

**Location**                    **105/105A Ballards Lane London N3 1XY**

**Reference:**                **15/00858/FUL**                    Received: 10th February 2015  
Accepted: 16th February 2015

Ward:                        West Finchley                        Expiry 13th April 2015

Applicant:                 Mr Richard Hanouka

Proposal:                    New basement level. Ground floor rear extension to extend existing retail shop. Conversion of upper floor levels into 9no. self-contained flats including first floor rear extension, extension to roof involving rear dormer and 7no. front rooflights, refuse/recycling facilities and 9no. off-street parking spaces. New vehicular access from Falkland Avenue including electronic gates. Erection of single storey office building to rear

**Recommendation:** Approve subject to conditions

- 1    The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 942/SPB/HM/1; Drawing no. 942/SPB/HM/2; Drawing no. 942/SPB/HM/3; Drawing no. 942/SPB/HM/4; Drawing no. 942/SPB/HM/5; Drawing no. 942/SPB/HM/6; Drawing no. 942/SPB/HM/7; Drawing no. 942/SPB/HM/8; Drawing no. 942/SPB/HM/9; Drawing no. 942/SPB/HM/10; Drawing no. 942/SPB/HM/11; Drawing no. 942/SPB/HM/12; Drawing no. 942/SPB/SK/1C; Drawing no. 942/SPB/RSK/4B; Drawing no. 942/SPB/RSK/55B; Drawing no. 942/SPB/RSK/6A; Drawing no. 942/SPB/RSK/7B; Drawing no. 942/SPB/RSK/8A; Drawing no. 942/SPB/RSK/9B; Drawing no. 942/SPB/RSK/11; Drawing no. 942/SPB/RSK/10A; Drawing no. 942/SPB/RSK/201B; Daylight and Sunlight Report by BVP; Planning Noise Assessment report 15/0182/R1 Revision 1; Annotated Site Location Plan for Highways.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2    This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The use of the outbuilding hereby permitted shall at all times remain in B1 use and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 5 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 6 No development or site works shall take place on site until a 'Demolition, Construction and Traffic Management Plan' has been submitted to and approved in writing by, the Local Planning Authority. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and good air quality in accordance with Policy CS9 of Core Strategy (Adopted) September 2012, Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the

collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS9 Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 8 Prior to occupation the approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason:

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

- 9 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with drawing No. 942/SPB/RSK/6 Rev A submitted with the planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and 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 London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

This sound insulation shall ensure that the levels of noise generated from the Planning Noise Assessment Report 15/0182/R1 Rev1; as measured within habitable rooms of the development shall be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

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

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

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

- 12 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 13 a) No development other than demolition works shall take place until details of the proposed green living wall have been submitted to and approved in writing by the Local Planning Authority.

b) The green living wall shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the future occupiers in accordance with Policies DM02 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 14 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing Lovers Walk and Falkland Avenue shall be glazed with

obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 16 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing Falkland Avenue and Lovers Walk.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 17 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 18 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

- 19 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to meet and achieve all 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 in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2015) and policy DM02 of the Barnet Development Management Policies document (2012).

- 20 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 litres per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £34,795.95 payment under Mayoral CIL.

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

application has therefore been assessed at this time as liable for a £134,212.95 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

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

- 3 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 4 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 5 The applicant is advised that Ballards Lane is part of Traffic Sensitive Route from 8.00am - 9.30am and 4.30pm-6.30pm Monday-Friday.
- 6 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.





## **Officer's Assessment**

### **1. Site Description**

The application site is located on Ballards Lane in a busy, mixed use area of Finchley Central and falls within the West Finchley Ward. A large Superdrug A1 retail unit and two smaller A1 units currently occupy the site, and the wider area is characterised by a mixture of residential and commercial units; the residential properties are located to the north western side of the site on Falkland Avenue.

To the north of the site, is a small public path way known as Lovers Walk. There is a small access road to the rear of the site known as Adams Close, which facilitates access to Lloyds Motor Spares (commercial unit). There is an existing electricity substation at the boundary with no.10 Falkland Avenue and there are a number of informal parking spaces that fall outside the curtilage of the site also at the rear by Adams Close which are used by the commercial unit.

A couple of trees are located at the boundary of the site however these do not benefit from tree protection orders.

### **2. Site History**

Site Address: 105 Ballards Lane N3

Application Number: C01517D

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 10/07/1981

Proposal: Single storey rear extension, erection of 6ft. high blockwork walls

Site Address: 105/105A Ballards Lane LONDON N3

Application Number: C01517J

Application Type: Full Application

Decision: Refuse

Decision Date: 25/06/1997

Proposal: Change of use from retail (Class A1) to restaurant/public house (Class A3) with staff accommodation at first floor. New shopfront, alterations to rear elevation.

Site Address: 105 Ballards Lane N3

Application Number: C01517C

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 30/09/1974

Proposal: erection of building at rear to form garden centre

Site Address: 105A BALLARDS LANE LONDON N3

Application Number: C07982

Application Type: Full Application

Decision: Refuse

Decision Date: 14/01/1983

Proposal: Change of use of first floor flat to beauty salon.

Site Address: 105 Ballards Lane London N3

Application Number: C01517E

Application Type: Full Application  
Decision: Approve with conditions  
Decision Date: 30/11/1981  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Use as part of existing gardening centre and new floodlighting

Site Address: 105 Ballards Lane Finchley London N3  
Application Number: C01517A  
Application Type: Full Application  
Decision: Approve with conditions  
Decision Date: 24/08/1970  
Proposal: Erection of New Shopfront.

Site Address: 105 Ballards Lane Finchley N3  
Application Number: C01517  
Application Type: Full Application  
Decision: Approve  
Decision Date: 30/06/1967  
Proposal: Formation of new doorway in partywall at first floor level as a secondary means of escape.

Site Address: 105 Ballards Lane, London, N3 1XY  
Application Number: F/00095/11/ENQ  
Application Type: Pre-Application Enquiry  
Proposal: Conversion and insertion of additional floor to provide 8no self-contained flats.

Site Address: 105-105A Ballards Lane, London, N3 1XY  
Application Number: F/00429/14/ENQ  
Application Type: Pre-Application Enquiry  
Proposal: Redevelopment of the existing site to incorporate commercial on the ground floor and basement (Class A1 Retail) with self-contained residential apartments on the upper part and on the rear of the site.

### **3. Proposal**

The applicant seeks planning permission for the redevelopment of the site including new basement and ground floor extensions to provide additional accommodation to the existing A1 units. In addition, extension at first floor and roof level rear extensions to provide a total of 9no self-contained residential units, with refuse/recycling facilities at the rear. Finally, the proposal seeks a new vehicular access from Falkland Avenue including electronic gates with 9no parking spaces and erection of single storey office building to rear. The residential accommodation is comprised as follows:

- 6 x one-bedroom units
- 2 x two-bedroom units
- 1 x three-bedroom units

At the ground, the extension will have a depth of 3.5 metres from the existing elevation. At first floor level, the extension will have a depth of 8.4 metres, above the existing single storey projecting wing at the rear, with an additional 2.5 metres in depth to include the proposed balconies. The roof extension to provide an additional floor will be extended above the proposed first floor and recessed 2.4 metres from the proposed rear elevation of

the first floor. The roof of the extension will be a hipped roof, which will be sited lower than the ridge of the main roof and therefore not visible from the streetscene. At the front, the applicant proposes 7no. rooflights.

The first and second floors will have a centrally located void with a depth of 10 metres, starting 13 metres from the front elevation, to reduce the bulk of the building and provide natural light to habitable rooms located in the centre of the building.

The single storey building to the rear accommodating the office will have a maximum width of 7 metres and length of 9.5 metres. It will have hipped roof with a maximum height of 4.1 metres and sited towards the rear of the site along the boundary with 1 Cornwall Avenue; there are no proposed windows towards this boundary.

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

Consultation letters were sent to 160 neighbouring properties.  
10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Additional car fumes close near residential
- Noise by additional vehicular access and additional vehicle traffic
- Loss of privacy
- Reduction in A1 use resulting in low footfall of retail
- Loss of rear space will mean commercial units are serviced from the front affecting traffic
- Inadequate natural light and insufficient outlook to future occupiers
- No daylight or sunlight assessment provided- loss of light and outlook
- Conflict in use by shared access of retail unit and entrance to flats
- Lack of outdoor amenity space to Flat 9 and unsuitable outdoor amenity to other flats
- Design fails to provide high quality accommodation
- Overlooking
- Balconies could result in overlooking of 103A.
- Increase height of first floor leading to unacceptable level of enclosure
- Increase noise pollution and heightened activity by additional units exasperated by balconies
- No information for BREEAM, Code for sustainable homes submitted.
- Road already congested and Adams Close is a single lane.
- Will be a problem collecting refuse and recycling due to narrow road (Adams Close)
- Additional traffic will be unsafe for pedestrians.
- Out-of-character to have blocks of flats
- Tree damage and possible subsidence if trees are affected
- Increased pressures on local amenities and infrastructure
- Contravenes with Human Rights Act, in particular Protocol 2, Article 1 which seeks to ensure that people have a "right to peaceful enjoyment of all their possessions"
- Difficulty accessing the site during construction and increased site traffic during construction
- Impact of basement on foundations
- Impact on local businesses

#### **5. Planning Considerations**

##### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, DM14, DM17.

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

#### Principle of building, density and impact on character

The Council recognises that flatted developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Redevelopment of brownfield sites however is encouraged particularly for residential use, providing they are acceptable in terms of character and would not harm the amenities of future occupants or any of the adjoining uses.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

Residential units above the commercial units characterise this section of Ballards Lane, and the proposal creating residential units above the existing commercial unit would not be out-of-character in principle; the impact of the extension will be covered separately below.

The site benefits from a high PTAL score of 5, and upon assessment with the density matrix (table 3.2 of the London Plan), the number of units would be suitable for the Town Centre location.

Policy DM01 of Barnet's Development Management Policies Development Plans Document (DPD) looks for all new developments to represent high quality design and any development at this site should relate positively to the surrounding properties. Whilst the site is considered to be restrictive due to the proximity of the properties on Lover's Walk, it is important to consider that there is currently a large and unattractive two storey projection to the rear of the site, with the first floor currently used as storage for the commercial unit on the ground floor. It is considered that the impact of the proposed extensions would be relatively limited, even with the additional storey, given that the height of the main building, the incongruous elements at the rear which vary greatly in height and the height of the shopping parade on Ballards Lane.

The Local Planning Authority and the developer have engaged in extensive pre-application discussions to ensure that the bulk and massing of the building is suitable for the context of the site. In order to address the concerns with regards to the bulk and massing of the building (both in terms of the impact on the character of the area and the impact on neighbouring occupiers) the extensions have been reduced and the proposed roof has been designed in such a way that the building in the upper levels has two cores thus

breaking-down the bulk and reducing the span of brickwork. In addition, the formation of a new roof, although unusual in its design with the core, is considered to be a positive addition and an improvement to the current roof room.

The proposed erection of the small building to the rear of the car parking to accommodate B1 use area is considered to be acceptable given the low activity use and modest height.

The formation of the basement to provide additional storage for the commercial units is not considered to be out of character and there would not be visual manifestations.

As such it is not considered that the proposed redevelopment of the site and extensions would be incongruous or uncharacteristic development detrimental to the established character.

#### Amenity to neighbouring and future occupiers

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate and respect the original building. The Council's guidance advises that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form. For the reasons specified in the section above, it is considered that the proposal is acceptable in this respect.

Similarly, with regards to the impact on neighbouring occupiers, by virtue of the centrally located void and the reduction in the massing of the building, it is considered that this mitigates the concerns with regards to the building being overbearing. In addition, there are 'lighter' elements within the design including obscured glazed blocks on both flank elevations to provide natural light into the central section of the building, however these will be obscured glazed and therefore prevent any overlooking into adjacent properties; a suitable condition will be added.

It is not considered that the extensions proposed would cause any significant harm to the amenities of neighbouring occupiers, given the present building form. As part of the submission, the applicant has provided a daylight and sunlight report by BVP which has assessed the impact of the development in this regard on the amenities of adjoining neighbours. The daylight results outline that there is little or no change to the Vertical Sky Component (VSC) to immediate properties compared to existing figures, and this is also the case for sunlight results. With regards to the skylight of no.103A, whilst this has been mentioned as serving a habitable room, due to the window facing towards the sky, it is not considered that the development, although within close proximity, will reduce the daylight entering this room. As such the development is not considered to be detrimental to adjoining occupiers.

As part of the submission, the applicant has submitted a noise report which has been reviewed by the Council's Environmental Health officers. Following amendments, the recommendation and mitigation measures are considered to be acceptable and it is not considered that the heightened activity at the rear and additional units would be detrimental to the established amenities of present occupiers or of those of future occupiers.

The applicant has confirmed that loading and off-loading of goods for the commercial units is located at the front of the site, on Ballards Lane; the development seeks to retain this and therefore there would be no additional commercial activity to the rear of the site.

With regards to the amenities of future occupiers, it is considered that the units all meet and exceed the minimum space standards as specified in the Council's Sustainable Design and Construction SPD and London Plan 2015.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m<sup>2</sup> per habitable room. The development would provide balconies for all the residential units, and Flat 1 to 8 all exceed the minimum outdoor amenity standards. Flat 9 would fail to provide adequate amenity space with the provision of 7.25 sqm (15sqm required to meet the standard), however given that the site is within a Town Centre location, the unit would be occupied by up to two occupiers and the site is within close proximity to Victoria Park, it is considered acceptable that this unit is below the standard.

In order to prevent mutual overlooking within the development the void, which will serve the courtyards and provide outdoor amenity space, a living wall with a height of 2.3 metres at first and second level is proposed. Details of this have been requested as part of a condition.

There are two proposed entrances to the flats; one at the front from Ballards Lane serving four of the flats, and one from the rear at Adams Close serving the other flats. The entrance into the rear flats from Adams Close is considered to be safe for future occupiers.

The proposed scheme has been reviewed by the Council's Highways team who consider that the access arrangement from Adams Close, the number of parking spaces and the provision of cycle parking would all be acceptable.

In addition, the proposed refuse collection has been confirmed to be by Adams Close and the applicant has specified that the managing agents will present the bins on the day of collection at the junction of Falkland Avenue and the service road. Therefore, it is not considered that the refuse collection would be detrimental to Highways safety.

#### Other matters

The Community Infrastructure Levy (CIL) is a planning charge the Local Authorities and the Mayor of London can set on new development to contribute to paying for community infrastructure and also intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm. The proposal would require £34,795.95 to cover the Mayor's CIL charge and £134,212.95 for Barnet's CIL.



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

It is considered that the planning related objections have been largely addressed in the report above.

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

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

#### **7. Conclusion**

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