

Location **53 - 55 Ballards Lane London N3 1XP**

Reference: **15/02596/FUL** Received: 27th April 2015
Accepted: 30th April 2015

Ward: West Finchley Expiry 25th June 2015

Applicant: Mr Darren Gayer

Proposal: Part single part three storey rear extension, with 2nd floor extension to no. 53 Ballards Lane, conversion to form a re-configured ground floor A1 and D1 units and 6 no. self contained flats over the 1st and 2nd floors.

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Highways (traffic order) £2,000.00
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: BL-AGE-00; BL-AGE-01; BL-AGE-02; BL-AGE-03; BL-AGE-04; BL-AE01; BL-AE02; BL-AE03; BL-AE04; BL-AE05; BL-AGP-01A; BL-AGP-02; BL-AGP-03; BL-AGP-04.

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 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.

4 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing 57 Ballards Lane 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).

6 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).

7 The D1 use hereby permitted shall not be open to members of the public before 9am or after 6pm on weekdays and Saturdays or before 10am or after 4pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

8 The development shall be implemented in accordance with details of mitigation measures as identified within the acoustics survey dated March 2015 submitted as part of the application before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory amenity in regards to noise levels; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

9 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 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).

10 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).

11 Before the development hereby permitted is first occupied or the use first commences the cycle storage as shown on Drawing No.BL-AGP-01A; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

12 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)."

13 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).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31/07/2015, unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of £2000 towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

The proposal would therefore not address the impacts of the development, contrary to Policy DM17 of the Local Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £17732.40 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 £68396.40 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.

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

1. Site Description

53-55 Ballards Lane is part single, part two, part three storey grouping of buildings on the east side of Ballards Lane close to the junction with The Grove.

The site falls within the primary retail frontage of Finchley Church End. The building comprises of commercial units at ground floor and D1 (education) use at first and second floor.

2. Site History

Site address: 53-55 Ballards Lane, London, N3 1XP
Application Number: F/00669/13
Application Type: Full application
Decision: Refused
Decision Date: 25/04/2013
Appeal Decision: Appeal Dismissed
Appeal Decision Date: 25/07/2014
Proposal: Demolition of both existing properties and construction of a new part single, part single and part 3-storey building with a mixed use development incorporating a ground floor commercial (Class A1) unit, educational (D1) unit and 8no. self contained flats above including an internal lift; first floor terrace at the rear. Provision of refuse and cycle storage.

Site address: 53-55 Ballards Lane, London, N3 1XP
Application Number: F/01182/12
Application Type: Full application
Decision: Withdrawn
Decision Date: 18/05/2012
Appeal Decision: No appeal decision applies
Appeal Decision Date: No appeal decision exists
Proposal: Demolition of both existing properties and construction of a new mixed-use development incorporating a ground floor commercial (Class A1) retail unit and 9 no. self-contained flats above. Provision for cycle storage.

Site address: 53-55 Ballards Lane, London, N3 1XP
Application Number: C03451E
Application Type: Full Application
Decision: Approved subject to conditions
Decision Date: 22/08/1995
Appeal Decision: No appeal decision applies
Appeal Decision Date: No appeal decision exists
Proposal: Change of use of first floor from offices (Class B1) to English Language School, (ClassD1).

Site address: 53/55 Ballards Lane, London, N3 1XP
Application Number C03451F/01
Application Type: Advertisement
Decision: Refuse

Decision date: 25/01/2002
Appeal Decision: No appeal decision applies
Appeal Decision Date: No appeal decision exists
Proposal: Internally illuminated projecting sign

Site address: 53 Ballards Lane, London, N3
Application Number: C03451
Application Type: Full application
Decision: Approve with conditions
Decision Date: 15/12/1971
Appeal Decision: No appeal decision applies
Appeal Decision Date: No appeal decision date exists
Proposal: Construction of shopfront and re-arrangement of offices

Site address: 55 Ballards Lane, London, N3 1XP
Application Number C09372
Application Type: Full Application
Decision: Approve with conditions
Decision date: 04/02/1987
Appeal Decision: No appeal decision applies Appeal Decision Date: No appeal
decision exists Proposal: New shopfront

3. Proposal

This application relates to the extension and conversion of 53/55 Ballards Lane to form a re-configured ground floor A1 & D1 space and six flats over the upper two floors.

The proposed scheme will incorporate:

A1 retail space at ground floor level located at the front of the building, totalling 147.44sqm, split into two areas
An open plan educational (D1) unit of 126.29sqm located at the rear of the ground floor
Adjacent to these areas would be access to the upper floor flats, incorporating a combined cycle/dirty storage area and refuse & recycling store.
Six flats are proposed at first and second floor level. These are made up of 4 x one bed units and 2 x two bed units.

4. Public Consultation

Consultation letters were sent to 93 neighbouring properties.
14 responses have been received, comprising 14 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- No private parking for residential units.
- No provision for loading/unloading.
- Narrow access for D1 use.
- Ground floor is completely built over and provides unsuitable accommodation for a school.
- Block fire exit which is on private land.
- Retail unit is too small to be viable.

- Loss of light.
- Overlooking and loss of privacy to both sides.
- Loss of air volume.
- Out of character and ugly new block.
- Noise and disturbance particularly due to public house.
- Inappropriate use next to a sub-station.

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

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

Planning permission was previously sought, refused and dismissed at appeal in 2013 under application F/00669/13. The development proposed is the demolition of existing properties to allow for construction of a new mixed-use development incorporating a ground floor commercial (A1) unit, Educational (D1) unit and 8 no. self-contained flats above.

The application was refused for the following three reasons:

The proposed development by reason of its size, design and siting would be an overly dominant and unduly prominent form of development which would detract from the character and appearance of the general streetscene contrary to policy DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012.

The proposed development would provide substandard residential accommodation which would be detrimental to the amenity of future residents by reason of its design and layout and would therefore represent an overdevelopment of the site and contrary to policies DM01 and DM02 of the Adopted Development Management Policies 2012 and Adopted Supplementary Planning Document Sustainable Design and Construction and Residential Guidance 2013.

The proposal fails to provide adequate standards of amenity space for occupiers of the flats contrary to policies DM01 and DM02 of the Local Plan Development Management Policies (2012) and Adopted Supplementary Planning Document Sustainable Design and Construction and Residential Design Guidance 2013.

Principle of development

The appeal decision established the principle of development at this site as acceptable. The inspector concluded that "There are a number of matters that, in principle, are in favour of the proposal and which would be in accordance with the National Planning Policy Framework, the London Plan and the Local Plan. These matters include the provision of eight flats in an accessible location in a Town Centre; the extension and retention of the existing retail front would not have any adverse effect on the vitality and viability of the Town Centre; and the retention of the educational use. I also accept that the proposal may well comply with other policies in the National Planning Policy Framework, the London Plan and the Local Plan, particularly those with regard to sustainable development; the

development being in an area with good levels of public transport; promoting residential uses in town centres; and the need for housing. However, these matters, either singly or cumulatively, do not outweigh the harm I have found above.

As such the principle of providing residential units in this location has been established as acceptable. In addition, the loss of some D1 floorspace has been accepted.

Character and appearance

Previous reason for refusal:

The proposed development by reason of its size, design and siting would be an overly dominant and unduly prominent form of development which would detract from the character and appearance of the general streetscene contrary to policy DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) Development Plan Document 2012.

The previous proposal was refused in part due to the overdevelopment of the site. Substantial amendments have been made to the application to address this issue. The current application is for extensions to the existing property rather than the demolition and re-build of the building. The proposal does not seek to extend to the front of the property and as such the impact on the adjoining public house which was raised as a concern at appeal stage. In addition, the proposal no longer seeks to provide a flat roof three storey building rather a new mansard roof has been provided to address concerns in relation to the bulk of the building.

The proposal is considered to sit comfortably within the site and does not result in an overdevelopment of the site. From a streetscene perspective the development is not considered to disrupt this part of Ballards Lane. The overall height of the proposal is in keeping with the heights of neighbouring buildings and as such is considered to be an acceptable addition within the street context.

Amenity of future and neighbouring residential amenities

Previous reason for refusal:

The proposed development would provide substandard residential accommodation which would be detrimental to the amenity of future residents by reason of its design and layout and would therefore represent an overdevelopment of the site and contrary to policies DM01 and DM02 of the Adopted Development Management Policies 2012 and Adopted Supplementary Planning Document Sustainable Design and Construction and Residential Guidance 2013.

The proposed development comfortably complies with the London Plan space standards for internal floor areas. In addition, the units comply with the guidance within Barnet's SPD relating to the minimum floor areas of living/kitchen/dining space.

The Housing SPG requires a minimum combined floor area of living, dining and kitchen spaces of 27 sqm for dwellings with a GIA equating to occupation by 4 people, and 23sqm for dwelling for the occupation of 2 persons (Good Practice Standard 4.4.1). The minimum width of the main sitting area should be 2.8m in 2-3 person dwellings and 3.2m in dwellings for four or more people (Good Practice Standard 4.4.2). The scheme meets these requirements. There is sufficient turning space for a wheelchair as per Baseline standard 4.4.4.

Each unit in the scheme proposes double bedrooms (4 units with 1 double bedroom and 2 units with 2 double bedrooms), each in excess of 12sqm in area (except Flat A bedroom 2 which represents a slight shortfall of this standard by approximately 0.4sqm) and with more than 2.75m in width for the majority of their length, in line with Good Practice standards 4.5.1 and 4.5.2 and Baseline Standard 4.2.1. Each bedroom has an accessible bathroom, in line with Baseline Standard 4.5.3.

The internal layout of the proposed residential units have been designed to ensure there is adequate outlook and light into each of the units.

Two of the units are dual aspect in compliance with table 2.2 of the Barnet's Sustainable Design and Construction SPD. Whilst two of the flats are single aspect they are not north facing and are not exposed to high levels of noise. As such it is considered that the proposal is acceptable and has addressed previous concerns in relation to the level of outlook and natural ventilation to the new residential units.

Noise and disturbance

Previous concerns have been raised in relation the noise and disturbance to the new residential units as a result of the neighbouring uses particularly the neighbouring public house. Given that the proposal does not extend the building line of the property closer to the public house and associated outdoor terrace and the noise report demonstrates that with appropriate mitigation measures there would be sufficient amenity for future residential occupiers it is considered that the proposal address concerns of noise and disturbance.

The proposal no longer extends as close to the public house and as such there is an increased buffer between the noise generated by the use of the public house.

There are a number of mitigation measures proposed within the submitted acoustics survey to ensure the proposal provides adequate amenity for future occupiers by ensure there is not undue noise and disturbance.

Amenity space

Previous reason for refusal:

The proposal fails to provide adequate standards of amenity space for occupiers of the flats contrary to policies DM01 and DM02 of the Local Plan Development Management Policies (2012) and Adopted Supplementary Planning Document Sustainable Design and Construction and Residential Design Guidance 2013.

In regards to amenity space, it is noted that no on site amenity space has been provided as part of the proposal. Whilst Barnet's SPD Sustainable Design and Construction indicates that 5sqm of amenity space is required per habitable room in new residential flats, the appeal inspector's report for the 8 unit scheme has already considered the lack of amenity space and determined that this alone would not form a reason for refusal of the application. The inspector noted in the appeal decision. 'I accept that many people may not want an amenity space and I consider that it is matter for future occupiers to determine whether the accommodation would meet their requirements. Whilst the proposal would not

comply with the Council's standards, I do not consider that this alone would be a reason to refuse planning permission.'

In regards to residential amenity space associated with the flats it is considered that the proposal has addressed the previous reasons for refusal relating to the amenities of future residential occupiers.

Loss of D1 floorspace

Policy DM13 states Loss of community or educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

The proposal will provide D1 floorspace at the ground floor level with direct access from street level. It is considered that the re-provision of the existing D1 use on the ground floor level provides an adequate quality unit in compliance with policy DM13.

Traffic and highways

The proposal does not provide any off street parking in association with the new units. The proposal is therefore not in accordance with the parking standards set out in DM17 of the Development Management Plan Policies. Any vehicles associated with the occupancy of the flats would have to be parked on street. Ballards Lane is located within a Controlled Parking Zone (CPZ). The site is located in a town centre location with a PTAL of 5, the Council therefore would seek an amendment to the traffic order to exempt residents from purchasing permits to park on the roads. Subject to this the application would be acceptable on highways grounds.

5.4 Response to Public Consultation

All planning matters are considered to be covered in the above appraisal.

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.



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