library (Use Class D1) hereby approved.
- 1 disabled standard parking space for the office floorspace (Use Class B1) hereby approved.

Reason:

To ensure that satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety, the free flow of traffic and the creation of an environment which is accessible to all members of the community in accordance with policies CS9 and DM17 of the Barnet Local Plan.

42. Before the development hereby permitted is occupied or brought into use full details of the Electric Vehicle Charging facilities to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. The details submitted under this condition shall include provision for not less than:
- 15 of the car parking spaces proposed to be provided with active Electric Vehicle Charging facilities.
 - 15 of the car parking spaces proposed to be provided with passive Electric Vehicle Charging facilities.

The development shall be implemented in full accordance with the approved details prior to the development being occupied or brought into use.

Reason:

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

43. Before the development hereby permitted is occupied or brought into use a full Delivery and Servicing Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be serviced and managed in accordance with the approved Servicing and Delivery Plan in perpetuity.

Reason:

In the interest of highway safety, the amenities of the area and the sustainable occupation of the development in accordance with policies CS9 and DM17 the Barnet Local Plan.

44. Before the development hereby permitted is occupied or brought into use full details of the traffic signals which control the ramped access to and from the basement car parking area shall be submitted to the Local Planning Authority and be approved in writing. The information submitted in respect of this condition shall include, but not be limited to, comprehensive details of the specification and operation of the identified equipment. The development shall be implemented in full accordance with the details as approved under this condition before the development is occupied or brought into use and be maintained as such permanently thereafter.

Reason:

To ensure the development does not compromise pedestrian and highway safety and the flow of traffic in accordance with policies CS9 and DM17 the Barnet Local Plan.

45. Before the development hereby permitted is occupied or brought into use a Maintenance Plan for the traffic signals which control the ramped access to and from the basement car parking area shall be submitted to the Local Planning Authority and approved in writing. The Maintenance Plan submitted shall include comprehensive details of how the traffic signals will be maintained in good working order so as not to prejudice highway safety and the flow of traffic in the area surrounding the site. The traffic signals shall be maintained in full accordance with the details approved under this condition in perpetuity.

Reason:

To ensure the development does not compromise pedestrian and highway safety and the flow of traffic in accordance with policies CS9 and DM17 the Barnet Local Plan.

NON-RESIDENTIAL USES PROPOSED

46. The 522m² of floorspace hereby approved for purposes falling within Use Class B1 shall only be occupied for uses falling within Use Class B1a Office and shall not be used for any other purpose, including any other purpose within Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason:

To ensure the development is implemented in accordance with the permission sought and in the interests of the re-provision of employment generating floorspace in accordance with policy DM14 of the Barnet Local Plan.

47. The 960m² of floorspace hereby approved for purposes falling within Class D1 shall only be occupied as for library use and shall not be used for any other purpose, including any other purpose falling within Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason:

To ensure the development is implemented in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the Use Class specified so that occupation of the premises achieves the benefits advanced in the application and does not prejudice the amenities of future and neighbouring occupiers in accordance with policy DM01 of the Barnet Local Plan.

SECURITY AND LIGHTING

48. Prior to the first occupation of the development hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and be maintained as such thereafter.

Reason:

To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and policy 7.13 and 5.3 of the London Plan.

49. Notwithstanding the details shown in the plans submitted and otherwise hereby approved, prior to the first occupation of the development consented under this planning permission details of the security and crime prevention measures to be included within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure that appropriate security and crime prevention measures are provided as part of the development in accordance with policy DM01 and DM02 of the Barnet Local Plan and policy 7.13 of the London Plan.

LIBRARY INTERNAL LAYOUT AND DESIGN

50. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, the development is not to commence (other than for Groundworks and Site Preparation Works) unless and until plans detailing in full the internal design and layout of the library unit in the scheme, including the measures to be taken to deliver a facility which is accessible to all members of the community, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development.

Reason:

To ensure the library proposed has a suitable internal design and layout and provides an environment that is accessible to all members of the community, in accordance with policies CS5, DM01 and DM03 of the Barnet Local Plan and policies 7.1 and 7.2 of the London Plan.

LANDSCAPING

51. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site shall have been submitted to the Local Planning Authority and approved in writing. The

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

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01, DM02, DM05 and DM06 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan.

52. Prior to the commencement of the development a detailed scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The detailed scheme of landscaping submitted shall include but not be limited to the following:

- The position of any existing trees to be retained and removed.
- All new tree, hedge, shrub and green roof planting proposed, including details of species, plant sizes and planting densities.
- The means of planting, staking and tying of trees, including tree guards.
- A detailed landscape maintenance schedule for regular pruning, watering and the use of fertiliser.
- Existing land contours, such as earth mounding, any proposed alterations to these and the contouring of new landscaped areas.
- Areas of hard landscape works including samples of the proposed materials.
- Details of all techniques to be used to provide conditions appropriate for new plantings.
- The timing of planting.

Reason:

To ensure a satisfactory design and appearance of and contribution to biodiversity from the development in accordance with policies DM01, DM02, DM04, DM05, DM06 and DM16 of the Barnet Local Plan and policies 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 7.19 and 7.21 of the London Plan.

53. All work comprised in the approved scheme of hard and soft landscaping, submitted under condition 52, shall be carried out before the first occupation of any part of the building.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policies DM01, DM02, DM04, DM05, DM06 and DM16 of the Barnet Local Plan and policies 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 7.19 and 7.21 of the London Plan.

54. Any trees, hedges, shrubs or areas of green roof to be planted as part of the approved scheme of hard and soft landscaping (submitted under condition 52) which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees,

shrubs or other planting of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development and protect the amenities of the area and neighbouring occupiers in accordance with policies DM01, DM02, DM04, DM05, DM06 and DM16 of the Barnet Local Plan and policies 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8 7.19 and 7.21 of the London Plan.

55. No site works or other works associated with this development shall be commenced before a Method Statement detailing the precautions to be taken to minimise damage to trees adjacent the site, in accordance with British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations*, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the Method Statement approved under this condition.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

56. No site works or other works associated with this development shall be commenced before temporary tree protection measures to safeguard trees adjacent the site have been put in place in accordance with a Method Statement that has been previously submitted to and approved in writing by the Local Planning Authority (under condition 55 of this consent). The tree protection measures approved under this condition shall remain in place until the development hereby consented has been completed.

Reason:

To safeguard the health of existing trees which represent an amenity feature in accordance with policy DM01 of the Barnet Local Plan and policy 7.21 of the London Plan.

57. Details submitted pursuant to Conditions 4 and 52 to 56 (inclusive) imposed by this Planning Permission shall be submitted at the same time.

Reason:

To enable the proper consideration of matters relating to site levels, protective fencing and landscaping in accordance with policies DM01, DM04 and DM17 of the Barnet Local Plan and policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.13 and 7.21 of the London Plan.

58. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity spaces provided on the site shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development.

Reason:

To ensure that the development represents high quality design and to accord with policies DM01 and DM02 of the Barnet Local Plan and policy 3.6 of the London Plan.

DETAILS OF ARCHITECTURAL FEATURES AND ROOF TERRACES

59. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for Groundworks and Site Preparation Works) unless and until details (necessary details specified in brackets) of the following external features and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and detailing (annotated plans at a scale of not less than 1:20).
- Reconstituted stone and stone cladding systems to be used (annotated plans at a scale of not less than 1:20).
- Frameless glazing system to be used for the fourth floor of the north-eastern element of the building and the glazed walkway which connects the two main elements of the building between the first and fifth floors (annotated plans at a scale of not less than 1:20).
- All external windows, balconies, doors, privacy screens and balustrading (annotated plans at a scale of not less than 1:20).
- Canopy over the ground floor walkway through the building (annotated plans at a scale of not less than 1:20).
- Glazing system to be used for the external walls (ground and partial lower ground floors) of the proposed library (annotated plans at a scale of not less than 1:20)
- Glazing system to be used for the proposed shop unit (annotated plans at a scale of not less than 1:20).
- Metal cladding system to be used on the eighth floor roof top structures (annotated plans at a scale of not less than 1:20).
- Depth of window reveals (annotated plans at a scale of not less than 1:20).
- Rainwater goods (annotated plans at a scale of not less than 1:20).
- Any means to be used for enclosing the car parking areas (annotated plans at a scale of not less than 1:20).
- All means of enclosure proposed for the sites pedestrian and vehicular access points (annotated plans at a scale of not less than 1:20).

The development shall be implemented in full accordance with the approved details prior to the first occupation of the development hereby approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the development is constructed in accordance with policies CS5, DM01, DM05 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan.

60. Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of the design of the two areas of communal roof terrace proposed as part of the scheme, including (but not limited to) details

of the layout of these areas, the structures and enclosures to be erected within them, the means of enclosing these areas and the measures to be put in place to make these spaces accessible and usable by all members of the community, shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the details approved under this condition prior to the development being first occupied or brought into use.

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring properties, provides suitable amenities for the future occupiers of the proposed dwellings, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02, DM04, DM05 and DM06 of the Barnet Local Plan and policies 1.1, 7.1, 7.2, 7.4, 7.6, 7.7 and 7.8 of the London Plan.

WIND ENVIRONMENT MITIGATION

61. Before the development hereby permitted is occupied or brought into use a Scheme of Wind Mitigation Measures to be implemented as part of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved Scheme of Wind Mitigation Measures before the development is first occupied or brought into use.

Reason:

To ensure that the proposal delivers a suitable design approach and provides a suitable wind environment in accordance with policies DM01, DM05 and CS5 of the Barnet Local Plan.

Informatives:

The informatives that it is recommended be included on the decision notice in respect of this application are set out in **Appendix 3** of this report.

1. MATERIAL CONSIDERATIONS

1.1 Key Relevant Planning Policy

Introduction

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.

Since the adoption of the London Plan in July 2011 the Mayor has adopted (in October 2013) 'Revised Early Minor Alterations' to this document. These make a number of changes to policies and other text in the 2011 London Plan. A key objective of these changes is to ensure that the London Plan is consistent with the National Planning Policy Framework. They also seek to update the position on a range of matters including affordable housing (to reflect changes to national policy) and make changes to cycle parking standards. The changes to the London Plan as adopted under the 'Revised Early Minor Alterations' have been used as the basis for the assessment of this application. In January 2013 the Mayor published Draft Further Alterations to the London Plan for consultation. The consultation on these changes was open for comment until 10th April 2014. Where relevant and appropriate account has been taken of the policies in this draft document.

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.

The overall conclusion is that while the proposed development represents a departure from certain development plan policies and guidance, in this instance there are other material planning considerations which outweigh the loss of office space the development would result in and any other identified harm or conflict with policy by the scheme. As such there are material planning considerations which justify a recommendation to grant planning permission on the basis of the framework of control contained in the proposed planning conditions and planning obligations. This is discussed in further detail in the relevant sections of this report. Officers have considered the development proposals very carefully against the relevant policy criteria and have concluded that that the development will either fulfil them to a satisfactory level, on the basis of the proposed mitigation measures and controls set out in the recommended planning conditions and planning (Section 106) obligations, or that there are material planning considerations which justify a recommendation to grant planning permission, despite conflict with specific aspects of development plan policy and planning guidance.

The London Plan

The London Plan (2011 and 2013) 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:

Context and Strategy:

1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places:

2.6 (Outer London: Vision and Strategy); 2.7 (Outer London: Economy); 2.8 (Outer London: Transport); 2.15 (Town Centres); and 2.18 (Green Infrastructure)

London's People:

3.1 (Ensuring Equal Life Chances for All); 3.2 (Improving Health and Addressing Health Inequalities); 3.3 (Increasing Housing Supply); 3.4 (Optimising Housing Potential); 3.5 (Quality and Design of Housing Developments); 3.6 (Children and Young People's Play and Informal Recreation Facilities); 3.8 (Housing Choice); 3.9 (Mixed and Balanced Communities); 3.10 (Definition of Affordable Housing); 3.11 (Affordable Housing Targets); 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes); 3.13 (Affordable Housing Thresholds); and 3.16 (Protection and Enhancement of Social Infrastructure)

London's Economy:

4.1 (Developing London's Economy); 4.2 (Offices); 4.3 (Mixed Use Development and Offices); 4.6 (Support for and Enhancement of Arts, Culture Sport and Entertainment Provision); 4.7 (Retail and Town Centre Development); 4.8 (Supporting a Successful and Diverse Retail Sector); 4.10 (New and Emerging Economic Sectors); and 4.12 (Improving Opportunities for All)

London's Response to Climate Change:

5.1 (Climate Change Mitigation); 5.2 (Minimising Carbon Dioxide Emissions); 5.3 (Sustainable Design and Construction); 5.5 (Decentralised Energy Networks); 5.6 (Decentralised Energy in Development Proposals); 5.7 (Renewable Energy); 5.8 (Innovative Energy Technologies); 5.9 (Overheating and Cooling); 5.10 (Urban Greening); 5.11 (Green Roofs and Development Site Environs); 5.12 (Flood Risk Management); 5.13 (Sustainable Drainage); 5.14 (Water Quality and Wastewater Infrastructure); 5.15 (Water Use and Supplies); 5.17 (Waste Capacity); 5.18 (Construction Excavation and Demolition Waste); and 5.21 (Contaminated Land)

London's Transport:

6.1 (Strategic Approach); 6.2 (Providing Public Transport Capacity and Safeguarding Land for Transport); 6.3 (Assessing Effects of Development on Transport Capacity); 6.5 (Funding Crossrail and Other Strategically Important Transport Infrastructure); 6.7 (Better Streets and Surface Transport); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing Traffic Flow and Tackling Congestion); 6.12 (Road Network Capacity); and 6.13 (Parking)

London's Living Places and Spaces:

7.1 (Building London's Neighbourhoods and Communities); 7.2 (Inclusive Environment); 7.3 (Designing Out Crime); 7.4 (Local Character); 7.5 (Public Realm); 7.6 (Architecture); 7.7 (Location of Tall and Large Buildings); 7.8 (Heritage Assets and Archaeology); 7.13 (Safety, Security and Resilience to Emergency); 7.14 (Improving Air Quality); 7.15 (Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes); 7.18 (Protecting Local Open Space and Addressing Local Deficiency); 7.19 (Biodiversity and Access to Nature); and 7.21 (Trees and Woodlands)

Implementation, Monitoring and Review:

8.2 (Planning Obligations); and 8.3 (Community Infrastructure Levy)

Barnet Local Plan

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 relevant to the determination of this application are:

Core Strategy (Adopted 2012):

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)

CS8 (Promoting a strong and prosperous Barnet)

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)

Development Management Policies (Adopted 2012):

DM01 (Protecting Barnet's character and amenity)

DM02 (Development standards)

DM03 (Accessibility and inclusive design)

DM04 (Environmental considerations for development)

DM05 (Tall Buildings)

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)

DM15 (Green belt and open spaces)

DM16 (Biodiversity)

DM17 (Travel impact and parking standards)

Supplementary Planning Guidance and Documents

A number of local and strategic supplementary planning guidance (SPG) and documents (SPD) are material to the determination of the application.

Local Supplementary Planning Documents and Guidance:

Sustainable Design and Construction (April 2013)

Residential Design Guidance (April 2013)

Planning Obligations (April 2013)

Finchley Church End Town Centre Strategy (June 2012)
Affordable Housing (February 2007 with updates in August 2010)

Strategic Supplementary Planning Documents and Guidance:

Accessible London: Achieving an Inclusive Environment (April 2004)

Sustainable Design and Construction (May 2006)

Health Issues in Planning (June 2007)

Wheelchair Accessible Housing (September 2007)

Planning for Equality and Diversity in London (October 2007)

All London Green Grid (March 2012)

Land for Industry and Transport (September 2012)

Play and Informal Recreation (September 2012)

Housing (November 2012)

Sustainable Design and Construction (April 2014)

Character and Context (June 2014)

Draft Town Centres (January 2013)

Draft Accessible London: Achieving an Inclusive Environment (April 2014)

Draft Social Infrastructure (May 2014)

National Planning Guidance

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published in March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms by national government to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the document includes a 'presumption in favour of sustainable development'. In March 2014 the National Planning Practice Guidance was published (online) as a web based resource. This resource provides an additional level of detail and guidance to support the policies set out in the NPPF.

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. Officers have concluded that the planning obligations recommended are legitimate and appropriate under these Regulations. The applicant has confirmed their agreement to the obligations set out in Recommendation 1.

1.2 Key Relevant Planning History

A full summary of the key planning history of relevance to this application is set out in **Appendix 1** of the report.

Since the construction of the current building a number of minor planning and advertisement applications have been submitted in respect of the site. However, these have very little relevance to the current proposals and so they are not considered any further here.

Two previous planning submissions for the site are relevant to the assessment of the current application. The first of these is a proposal for the

erection of an additional storey of office accommodation (at a third floor level) on the northern element of the building (under application reference C00021AF/03). This application was granted consent in June 2003, but was not implemented. The second submission was more recent and comprised a prior notification application (under application reference F/00186/14) to convert parts of the building to a residential use. This application was found to not constitute permitted development (as the prior approval process was not applicable) in February 2014.

There are a number of historic planning decisions at properties in the surrounding area which have varying degrees of relevance to the consideration of the current proposal. These include an application to erect hoardings at a neighbouring site, 332 Regents Park Road, (under application F/02016/13) granted consent in 2013 and an application to redevelop the Winston House site on the north-west side of Regents Park Road (under application reference F/00497/11) which was granted consent in 2012. Some works associated with the Winston House site permission have commenced on the site, although much of the development approved under this application has not yet been implemented. A second application of some relevance to this proposal is a scheme to redevelop the Adastra House site, at 401-405 Nether Street (under application reference F/03751/11), granted consent in November 2012. This consent, which has not yet been implemented, followed the refusal and withdrawal of a number of previous applications at the site.

1.3 Public Consultations and Views Expressed

Public Consultation

To publicise this application letters and emails were sent to 786 addresses in October 2013. The application was also advertised on site and in the local press at that time. Through this consultation process the development proposed in the application has been advertised as a departure from the development plan in force in the area in which the land to which the application relates. This is because the application represents a departure from certain policies in the development plan.

Following revisions to the design of the scheme and the submission of revised and additional information further rounds of consultation (including letters, emails and site and press notices) were carried out in June and July 2014. The consultation process carried out for this application is considered to have been entirely appropriate for a development of this nature. The extent of consultation exceeded the requirements of legislation and Barnet's own adopted policy on the consultation to be carried out for schemes of this nature.

Following the round of consultation carried out on the application in July 2014 a number of updated plans were submitted in respect of the scheme. These provided clarification on the proposal and made corrections to address inconsistencies in the drawings that had previously been submitted. As the changes were minor in nature officers did not consider that a formal re-consultation on these plans was necessary.

Number of Responses from Residents and Businesses

17 responses objecting to the proposal were received. 1 of the objectors has requested to speak at committee. 2 responses supporting the proposal were received. Should any comments on the application be received following the publication of the report these will be reported separately in an addendum.

Responses from Residents, Landowners and Businesses

The comments made in objection to the application are summarised under the headings below. Where appropriate further detail is provided in the main body of the committee report.

Highways, Parking and Transport:

- Proposal would add unacceptably to the existing traffic, congestion and access issues at this location and in the surrounding area.
- Quantity of parking proposed is inadequate and should be increased. Parking is already a significant issue in this area.
- Parking proposed for the library is inadequate.
- The absence of public on and off street parking in the area exacerbates the parking problems the scheme would cause.
- Surrounding road network is already difficult to navigate and is not suitable for the additional vehicles the development would generate.
- Proposal would exacerbate existing parking problems on the roads surrounding the site and cause a loss of parking for existing occupiers to the detriment of their amenity.
- Junctions in the area would be significantly adversely affected by the development.
- Proposal would be detrimental to highway and pedestrian safety.
- Development would impact adversely on the ability of emergency services to use the surrounding road network.
- Construction of the development would result in unacceptable traffic, highways and congestion impacts.
- Regents Park Road is already heavily trafficked and the provision of 72 car parking spaces is too high and would be dangerous. More cars would be coming on to Regents Park Road or crossing traffic to reach the parking spaces.
- It is questionable whether future residents of the development will continue to be prevented from obtaining parking permits for the surrounding Controlled Parking Zone.

Amenities of neighbouring residential occupiers:

- Development would cause a significant and unacceptable overlooking and loss of privacy at neighbouring properties.
- Proposal would lead to unacceptable levels of noise and disturbance, particularly from the roof terraces and balconies proposed, at neighbouring properties.
- Development would cause unacceptable losses of light at surrounding properties.
- Proposal would not protect the amenities of neighbouring occupiers.
- Proposal would have adverse environmental impacts and increase air pollution and odours (from barbecues) in the area.
- Development is sited too close to their property.
- Proposal would impact upon parking facilities to the detriment of

resident's amenities.

- The loss of the existing local shops at the site would impact adversely on their amenities (see also related points below).

Design and Character:

- Proposal is a massive overdevelopment of the site.
- The building has been allowed to fall into disrepair and is in need of renovation. This should not be an excuse to allow an unacceptable scheme which involves the demolition of the existing building and it would be better to retain the existing building.
- The building should be altered to make it more sympathetic with the surrounding context.
- The proposing of a residential block in this location is out of character with the area.
- Proposal raises safety security concerns and would leave them vulnerable.

Impacts on local businesses:

- Proposal would impact adversely on the existing local businesses at the site (and that this would be detrimental to people's amenities). This includes the kosher bakery, which is identified as very important for a large number of local Jewish residents.
- Proposal would result in their premises suffering a loss of light and amenity.
- Bringing the building forward towards Regents Park Road to align with neighbouring property (332 Regents Park Road) would preclude the freeholder of the neighbouring property from accessing and maintaining their boundary wall (side elevation).
- A license and planning consent (under application F/02016/13) were granted to erect and maintain a hoarding on the side elevation of the building at the adjacent site (332 Regents Park Road). If the current application is granted consent the development would infringe on the freeholders right to display the hoarding, detrimentally affecting the livelihood of the party granted the license and planning consent and removing an ongoing revenue stream for the freeholder.
- Measures should be taken to minimise the dust, noise and pollution impacts arising from the development.

Other objections raised:

- The inclusion of a new library is ridiculous given the proximity of the existing library.
- The new library may well become obsolete well within its lifetime and such a facility may be outdated.
- Would be concerned if the scheme included restaurants or catering units.
- Application is not in accordance with the provisions of the development plan in force in the area and is therefore contrary to planning policies.
- Developer is overloading the plan and they would suggest the scheme should comprise fewer larger flats with more visitor parking spaces.
- The works associated with implementing the development may affect the foundations and stability of their building, particularly when piling is carried out.

- There are already many empty shops in Finchley Central and it is not clear why more are needed.
- Their previous objections have not been addressed by the amendments to the scheme.
- Additional residents and vehicles in the borough arising from the development would impact adversely on local services, facilities, amenities and infrastructure, such as roads and health related facilities.
- Construction works the development would result in would have an unacceptable impact on their amenities (including noise, access disturbance and dust) for a prolonged period and these should be prevented from occurring at the evening and weekend.

Full responses to the material planning considerations raised in the objections received from residents and businesses are provided by Officers in subsequent sections of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable in all relevant regards. In all cases either the proposal would be compliant with the objectives of the relevant development plan policies or, where it would not, there are important material planning considerations which are considered to justify a recommendation to grant planning permission, despite the conflict with development plan policy.

Comments from Local Associations and Societies

Finchley Society:

Have responded to confirm that in general they support the application subject to the following comments:

- In order to safeguard the future provision of the library the Council should not grant permission for the development unless the applicant enters into a legally binding agreement not to throw the library out at any time in the future. A lease of a fifty year period should be agreed or, if a lesser period, then provision should be made for the lease to be automatically renewed at the end of that period on no more onerous terms, whoever may be the owner at that time.
- In accordance with development plan policy the proposal should include provision for affordable housing.
- The number of parking spaces proposed for the library (2) is not sufficient for community use and the application should be amended to increase the number of spaces for the library.
- The Council should maintain its position that the new residents of the development will not be given parking permits.
- The type of cycle stands to be used should be clarified in any approval.
- Overall state that they support the proposals (further to the above comments), but are also particularly concerned over what will happen to the existing library. Consider that a full public consultation should be undertaken about its future as it is a vital community building and every effort should be made for it to remain so.

Dollis Park and District Residents Association:

Have responded to confirm that they are broadly supportive of the application, subject enforceable conditions which will ensure the delivery of the proposed library and, in so far as is possible, the long running security of library services

in the redeveloped building. They have also stated that they would wish to draw attention to the traffic implications of providing 72 car parking spaces at what is a complex junction.

Full responses to the comments received from local associations and societies are provided by Officers in the main body of the committee report. In summary, subject to the controls and mitigation provided by the conditions and planning obligations recommended, the proposal is found to be acceptable in all relevant regards. In all cases either the proposal would be compliant with the objectives of the relevant development plan policies or, where it would not, there are important material planning considerations which are considered to justify a recommendation to grant planning permission, despite the conflict with development plan policy.

Consultation Responses from Statutory Consultees and Other Bodies

Transport for London (TfL):

Have responded to the consultation and confirmed that they do not object to the application in principle. TfL have identified that Regents Park Road is part of the Strategic Road Network. They have also made the following specific comments:

- The submission of a framework travel plan as part of the application is welcomed. However, the plan submitted failed the ATTrBuTE assessment, as it did not identify how the plan would be secured. TfL is content for the plan to be secured, delivered and monitored through a Section 106 Agreement.
- TfL would have expected a framework construction logistic plan and a delivery and servicing plan to have been submitted with the application. However they are content for these to be secured through planning conditions.
- If suitable plans are secured, delivered and monitored as identified above TfL would have no objections to the application.

Full responses to the points raised by TfL are provided in the main body of the committee report. Section 3.10 of the report is particularly relevant in this respect.

Highways Agency:

Have responded to the consultation and confirmed that they have no objections to the proposal.

Network Rail:

Have responded to the consultation and confirmed that they have no comments to make on the application.

Metropolitan Police Service:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

London Fire and Emergency Planning Authority:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed upon any grant of consent.

Environment Agency:

Have responded to the consultation and have not raised any objections to the proposal or requested that conditions are placed on any consent granted.

Natural England:

Have responded to the consultation and have not raised any objections to the proposal. Natural England have identified that the application may provide opportunities for biodiversity and landscape enhancements at the site and that the authority should consider securing biodiversity enhancements. Conditions and planning obligations requiring enhancements at the site in terms of biodiversity and landscaping have been included in those recommended.

English Heritage Archaeology:

Have responded to the consultation and conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Find that despite the application sites location within an Archaeological Priority Area the extent of modern disturbance means that it is unlikely that features of significant archaeological interest will survive. As such they consider that no further archaeological assessment or conditions are necessary.

Thames Water:

Have responded to the consultation and not raised any objections to the proposal. Thames Water has also specifically stated that with regard to sewage infrastructure capacity they would not have any objection to the proposal. Thames Water have requested that a condition is imposed on any consent granted to ensure that all piling works carried out as part of the implementation of the development take place in accordance with a method statement which has been previously agreed with the Local Planning Authority (in consultation with Thames Water). This is to minimise the potential for damage to subsurface sewerage infrastructure in the area. A condition on this matter has been included in those recommended. Thames Water have also requested that the scheme incorporate suitable protection to avoid the risk of backflows (due to the risk of surcharges during storm conditions) and petrol and oil interceptors in car parking areas. The water infrastructure and drainage strategy condition recommended would ensure the implementation of suitable features in these respects. In addition to these points Thames Water have made a number of comments in respect of sewer ownership, public sewers in the area and surface water drainage matters. Informatives on these matters have been included in those recommended.

National Grid:

Have responded and identified that National Grid apparatus is located within the vicinity of the site. An informative setting this out has been included in those recommended.

Internal Consultation responses**Libraries Service:**

The Libraries Service response is set out in greater detail in the relevant sections of the report below. In summary the Libraries Service consider that the new library proposed would provide significantly better facilities than the current library in Finchley Church End. They have also confirmed specifically that they are very supportive of the proposal.

Traffic and Development Team:

The Traffic and Development Team response is set out in greater detail in the relevant sections of the report below. In summary they have confirmed that, subject to the imposition of the conditions and planning obligations recommended, they have no objections to the development and find the proposal to be acceptable in respect of traffic, parking and highways related matters.

Environmental Health Service:

The Environmental Health Service response is set out in greater detail in the relevant sections of the report below. In summary they have confirmed that, subject to the imposition of suitable conditions in respect of air quality, contaminated land and noise matters, they raise no objection to the development and find the proposal to be acceptable.

2. DESCRIPTION OF THE SITE, SURROUNDINGS AND PROPOSAL**2.1 Site Description and Surroundings**

The application site comprises a broadly rectangular area of previously developed land, covering approximately 0.228 hectares in size, situated on the south-east side of Regents Park Road, close to the point where it joins Hendon Lane. The site slopes down significantly from north-west to south-east. Arcadia Avenue is situated along the south-west boundary of the land.

The site is located within Finchley Church End Town Centre and the buildings which surround it are occupied for a wide range of different uses. In terms of key designations, the application site falls within the Locally Significant Business Location of the Regents Park Road Employment Cluster, as designated in the adopted Development Management Policies document of the Barnet Local Plan. The site is also located partially within and partially outside the designated secondary shopping frontage of Finchley Church End Town Centre (the secondary shopping frontage ends at 322 Regents Park Road). In addition to this the site is within a Local Area of Special Archaeological Significance. The area directly to the north-west of the site (and at greater distances to the south-west of the site) falls within the Church End Conservation Area. However, the application site itself is not within the conservation area. King Edward Hall is a grade II listed building located to the north-west of the site within the Church End Conservation Area.

The application site contains one main building, which is eight storeys in height (eight above ground floors) at its Regents Park Road frontage. The area surrounding the building contains hardstanding which includes a number of car parking spaces. Further car parking spaces are provided in an undercroft area (beneath the main building at a ground floor level) and also in a basement level. Vehicular access for the site is provided from two points on Arcadia Avenue. Pedestrian access is currently possible from both Regents Park Road and Arcadia Avenue. The site has a Public Transport Accessibility Level (PTAL) of 5.

The Gateway House site contains areas with a mixture of different current and, where the space is presently vacant, last previous uses. These include offices, on the first to seventh floors of the building, and a dry cleaners,

patisserie (providing retail and off site catering services), beauty salon and estate agents on the ground floor of the building. In terms of consideration against the Use Class Order these would comprise B1(a), A1, A2 and *sui generis* uses. If it were to be taken as a whole the site would comprise a *sui generis* use. At present the office space (Use Class B1 (a)) and estate agents unit (Use Class A2) at the site are vacant. The existing uses at the site are discussed in further detail in subsequent sections of this report.

The area surrounding the application site varies significantly in its character. Along Regents Park Road (to the north-east and south-west of the site) buildings are occupied for commercial and mixed-use purposes. The properties adjacent the site in Arcadia Avenue (to the south and east of the site) are also occupied in this way. Lichfield Grove (located to the north-east of the site) predominantly contains two storey semi-detached buildings in a residential uses.

2.2 Description of the Proposed Development

Detailed planning permission is sought for the demolition of the existing building on the site and the redevelopment of the land comprising the erection of a new building to provide 77 new residential dwellings (all use class C3), 522m² of office floorspace (use class B1a), 501m² of shop floorspace (use class A1) and a library (use class D1) covering 960m² of floorspace (all figures relate to gross internal floorspace). Plans showing the ground floor layout and Regents Park Road (north-west) elevation of the proposed development have been provided at **Appendix 2** of this report.

The height of the proposed building varies significantly across the site. At its Regents Park Road frontage (north-western part of the site) the building would be up to eight above ground storeys in height, with an additional communal roof terrace above this. The development also includes two below ground levels at this point. These two floors would contain a part of the new library proposed, car parking and cycle storage facilities, plant and general storage areas. Due to the slope of the site the upper of these two basement levels becomes an above ground floor on the south-eastern part of the site.

The ground floor of the building contains the retail unit, an area of office space, part of the new library and locations for the storage of refuse and recycling. The first floor of the building would contain a further area of office space and residential dwellings. Above this floor the building is entirely residential in its use.

In terms of its overall form the building comprises two main elements, which are designed to be read as separate structures at the north-western and south-eastern parts of the site. These would be joined by glazed structures situated within the more central parts of the site. These structures would provide access between the two elements of the building and also form part of a number of the residential units proposed. Both elements of the proposed building step forward (extend further to the north-west) of the current building line fronting onto Regents Park Road in places.

The tallest element of the building would be located on the south-western part of the site (fronting onto Regents Park Road and Arcadia Avenue). This part of the building would be eight full above ground storeys tall, with an area of

roof terrace above this. As you move across the site from the north-west to the south-east a further floor of accommodation is revealed (this is part of the basement levels on the more north-western parts of the site) on this part of the building due to the slope of the land. In addition to providing an area of communal amenity space the roof terrace on this part of the building would contain two single storey structures which enclose plant and the stairs and lifts which would be used to access this level. This part of the proposed building is largely elliptical in terms of its plan form, with all but the north-eastern façade of the building being curved.

The north-eastern element of the building would also have a partially curved form along part of Regents Park Road. This part of the proposal would be up to five above ground storeys in height, with an area of communal roof terrace on top of this, and be at its tallest fronting on to Regents Park Road. The area of roof terrace on this part of the building would be accessed from the taller element of the proposal (to the south-west) by a glazed link structure. The fourth floor of this part of the building would be set in from its lower levels to the north-west (Regents Park Road frontage) and north-east (towards 332 Regents Park Road).

In terms of its detailed architectural design, both main elements of the building seek to use a distinctively contemporary, albeit different, approach. The final materials and finishes used would be controlled through the conditions recommended (should the application be granted consent). However, they would include the use of glass, stone, re-constituted stone and metal systems on the south-western element of the building. The north-eastern element of the building would predominately use a combination of brick and glass and metal systems.

The new library proposed would be located on the ground floor of the new building at the corner of Regents Park Road and Arcadia Avenue. It also includes part of a lower ground floor level beneath this. The main library access is located at the sites Regents Park Road frontage. A secondary access onto Arcadia Avenue is also proposed. The plans submitted with the application show indicatively how the library floorspace could be set out internally. However, the final design of the library space would be controlled through the use of a planning condition (should the application be granted consent).

The new retail floorspace proposed would comprise a single unit with a net internal area of 446m² located at a ground floor level on the north-eastern part of the site. The main access for this unit would be located at the sites Regents Park Road frontage. The new office space within the scheme would be provided in two units. A smaller unit (net internal area of 112m²) would be located at a ground floor level and accessible from Regents Park Road using the route created between the two new main elements of the building. The larger unit (net internal area of 284m²) would be located at a first floor level on the north-eastern part of the site. This would be accessed from a ground floor lobby area located at the Regents Park Road end of the route between the two main elements of the new building.

The mix of dwelling types proposed in the development is as follows:

- 44 x one bedroom two person flats (approximately 57% of the flats)
- 9 x two bedroom three person flats (approximately 12% of the flats)
- 16 x two bedroom four person flats (approximately 21% of the flats)
- 4 x three bedroom five person flats (approximately 5% of the flats)
- 4 x three bedroom six person flats (approximately 5% of the flats)

The new dwellings in the development are all proposed as market housing.

All of the dwellings proposed in the scheme would meet or exceed the minimum internal floor space standards for that type of residential unit (specified in Table 3.3 of the London Plan). The application is supported by a Design and Access Statement (as is required for an application of this scale) and also a separate Access Statement. These reports set out that the dwellings proposed have been designed to achieve the relevant Lifetime Homes Standards and that 8 of the new residential units would meet wheelchair accessible standards or be easily adaptable to achieve wheelchair accessible standards.

The two areas of roof top communal open space for the occupiers of the proposed dwellings would cover approximately 185m² (north-eastern element) and 619m² (south-western element). The areas of communal amenity space proposed would include hard landscaped elements, soft landscaped areas and contain features such as seating. The area of open space on the north-eastern element of the building would also be designed specifically to include play features. In addition to these communal spaces each new dwelling within the proposed development would have its own area of private amenity space in the form of a terrace or balcony. Beyond these areas the scheme would contain a number of zones of green roof to which access would not be provided (other than for maintenance purposes).

All of the dwellings in the development would achieve Code for Sustainable Homes Level 4. The non-residential uses sought (use classes B1, A1 and D1) would all achieve a rating of 'very good' using a Building Research Establishment Environmental Assessment Method (BREEAM).

Vehicular ingress and egress for the proposed development would be provided from a single location on the sites Arcadia Avenue frontage (south-western side of the site). This point provides access to a ramped route within the site down into the basement levels. Several points of pedestrian access would be provided along the length of the sites Regents Park Road and Arcadia Avenue frontages. This includes a (gated) route through the site from Regents Park Road, between the two elements of the building (which are separated at a ground floor level) and to Arcadia Avenue.

The development includes the provision of a total of 72 off street car parking spaces. 69 of these would be provided for the residential element of the proposal. 2 of the remaining car parking spaces would be provided for the new library and the final car parking space would be provided for the office use proposed. 7 of the car parking spaces created would be provided to a disabled parking space standard. The submission identifies that the development includes storage for 106 cycles.

In addition to the application drawings, application forms and certificates the submission made included the following documents:

- Design and Access Statement by 21st Architecture
- Design and Access Statement Addendum by 21st Architecture
- Planning Statement by Metropolis Planning and Design
- Transport Assessment by Odyssey Markides
- Framework Travel Plan by Odyssey Markides
- Noise Survey Report by Hilson Moran
- Air Quality Assessment by Hilson Moran
- Daylight and Sunlight Report by Brooke Vincent and Partners
- Overshadowing Analysis by Brooke Vincent and Partners
- Sustainability Statement by Metropolis Green
- Energy Strategy by Metropolis Green
- Flood Risk Assessment by Ambiental Technical Solutions
- Access Statement by 21st Architecture
- Statement of Community Involvement by Local Dialogue
- Employment Floorspace Analysis and Policy Compliance Report by Metropolis Planning and Design
- Wind Environment Study by BMT Fluid Mechanics
- Archaeological Assessment by CgMs Consulting
- Ecological Appraisal by ACD Ecology
- Phase 1 Environmental Study by RSK
- Structural Report by Jampel Davison and Bell
- Development Viability Appraisal by Quod and Pioneer Property Services

3. PLANNING CONSIDERATIONS

3.1 Principle of redeveloping the site

When assessing the acceptability of the principle of the development sought officers fully recognise that the application site falls within the Locally Significant Business Location of the Regents Park Road Employment Cluster, as designated in the adopted Development Management Policies document of the Barnet Local Plan. As a result of this designation a scheme of the nature proposed, which includes redeveloping a substantial part of the site to provide non B class uses, is a clear departure from adopted development plan policy (in particular policy DM14 but also by association policies CS8 and DM11). However, as subsequent sections of this report set out in further detail, officers find that there are important material planning considerations which justify a recommendation to grant planning permission for the proposal in this instance, despite its conflict with development plan policy.

Having fully acknowledged the schemes specific in principle conflict with development plan policy on protecting existing employment space, it is also recognised that for locations such as the application site, which comprises a high quality suburban priority town centres, the place shaping strategy policy in the Barnet Core Strategy (policy CS1) seeks broadly that new developments protect and enhance the character and quality of the area in

which they are located. As is set out in other sections of this report in greater detail the proposal is considered to fulfil this particular policy objective to a satisfactory degree.

The principle of the specific elements of the development proposed, in terms of the individual uses and town centre development principles, is considered in detail below.

Office uses

The application proposes to reduce the level of floorspace at the site falling within Use Class B1a (office) from 4319m² down to 522m².

Policy CS8 of the Barnet Core Strategy states that the Council will support businesses by safeguarding existing employment sites that meet the needs of modern businesses (in accordance with Policy DM14 New and Existing Employment Space); encourage development that improves the quality of existing employment provision; seek a range of unit sizes and types in new employment provision to support small and medium sized enterprises; and encourage new mixed use commercial floorspace in priority town centres (which includes Finchley Church End) where access to public transport is good.

Paragraph a: i. of Policy DM14 (in the Barnet Development Management Policies) identifies that proposals which result in a redevelopment of a Locally Significant Business Location, such as the application site, to a non B Class use will not be permitted. Paragraph a: iii. of the same policy states that office space in town centre locations (such as this site) should be retained more widely. Loss of office space will only be permitted in such areas where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which delivers some re-provision of employment, residential and community use.

Policy DM14 identifies (at paragraph a: iv.) that proposals to redevelop existing employment space which reduce the levels of employment use and impact negatively on the local economy will be resisted and (at paragraph a: v.) that, where it is appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training.

Under policy DM11 (part c: i.) mixed use developments in town centres should meet the requirements set out in policy DM14 (identified above) on protecting employment floorspace unless otherwise indicated in the:

- a) Site Allocation DPD
- b) Town Centre Frameworks
- c) Areas identified as Locally Significant Business Locations (and other identified locally significant employment locations)

Appropriate mixed use redevelopment is also expected (under DM11 C: ii) to provide re-provision of employment use, residential and community use in town centres.

Policy DM14 states that proposals for new office and employment space should follow a sequential approach, which considers town centre sites before edge of centre sites, and provide on site servicing for the intended use.

As the proposal would result in a significant decrease in the level of floorspace on the site falling within a B use class the application is clearly contrary to paragraph a: i. of policy DM14 (set out above). Where other development plan policies seek protection in accordance with policy DM14 (including CS8 and DM11 of the Barnet Local Plan) the development can also be considered contrary to these policies. Having recognised this important point and given it a significant amount of weight it is appropriate to consider the other elements of the scheme. This includes the delivery of a new library in the way set out in the heads of terms towards the start of this report. The significant planning and public benefits that this aspect of the scheme would deliver are not repeated here in full, as they are set out in subsequent sections of this report. However, in summary the Libraries Service consider that this facility would enable the delivery of substantially improved library services in Finchley Church End, including modern accessible library facilities for all members of the community and an expanded range of educational activities for children and adults. The planning and public benefits that this would bring are considered, on balance, to provide a material planning consideration which outweighs the schemes conflict with development plan policy on the protection of existing employment (B Class uses) space in Locally Significant Business Locations and any harm caused in this respect.

The benefits delivered by the new library facility also weigh significantly in favour of the scheme when it is considered against the requirements of other elements of planning policy on the protection of office space, including the protection of such space in town centres (policy DM14 a: iii.), and employment space more widely (DM14 a: iv.). In terms of the requirements of these policies more specifically, officers recognise that the office space at the site has been completely vacant for a prolonged period (since the end of September 2011) and that substantial parts of the building have been vacant for longer (since 2009). The submission (in the Employment Floorspace Analysis and Policy Compliance report) explains that marketing of the site has taken place through suitable firms using a range of means, including online marketing through websites, by mail and also advertising placed directly on the site itself, over a continuous period substantially in excess of 12 months. Despite its comprehensiveness in many regards, officers do note that there are some limitations to the marketing carried out, for example the site does not appear to have been marketed for sale (only for rent). However, taken in the round the marketing is found to have been extensive and where there are some limitations it is considered that any conflict with the objectives of planning policy in this respect is outweighed by the benefits that the new library facility proposed would deliver.

Planning policies require that for the loss of office floorspace to be permitted in town centres specifically it must be shown that the site is no longer suitable and viable for existing and alternative business use in the short, medium and long term. The Employment Floorspace Analysis and Policy Compliance report submitted with the application identifies a substantial number of issues with the current building which adversely impact upon its suitability for employment use. These include factors such as non-compliance with the

requirements of current equalities legislation, low floor to ceiling heights (below the standard recommended by the British Council for Offices), the large number of structural columns within the office space areas (and the limiting effect this has on the way in which the space can be laid out), the inefficient heating systems and insulation in place and the general poor condition and quality of the office space. The report also advances that the cost of refurbishing the building are such (a figure of £2.5 million is identified) that they would exceed the financial return that could reasonably be expected to be received from an upgraded building in use as offices. Officers accept this finding as a principle.

In addition to these points the submission made advances that Gateway House currently offers the lowest quality of office floorspace in the Locally Significant Business Location of which the site forms a part. This is noted, however, it is not considered that this is a reasonable basis (in itself) on which to allow the loss of the existing office space. Such an approach could also potentially set a difficult precedent. The submission also proposes that weight should be placed on the current right to change use class B1a offices to a class C3 residential use, subject to certain conditions and the 'prior notification' process, and statements made in the Finchley Town Centre Strategy in respect of this site. Officers consider that even if a successful prior notification submission had been made for the site the weight which should be attributed to a scheme approved in this way would be very limited in the circumstances of this case. However, in the absence of such a submission no significant weight is placed by officers on the changes permitted under this legislation. Similarly officers do not find anything in the adopted Finchley Church End Town Centre Strategy which seeks to contradict development plan policy on protecting office floorspace in Locally Significant Business Locations or allow the significant loss of office floorspace proposed under this application.

Officers do accept that the area surrounding the application site contains a not insignificant level of office floorspace. This includes properties within the Locally Significant Business Location of which the site forms a part. Many of these premises currently contain vacant space. Officers find the existence of such space reduces concerns that businesses wishing to locate to the area would be prevented from doing so by the development proposed. More generally officers consider that the proposed development would not impact negatively on the local economy. The case for taking this view is considered to be supported by the sites circumstances and the length of time over which the office floorspace has been vacant (as set out above). It is also assisted by the employment generating (albeit at a lower intensity of employment than office use for much of it) nature of the non-residential uses proposed. Where proposals do result in the loss of office floorspace planning policies expect the re-provision of some employment floorspace, residential and community uses. The scheme proposed would deliver all of these elements.

In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would deliver three apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the three apprenticeships delivered two would be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which

replaces this) and one would be at either not less than a Level 4 or an appropriate equivalent graduate scheme. Alongside the other planning benefits which the application would deliver this obligation is considered to assist in mitigating (albeit to a limited degree) the loss of employment generating floor space the development would result in.

It is fully recognised that the loss of the existing office floorspace at this site is contrary to development plan policies, in particular policy DM14 and the retention of B class uses in Locally Significant Business Locations. However, for the reasons set out in detail in previous and subsequent sections of this report, it is considered, on balance, that there are material planning considerations in this instance which justify a recommendation to grant planning permission for the development (despite the significant conflict with development plan policy). The proposal would deliver substantial planning and public benefits which outweigh the harm caused by the proposals conflict with development plan policy. Officers conclude, on balance, that the loss of office and employment floorspace proposed at the site has been justified and is acceptable in the specific circumstances of this development.

The new Class B1 space would be located within the boundary of Finchley Church End Town Centre. The application site has good access by public transport (PTAL of 5) and the proposal includes acceptable servicing arrangements. The B1 units proposed could accommodate different sizes of business, including small and medium sized enterprises, and would all be provided as office (Class B1a) floorspace (the conditions recommended require that this space is used solely for office purposes within use class B1) of a better quality than that currently found on the site. Officers conclude that the new office floorspace proposed is acceptable and compliant with the objectives of development plan policy on the provision of new employment space.

Library use

The application proposes the creation of a new library facility (which would fall within Use Class D1) at the site. This facility would be located on parts of the ground and lower ground floors of the new building and cover an area of 960m² in total.

Policy CS10 of the Barnet Core Strategy states broadly that the council will work with their partners to ensure that community facilities are provided for Barnet's communities. More specifically the council will support the enhancement and inclusive design of community facilities, ensuring their efficient use and the provision of multi-purposes community hubs that can provide a range of services to the community at a single accessible location. Developments that increase the demand for community facilities and services will be expected to make contributions to new and accessible facilities or improve existing facilities, particularly within town centres.

Policy DM13 (of the Barnet Development Management Policies) identifies that new community uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres. New community or educational uses should also ensure that there is no significant impact on the free flow of traffic and road safety and will be expected to protect the amenity of residential properties.

The new library would be situated in a location with good accessibility by public transport (the site has a PTAL of 5), walking and cycling within the defined town centre of Finchley Church End. As subsequent sections of this report explain in further detail, subject to the conditions recommended, the library would not have a significant impact on the free flow of traffic and road safety or be detrimental to the amenities of neighbouring residential properties. The proposal is therefore acceptable in these respects. An assessment of the proposed library (and other elements of the development) against the requirements of policies on development principles in town centres is carried out in other sections of this report.

Looking at its anticipated impacts more widely, the Barnet Libraries Service has confirmed that the new facility would enable them to provide a significantly improved library service in Finchley Church End. The current library has a substantial backlog of maintenance work and is not compliant with aspects of the Equalities Act, for example the first floor is not accessible to users with mobility issues as there is no lift available to them.

The proposed facility is larger than the existing one (the existing facility is approximately 597m²) and would provide a modern library with an accessible design, meeting spaces and activity rooms. The Libraries Service has identified that this would enable them to deliver an expanded range of educational activities, for both children and adults, and provide rooms for hire by the community. They have also identified that they consider the proposed library to be in a more prominent location that would be more visible to the local community than the existing library. As a consequence of these factors they anticipate increased usage of the library facilities in Finchley Church End as a result of the development proposed. In addition to these points officers note that the new facility would be designed to achieve a greater standard than the current library in terms of sustainable design and construction requirements. The new library would achieve a standard of 'Very Good' under the BREEAM system of evaluation on this matter.

The new library facility proposed is considered to be compliant with the objectives of development plan policies on new community uses (CS10 and DM13) and to deliver a very substantial planning and public benefit. Officers have placed significant weight on the benefits achieved by this element of the scheme when balancing the positive and negative impacts of this proposal and concluding that there are material planning considerations which justify a recommendation to grant planning permission, despite the proposals conflict with elements of development plan policy (as set out in detail in other sections of this report).

Given the importance of the new library to the recommendation made by officers on this application the planning obligations set out at the start of this report (under Recommendation 1) secure the delivery of the library in the way that is currently envisaged (should the scheme be implemented). This includes the construction of the library to 'shell' stage by the applicant and the internal fit out of the library at cost to the applicant that does not exceed £945,000 (in respect of the fit out); the granting of a lease on the new library to the council for a term of 125 years (on the payment of a premium of £1) at a rent not exceeding £100 per annum; and the provision of a sum of £250,000

by the applicant to the council for library furnishings and furniture, media and information technology equipment and any other library related equipment. Several of the conditions recommended would also ensure that in specific respects the library was delivered in a manner that was appropriate and met the objectives of planning policies, such as the provision of facilities that are accessible to all member of the community.

Although it is not a matter specifically for consideration under this planning application, Property Services (part of the Customer and Support Group) have advised that following the provision of a new library at Gateway House (should this application be approved) the Council would, in the first instance, examine whether or not there are any Council requirements for the existing library building in Church End. If no requirements are identified then the building would be declared surplus to requirements and likely be disposed of for best consideration.

High street uses and town centre development principles

In respect of the ground floor units fronting onto Regents Park Road, the proposed development would result in a small reduction in the total level of floorspace in use at the site for purposes falling within the 'A' use classes and *sui generis* uses (from 566m² down to 501m²). However, the level of floorspace in use for purposes falling specifically within use class A1 would increase from 386m² up to 501m² (assuming the lawful use of all of the floorspace in the existing ground floor units fronting onto Regents Park Road, other than the estate agents, is an A1 use). The new A1 floorspace proposed would all be located in the part of the site falling within the designated secondary shopping frontage of Finchley Town Centre (all of the site is located within the defined town centre boundary). The increase in A1 floorspace proposed in combination with its positioning on this part of the site is considered to be a positive aspect of the proposal. Shop (class A1) uses are important to maintaining the vitality and viability of town centres and the increase in this type of floorspace would reasonably be expected to benefit the vitality and viability of the designated secondary frontage in Finchley Church End Town Centre.

Where they are proposed in town centre locations development plan policies require new community uses, such as the proposed library, to maintain an active frontage. Within areas of designated primary and secondary shopping frontage community uses are also expected to demonstrate a similar weekday footfall to an A1 use in circumstances where they would replace an A use class. The part of the site on which the library has been proposed falls predominantly outside the designated secondary frontage and would only partially replace an 'A' class use. Having acknowledged this, as subsequent sections of this report set out in further detail, the design of the library frontage is considered to be such that it would create a suitably active frontage in this part of the town centre. It is also recognised that the design of the frontage proposed would be significantly more active than the current frontage on this part of the site. The scheme is therefore improving the present situation in this respect. It is also considered that the new library would have a positive impact in terms of the level of weekday footfall that it would generate on this part of the site compared to the current situation. Officers find no reason to conclude that the level of weekday footfall generated by the new library would be less than what would be expected from an A1 use in this location.

The proposal is considered to be compliant with the objectives of development plan policies on high street uses (those falling within the 'A' use classes) and new development in secondary shopping frontages in principle (including policy CS6 and parts a: and b: of policy DM11). Policies on mixed use development more widely (including parts c: i and c: ii of policy DM11) are addressed in previous sections of this report.

Residential uses

The delivery of new residential dwellings is broadly encouraged by all levels of planning policy. For example policy 3.3 of the London Plan states that 'The Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners'. However, officers do not consider that the delivery of new dwellings in the scheme proposed would be sufficient in its own right as a material planning consideration to overcome this proposals conflict with development plan policy on employment space. Instead it is the schemes other planning benefits (set out in previous section of this report) which officers find to be far more significant and place much greater weight on in concluding that the proposals conflicts with policy have been outweighed.

Notwithstanding the schemes clear conflict with development plan policy on the protection of existing employment space, because of its siting within a Locally Significant Business Location (as set out in detail in previous sections of this report), officers recognise that other Barnet Local Plan policies (for example policy CS6) do broadly support the principle of developments including residential uses as part of mixed use schemes in town centres such as Finchley Church End, subject to a specific scheme also meeting any other relevant particular elements of development plan policy. This is considered to support the principle that town centre locations can be appropriate places for new residential dwellings in the broadest sense (albeit in this instance there would need to be other material planning considerations which outweighed the schemes conflict with policies on employment space).

Having placed appropriate weight on the schemes significant conflict with development plan policy and found that the development proposed in this instance would deliver material planning and public benefits that outweigh the harm caused by the conflict (for the reasons explained in earlier sections of this report), it is recognised that it is the residential element of the scheme which is contributing very significantly to the financial viability and deliverability of the proposal. Without the residential element of the scheme the wider development, and the planning and public benefits it provides, would be unlikely to come forward.

Officers find that in the specific circumstances of this scheme the inclusion of residential development of the nature proposed is justified and acceptable in principle, subject to the dwellings proposed complying with other relevant policies (as assessed in subsequent sections of this report).

Conclusions on the principle of the uses proposed

While the scheme is in conflict with development plan policy on the protection of existing employment (B Class uses) space in Locally Significant Business Locations (in particular policy DM14) it is found that there are material

planning considerations that outweigh the harm caused by this conflict. In summary, the proposal would provide a very substantial planning and public benefit in the form of a new library facility in this priority town centre. This facility would enable the delivery of significantly improved library services in Finchley Church End (when compared to the current library in this area) including modern accessible library facilities for all members of the community and an expanded range of educational activities for children and adults.

When weighing the positive and negative impacts of the development and assessing the extent to which it would deliver the objectives of development plan policies, it is recognised that the existing employment floorspace at the site has limitations and is being partially re-provided (albeit with a significantly smaller quantum of floorspace) in the form of office space (Class B1) which is more suitable to meeting modern commercial requirements and the needs of small and medium enterprises than the existing space; the scheme would increase the level of floorspace at the site for purposes falling within Class A1 in an appropriate part of the town centre; and that the proposal would deliver new dwellings. However, it is not considered that these elements and aspects of the scheme would be sufficient in their own right, either individually or collectively, to overcome or outweigh this proposal's conflict with planning policy.

In light of the considerations and evaluations set out in this section and having carefully weighed the positive and negative aspects of the proposal, officers find, on balance, that the principle of re-developing the site to provide a mixed use scheme of the nature proposed is acceptable in this instance subject to the planning obligations and conditions recommended.

3.2 Dwelling mix

Development plan policies require proposals to provide an appropriate range of housing sizes and types, taking account of the housing requirements of different groups. The council's Local Plan documents (Core Strategy and Development Management Policies) identify 3 and 4 bedroom units as the highest priority types of market housing for the borough.

The mix of dwelling types proposed in the development is as follows:

- 44 x one bedroom two person flats (approximately 57% of the flats)
- 9 x two bedroom three person flats (approximately 12% of the flats)
- 16 x two bedroom four person flats (approximately 21% of the flats)
- 4 x three bedroom five person flats (approximately 5% of the flats)
- 4 x three bedroom six person flats (approximately 5% of the flats)

The dwelling mix proposed is considered to include an appropriate range of dwelling sizes and types for this town centre location. The proposal would make a useful contribution to meeting the needs of the growing and diverse population of the borough. In light of these factors it is considered that, in this instance, the dwelling mix proposed is acceptable and compliant with planning policy. The proposal does not include any affordable housing units. This matter is discussed in detail in section 3.8 of this report.

3.3 Density of development

London Plan policy 3.4 seeks to optimise the housing output of sites taking into account local context and character, the design principles in chapter 7 of the London Plan and public transport capacity. Developments should optimise housing output for different types of location within the relevant density range shown in Table 3.2 (set out below) and development proposals which compromise this policy should be resisted. Barnet Local Plan policies also seek to optimise, rather than simply maximise, housing density to reflect local context, public transport accessibility and provision of social infrastructure.

Table 3.2 Sustainable residential quality (SRQ) density matrix (habitable rooms and dwellings per hectare)

Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit	40-65 u/ha	40-80 u/ha	55-115 u/ha
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
Urban	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha
Central	150-300 hr/ha	300-650 hr/ha	650-1100 hr/ha
3.8-4.6 hr/unit	35-80 u/ha	65-170 u/ha	140-290 u/ha
3.1-3.7 hr/unit	40-100 u/ha	80-210 u/ha	175-355 u/ha
2.7-3.0 hr/unit	50-110 u/hr	100-240 u/ha	215-405 u/ha

The application site covers an area which has a Public Transport Accessibility Level (PTAL) of 5. In terms of its 'setting' the site is considered to fall within an area of with predominantly 'urban' characteristics using the definitions identified in the London Plan. However, as subsequent sections of this report identify in further detail, parts of the area immediately surrounding the site also have suburban characteristics. This includes Lichfield Grove, which is dominated by two storey semi-detached buildings with pitched roofs that are mainly in a residential use.

Taking these factors into consideration the London Plan density matrix would suggest a range of somewhere between 45 and 260 units per hectare or 200 to 700 habitable rooms per hectare (see table above). Using the approach in the London Plan the 77 dwellings proposed include 195 habitable rooms. As the site has an area of 0.228 hectares this equates to a density of approximately 338 units per hectare and 855 habitable rooms per hectare. The proposal therefore falls exceeds the density range identified in the London Plan.

In evaluating the significance of this it needs to be recognised that the supporting text in the London Plan states that:

“A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically.”

As the other sections in this report outline the application site is positioned within the town centre boundary, in a highly accessible location that has very close proximity to both Finchley Central Underground Station and a number of bus routes. It should also be recognised that the proposal is considered to be fully compliant with policies on good design, local context and character, providing acceptable amenities for future occupiers of the new development and protecting the amenities of neighbouring occupiers.

Taken in isolation from other matters density is considered to be a blunt tool for evaluating the acceptability of a scheme. It is considered that under the policy approach of 'optimising housing potential' it remains reasonable to find a proposal (and a residential density) acceptable where it exceeds the relevant density range, but the scheme is situated in a highly accessible town centre location (identified as a focus for enhancement and infill housing development) and is found to be acceptable in all design, amenity, local context, social infrastructure and other relevant regards. In circumstances such as this, where a proposal would comply with development plan policies on the matters identified above and not result in any demonstrable harm, it is not considered that it would be appropriate to refuse an application on the grounds of conflict with the London Plan density matrix alone. Taking account of the factors outlined above officers consider that the density of development proposed is acceptable in this instance. The scheme is not found to constitute an overdevelopment of the site.

3.4 Standard of accommodation provided and amenities of future occupiers of the proposed dwellings

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings, outdoor amenity space and play space. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new dwellings. These include requirements to provide high quality indoor and outdoor spaces, set minimum internal space standards for different types of unit and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new dwellings that have adequate amenities for their future occupiers. The Mayor has also adopted SPG's (entitled Housing and Shaping Neighbourhoods: Play and Informal Recreation) providing detailed guidance on issue related to designing new

housing to achieve acceptable amenities for its future occupiers.

Dwelling size

The London Plan and the associated Mayoral SPG document 'Housing' set out minimum gross internal floor areas for different types of dwelling. Policy DM02 of the Barnet Development Management Policies Document identifies that developments will be expected to demonstrate compliance with these standards. The relevant internal areas are set out below for the types of dwelling proposed in this application.

Minimum Space standards for new development

	Dwelling type (bedroom/persons-bed spaces)	Gross Internal Area (m ²)
Flats	1 bedroom 2 person	50
	2 bedroom 3 person	61
	2 bedroom 4 person	70
	3 bedroom 5 person	86
	3 bedroom 6 person	95

All of the flats proposed would have a gross internal floor area which meets or exceeded the requirements for a dwelling of that type. The proposal is therefore considered to be acceptable in this regard.

External amenity space provision

All of the flats proposed would have access to their own private amenity space in the form of a balcony or terrace (some dwellings would have more than one feature of this nature). In each case this amenity space would be of sufficient size to meet or exceed the requirements of Mayoral guidance on the provision of private external amenity areas (5m² for 2 person dwellings with an extra 1m² for each additional bed space) for the size of flat proposed.

Using the Barnet standard of providing 5m² of usable external amenity space per habitable room (including kitchens over 13m² and with rooms over 20m² counting as two rooms) for flats, the development would be required to provide approximately an extra 353m² of usable external amenity space, in addition to the private balcony and terrace amenity space proposed (which collectively, cover approximately 863m² in total) to comply with guidance set out in the Barnet Sustainable Design and Construction SPD. The scheme seeks to meet this requirement through the creation of two communal roof top amenity areas within the application site. These two spaces would cover an area of approximately 799m² in total and include areas of vegetation, hard landscaping, seating and play features (the precise details of which are to be agreed under the conditions recommended). The design, quality and size of these two areas are considered to be such that they would provide sufficient external amenity space to meet the requirements of Barnet guidance for the flats proposed. The proposal is therefore considered to be acceptable in this regard.

London Plan policy 3.6 states that proposals for housing should make provision for play and informal recreation based on the expected child population generated and an assessment of future needs. Using the approach to play space provision requirements in Mayoral guidance the scheme proposed would be expected to provide approximately 56m² of play space. The proposed scheme includes an area of communal amenity space that

would be designed specifically to include play features (the area of communal space on the fifth floor of the northern element of the scheme). This would cover an area of approximately 185m² in size and the conditions recommended include controls to ensure that the space concerned would be implemented in a suitable manner. Subject to these controls the scheme is found to be compliant with London Plan policy 3.6 and acceptable in terms of the provision of play space.

Dwelling layout and outlook

Officers find that generally the proposed dwellings are reasonably proportioned, with rooms that are not excessively deep or narrow. It is also accepted that the design approach proposed makes adequate efforts to maximise the number of dual aspect dwellings within the constraints of this site. The scheme does include single aspect north facing dwellings. However, these units are designed in such a way that they have adequate daylight conditions (as set out in later sections of this report) and include other design features to counterbalance the impacts of the dwellings being single aspect on the amenities of their future occupiers. This includes each single aspect north facing dwelling having a larger area of private amenity space than is required under planning guidance. The design put forward is considered to provide adequate amenities for the future occupiers of the single aspect north facing dwellings proposed. For these reasons the inclusion of single aspect north facing dwellings in the scheme is found to be acceptable in this instance. Considered in the round all the dwellings proposed are found to have an adequate plan form and layout.

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking at neighbouring properties. An example of a way in which this is achieved is the careful siting and orientation of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

Daylight and sunlight

The submission documents include an assessment of the daylight and sunlight that would be received in the habitable rooms of the dwellings proposed. This was carried out by Brooke Vincent and Partners. The assessment includes an evaluation of the daylight received in the proposed dwellings based on the methodologies found in the latest guidance (published in 2011) from the Building Research Establishment (BRE) using a measure known as Average Daylight Factor. The evaluation found that all of the habitable rooms assessed would meet the relevant standard in terms of the Average Daylight Factor score achieved. Officers accept these findings and consider the proposal to be acceptable in respect of the daylight conditions provided for future occupiers of the proposed dwellings.

The report finds that the sunlight availability for future occupiers of the proposed dwellings would vary widely. BRE guidance acknowledges that for larger developments, especially those with site constraints (such as this site), it may not be possible to have every living room facing within 90° of south. Officers find that the proposed dwellings are all reasonably proportioned and have an adequate plan form and layout with regard to receiving sunlight. It is

considered that reasonable efforts have been made to minimise the number of dwellings whose living rooms face solely north, north-east or north-west and the scheme is found to be acceptable in terms of the sunlight conditions for the occupiers of the proposed dwellings.

It is recognised that the scheme does include north facing single aspect dwellings. However, these units concerned all receive levels of daylight which accord with the relevant BRE guidance and benefit from other features that counterbalance the impacts of this on the amenities of their future occupiers. This includes each single aspect north facing dwelling having a larger area of private amenity space than would be required under planning guidance. In this way the design proposed is considered to provide adequate amenities for the future occupiers of the single aspect north facing dwellings proposed. The inclusion of single aspect north facing dwellings in the scheme is therefore considered to be acceptable in this instance.

Privacy and overlooking

The distance between directly facing clear glazed windows to habitable rooms in the proposed dwellings would not be less than 21m in the significant majority of cases. The only exceptions to this are in circumstances where officers consider that any overlooking issues can be adequately addressed through the use of obscured glazing or privacy screens. As such the conditions recommended include requirements that the scheme is not occupied until suitable obscured glazing and privacy screens are implemented at the site (in accordance with details that have previously been submitted to and approved by the Local Planning Authority).

Similarly the distance from a clear glazed habitable room window to a directly facing private external amenity area (balcony or terrace) within the development would not be less than 10.5m in the majority of cases. As with the window to window distance the only exceptions to this are in circumstances where officers consider that suitable privacy screening or obscured glazing can be provided to prevent unacceptable levels of overlooking and loss of privacy occurring (and conditions have been recommended to ensure that these are delivered).

For the reasons set out above the proposal is considered to comply with the requirement (as set out in the Barnet Residential Design Guidance SPD) that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, subject to the conditions recommended. It is considered that the design and layout of the windows, doors and external amenity areas in the proposal are such that the new residential units would all be provided with an adequate level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

Noise and air quality

Conditions have been recommended which require the development to be constructed and managed in such a way that it would include suitable measures to provide future occupiers of the proposed dwellings with an acceptable noise and air quality environment, as far as is practicable, in a way that takes account of the environment and uses surrounding the application site. Examples of such measures include the location of the two communal

amenity spaces proposed on the roof of the two main elements of the building and the design of these areas to include a glass balustrade at a height which would reduce the impacts of noise from the surrounding environment on these spaces, the installation of appropriate extraction and ventilation equipment and the use of adequate sound proofing when the building is constructed. Subject to the conditions recommended the proposal is considered to be acceptable in respect of the noise and air quality environment that it would provide for the occupiers of the dwellings proposed. The Council's Environmental Health Service has not raised any objection to the scheme, subject to the imposition of the conditions recommended.

Conclusions on the amenities of future occupiers

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy as it relates to the provision of suitable amenities for the future occupiers of new dwellings. Officers consider that the submission has taken account of the environment and uses surrounding the site in an appropriate manner and find that the design approach put forward provides the future occupiers of the new dwellings with adequate amenities. The application is therefore found to be acceptable in this respect.

3.5 Design, appearance, character and heritage asset matters:

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

Local Plan policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM06 of the Barnet Local Plan identifies that all heritage assets (including listed buildings, conservation areas, locally listed buildings and local areas of special archaeological significance) will be protected in line with their significance, this includes impacts on the setting of heritage assets. The policy also identifies that all development will be expected to have regard to the local historic context.

Policies CS8 and DM05 of the Local Plan identify suitable locations (in principle) for tall buildings within the borough and set out that proposal for tall buildings will need to demonstrate:

- An active street frontage where appropriate.
- Successful integration into the existing urban fabric.
- A regard to topography and no adverse impact on Local Viewing Corridors, local views and the skyline.

- Not cause harm to heritage assets and their setting.
- That the potential microclimatic effect does not adversely affect existing levels of comfort in the public realm.

Proposals for redevelopment of existing tall buildings will be required to make a positive contribution to the townscape.

The London Plan also contains a number of relevant policies on character, design and landscaping. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment. Policy 7.7 of the London Plan sets out specific principles for tall and large buildings.

The buildings and spaces proposed in the scheme are considered to respond adequately to their context and have an acceptable relationship with the neighbouring buildings, streets, spaces and heritage assets (including their settings). This includes the Church End Conservation Area and the Grade II listed building, King Edward Hall, located to the north-west of the site (within the Conservation Area). It also includes properties in Lichfield Grove, Regents Park Road and Arcadia Avenue more widely. In addition to this development is found to be of a suitable design quality in its own right and to make a positive contribution to the townscape in this area. This has been achieved in a number of ways.

In broad terms the layout proposed results in the more southern and western parts of the site (along the sites Arcadia Avenue frontage and the corner of Arcadia Avenue's junction with Regents Park Road) having the tallest parts of the development on them. Such an approach positions the largest scale parts of the development furthest from the neighbouring buildings to the north and east (in Regents Park Road and Lichfield Grove) and this is considered to be an appropriate response to the sites constraints in principle.

The application site falls within a town centre that the Barnet Core Strategy identifies as an appropriate location for tall buildings (defined in Barnet as a building over 8 storeys or 26m above ground level). The principle of allowing a new tall building on this site is also supported by the scale of the existing structure on the land. The proposal would increase the scale and size of building on the site from the current situation, however, for the reasons set out below the design put forward is considered to respond appropriately to the sites constraints and achieve an acceptable design solution that accords with the objectives of the relevant policies on design and character matters, including those for tall buildings. It is also noted that at its tallest point the proposed development would not be any greater in height than the maximum height of the existing structure (the telecommunications masts on the roof of the existing building) on the site.

Towards the corner of Arcadia Avenue and Regents Park Road the south-western element of the proposed building comprises eight above ground storeys with a roof terrace level above this. The scheme also includes lower ground floor (containing predominantly a floor of the library, parking and storage) and basement (main for parking and storage) levels. The upper of these floors becomes a partially above ground level due to the slope of the site moving south-eastward along Arcadia Avenue (away from Regents Park Road).

Further northward (from the corner of Regents Park Road and Arcadia Avenue) along the sites Regents Park Road frontage the north-eastern part of the scheme steps down to a maximum of five storeys in height, with a roof terrace level above this, towards the neighbouring three storey properties (the closest of which is 332 Regents Park Road). Moving away from Regents Park Road (south-east adjacent Lichfield Grove) the scheme drops down to become a ground floor level building. As with other parts of the development this element includes lower ground floor and basement levels, with the upper of these becoming partially revealed moving south-eastwards (away from Regents Park Road) across the site due to the slope of the land.

The approach proposed is considered to deliver an acceptable design response that would adequately reduce the size, scale, bulk and mass of building proposed towards neighbouring buildings and spaces in Regents Park Road, Lichfield Grove and Arcadia Avenue. The design integrates the scheme appropriately into the existing fabric of the environment and creates a scheme that has an acceptable relationship with both the parts of the surrounding area that are of a more suburban residential character (to the east in Lichfield Gove) and those which are characterised by a more town centre character. It is not considered that the development would adversely impact adversely on key views, viewing corridors or the skyline and the scheme is found to have a positive impact on the townscape in this area. The impacts of the proposal on the amenities of neighbouring occupiers (both residential and non-residential) are assessed separately in sections 3.6 and 3.7 of this report.

The approach to the ground floor of the proposed building is considered to create a better designed street frontage than the existing situation at the site. The design put forward would also be expected to create a suitable level of activity for a town centre location such as this. This is achieved through the positioning of the non-residential uses within the building, the careful siting of access points and the use of extensive glazed areas on across the ground floor.

In terms of its detailed architecture and design the proposed building seeks to use a distinctively contemporary approach. The final materials implemented would be controlled through the conditions recommended (should the application be granted consent). However, on the north-eastern element of the proposed building (adjoining 332 Regents Park Road) they would include the use of brick, glazing and cladding systems. The fourth floor (fifth above ground level fronting Regents Park Road) of this part of the building would be set back from Regents Park Road, constructed of a frameless glazing system and have a glass balustrade above this (for the roof top amenity area). The

materials used on the south-western element of the building would include the use of reconstituted stone, sandstone, glazing, glass balustrading and cladding systems. The walkways joining the two main elements of the building would be predominantly glazed structures. For both main parts of the building design features, such as windows and balconies, are used to introduce variety into the elevations. Officers consider this to be a suitable approach to the detailed design and find that the development would respond successfully to the character of the wider area in this regard. Conditions have been recommended to ensure that the detailed design of the building is implemented in an appropriate way.

The submission includes an assessment of the impact of the proposed scheme on the wind environment within the proposed development and in the immediately adjacent surrounding area. In respect of the surrounding area this report finds that that proposed development would not be expected to have any significant impact on pedestrian level wind conditions, which are likely to remain suitable in terms of pedestrian comfort and safety for existing pedestrian uses. The report identifies that there are parts of the site itself where the use of wind mitigation schemes would be expected to create wind conditions suitable for the pedestrian activities proposed throughout the site over the whole year (in other areas these are not needed to create suitable wind conditions). These would be expected to take the form of features such as soft landscaping, screens and canopies. While the submission drawings identify features of this nature in many instances conditions have been recommended to ensure that appropriate wind mitigation features are implemented as part of the proposed development. Subject to these controls the application is found to be acceptable in this respect.

Landscaping matters are addressed specifically in section 3.9 of this report. In summary, subject to the controls recommended (conditions and planning obligations) the scheme is found to provide a suitable setting for the proposed building. The setting proposed assists the development in achieving an acceptable relationship with the surrounding properties and is also of sufficient quality in its own right. The proposal is therefore found to be adequate in this respect.

Officers recognise that comments have been received to the effect that it would be preferable to retain and refurbish the existing building, rather than demolish it and build an entirely new structure. However, it is not considered that a refusal of planning permission on this basis would be justifiable in this instance. It is also noted that the Local Planning Authority would not be able to prevent the demolition of the existing building in principle (it is neither listed nor in a conservation area).

Subject to the conditions recommended the proposal is found to be acceptable and compliant with development plan policies as they relate to design, appearance, character and heritage asset matters.

3.6 Impacts on amenities of neighbouring and surrounding residential occupiers:

Local Plan policies seek broadly to promote quality environments and protect the amenity of neighbouring residential occupiers and users through requiring

a high standard of design in new development. More specifically policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. Policy DM04 identifies that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses, such as residential dwellings, will not normally be permitted.

Barnet's Adopted Residential Design Guidance SPD (adopted April 2013) provides further guidance on safeguarding the amenities of neighbouring and surrounding residential occupiers and users. This includes identifying that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and a distance of 10.5m to a neighbouring garden, in order to avoid overlooking.

It is noted that objections have been received from a number of parties expressing concerns that the proposed development would be detrimental to the amenities of neighbouring and surrounding residential occupiers and users in a variety of ways. These include loss of light, increased noise, disturbance and air pollution, overlooking and loss of privacy and impacts arising from the construction of the development (the concerns are summarised in full in previous sections of this report). The concerns raised in respect of the transport (including parking) impacts of the development are assessed and responded to in section 3.10 of this report. Concerns raised in relation to the loss of the existing businesses at the site, including the kosher bakery, are addressed in section 3.7 of this report.

Overlooking and loss of privacy

The development proposed would not include clear glazed windows (in either the residential or non-residential elements) which directly face existing habitable room windows in neighbouring residential buildings that are set apart a distance of less than 21m. Distances from directly facing clear glazed windows in the development proposed (residential or non-residential) to a neighbouring properties private garden would not be less than 10.5m.

It is recognised that a small number of the amenity areas and windows proposed in the development could result in a degree of overlooking of neighbouring residential properties if no mitigation were provided. However, officers find that this potential issue can be adequately addressed through the use of obscured glazing and privacy screens in appropriate locations within the application site. Given the importance of this issue conditions have been recommended which require the obscured glazing and privacy screens to be implemented as part of the development prior to its occupation in full accordance with details that have previously been approved by the Local Planning Authority (and maintained as such thereafter). With such conditions the development would comply with the specific privacy distances set out in the Barnet Residential Design Guidance SPD. This issue is therefore considered to be fully addressed by the controls recommended.

To ensure new windows and openings are not subsequently introduced in the proposal which would result in the scheme then causing unacceptable overlooking of neighbouring properties and their gardens conditions have been recommended which remove the rights to carry out such works.

Subject to the controls in place under the conditions recommended officers conclude that the design and layout of the proposal is such that the development would not result in unacceptable levels of overlooking and loss of privacy at the neighbouring residential properties and would comply with development plan policy and planning guidance in these regards.

Daylight, sunlight and overshadowing

The application is accompanied by assessments (prepared by Brooks Vincent and Partners Chartered Surveyors) of the proposals impact on the daylight and sunlight conditions at neighbouring residential properties by reference to the methodologies found in the Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice*'.

These assessments conclude that the recommendations relating to daylight, sunlight and overshadowing at neighbouring residential properties in the BRE guidance would be met. Officers accept the findings of the assessments submitted and conclude that the application is acceptable in terms of its impact on daylight, sunlight and overshadowing at neighbouring residential properties.

Outlook and visual impact

The documents submitted with the application include plans showing the impact of the proposed development from key locations within the area surrounding the site and also show the relationship of the proposed buildings with neighbouring properties and spaces. It is considered that the design, size and siting of the proposed buildings is such that they would have an acceptable visual impact and not result in any significant loss of outlook at neighbouring properties, including dwellings in Litchfield Grove and Regents Park Road. The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

In coming to these conclusions on outlook and visual impact account has been taken of the substantial building which exists on the application site at present and the impact this structure currently has on neighbouring properties. As previous sections of this report explain in further detail, the proposal would substantially change the design, bulk and mass of the development on the site when compared to the current situation. However, the new building provides a design response that achieves a suitable relationship with neighbouring properties and spaces in terms of its visual impact and impact on outlook. Officers consider that the significant stepping down of the proposed building towards the eastern part of the site (adjacent to properties in Litchfield Grove) is a key element in achieving an acceptable scheme in this respect.

Noise and disturbance

The residential dwellings proposed in the development are of a nature that they would not be expected to generate unacceptably high levels of noise and disturbance, to such an extent that they would harm the amenities of the occupiers of neighbouring properties (which include residential uses), in the normal course of their occupation. The conditions recommended are considered sufficient to ensure that any extraction and ventilation plant used would be designed and located so as to not result in unacceptable levels of

noise and disturbance to neighbouring occupiers.

Given the scale, location and nature of the uses proposed it is also considered that the non-residential element of the development (use class B1 office, use class A1 shops and a library under use class D1) would not be likely to result in levels of noise and disturbance to such an extent that they would harm the amenities of the occupiers of neighbouring properties. However, to ensure that the part of the development proposed falling within use classes D1 (library) and A1 (shops) does not result in unacceptable levels of noise and disturbance at neighbouring residential properties conditions controlling their hours of occupation have been included in those recommended. Subject to these controls the proposal is found to be acceptable in this regard.

Conditions have been recommended to ensure that steps are taken during the construction of the development to minimise the levels of noise and disturbance to neighbouring occupiers at that time and also to minimise the amenity impacts arising from the construction of the development more widely. These include the carrying out of the works within certain hours and in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

Air quality

Barnet Local Plan policies seek to ensure that new development is not contributing to poor air quality. It is noted that the part of the application site which is situated alongside the High Road is a location within the borough where European Union Standards for air quality in respect of Nitrogen Dioxide levels are exceeded (other parts of the borough also exceed the relevant standard for finer particulate matter (PM₁₀) but this is not the case here). This is typical of several major roads in the borough and also many other major roads in London more widely.

The application is accompanied by an Air Quality Assessment which has been prepared by Hilson Moran. This report concludes that the operational phase of the proposal would have negligible impacts on Nitrogen Dioxide levels (this is also the case for finer particulate matter). Officers in the Council's Environmental Health Service have carefully assessed the proposal and concluded that the nature of the scheme is such that it would not be expected to result in any significant adverse impacts on air quality (including Nitrogen Dioxide levels) during its operational phase with the conditions recommended. The proposal is therefore found to be acceptable in this regard.

Conditions have been recommended to ensure that the construction of the development does not result in unacceptable air quality impacts. These include the carrying out of the works in accordance with a Construction Management and Logistics Plan that has been previously agreed with the Local Planning Authority.

Conclusions

The proposed development is found to be compliant with the relevant development plan policies as they relate to the protection of the amenities of neighbouring and surrounding residential occupiers and users. Officers consider that the design approach proposed would not result in unacceptable

impacts on the amenities of neighbouring and surrounding residential occupiers and users and find the application to be adequate in this respect.

3.7 Impacts on local businesses:

Development plan policies seek generally to promote quality environments and protect the amenity of neighbouring occupiers and users, including businesses and other non-residential uses, through requiring a high standard of design in new development which is based on an understanding of the local characteristics. Development plan policies broadly seek to support businesses and environments which are suitable for all scales of enterprise. More specifically the Barnet Local Plan identifies that businesses will be supported through the safeguarding of existing employment sites that meet the needs of modern business and encouraging development that improves the quality of existing employment provision. Local Plan policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

A number of objections have been raised in respect of the schemes impacts on local businesses within and surrounding the site. The points made are summarised in section 1.3 of this report and considered in further detail below. Where appropriate the issues raised are also explored in other relevant parts of this report. In summary, subject to the controls in place under the conditions and planning obligations recommended, the development is considered to be acceptable and compliant with the objectives of all relevant planning policies in relation to impacts on businesses within and surrounding the site.

Comments made in respect of local businesses include a concern that the proposal would adversely impact upon on the existing businesses at the application site itself. This includes the kosher bakery, which it is understood is very important for a large number of local Jewish residents. It also includes broader comments that the loss of the existing businesses at the site would be detrimental to people's amenities (including residents).

While these concerns are fully acknowledged, officers note that none of the existing businesses at the site have actually objected to the scheme themselves. The scheme proposed does include new shop (use class A1) floorspace which could provide accommodation for certain of the existing business occupiers of the site. This would include use as a bakery (as this falls within use class A1). The surrounding Church End town centre also contains currently vacant units which existing businesses may be able to relocate to if they wished to stay in the area. In the circumstances of this case it is not considered that a refusal of planning permission on the grounds of the schemes impacts on the existing businesses at the site and the resultant impacts on people's amenities would be justified. Officers considered recommending a planning condition requiring a business relocation strategy to be put in place of existing occupiers of the site. However, in the absence of any concerns being raised by the actual businesses on the site themselves this was not felt to be necessary in this instance. The principle of the uses proposed for the site is considered separately in previous sections of this report.

The occupier of an office building neighbouring the site (in Litchfield Grove) has objected to the scheme on the grounds that it would result in their premises suffering a loss of light and therefore amenity. While this comment is fully acknowledged officers note that it is unusual for a planning application to test a proposals impact on light at a neighbouring office building. However, following the receipt of this objection the applicants light consultant (Brooke Vincent and Partners) carried out a test of the proposals impact on daylight at the office building concerned. Using guidance on office lighting from the British Council of Offices (which refers to British Standard 8206-2:2008) as a starting point this found that the proposed development would not be expected to significantly adversely affect the daylight received at the office building concerned. It also found that the office building would be expected to continue to receive daylight above the levels identified in the British Council of Offices guidance (which relates to new and refurbished offices that older existing offices may find it hard to match in this respect). Officers accept these finds and conclude that the scheme would not have a significant adverse impact on light or the amenities of the neighbouring office building concerned. The development is found to be acceptable and compliant with objectives of development plan policies in this respect.

Objections have been raised by a neighbouring business that bringing the building at the application site forward, towards Regents Park Road, as proposed would preclude the freeholder of the neighbouring property (332 Regents Park Road) from accessing and maintaining their boundary wall (side elevation). While this concern is noted it is not considered that it would be a justifiable ground on which to refuse a planning application in the circumstances of this proposal. An objection has also been made on the grounds that a license and planning consent (under application F/02016/13) were granted to erect and maintain a hoarding on the side elevation of the building at the adjacent site (332 Regents Park Road) and if the current application is granted consent the development would infringe the freeholders right to display the hoarding, detrimentally affecting the livelihood of the party granted the license and planning consent and removing an ongoing revenue stream for the freeholder.

While these concerns are acknowledged, having carefully evaluated the planning considerations raised by this matter officers find that the planning benefits of the scheme (as set out in the relevant sections of this report) significantly outweigh any negative impacts (in terms of material planning considerations). In this respect the proposal is not found to be in conflict with development plan policies and it is not considered that this impact would constitute a reasonable basis on which to refuse the current application planning permission.

3.8 Affordable Housing

London Plan Policy 3.12 requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual residential schemes, having regard to:

- Current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- Affordable housing targets adopted in line with Policy 3.11.
- The need to encourage rather than restrain residential development

(Policy 3.3).

- The need to promote mixed and balanced communities (Policy 3.9).
- The size and type of affordable housing needed in particular locations.
- The specific circumstances of individual sites.
- The resources available to fund affordable housing and maximise affordable housing output
- The priority accorded to affordable family housing provision

Affordable housing negotiations are required to take account of a sites individual circumstances, including development viability, the resources available from registered providers, the implications of phased development and other scheme requirements. London Plan policies also make it clear that affordable housing should normally be provided on site and off site contributions to affordable housing will only be accepted in exceptional circumstances.

This approach is reflected in Local Plan policy DM10 which requires the maximum reasonable amount of affordable housing to be provided on site, subject to viability, having regard to a borough wide target that 40% of housing provision should be affordable. Local Plan policy CS4 identifies that on sites which are suitable for the provision of an element of affordable housing the Council may exceptional accept the provision of off site affordable housing or a commuted payment instead of such provision.

The application does not propose that any affordable housing is delivered as part of the development. To explain this position the applicant has submitted a confidential report, the preparation of which was led by QUOD and Pioneer Property Services (with the assistance of other consultancies), which evaluates financial viability of the proposed development making a contribution to affordable housing provision. The Council then commissioned BNP Paribas Real Estate to independently review this report and examine its findings.

Taking into account the full costs of bringing the development forward, including the delivery of the library, the other planning obligations associated with the application and the Mayoral CIL payments the scheme would be liable for (as set out in greater detail elsewhere in this report), and the value that the applicant would be likely to generate from the scheme BNP Paribas conclude that it is not financially viable for the development to make a contribution to affordable housing provision in the borough. In this instance the delivery of the library has a particularly significant negative impact on the financial viability of the scheme and is a key factor in the development being found unable to make a contribution to affordable housing provision.

In accordance with Barnet Local Plan and London Plan policies the financial viability of the development, including the individual circumstances of the site and other scheme requirements, need to be taken into account when considering the level of affordable housing provision that is appropriate. In this case the circumstances of the site and scheme requirements that need to be considered include the cost of delivering the planning obligations associated with the application, including the delivery of the library, the Mayoral CIL payments the scheme would be liable for and the other planning benefits that

this mixed use proposal would achieve. Taking account of these very particular factors, in this instance officers find the absence of a contribution to affordable housing provision to be acceptable and compliant with the objectives of planning policies.

3.9 Trees and Landscaping:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping that:

- Is well laid out in terms of access, car parking and landscaping.
- Considers the impact of hardstandings on character.
- Achieves a suitable visual setting for buildings.
- Provides appropriate levels of new habitat including tree and shrub planting.
- Contributes to biodiversity including the retention of existing wildlife habitat and trees.
- Adequately protects existing trees and their root systems.
- Makes a positive contribution to the surrounding area.

The application site does not contain any existing trees. However, the area surrounding the application site does contain trees. As such the conditions recommended includes requirements that appropriate measures are taken to protect the trees adjacent the site during the construction process associated with the development. Officers take the view that, subject to the conditions recommended, appropriate consideration has been give to the protection of existing trees in the development of the scheme.

The submission envisages the planting of up to 7 trees in the new public realm formed around the site as part of the proposal (partially within and partially outside the application site boundary along Regents Park Road and Arcadia Avenue). The final number, location and species of the trees planted in this zone would need to be the subject of detailed investigations. As such a sum of up £15,000 would be secured through the planning obligations recommended for the carrying out of the investigations associated with the proposed tree planting and the actual planting and ongoing maintenance of up to 7 new trees.

More generally the design proposed for the site is considered to include an adequate approach to hard and soft landscaping that would provide an appropriate setting for the new building and deliver suitable areas of green roof (covering not less than the 309m² identified in the submission). Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area, including assisting in the creation of a safe and secure environment. The two roof top terraces proposed as part of the scheme will form an important part of the amenities provided for future occupiers of the development and have a significant effect on the appearance and impact of the proposed building. Therefore the conditions recommended would specifically control the final landscaping (and wider design) of these two elements of the scheme. Matters relating to access, parking biodiversity and habitat provision are addressed in other sections of this report in full. However, in each of these regards the landscaping proposed is found to be acceptable.

It is concluded that the scheme is acceptable and compliant with development plan policy in respect of tree, green roof and landscaping matters.

3.10 Transport, parking and highways matters:

Policy context

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) 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 (Travel impact and parking standards) 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 DM17 and CS9 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.

Major development proposals with the potential for significant trip generation will be expected to be in locations which are, or will be made, highly accessible by a range of modes of transport and supported by a Transport Assessment that fully assesses the transport implications of the development across all modes. Schemes are also required to implement and maintain a satisfactory Travel Plan to minimise increases in road traffic and meet mode split targets.

Parking provision

The car parking standards for residential development, as set out in the Barnet Local Plan, recommend a range of parking provision for new dwellings based on the on a sites Public Transport Accessibility Level (PTAL) and the type of unit proposed. For the different types of unit the range of provision is 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

Using the standards set out in the Barnet Local Plan the residential element of the development generates a maximum car parking provision of between 33 to 93.5 car parking spaces. The Barnet Development Management Policies Document recommends that flexibility is applied when assessing residential parking provision. More specifically paragraph 18.8.2 states that:

“18.8.2 Our approach to parking provision accepts the need for restraint, but intends to apply it with sensitivity to local circumstances. While all non-residential development should comply with the parking standards set out in the London Plan in deciding on residential parking requirements, we will continue to apply the standards set out in the adopted Unitary Development

Plan 2006. This provides flexibility to consider the accessibility of individual locations, based on:

- The level of public transport accessibility (PTAL);
- Parking stress including the level of on-street parking control;
- The population density and parking ownership of surrounding areas;
- The location (i.e. is it in a town centre);
- Ease of access by cycling and walking; and
- Other relevant planning or highways considerations, such as to whether the proposal is a conversion of an existing use.”

The proposed parking provision of 69 spaces is within the range that planning policies would expect to be provided for the residential element of the scheme. Given the sites circumstances, including its location in an area that has a Public Transport Accessibility Level of 5 in Finchley Church End Town Centre (and the amenities it offers), the parking provision proposed for the residential element of the scheme is found to be acceptable in this instance. Based on the circumstances of the site and the nature of the scheme the level of parking proposed is found to strike the appropriate balance between the need to minimise the impact of parking associated with the development on the surrounding area and the requirement to not undermine the use of more sustainable modes of transport (walking, cycling and public transport).

While the residential parking provision proposed is within the appropriate range, in the absence of any further controls the proposal could result in overspill parking and increased demand for on-street parking spaces in the surrounding area. In light of these circumstances it is considered necessary to prevent the occupiers of the new dwellings from purchasing parking permits within the Church End Controlled Parking Zone (within which the application site is located). A planning obligation to this effect has therefore been recommended, including a contribution of £2000 to cover the associated cost of amending the relevant Traffic Management Order.

Barnet Local Plan policies (in the Development Management Policies Document) identify (at paragraph 18.8.2) that ‘all non-residential development should comply with the parking standards set out in the London Plan’. The parking standards at Table 6.2 of the London Plan recommend a provision of up to 1 car parking space per 100 to 600m² of Class B1 (office) space proposed. The London Plan does not identify specific standards for uses within Class D1 (such as the proposed library). Instead parking provision for such uses is to be assessed individually. For retail uses in a town centre location with a PTAL of 5 (such as the Class A1 unit proposed) the London Plan recommends a provision of up to 1 car parking space per 50 to 75m².

The scheme proposes to provide 1 car parking space for the 522m² of Class B1 office space in the scheme. Taking into consideration the circumstances of the site, including its location within walking distance of Finchley Central Underground Station and several bus routes and proximity to the amenities provided by Church End Town Centre (the site is within the town centre), and the scale and nature of the class B1 office use proposed, officers find this to be an acceptable level of parking.

The application proposes 2 car parking spaces for the library use (class D1) sought. Taking into account the scale of the library proposed (960m²), the circumstances of the site, including its town centre location in an area with a PTAL of 5, and the availability pay and display parking nearby in the Church End Controlled Parking Zone this level of parking is considered to be acceptable by officers.

While the scheme does not provide any on site parking for the Class A1 shop use proposed this is considered to be acceptable in this instance by officers. The shop unit is small in size (covering 501m²) and located in part of the town centre with a PTAL of 5. People making journeys by car to the unit would also have access to the pay and display car parking available in the Church End Controlled Parking Zone.

Conditions have been recommended to ensure that the parking spaces proposed are provided prior to the occupation of the development and allocated and managed in an appropriate way. Conditions and planning obligations requiring the provision of appropriate Travel Plans have been recommended. These will assist in encouraging travel by non-car modes of transport. Subject to the controls in place under the conditions and obligations recommended the provision of a total of 72 car parking spaces for the development proposed is considered to be acceptable and compliant with the objectives of development plan policy.

Development Plan policies require that proposals provide 10% of the car parking spaces in a scheme to a disabled parking space standard. The application proposes to provide 7 of the 72 spaces proposed to a disabled parking space standard. This includes the two spaces proposed for the new library and the one space proposed for the office floorspace. This is considered to be an acceptable approach that is compliant with the objectives of development plan policies.

Development Plan policies require that schemes provide 1 in 5 parking spaces (both active and passive) with electric vehicle charging points (EVCP). The conditions recommended require that not less than 15 (approximately 20% of the total) of the car parking spaces proposed for the scheme are provided with active EVCP and that a further 15 (approximately 20% of the total) of the parking spaces proposed for the development would have passive EVCP provision. Subject to this control the scheme is found to be acceptable compliant with planning policy in this regard.

The submission proposes dedicated facilities for the parking of 106 cycles. 94 of these would be provided in the lower ground floor area of the building. The remaining 12 would be provided in the form of a Sheffield Stands at a ground floor level adjacent the footway in Arcadia Avenue. This quantum of provision is considered to be acceptable and policy compliant in principle. A condition has been recommended to ensure that the cycle parking facilities identified are implemented prior to occupation and allocated in a suitable manner between the various different uses on the site.

It is noted that a number of objections have been received that the development has inadequate parking and would result in an unacceptable adverse impacts on the road network surrounding the site and the amenities

of neighbouring occupiers. However, for the reasons outlined, it is considered that the proposed development, as could be controlled through the conditions and planning obligations recommended, is acceptable and compliant with development plan policies in respect of parking matters.

Access and site layout

Vehicular access for the site would be provided from a single point on Arcadia Avenue under the proposal. The vehicular access point leads to a (two way) ramped route on the eastern part of the site which links to the lower ground floor level. Vehicular access to the basement level beneath this (lower ground floor level) is provided by a one way vehicular ramp which would be controlled by traffic signals. Officers consider that the submission has adequately demonstrated that the proposed vehicular access arrangements are suitable and able to operate safely.

The conditions recommended include a requirement for the submission of the details of the maintenance arrangements to be put in place in respect of the one way traffic signals for the basement level. This is needed to minimise any adverse impacts on the public highway that may arise from any possible failures in this system. A condition has also been recommended to ensure that the vehicular ramps proposed for the lower ground floor and basement levels are implemented with a suitable gradient.

Several points of pedestrian access would be provided along the length of the sites Regents Park Road and Arcadia Avenue frontages. This includes a (gated) route through the site from Regents Park Road, between the two main elements of the building (which are separated at a ground floor level) to Arcadia Avenue. Officers conclude that the proposal is acceptable and compliant with development plan policies in terms of the pedestrian environment created, subject to the conditions and planning obligations recommended.

In order to provide suitable access, parking and servicing arrangements for the development and to achieve an appropriate setting for the proposal the application seeks to make a number of alterations to the public realm within and surrounding the site. This includes areas on Regents Park Road, Arcadia Avenue and land adjoining both these roads. The works concerned are likely to involve changes to the design and layout of the roads, alterations to street furniture, the installing of new hard surfacing, the planting of up to 7 new trees and changes to parking, loading and waiting restrictions and road markings. It is probable that these would be carried out under both planning and highways (principally the Highways Act 1980) related legislation and include both the stopping up of land (under Section 247 of the Town and Country Planning Act 1990) and the dedication of land (under Section 38 of the Highways Act 1980). Given its importance to the operation and appearance of the scheme and the nature of the works involved a planning obligation has been recommended which would ensure that the necessary changes to the public realm are provided in an appropriate manner prior to the development being occupied.

In terms of specific elements these works would include relocating a length of existing pay by phone parking bays on Regents Park Road to Arcadia Avenue and replacing this with a single yellow line waiting restrictions, to allow

deliveries to take place on Regents Park Road (fronting the site). While the proposed delivery arrangement on the public highway would not be exclusive for this development, it is anticipated that the shop unit (Use Class A1) proposed would generate approximately 5 delivery trips per day (the library, office, and residential uses proposed are not expected to generate significant delivery trips). The works would also involve converting land adjacent an existing lay-by in Arcadia Avenue into a new pedestrian footway, to improve pedestrian access around the site. At present part of the footway on the north-east side of Arcadia Avenue has been converted into a lay-by and is being used to provide parking bays.

A condition has been included in those recommended to ensure that appropriate refuse and recycling facilities are delivered within the development and that a suitable strategy for the collection of refuse and recycling from the site is in operation at the point that the development is brought into use. Subject to such controls the proposal is found to be acceptable in this respect.

Subject to the controls in place through the conditions and planning obligation recommended Highway Officers conclude that the layout and access arrangements proposed for the development would not be detrimental to highway or pedestrian safety and are satisfactory in all other relevant regards. The proposal is found to be acceptable and compliant with the objectives of development plan policies in this respect, subject to the conditions and planning obligations recommended.

Vehicular trip generation

To establish the vehicular trip generation associated with the existing and proposed uses on the site the TRAVL Database was used. This is an accepted approach to establishing the trip generation.

Using this method the uses in the existing building on the site would be expected to generate a total of 57 vehicular trips in the AM Peak and 44 vehicular trips in the PM Peak. The estimated total peak hour vehicular trips associated with the uses in the existing building are summarised in the table below:

Total Existing Vehicular Trip Generation:

Trips	Arrivals	Departures	2-way
AM (8.00 to 9.00 hours)	35	22	57
PM (17.00 to 18.00 hours)	13	31	44

The total combined expected vehicular trip generation in the AM and PM Peak hours for the residential, library, office and shop uses in the proposed development are set out in the table below:

Total Predicted Vehicular Trip Generation by the Proposed Uses:

Trips	Arrivals	Departures	2-way
AM (8.00 to 9.00 hours)	11	12	23
PM (17.00 to 18.00 hours)	8	8	16

The anticipated net change in vehicular trip generation at the site in the AM and PM Peak hours following the implementation of the development is summarised in the following table:

Net Change in Vehicular Trip Generation:

Trips	Arrivals	Departures	2-way
AM (8.00 to 9.00 hours)	-24	-10	-34
PM (17.00 to 18.00 hours)	-5	-23	-28

The assessment carried out indicates that there will be a net reduction in trip generation during the AM and PM Peak hours as a result of the proposed development. Vehicle movements outside of peak hours are also not expected to have a detrimental impact on the public highway network. It is therefore concluded that the scheme can be managed within the existing network capacity. Officers consider that the proposed development is unlikely to have any significant detrimental impact on the highway network and the proposal is considered to be acceptable and compliant with the objectives of policies in this respect.

Transport related management plans

A Framework Travel Plan has been included in the documentation submitted with the application. However, conditions and obligations are recommended to ensure that an acceptable and policy compliant local level Residential Travel Plan is provided for the residential element of the development prior to its occupation. The Residential Travel Plan provided will be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives for the first occupier of each residential unit. The Travel Plan incentives would comprise a voucher to a minimum value of £150 per dwelling to encourage the use of more sustainable modes of transport (this requirement is included in the obligations recommended). The voucher provided would allow the occupier concerned to purchase one of the following Travel Plan incentives up to a limit of £150:

- Subsidised membership of and credit for a Car Club.
- Credit on an Oyster Card travel pass.
- A bike voucher.

As the non-residential uses proposed exceed the relevant criteria a local level Staff and Visitors Travel Plan is required in conjunction with the development. Conditions and obligations are therefore recommended to ensure that an acceptable and policy compliant Staff and Visitors Travel Plan is provided prior to the occupation of this element of the scheme.

In order to ensure that the objectives of the Travel Plans are being met a monitoring contribution of £10,000 is included in the planning obligations recommended.

To mitigate any adverse impacts from construction traffic on the road network surrounding the site a Construction Management and Logistics Plan would need to be prepared and implemented in respect of the proposal. A condition to this effect has therefore been recommended. A condition has also been recommended to ensure that an appropriate Servicing and Delivery Plan is

provided for the non-residential uses proposed. This will minimise the impacts of the servicing and delivery activities associated with these uses.

Parking, highways and transport conclusions

The Council's Traffic and Development Team have assessed the proposal and consider it to be acceptable in all relevant regards. For the reasons outlined above the scheme is found to be acceptable and compliant with the objectives of development plan policy in relation to parking, highways and transport matters subject to the imposition of the conditions and planning obligations recommended.

3.11 Creating inclusive environments for all members of the community:

Planning policies make it clear that new developments should be accessible, usable and permeable for all users. Statements should be submitted with proposals explaining how the principles of inclusive design have been integrated into the development for which consent is sought.

The documents submitted with the application identify a number of ways in which the design of the proposal has been influenced by the desire to make it accessible for all members of the community. The submission sets out that the proposed dwellings would all meet the relevant Lifetime Homes standards and that level or suitably sloping access will be provided within the site (Planning Statement). At least 10% of the dwellings proposed (8 in total) would be designed to meet wheelchair accessible standards or be easily adaptable to meet such requirements (Design and Access Statement Addendum) and 10% (7 in total) of the parking spaces proposed would be provided to a disabled parking space standard (shown in application drawings).

Conditions have been recommended to ensure that all the proposed dwellings would meet the relevant Lifetime Homes standards, not less than 10% of the dwellings proposed would meet or be easily adapted to meet wheelchair accessible standards, the site would be developed at appropriate levels and 10% of the parking spaces proposed are provided to a disabled parking space standard. The conditions recommended would also ensure that other specific elements of the scheme were implemented in a way that was inclusive and took reasonable steps to make them accessible and usable for all. These include the internal design of the new library, the office and retail development proposed and the two areas of roof terrace provided for the future occupiers of the dwellings in the scheme.

Subject to the controls in place under the conditions recommended officers conclude that the design and layout of the proposal is such that it is acceptable and compliant with development plan policy in terms of creating a development that is accessible, useable, permeable and inclusive for all members of the community.

3.12 Contaminated land and water quality issues:

The Council's Environmental Health Service has confirmed that any potential concerns they may have regarding contaminated land issues are adequately addressed through the conditions recommended in this respect. The

Environment Agency has not raised any objection to the proposal or requested that any conditions be imposed on a grant of consent in terms of contaminated land or water quality matters. Thames Water have sought the use of petrol and oil interceptors in parking areas within the site, to reduce the risk of pollution arising from vehicles. The conditions recommended would ensure appropriate infrastructure is implemented in this respect.

Having evaluated the information submitted, it is considered that, subject to the conditions recommended, the proposal is acceptable and compliant with development plan policy in respect of contaminated land and water quality matters.

3.13 Safety and security matters:

Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

The London Fire and Emergency Planning Authority and Metropolitan Police Service have not raised any objection to the proposal or requested that conditions are placed upon any grant of consent. However, a condition has been recommended by officers which would require that the scheme implemented includes suitable detailed design features (that have previously been approved by the Local Planning Authority) in respect of creating a safe and secure environment that minimises the opportunities for crime and fear of crime. Subject to this control officers consider that the proposal has gone as far as it reasonably could be expected to in terms of providing a safe and secure development for future occupiers and users of the site and neighbouring properties.

The design and layout of the development proposed is considered to be such that, as controlled through the conditions recommended it would provide a safe and secure environment. The proposal is deemed to be acceptable in respect of providing a safe and secure development that has an environment which reduces opportunities for crime and the fear of crime.

3.14 Flooding and water infrastructure matters:

The application site does not fall within an area identified as being at risk of flooding (Flood Zone 1). The Environment Agency has responded to the consultation and has not raised any objection to the proposal or requested any conditions be placed on a grant of consent in respect of flood risk matters. Notwithstanding this a condition has been included in those recommended to ensure that appropriate drainage infrastructure and systems are installed as part of the development. This would include details of the areas of green roof to be installed as part of the development.

Thames Water has responded to the consultation and not raised any objections to the proposal. Thames Water have requested that a condition is imposed on any consent granted to ensure that all piling works carried out as part of the implementation of the development take place in accordance with a method statement which has been previously agreed with the Local Planning Authority (in consultation with Thames Water). This is intended to minimise the potential for damage to subsurface sewerage infrastructure in the area and a condition to this effect has been included in those recommended.

Thames Water has made a number of other points in respect of waste water and water infrastructure matters and these have been included as informatives.

To address the objectives of development plan policy on water efficiency conditions have been recommended to ensure that water efficiency measures seeking to achieve a usage of not more than 105 litres per head per day are implemented as part of the residential element of the proposal. Other conditions have been recommended to ensure that the non-residential parts of the development include suitable water efficiency measures, such as low flow taps and dual flush toilets, and minimises water usage. Subject to these conditions the development is found to be acceptable in this respect. Both businesses potentially supplying water to the development (Affinity Water Company and Thames Water) have been consulted on the application and neither has raised any objections to the development in relation to water supply matters.

The proposal is considered to be acceptable and compliant with planning policies on flooding and water infrastructure matters, subject to the conditions recommended.

3.15 Energy, climate change and sustainable construction matters:

London Plan Policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Residential and non-domestic developments submitted before October 2013 (which is the case in this instance) should achieve a 25% reduction in carbon dioxide emissions when compared to a building constructed to comply with the 2010 Building Regulations. Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

Where proposals include the construction of new homes this element of the scheme is expected to comply with the guidance set out in the council's SPD in respect of the level of the 'Code for Sustainable Homes' that is achieved. The council's adopted Sustainable Design and Construction SPD requires that newly constructed homes in developments of the nature proposed commit to a Code Level 4 or above against the Code for Sustainable Homes.

Where proposals include a non-residential element schemes are expected to achieve a standard of 'Very Good' under the relevant Building Research Establishment Environmental Assessment Method (BREEAM).

Carbon dioxide emissions

The application is accompanied by an Energy Strategy prepared by Metropolis Green. This confirms that both the residential and non-residential elements of the proposal would achieve the 25% reduction in carbon dioxide emissions (when compared to a building constructed to comply with the 2010 Building Regulations) needed to comply with London Plan policy 5.2. The total anticipated carbon reduction is predicted to reach 38.8%, with an improvement of the Dwelling Emission Rate over the Target Emission Rate of 53.6% and an improvement of the Building Emission Rates over the Target Emission Rate of 26.2% for the development. This is found to have been achieved in a manner which is consistent with the energy hierarchy.

The improvements identified in the Energy Strategy are considered to be adequate for the scheme to comply with the requirements of policy on the reduction of carbon dioxide emissions. A condition has been recommended to ensure that the development achieves the level of carbon dioxide reductions required by development plan policies as a minimum.

The Energy Strategy states that the use of on site renewable energy generation technologies is proposed as part of the development and that the technology used would comprise Photovoltaic Panels. However, it is also identified that these would only achieve a 1.1% reduction in carbon dioxide emission and not the 20% reduction sought under London Plan policy 5.3. It is accepted that the introduction of further potentially viable on-site renewable technologies would limit the use of features, such as green roofs and areas of roof top amenity space for future residents, which have been proposed as part of this scheme and will be positive sustainability features in their own right. Given the sustainability benefits arising from the design approach proposed and the levels of carbon dioxide reductions the scheme is achieving (relative to 2010 Building Regulations compliant scheme) the limited use of on site renewable technologies in the proposal is found to be acceptable in this particular instance.

Other aspects of sustainable design and construction

A Sustainability Statement, prepared by Metropolis Green, has been submitted with the application. This identifies a number of sustainable design features that the proposal would incorporate to develop in a sustainable way, mitigate and adapt to climate change, conserve resources and minimise pollution. These include elements such as measures to reduce water consumption, the provision of appropriate recycling facilities, the inclusion of energy efficiency measures, the construction of the new dwellings to achieve the Lifetime Homes Standard and the installation of facilities for cyclists.

The submission includes a Code for Sustainable Homes pre-assessment for the residential element of the scheme. This makes it clear that the proposal could meet Code for Sustainable Homes Level 4. The submission also includes BREEAM pre-assessments for the non-residential elements of the scheme (library, office and retail uses). These assessments identify that the non-residential uses could achieve a BREEAM level of 'Very Good'. It is

considered that the details provided in the submission are acceptable in this regard and that this aspect of the application would result in a development which reaches an appropriate standard in respect of sustainable design and construction matters.

To ensure that the commitment to reaching Code Level 4 (residential), BREEAM 'Very Good' (non-residential uses) and certain other key elements of developing sustainably are carried through to implementation conditions on these aspects of the proposal have been recommended. Such an approach allows a degree of flexibility as to the precise sustainable design and construction measures that are incorporated in the development, while ensuring that, taken in the round, the scheme achieves an appropriate level of sustainability.

To address policies on urban greening specifically the development proposes the planting of new trees, the inclusion of areas of green roof covering 309m² in total and the use of other roof top planting. Conditions and planning obligations have been recommended to ensure that suitable landscaping and the green roofs are delivered at the implementation stage of the development (landscaping is addressed in greater detail previous sections of this report). Subject to these controls the proposal is found to be acceptable in this regard.

3.16 Biodiversity matters

The application is accompanied by an Ecological Appraisal prepared by ACD Ecology. This evaluates the ecological value of the site and assesses the ecological impacts of the scheme, including identifying possible ecological enhancements that could be incorporated into the development.

The Ecological Appraisal recommends that measures should be taken in respect of the protection of breeding birds during the construction process. A condition has been included in those recommended which requires a scheme of measures (that have previously been agreed with the Local Planning Authority) to be in place that ensures the implementation of the proposal is compliant with policies and legislation on the protection of breeding birds. Subject to the imposition of this condition the proposal is found to be acceptable in this regard. The Ecological Appraisal identifies that the site has negligible potential to support roosting bats and that that it is not anticipated that this development would have any impacts on designated nature conservation sites. Officers accept these findings.

The Ecological Appraisal identifies a number of biodiversity enhancements that the scheme could deliver. These include the installation of areas of green roof and roof top planting, the incorporation of bird boxes and the use of planting in the soft landscaped areas that promotes biodiversity objectives. Officers find these to be suitable biodiversity enhancements for a proposal of this nature in principle and a condition has been recommended to ensure that appropriate biodiversity enhancements are delivered as part of the scheme.

Natural England has responded to the consultation on the application and has not raised any objections to the proposal. Natural England have recommended that the Council secure biodiversity enhancements for the site if it is minded to grant consent for the proposal. As noted above conditions securing appropriate biodiversity enhancements have been included in those recommended.

The tree and wider landscaping matters are addressed more fully in earlier sections of this report. However, the conditions and obligations recommended are considered sufficient to ensure that these aspects of the scheme make appropriate contributions to biodiversity protection and enhancement.

Subject to the controls in place under the conditions recommended and the requirements in place under other legislation the proposal is found to be acceptable and compliant with development plan policy on biodiversity and nature conservation matters.

3.17 Planning obligation matters:

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

In accordance with development plan policies the following obligations are required to be secured through a legal agreement with the developer. Officers consider that the planning obligations and conditions recommended would provide adequate mitigation for the impacts of the development and ensure that if the scheme is implemented it delivers the infrastructure (particularly the library) needed to overcome the proposals conflict with specific aspects of development plan policy.

Delivery of the Library

Given the new libraries importance to the recommendation made by officers on this application the planning obligations recommended secure the delivery of the library in the way that is currently envisaged. This is set out in full under the Recommendation 1 heading, towards the start of this report, but it includes the construction of the library to 'shell' stage by the applicant and the internal fit out of the library at cost to the applicant that does not exceed £945,000 (in respect of the fit out); the granting of a lease on the new library to the council for a term of 125 years (on the payment of a premium of £1) at a rent not exceeding £100 per annum; and the provision of a sum of £250,000 by the applicant to the council for library furnishings and furniture, media and information technology equipment and any other library related equipment.

Travel Plan and Travel Plan Monitoring

In accordance with policy DM17 of the Local Plan the applicant is required to enter into Travel Plans for the residential and non-residential elements of the development which seek to reduce reliance on the use of the private car and promotes sustainable means of transport.

The Residential Travel Plan provided would be required to include the appointing of a Travel Plan Champion and the use of (financial) Travel Plan incentives for the first occupier of each residential unit. These incentives are discussed in further detail in section 3.10 of this report, but they would comprise a voucher to a minimum value of £150 per dwelling to encourage the use of more sustainable modes of transport.

A contribution of £10,000 is required towards the monitoring of the Travel Plans for the development. This contribution is to enable the Local Planning

Authority to continue to monitor the scheme to ensure the development is making reasonable endeavours to meet travel related sustainability objectives in accordance with policy DM17 of the Local Plan.

Amendment to Local Traffic Order

A planning obligation has been recommended to ensure that an amendment is made to the existing Traffic Management Order to prevent the future occupiers of the dwellings within the proposed development from being issued with permits for the Church End Controlled Parking Zone which covers the area surrounding the application site. A contribution of £2,000 to cover the administrative costs of making this amendment to the Traffic Management Order is also sought.

Highway Works Plan and New Trees on the Public Highway

In order to provide suitable access, parking and servicing arrangements for the development and to achieve an appropriate setting for the proposal the application seeks to make a number of alterations to the public realm within and surrounding the site. This includes areas on Regents Park Road, Arcadia Avenue and land adjoining both these roads. The works concerned are likely to involve changes to the design and layout of the roads, alterations to street furniture, the installing of new hard surfacing, the planting of up to 7 new trees and changes to parking, loading and waiting restrictions and road markings. It is probable that these would be carried out under both planning and highways (principally the Highways Act 1980) related legislation and include both the stopping up of land (under Section 247 of the Town and Country Planning Act 1990) and the dedication of land (under Section 38 of the Highways Act 1980). Given its importance to the operation and appearance of the scheme and the nature of the works involved a planning obligation has been recommended which would ensure that the necessary changes to the public realm are provided in an appropriate manner prior to the development being occupied. In respect of the new trees to be planted specifically a sum of up to £15,000 is required.

Enhancements to Adjoining Property

The application proposes (in the Planning Statement) to make repairs and aesthetic improvements to the external appearance of the south-western flank wall at the adjoining property, 332 Regents Park Road, as part of its enhancement of this part of Church End. A planning obligation has therefore been recommended to ensure that these works are delivered and implemented in a suitable manner.

Employment and Training

In accordance with development plan policies which seek contributions to employment and training from schemes the proposal would deliver three apprenticeships connected with the construction and operational phases of the development for residents of Barnet. Of the three apprenticeships delivered two would be at not less than a Level 2 or 3 (as defined in the National Apprenticeship Service Framework or any subsequent scheme which replaces this) and one would be at either not less than a Level 4 or an appropriate equivalent graduate scheme. Alongside the other planning benefits which the application would deliver this obligation is considered to assist in mitigating the loss of employment generating floor space the development would result in. In the event that the applicant was not able to

fulfil its obligations in this respect a contribution of £25,000 towards the provision of apprenticeships and employment training within the borough would be payable to the Council.

Monitoring of the Section 106 Agreement

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore requires the payment of £3,849 towards the costs of undertaking the work relating to securing the planning obligations recommended in line with the adopted Supplementary Planning Document for Planning Obligations.

3.18 Barnet Community Infrastructure Levy

The proposed development is liable for charge under the Barnet Community Infrastructure Levy (CIL) at a rate of £135 per square metre. Because of the nature of the way in which CIL is calculated it is only possible to estimate the contribution which the scheme would finally be liable for under the Barnet CIL at the time planning applications are determined. For example it is possible that only the additional floorspace generated by the development would be potentially liable for charge under the Barnet CIL. Taking account of this factor the development might be expected to generate a Barnet CIL charge of **£353,695**. It is noted that the applicant has stated that they intend to apply for 'exceptional circumstances relief' in respect of the Barnet CIL. Any request for such relief would be assessed by the Council upon the submission of the appropriate application.

3.19 Mayoral Community Infrastructure Levy

The proposed development is liable for charge under the Mayoral CIL (at a rate of £35 per square metre). Because of the nature of the way in which Mayoral CIL is calculated it is only possible to estimate the contribution which the scheme would finally be liable for under the Mayoral CIL at the time applications are determined. For example it is possible that only the additional floorspace generated by the development would be potentially liable for charge under Mayoral CIL. Taking account of this factor the development might be expected to generate a Mayoral CIL charge of **£114,292**.

4. EQUALITIES AND DIVERSITY ISSUES

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

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this Section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council’s statutory duty under this important legislation.

In broad terms the proposed development would produce facilities (library, residential, office and retail uses) for the whole community, including the whole spectrum of people who share a “protected characteristic” and those who do not. The conditions recommended for the application would ensure that in several regards the development proposed would exceed the minimum requirements of legislation, such as Part M of the Building Regulations, which relate to schemes meeting the needs of people who have protected characteristics. Examples of this include all the proposed residential units being constructed to meet the relevant Lifetime Homes standards and not less than 10% of the residential units proposed being constructed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The conditions would also ensure that the retail and office elements of the scheme are designed in a manner which takes appropriate account of the needs of disabled users and that disabled standard parking spaces are included for both the residential and non-residential uses proposed.

With the conditions recommended both the residential and non-residential elements of the proposal are found to accord with development plan policies as they relate to the relevant equalities and diversity matters. This includes the development achieving a high quality inclusive design approach, which creates an environment that is accessible to all and would continue to be over the lifetime of the development. It is also recognised that the design of the building to which the application relates is such that it would be an improvement when compared to the existing building on the site, in terms of achieving equality and diversity objectives specifically. The proposal would therefore have a positive effect in terms of equalities and diversity matters in this respect.

In terms of the new library specifically, the facilities, services and activities in this part of the scheme would potentially be for the benefit of all members of the local community, whether or not they share protected characteristics. As with other libraries in the borough it is envisaged that some activities carried out at the new facility would seek to positively encourage persons with protected characteristics to participate in activities and to positively engage with them in meeting their particular needs. However, importantly, the new library would be better placed to deliver this than the existing library in Finchley Church End. For example it would contain a lift to enable users with

mobility difficulties to access both floors of the facility. The development would therefore be expected to have a positive effect in terms of equalities and diversity matters in this regard.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in its Equality Scheme and support the council in meeting its statutory equality responsibilities.

5. COMMENTS ON GROUNDS OF OBJECTIONS

Comments have been made identifying concerns that the works associated with implementing the development may affect the foundations and stability of neighbouring buildings, particularly when piling is carried out. While these concerns are noted it is not considered that a refusal of planning permission on this basis would be justified. The conditions recommended include a requirement that any impact piling to take place at the site as part of implementing the development is carried out in accordance with a method statement, detailing the measures that will be taken to minimise the risk of damage to neighbouring properties, that has previously been submitted to the local planning authority and agreed in writing. This is considered to be as far as the planning system can reasonably seek to manage this issue in the circumstances of this case. The other objections raised are all considered in the appraisal and analysis set out in the relevant parts of the report.

6. CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within The Mayor's London Plan and the Barnet Local Plan, as well as other relevant guidance and material planning considerations, have been carefully considered and taken into account by the Local Planning Authority in their assessment of this application.

For the reasons set out in detail in the previous sections of this report Officers conclude that the proposed development generally and taken overall accords with the relevant development plan policies and planning guidance, except as they relate to the protection of office (Use Class B1) floorspace in a Locally Significant Business Location. In respect of the protection of the existing office floorspace in this Locally Significant Business Location, it is considered that the proposed development would provide substantial planning benefits, specifically a new library facility, and that, on balance, these are sufficient to outweigh the schemes conflict with development plan policy and any harm caused in this respect. As such it is considered that there are material planning considerations which justify the recommendation to grant planning permission in this instance. Accordingly, subject to the satisfactory completion of the Section 106 Agreement, APPROVAL subject to conditions is recommended, as set out in the Recommendations section at the beginning of this report.

APPENDIX 1: KEY PLANNING HISTORY FOR THE APPLICATION

Gateway House, 318-330 Regents Park Road

F/00186/14 'Change of use from B1 office (first to seventh floors) to C3 residential (54 units) with 54 parking spaces, 59 cycle spaces and refuse store at ground and basement level.' NOT PERMITTED DEVELOPMENT AND THE PRIOR APPROVAL PROCESS IS NOT APPLICABLE (2014).

C00021AF/03 'Extension at third floor level to provide additional B1 office space.' APPROVED SUBJECT TO CONDITIONS (2003).

332 Regents Park Road

F/02016/13 'Installation of non-illuminated hoarding to side elevation.' APPROVED SUBJECT TO CONDITIONS (2013).

Winston House 2 Dollis Park, 4 Dollis Park and 349-363 Regents Park Road

F/00497/11 'Extension and refurbishment of Winston House, 2 Dollis Park comprising:

- Change of use of fourth floor from offices (B1) to hotel use (C1) and two storey extension at roof level to provide 119 bedroom hotel;
- Retention of 11 residential flats on first and second floors;
- Conversion of residential studio flat (C3) to office (B1);
- Remodelling and landscaping of car park;
- Partial remodelling of façade, including raising of parapet level.

Extension and refurbishment of 4 Dollis Park comprising:

- Change of use of B1 (Offices), B8 (Storage & Distribution) and D2 (Gymnasium) to create 27 no self-contained residential units.
- Creation of two new levels of car parking to serve residential/ office/ new hotel use of both Winston House and 4 Dollis Park.

Front extension to 349-363 Regents Park Road, and rear extension to 349 Regents Park Road. Change of use of 351-353 Regents Park Road from A2 (Financial & Professional Services) use to A1 (Retail) with internal and external alterations including new shopfronts.' APPROVED SUBJECT TO CONDITIONS (2012).

Adastra House, 401-405 Nether Street

F/03751/11 'Demolition of the existing building and redevelopment of site to provide a mixed used scheme over two basement levels, ground floor, 5 upper floors and roof terrace to provide 126sqm of office (use class B1) space on the ground floor, 34 residential units (use class C3) above, basement car parking for 35 cars and associated amenity space, refuse storage, cycle parking and landscaping and works.' APPROVED SUBJECT TO CONDITIONS (2012).

F/03458/10 'Demolition of the existing building and redevelopment of the site

to provide a mixed use scheme over a basement level, ground floor and nine upper floors creating 220m² of ground floor office (use class B1) space and 42 residential units (use class C3) above, parking for 27 cars and associated refuse storage, cycle parking, landscaping and works.' WITHDRAWN (2010).

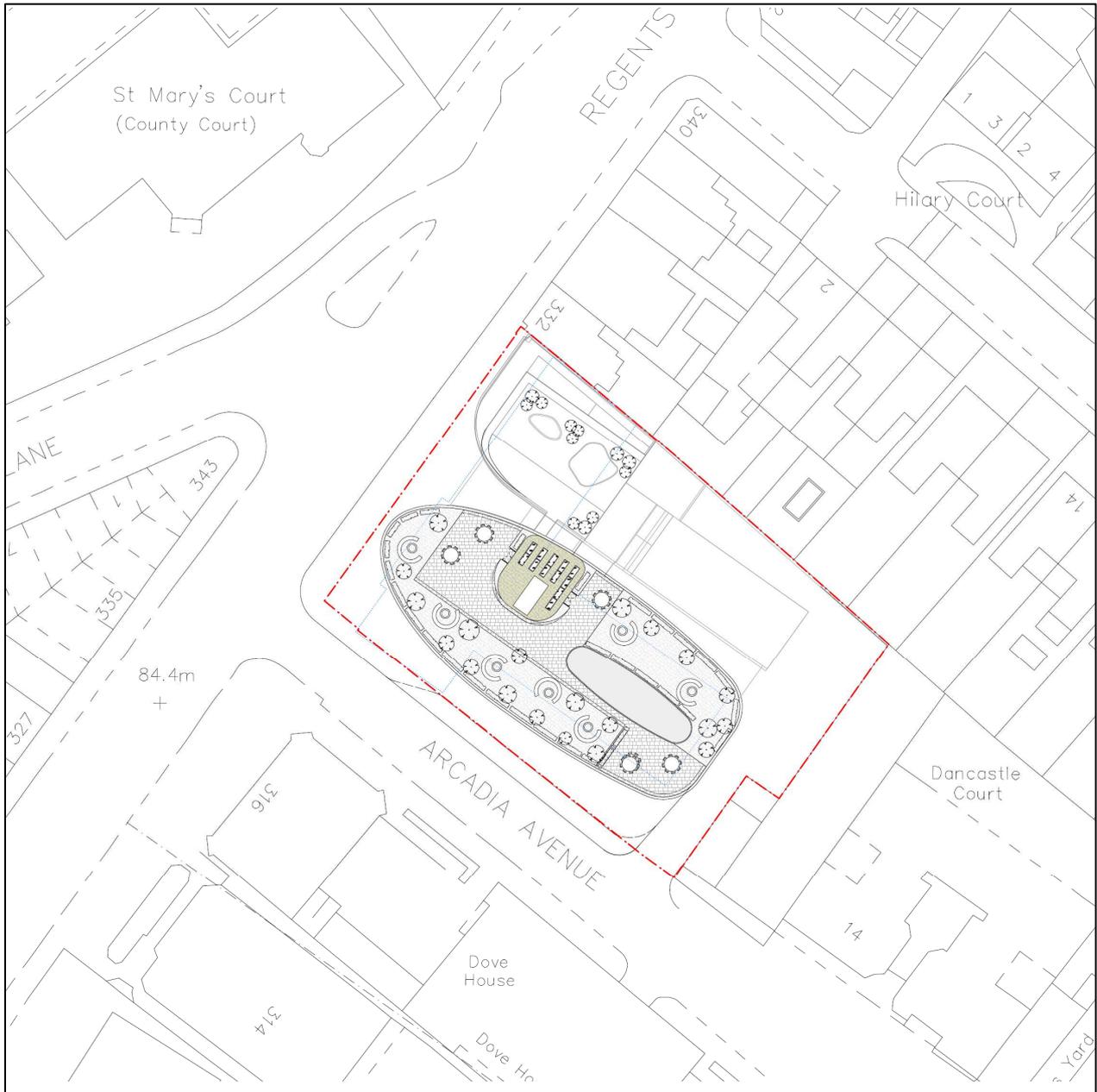
F/00647/08 'Demolition of existing buildings and erection of a ten storey building comprising residential accommodation (56 units) and ground floor class A1, A2, A3 and/or B1 unit (shop/financial and professional services/cafe and restaurants/business). Associated parking and vehicular access.' REFUSED (2008). APPEAL DISMISSED (2009).

F/00506/08 'Demolition of existing buildings and erection of a ten storey building comprising privately managed student accommodation and ground floor class A1, A2 and/or B1 unit (shop/financial and professional services/business). Associated parking and vehicular access.' REFUSED (2008). APPEAL DISMISSED (2009).

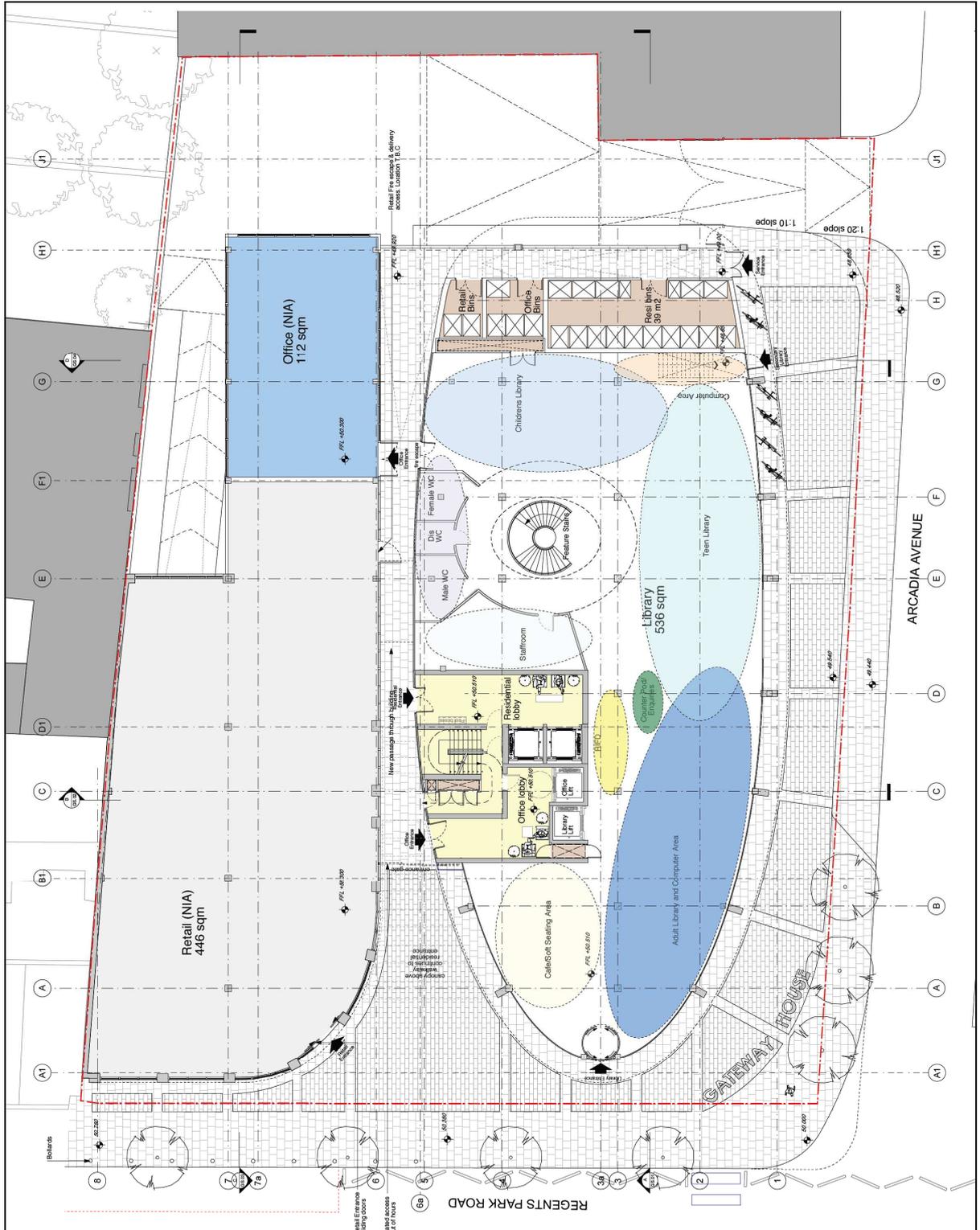
C01535AQ/03 'Demolition of existing building and erection of nine-storey building comprising B1 office use at ground floor level and 24no. residential units on the upper floors plus basement and sub-basement parking for 37no. cars (outline).' APPROVED SUBJECT TO CONDITIONS (2003).

APPENDIX 2: PLANS OF THE PROPOSED DEVELOPMENT

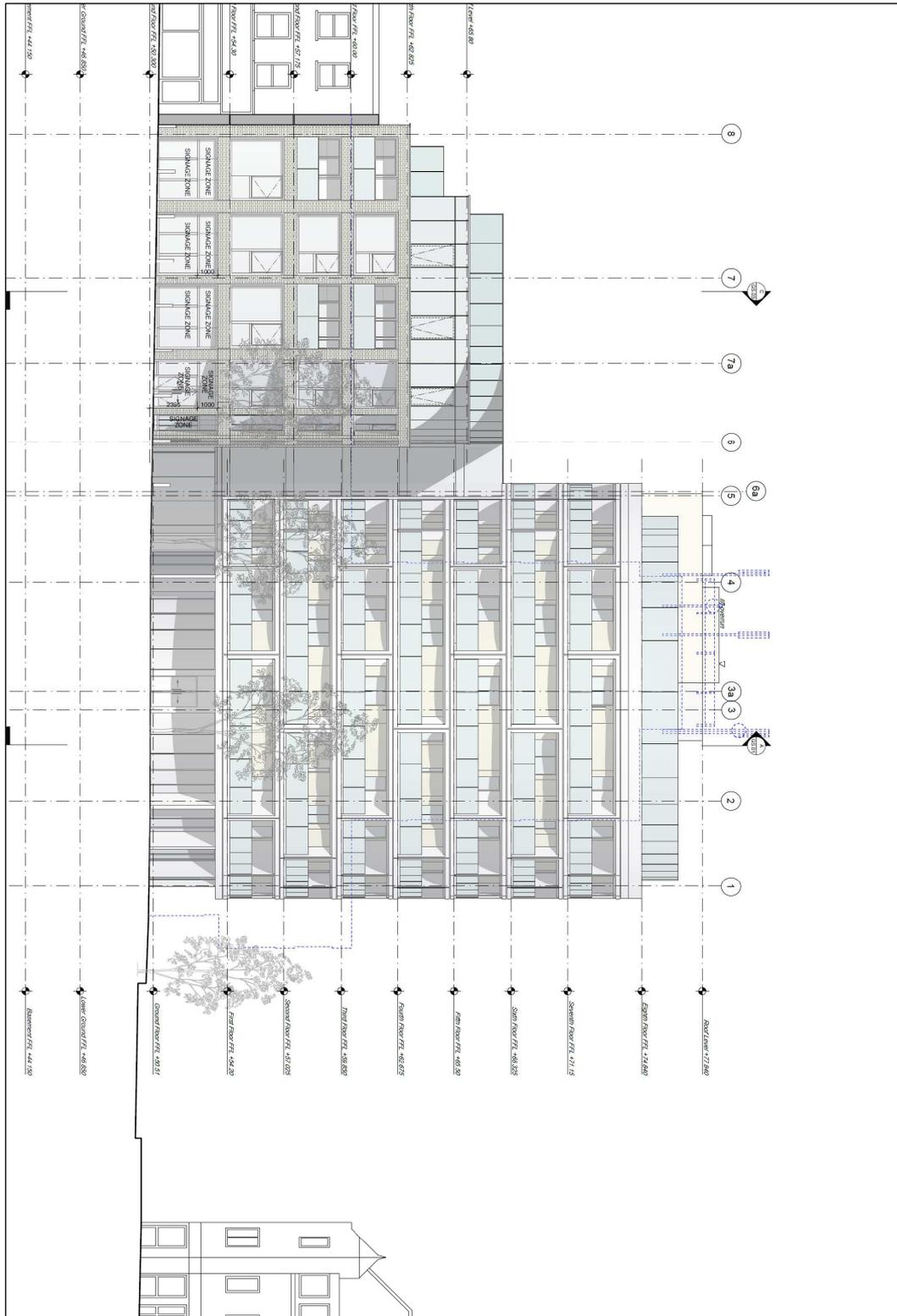
Site Layout and Context as Proposed:



Proposed Ground Floor Plan:



Proposed Regents Park Road (north-west) Elevation:



APPENDIX 3: INFORMATIVES

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the applicant engaged with this prior to the submission of this application. The Local Planning Authority has negotiated with the applicant where necessary during the application process to ensure that the proposed development acceptable. While the proposal is a departure from certain relevant development plan policies there are important material planning considerations in this instance which justify the decision to grant planning permission.
2. For the purposes of this decision notice 'Groundworks and Site Preparation Works' are defined as and limited to the following works:
 - Demolition of existing structures including removal of asbestos, the stripping out of buildings, disconnecting services and grubbing up foundations.
 - Removal of existing and surplus rubble from the site.
 - Removal of services on the site including service trenches.
 - Carrying out CAT scans on site to confirm all existing services are clear.
 - The Erection or re-establishment of a hoarding line for the construction site.
 - Providing piling matting.
 - Providing clear health and safety information on the site.
 - Piling works.
 - Substructure and underground drainage works.
3. The gradient for the proposed ramps leading to the underground parking areas should have a gradient not steeper than 1:10 or in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.
4. The applicant is advised that roads in the vicinity of the development suffer from high parking pressure. Therefore the occupants of the new development will be prohibited from purchasing parking permits in the existing Church End Controlled Parking Zone (CPZ). This is to ensure that there is no detrimental impact on the public highway resulting from the increased demand for parking permits from the new occupants of the development.
5. The applicant is advised that an application under Section 184 of the Highways Act (1980) must be submitted for a new heavy duty vehicular access. The access design details, construction and location will be reviewed by the Traffic and Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the development on this site, will be borne by the applicant. To receive a copy of the Guidelines for Developers and an application form please

contact the Traffic and Development Team, Regional Enterprise, North London Business Park, Building 4, Oakleigh Road South, London N11 1NP.

6. Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to a detailed survey by the Regional Enterprise Crossover Team and the application that will be needed for the crossovers under the Highways Act 1980. This work would be carried out at the applicant's expense. Please note that the reinstatement of redundant crossovers, any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's contractor for Highway Works. An estimate for this work can be obtained from the Traffic and Development Team, Regional Enterprise, North London Business Park, Building 4, Oakleigh Road South, London N11 1NP.
7. In a case where a highway tree is present in the vicinity of a proposed access road or a crossover for the development the final approval for any works to this tree would be subject to the detailed assessment carried out by the Regional Enterprise Crossover Team as part of a crossover application. The outcome of this assessment cannot be prejudged at this stage.
8. The applicant is advised that construction of a vehicular access or crossover may involve alterations to existing on-street parking bays. Alterations to on-street parking bays or waiting restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process and any related costs for such alterations will be borne by the applicant.
9. Refuse and recycling collection points should be located within 10 metres of the Public Highway. Otherwise unobstructed access needs to be provided to the refuse vehicle on the day of the collection and the development access would need to be designed and constructed to allow refuse vehicles to access the site. Alternatively the refuse and recycling will need to be brought to the edge of public highways on collection days. Any issues regarding refuse and recycling collection should be referred to the Cleansing Department.
10. The applicant is advised that the development is located on the Strategic Road Network (SRN). The Traffic Management Act (2004) requires the Council to notify Transport for London about construction works on such a road. The developer will be expected to work with the Council to mitigate any adverse impacts on the public highway and will require Transport for London's approval before the works approved under this consent can commence.
11. The applicant is advised that Regents Park Road is a Traffic Sensitive Road. Deliveries during the construction period should not take place between 8:00am and 9:30am and 4:30pm and 6:30pm from Monday to Friday. Careful consideration must be given to the optimum routes for

construction traffic and the Traffic and Development Team (Regional Enterprise, Building 4, North London Business Park, Oakleigh Road South, London N11 1NP) should be consulted in this respect.

12. Due to the presence of National Grid apparatus in the vicinity of the site any person wishing to implement the development must contact National Grid before any works are carried out, to ensure their apparatus is not affected. The National Grid Plant Protection Team can be contacted at on 0800 688 588 and at plantprotection@nationalgrid.com or at Plant Protection, National Grid, Block 1 Floor 1, Brick Kiln Street, Hinckley LE10 0NA.
13. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) and National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Clear site maps should be included in reports showing the previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on the site and to illustrate the proposed remediation strategy. All raw data should be provided in a form that can be easily audited and assessed. Details as to reasoning, how conclusions were arrived at and an explanation for any decisions made should form part of any report.

14. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to

insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

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

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

15. The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality related report the report submitted should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

16. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater

discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

17. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit: www.thameswater.co.uk
18. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
19. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a **£114,292** payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has been assessed at this time as liable for a **£353,695** payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges

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

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

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

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

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

The following paragraphs provide examples of how you may potentially apply for relief or exemption from CIL:

1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. **Residential Annexes or Extension**

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. **Self Build**

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit

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

APPENDIX 4: SITE LOCATION PLAN

Gateway House, 318-330 Regents Park Road, London, Finchley Church End

