

**Location**                                **Finchley Police Station, 193 Ballards Lane, London N3 1LZ**

**Reference:**                            **15/05583/FUL**                                Received: 3rd September 2015  
Accepted: 14th October 2015

Ward:                                        West Finchley                                        Expiry 13th January 2016

Applicant:                                 Mr Jon Murch

Proposal:                                    Demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 4 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level

**Recommendation: Refuse**

- 1     The application does not make any provision towards on-site affordable housing, and the applicant has failed to satisfactorily demonstrate that a contribution towards affordable housing would not be viable. The development would be contrary to policies DM10, CS NPPF, CS4 and CS15 of the Barnet Local Plan Core Strategy and Development Management Policies Document (both adopted September 2012), policies 3.12 and 3.13 of the London Plan (adopted July 2011 and October 2013), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and August 2010) Supplementary Planning Documents and the Mayoral Housing (adopted November 2012) Supplementary Planning Guidance.
  
- 2     The proposed development would provide no car parking to serve the development and would fail to adequately mitigate the impact the development would have on the public highway. The proposals would result in increased kerbside parking which would be detrimental to the free flow of traffic and highway and pedestrian safety, and the amenities of neighbouring occupiers. The proposals would be contrary to policies CS9 of the Adopted Barnet Core Strategy 2012, policy DM17 of the Adopted Barnet Development Management Policies 2012, and policy 6.1 and 6.11 of the Mayor's London Plan.

**Informative(s):**

- 1     In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, 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.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £92,824.55 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £619,342.63 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [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 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](http://legislation.gov.uk).

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

3 The plans accompanying this application are:

## **Officer's Assessment**

### **1. Site Description**

The site has an area of approximately 0.19 hectares in area.

The site is L-shaped and wraps around 197 Ballards Lane and 201 Ballards Lane (Hartnell Court).

The site currently has a three storey flat roof building with projecting front ground floor entrance. This is set back from the neighbouring two storey terrace to the south.

The site has a vehicular entrance from Gruneisen Road and pedestrian entrance from Ballards Lane.

The site is located opposite Victoria Park.

Part of the site that fronts Ballards Lane forms part of the secondary retail frontage of Church End town centre.

The surrounding area is mixed in character, with a three storey building with roof level to the north. Further north still the character is more mixed outside the town centre, with three storey residential properties and taller flat blocks of 5-6 storeys, though these are well set back from the frontage. The majority of the buildings to the south are two storeys in height. These then step up to taller heights closer to Finchley Central Underground Station.

### **2. Site History**

#### Finchley Police Station

C11571B/01 - Ground floor front addition to form entrance lobby. Rear extension rising above existing roof level to accommodate new lift. Replacement windows. - Approved - 13/06/2001

#### Hartnell Court (197-203 Ballards Lane)

C03643G/04 - Demolition of existing buildings and erection of a three storey block of 14 No. self contained flats and 315 sqm offices (B1) plus basement car parking for 24 No. parking spaces accessed from Gruneisen Road. (OUTLINE). (Amended description). - Approved - 21/01/2005

#### 197 Ballards Lane

F/02072/13 - Third floor roof extension including a front and a rear dormer window to facilitate conversion into a new office space. - Approved - 23.07.2013

F/04628/12 - Third floor extension over existing second floor including alterations to roof to create new office space. - Refused - 14.03.2013

F/01330/11 - Formation of a third floor to be used as offices (B1 use) including associated roof alterations and extension to lift tower and internal staircase. - Refused - 19/05/2011

### **3. Proposal**

The proposals are for the demolition of existing buildings and erection of a 1 no. 7 storey building and 1 no. 4 storey building with rooms in lower ground level to provide 70 self-contained units and 1 no. Cafe and Restaurant (A3) commercial unit at ground floor level.

The proposals involve the demolition of former police station buildings on the site.

The proposals would create two blocks on the site:

1) A seven storey block fronting Ballards Lane. The glazed roof level would be set in from the edges of the building.

The building would include lower ground floor level. The cafe unit would be located to the front of the site at ground floor level. The rearmost part of the building would be set back from second floor upwards. This block would house 43 units.

2) A four storey block fronting Gruneisen Road. The building would step back to 5 storeys in part at its rearmost part. This would house 27 units.

Amenity space would take the form of balconies and a centrally located courtyard.

The proposals make no provision for car parking and would be a car free development.

The units proposed are designed as Build to Rent units. The scheme would provide purpose built rental accommodation that would be centrally managed. The scheme is designed with communal lobby and space for an on-site property manager. (Known as a 'Bob' by the applicant on other similar developments).

The applicant also has offered to commit as part of a legal agreement to retain the units as private rental sector housing for 15 years and this could be subject to legal agreement if the application is to be approved. After this period the development would be used for any form of market housing within class C3.

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

Consultation letters were sent to 282 neighbouring properties.

124 responses have been received, comprising 93 letters of objection, 31 letters of support.

The objections received can be summarised as follows:

##### Principle of Development

Development makes no provision for affordable housing.

Uncertain what will happen after ten years, will the block be sold on

Development is of excessive density

##### Character/Appearance Issues

The buildings are too tall and out of scale with other buildings in the area.

Permission was refused to extend 197 Ballards Lane and nothing has changed since.

Development should be no higher than neighbouring buildings.

Design is incongruous and doesn't reflect neighbouring buildings

Overdevelopment

Lack of architectural quality

Lack of benefit to public realm

##### Amenity Issues

Development will have appearance of blank wall.

Loss of daylight and sunlight.

Loss of light to Hartnell Court, Wentworth Lodge and Wentworth Avenue

Overlooking to Hartnell Court, Wentworth Lodge and Wentworth Avenue and not clear if 21m overlooking distance will be met.

Noise arising from use and number of people within the building.

The proposals provide inadequate amenity space

##### Environmental Issues

Noise and dust during construction, particularly to disabled and elderly residents.

##### Highways Issues

Lack of parking proposed for the development or visitors

It is already difficult to park outside CPZ hours. CPZ is known to have high occupancy.

Additional residents using Gruneisen Road will make access dangerous competing with commercial uses

If residents are excluded from permits they will park on streets outside the CPZ which already suffer from parking stress

Parking surveys have not adequately measured parking streets and have included CPZ areas that are not representative

Public transport will be overcrowded  
Residents may cycle to cars parked elsewhere  
Lack of cycle facilities

### Other Issues

Finchley already has enough cafes and doesn't need more.  
Will be occupied by more transient community which will impact the local community.  
Not enough school or doctors places to support development  
How will development be maintained  
Appears to involve building on neighbouring land  
Increased antisocial behaviour  
This sort of residential accommodation is not needed and does not help residents in the area  
Impact on security for resident's#  
Fact that developer is in competition with developers building for sale is not relevant  
The representations received can be summarised as follows:  
Police station needs to be developed  
Parking is already limited and this will not change  
Economic and social benefits to the area

An objection was received from Mike Freer MP on the following grounds:

The proposed development would breach the local roofline, and would be harmful to the area as a result of it's massing, bulk and intensification.

Correspondence was received from the Finchley Residents Group objecting to the proposals for the following reasons:

- Lack of affordable Housing
- Development is too high and does not relate well to local character
- Overshadowing, loss of daylight and sunlight
- Access to Gruneisen Road is unsuitable for a quiet road
- Development is out of scale with it's surroundings
- Development does not provide adequate amenity space for upper floor flats
- Development does not provide adequate green space or areas for wildlife
- Lack of parking provision to serve the development
- What happens after 10 years, will developer sell the complex

Additional consultation was undertaken on 04/04/2016 and 12/04/2016 following minor changes made by the applicant. 72 objections were received to this consultation and one letter of support. These are included within the above comments.

Internal/Statutory Consultation:

Highways - Object. Comments are contained within main body of report.  
Environmental Health - No objection, comments are contained within main body of report.  
Lead Local Flood Authority - The proposed discharge rate is in line with relevant policies (London Plan, Non-statutory Tech standards for SuDS). The plans provided provide a reasonable level of detail, though more detail is needed as part of the final design (such as the provision of more detailed surface water runoff / storage calcs).  
Metropolitan Police – No comments received.

Waste and Recycling – Have advised that additional refuse storage capacity needs to be provided.

Fire Brigade - Adequate brigade access does not appear to be provided to the rear blocks. The applicant has subsequently advised that sprinkler systems would be provided.

## **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 2016

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 2050. 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, CS3, CS4, CS5, CS6, CS9, CS10, CS11, CS12, CS14, CS15

Policy CS3 states that On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26.

Policy CS4 states that We will aim to create successful communities in Barnet by:

- seeking to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.
- seeking to ensure that all new homes are built to Lifetime Homes Standards and that through extending the inclusive design principles embedded in Lifetime Homes we can create Lifetime Neighbourhoods that are welcoming, accessible, and inviting for everyone, regardless of age, or health, or disability.

- seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.
- seeking a variety of housing related support options that maximise the independence of vulnerable residents including young people, people with disabilities, older people, homeless people and other vulnerable adults.
- delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.
- seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.
- on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

Policy CS5 states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy CS6 states that in order to promote competitive town centre environments and provide consumer choice, we will realise development opportunities for the town centres of Edgware, North Finchley, Finchley Church End, and Chipping Barnet. We will pursue the individual planning objectives for each centre as set out in their Town Centre Frameworks and ensure the delivery of environmental, design, transport, car parking and community safety measures.

Policy CS9 states that the Council will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS11 states how the Council will improve health and well-being in Barnet.

Policy CS12 states that the Council will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together.

Policy CS14 sets out how the Council will encourage sustainable waste management

Policy CS15 states that the Council will work with the Local Strategic Partnership (One Barnet Partnership Board) and other partners to deliver the vision, objectives and policies of the Core Strategy.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM05, DM06, DM08, DM10, DM11, DM13, DM14, DM16, 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.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design.

Policy DM04 states that all major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy. Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM05 states that tall buildings outside the strategic locations identified in the Core Strategy will not be considered acceptable.

Policy DM06 states that archaeological remains will be protected in particular in the 19 identified Local Areas of Special Archaeological Significance and elsewhere in Barnet. Any development that may affect archaeological remains will need to demonstrate the likely impact upon the remains and the proposed mitigation to reduce that impact.

Policy DM08 states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM10 states that having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.

Policy DM11 states that the council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

Policy DM13 states that loss of community or educational use will only be acceptable in exceptional circumstances

Policy DM16 states that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

Policy DM17 states that the council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users. Residential development may be acceptable:

i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be

demonstrated through a survey that there is sufficient on street parking capacity.

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

#### 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.

Residential Design guidance Development Plan Document 2013

- detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development.

Planning Obligations SPD Adopted 2013

- The main purpose of the Planning Obligations SPD was to provide guidance on when, where, and how the Council will seek to use Planning Obligations and the procedural process for doing so.

Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD

- The SPD sets out the Council's approach to delivering skills, employment, enterprise and training initiatives from development

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable
- Whether the proposals make adequate provision for affordable housing
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- 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 and future residents.
- Whether the proposals would have an acceptable impact on local security
- Environmental and Sustainability Issues
- Whether the proposals would make adequate provision for accessibility
- Whether the proposals would make adequate provision for biodiversity
- Whether the proposals would have an acceptable impact on local drainage

## **5.3 Assessment of proposals**

### Whether the principle of the development is acceptable

#### *1.1. Land Use – Loss of the Police Station*

The proposals would seek to demolish the existing police station building and replace it with two residential blocks. The block fronting Ballards Lane would have a café use (A3 Use Class) at ground floor level.

Policy DM13 relates to community uses and states that *'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.'*

Page 129 of the Core Strategy suggests that a police station would not technically fall under the description of a community facility and therefore should not be considered under policy DM13. However it must be noted that such a facility could provide some community benefit and this needs to be considered.

Policy CS12 states that LB Barnet *will work with the Metropolitan Police to provide re-modelling of its estate as a basis for an effective and responsive police service in Barnet*. The applicant advises that the police station was identified as being surplus to requirements in the Mayor of London's Policing and Crime (MOPAC) Estates Strategy 2013-2016.

It must also be noted that policy 3.16 of the London Plan states that:

*Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.*

The building is no longer used by the Metropolitan Police. Given that the Metropolitan Police have already identified the site as being surplus to requirements, and the policy support within policy CS12 it is not considered that the loss of the police station would warrant refusal of planning permission in itself. This further needs to be balanced against the benefits that the proposed housing units would provide.

It should be noted that the properties would be 'build to rent', and that communal facilities would be provided that would exceed those normally expected for a block of flats. The need for Private Rental Sector (PRS) is identified within policy CS4, the preamble for which states 'An increased supply of decent housing in the private rented sector is of value to households wanting to live in Barnet but not able to access owner occupation'

Policy 3.8 of the Mayor's London Plan highlights that *'boroughs should work with the Mayor and local communities to ....ensure that...the planning system provides positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery'*

In these ways it is not considered that the loss of the former police station which is surplus to requirements would warrant refusal of the planning application.

## *1.2. Land Use –Proposed Café*

Policy DM11 states that *'Significant new retail and other appropriate town centre uses outside the town centres or any expansion of existing out of centre sites will be strongly resisted unless they can meet the sequential approach and tests set out in the NPPF or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site.*

The proposed café would be sited to the Ballards Lane frontage, within the secondary retail frontage of Finchley Church End town centre. The provision of a café within the town centre would accord with policy DM11, in that town centre uses should be located within town centres.

### 1.3 Density

The gross site area for density purposes is approximately 0.22 hectares.

The London Plan states that for this sort of site, a density range of 200-700 habitable rooms for hectare is advised and 45-260 units per hectare.

Based on the plans provided, the development would be at 318 units per hectare and 750 habitable rooms per hectare. This exceeds the matrix by 58 units and 50 hr respectively.

Policy 3.4 of the London Plan states that *Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range..... Development proposals which compromise this policy should be resisted.*

The London Plan goes on to say that it is not appropriate to apply the density matrix mechanistically, as its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential.

In this way, the proposed development would exceed the density matrix to some degree. This needs to be viewed in the context of the Mayor's Supplementary Planning Guidance on Town centres which states that town centres are well suited to high density development.

In this way it is not considered that the density of the scheme is so great as to warrant refusal of the application, as the proposals would otherwise contribute towards the policy objectives of providing additional housing units and mixed use development within a district town centre.

### 1.4 Unit Mix

The proposals would make provision for:

-46x1bedroom flats

-21x2bedroom flats

-3x3bedroom flats

Policy DM08 identifies family sized home as the biggest priority for housing delivery in Barnet.

The proposals would deliver significant numbers of 2 bedroom units which would provide a good mix on the site. Furthermore, the site is within a town centre, and therefore is suitable for delivering smaller sized units, for which there is also known demand.

The provision of private rental sector accommodation within Barnet would add additional housing choice within Barnet, according with policy CS4 of the Core Strategy and policy 3.8 of the Mayor's London Plan. As such officers consider that the mix of housing is appropriate for the site.

## 2. Whether the proposals make adequate provision for affordable housing

Policy DM10 of the Development Management Policies Document states that *'Having regard to the borough-wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to*

*viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.'*

It should be noted that the scheme is for Private Rental Sector accommodation and that this needs to be considered when assessing viability. The National Planning Practice Guidance states that *Some privately rented homes can come from purpose built schemes held in single ownership which are intended for long term rental. The economics of such schemes differ from build to sale and should be determined on a case by case basis. To help ensure these schemes remain viable while improving the diversity of housing to meet local needs, local planning authorities should consider the appropriate level of planning obligations, including for affordable housing, and when these payments are required. So these homes remain available to rent only, local planning authorities may choose to explore using planning obligations to secure these schemes for a minimum period of time. Local planning authorities should enforce these planning obligations in the usual way.*

The NPPF defines affordable housing as *Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.*

Private rental sector accommodation, whilst meeting a need; could not be described as affordable housing.

The applicant has provided a Financial Appraisal Supporting Statement by Quod in support of the scheme. This states that it is not viable for the scheme to provide any affordable housing.

The supporting statement has been independently reviewed by BNP Paribas on behalf of the Council. They are of the view that the development could viably provide a contribution of £1.7 million towards affordable housing within the borough.

Further discussions have taken place between Quod and BNP Paribas but there remains at the time of writing this report a substantial difference of opinion.

It is therefore considered that the proposals would fail to provide the maximum viable amount of affordable housing, and as such there would be a material conflict with policy DM10 of the Development Management Policies Document.

### 3. Whether the proposals would have an acceptable impact on highway and pedestrian safety

The proposal is for the demolition of the existing building with retention and erection of 70 residential units comprising 46x 1bedroom units, 21x2bedroom units and 3x3bedroom units and a café and a restaurant (A3 use) at ground floor. No parking spaces are being provided. 45 existing parking spaces are being lost.

#### *3.1 Parking Impact*

The assessment of parking provision for a residential development is based on various criteria including Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of say 5/6 a parking requirement at the lower end of the council's parking policy range would be considered acceptable. However, for a PTAL Score at the lower end (say of 1 or 2)

parking provision at the higher end of the council's parking policy range would be required. The PTAL Score for the site is calculated as 4.

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 4 or more bedroom units	- 2.0 to 1.5 parking spaces per unit
For 2 and 3 bedroom units	- 1.5 to 1.0 parking spaces per unit
For 1 bedroom units	- 1.0 to less than 1 parking space per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows.

49x1b = a range of (0.0 - 1.0) = 00.00 – 49.0 parking spaces required

18x2b = a range of (1.0 - 1.5) = 18.00 – 27.0 parking spaces required

03x3b = a range of (1.0 - 1.5) = 03.00 – 04.5 parking spaces required

This equates to a range of parking provision of between 21 to 80.5 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management PoliciesDM17.

The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) i.e. 1a or 1b for the site. The PTAL rating for the site is 4. Therefore parking spaces need to be provided to meet the parking standards within policy DM17.

A car free development is proposed therefore no car parking is provided on site and therefore the proposal does not accord with the Parking Policy DM17.

The transport statement submitted with the planning application has attempted to provide justification for a car free development as follows:

- \* Enforcement of the car free status through the S106 agreement preventing resident access to parking permits for the Controlled Parking Zone.
- \* Provision of 94 cycle parking spaces.
- \* Proposed residential Travel Plan (TP);
- \* Proposed Car Club as part of the TP;
- \* Comparison of sites in other London boroughs with PTAL Rating of 3 and 4;
- \* The car ownership for the local area has been assessed as 0.86 cars per household;

The limiting of the purchase of parking permits is unlikely to deal with the impact of parking demand that may result from the proposed development as the site is located on the edge of CPZ which is only a one hour CPZ.

Proposed Car Club is unlikely to address the aspiration of owning a car as the location offers an easy access to wider road network via A406 North Circular Road and the A1000 Great North Road and make it a desirable location for residents who make regular use of the car.

The consultants have also submitted comparison of PTAL ratings in other boroughs in the TS for similar sites. Such comparison does not take into account the local environment and therefore every application has to be considered on its merit and therefore is not a material consideration.

The consultants in the TS have identified that the car ownership for the local area based on the 2011 Census Data is 0.86 per household. Based on the car ownership data it is only logical to conclude that the proposed development may result in parking demand for approximately 60 parking spaces. As no parking is provided for the development it is likely that the overspill parking resulting from the development onto public highway in the surrounding roads and therefore will have a detrimental impact on public highway.

Policy DM17 states that residential development may be acceptable with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

The development would provide no parking to serve the development. The site is located on the edge of a one Hour Controlled Parking Zone (CPZ), in close proximity of roads with uncontrolled parking which suffer from high parking stress. Any overspill of parking resulting from the proposed development will further exacerbate the parking pressure.

The applicant has undertaken parking surveys within the locality. These appear to show capacity within the CPZ to accommodate some additional parking outside CPZ hours. However this does not address any issues on nearby roads outside the CPZ. There is likely to be significant competition for spaces in the area given the proximity to local shops and amenities, and the CPZ would only be effective in preventing commuter parking.

Highway officers have obtained parking permit information for the area and this is shown below:

	Available Bays - Our data	Available Bays - Applicant's survey	Permits Issued
Ballards Lane	8	8	33
Wentworth Park	64	62	72
St Pauls Way	36	36	41
The Ridgeway	46	21	194
Gruneisen Road	20	20	33
Brownlow Road	17	34	79
Seymour Road	33	32	33

The information shows that parking permits within the surrounding area are heavily oversubscribed which appears to contradict the surveys done by the applicant. Officers are of the view that the surveys would show a snapshot over a few days, and that there is potential for the parking spaces to be more heavily used than this. Consideration must also be given to the comments made in this regard by residents.

In this way, officers are of the view that with no restrictions or mitigation the proposals would provide additional competition for parking spaces within the CPZ area (Outside 2-3pm) and immediately outside the CPZ on roads that are not restricted and already suffer from parking stress.

It is therefore necessary to consider whether mitigation can address these issues.

The applicant has explored whether it would be possible to have a term within the lease of the flats preventing residents from owning a car. However, officers are of the view that this would not be a satisfactory mechanism. This is because it is not possible to obtain details of the car owner from the Driving Vehicle Licensing Authority (DVLA). The threat of action itself would not be enough of a deterrent and the 'bob' on site would not be able to monitor all of the CPZ areas within the locality or indeed areas outside the CPZ. It is therefore considered that this option is unworkable.

The applicant has raised the option of extending the existing CPZ. Theoretically, the applicant could make a contribution towards a CPZ review within the locality. They have not specified what form this would take and discussions have taken place with the Council's Highways Team regarding what sort of arrangement may adequately mitigate the harm caused by the development. However, any grant of permission on this basis would need to be subject to the CPZ extension being agreed following consultation and this would need to form part of any recommendation.

### *3.2 Access*

The development would be car free, and as such would not require vehicular access. It would make use of pedestrian accesses from Ballards Lane and Gruneisen Road.

### *3.3 Trip Generation*

Taking into account the previous use of the site as a police station, and the location of access points It is not considered that the proposals would harmfully increase traffic flows on surrounding roads.

### *3.4 Safety*

The proposals would make use of vehicular access to Gruneisen Road. It is possible that the proposals will result in more pedestrian activity to this part of the site. There is an existing access point in this location. It is not considered that the use of the site as 70 flats would create increased risk of accidents within the locality.

## 4. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

### *4.1 Layout*

The proposed development would take the form of two blocks with courtyard area in between.

The block fronting Ballards Lane would largely fit within the existing linear development on this frontage. The existing building on the site is set back from the terrace to the south. The proposed block to Ballards Lane would extend forward to match the front building line of the building to the south.

The building line to Gruneisen Road is less well defined, with commercial uses having irregular parking areas to the frontage. The proposals would help add more constancy to this.



#### *4.2 Scale/Massing*

The proposed block to Ballards Lane would be 6-7 storeys in height. The neighbouring buildings to the south are predominantly two storeys in height and those to the north are three storeys with pitched roofs.

It is acknowledged that this block will at 6-7 storeys be the tallest building in the immediate vicinity and considerably taller than neighbouring buildings.

The building is sited in a prominent location and would be open to views from all sides as a result of the additional height of the building.

Furthermore, it is not considered that the design quality of neighbouring buildings is particularly notable; nor that the design of these neighbouring buildings, or their height is something that must be followed slavishly. The site is located within a town centre that is identified for more intensive development and there are other examples of isolated taller buildings within the town centre.

In this way, it is acknowledged that the block to Ballards Lane would appear taller than neighbouring buildings. Any harm resulting from the additional height needs to be considered against the benefits of providing additional PRS residential accommodation and additional development within a defined town centre.

The proposals involve the construction of 3-4 storey building to Gruneisen Road.

Levels decrease to the west along Gruneisen Road. In this way Hartnell Court has the appearance of a taller building at close to 4 storeys. The garage immediately to the west of the site has a roof with ridge of approximately 2 storeys in height. The building further to the west is two storeys with significant roof level, and properties opposite the site are 3 storeys with roof.

The proposed building to Gruneisen Road would be three storeys to the front with additional roof level set back. The area is currently occupied by the police station car park. It is considered that the scale of the proposed building to Gruneisen Road would be appropriate in the context of neighbouring buildings, and would not appear unduly jarring or tall against these.

It is not considered in this context that the proposed massing of the block to Gruneisen Road would cause material harm to the character and appearance of the streetscene and general locality.

Overall, it is considered that the development would to some extent appear out of scale with surrounding buildings to Ballards Lane, but that this harm is limited given the location of the site within a town centre where intensification should be encouraged.

#### *4.3 External Appearance*

The plans show development with red brick walls with recessed window openings, with composite and tile cladding. Roof material would be metal clad and windows would be full height.

Buildings on Ballards Lane include a mixture of commercial terraces with traditional details such as balustrades and banding, as well as more isolated modern flat roofed development.

Buildings on Gruneisen Road consist more of late 19th century villa buildings and commercial premises.

The materials would give a mix of contemporary and traditional influences, reflecting the mixture of more modern development in the town centre and traditional buildings on Gruneisen Road and this is considered an acceptable approach in principle.

Details of external finishes and materials can be secured by a planning condition.

#### *4.4 Landscaping*

Given the urban nature of the site and its layout scope for landscaping is limited to communal courtyard areas. Some details of landscaping are shown on the plans provided. However a condition would be required in the event of approval in order to secure a suitable landscaping scheme to provide an acceptable appearance to the development.

### 5. Whether harm would be caused to the living conditions of neighbouring and future residents

#### 5.1 Neighbouring Amenity

##### *5.1.1 Daylight/Sunlight*

A daylight and sunlight report accompanies the planning application. This refers to BRE (Building Research Establishment) Guidance.

The report details that generally the impact of the proposals would be complaint with some exceptions:

-It is noted that there would be a material loss of light to the first floor rear windows of properties at Hartnell Court. These currently have outlook over police station car park.

-There would be loss of daylight to bedroom windows of flats in Wentworth Lodge.

In terms of the impact on the rear windows of Hartnell Court, there would be a material impact on the amenities of the residents at these properties. It should be noted that, in the opinion of officers any development over this area is likely to be necessary to deliver a viable scheme on the site. Given the siting of the windows at relatively low level and their relationship to the site it is difficult to see how the site could be developed without some impact.

Given that the nature of the impact on the bedrooms at Wentworth Lodge, as well as the nature of the rooms (Secondary bedrooms) it is not considered that the impact on the residents of Wentworth Lodge would be so great as to warrant refusal of the application, given the overall benefits of the proposals in respect of delivering housing.

##### *5.1.2 Outlook & Visual Impact*

The development at ground and first floor would be located between 7.5m and 10.5m from Wentworth Lodge to the rear. At second floor this would increase to 12.5m to 13.5m. At fifth floor this would increase to 17.9m and at sixth floor this would increase 18.2m.

The development would be visible from the rear windows of the block of flats at Wentworth Lodge. It should be noted that the proposed building though taller would be sited further away from this property. Taking into account the distance away, it is not considered that harmful loss of outlook would result. It is not considered that the additional height would

make the development appear overbearing or unduly dominating as perceived from the rear windows of Wentworth Lodge or houses on Wentworth Avenue.

The block to Gruneisen Road would be sited to the rear of the windows and garden to Hartnell Court. Given the relatively close proximity, there would be a material impact on the amenities of the residents at these properties. However this would be limited given the difference in levels, as the site is at a lower level. It should be noted that, in the opinion of officers any development over this area is likely to be necessary to deliver a viable scheme on the site. It is not considered that a harmful sense of enclosure would result though there would be some loss of outlook.

### *5.1.3 Privacy*

The proposed wall facing Wentworth Lodge would not have clear glazed habitable room windows and as such overlooking would be limited. Whilst there are terraces these have been reduced in size and screens could be incorporated to prevent overlooking.

The development at ground and first floor would be located between 7.5m and 10.5m from Wentworth Lodge to the rear. At second floor this would increase to 12.5m to 13.5m. At fifth floor this would increase to 17.9m and at sixth floor this would increase 18.2m.

The proposed block to Gruneisen Road would not have windows facing Hartnell Court at it's closest point, and would be a distance of 10.5m away. Whilst the rear part of the block would have facing windows these are sited a distance of 17m away. Although these would not strictly comply with the 21m overlooking distance within the Residential Design Guidance SPD there is a difference in levels and these windows face the rear office at 197 Ballard's Lane rather than Hartnell Court. The windows facing Hartnell Court are located 21.3m away which is compliant.

It is therefore considered that the proposals would not result in harmful loss of privacy to neighbouring residents.

### *5.1.4 Noise/Disturbance*

The proposals involve developing a former police station site as a mixed use scheme consisting 70 flats and café.

The main potential sources of noise are residents entering/leaving the premises, noise from open windows, use of communal areas and balconies.

The nearest residential properties are located to the west on Wentworth Avenue, Wentworth Lodge, to the north on Gruneisen Road, and properties on Ballard's Lane such as Hartnell Court.

The proposed balconies have been designed in a way to minimise noise escape. Similarly, the siting and extent of balconies has been amended to reduce potential noise to neighbouring residents.

Overall taking into account the former use of the premises as a police station it is not considered that the proposals would result in a material harm in terms of noise and disturbance to neighbouring residents as a result of the development.

### *5.1.5 Light Pollution*

Given the sight layout, location of windows, it is not considered that harmful light pollution should result from the development. A condition could be attached to any grant of planning

permission to ensure that external lighting is considered especially for the proposed communal areas, balconies, and access areas.

## 5.2 Future Occupiers

### *5.2.1 Daylight/Sunlight*

The applicant has provided a daylight/sunlight study regarding the proposed development. The applicant has provided additional details regarding the fenestration to the lower ground floor units after officers initially expressed some concern regarding the level of amenity for future residents. As amended the details would provide an acceptable level of amenity.

### *5.2.2 Privacy*

Adequate privacy for future residents would be provided. It is not considered that harmful overlooking results either between units or from neighbouring properties.

### *5.2.3 Internal Space*

The proposed units would all comply with the standards in the Mayor's London Plan.

### *5.2.4 Amenity Space*

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 830 square metres of amenity space would be required to serve the development.

Amenity space is provided in the form of balconies and communal courtyard areas.

As part of amendments to prevent overlooking, the majority of units above ground floor would not have access to balconies though a small number would have access to balcony areas of up to 20 square metres. The size of balconies has been reduced following discussion with officers who expressed concerns regarding overlooking.

Ground floor units would have access to between 0-45 square metres of amenity space. The majority would have access to a small amenity area, with some of the flats on the Gruneisen Road block only having outlook over such areas. Front amenity areas have not been considered as private amenity space.

The courtyard area would provide benefit to residents however this could not be considered private amenity space given that it is overlooked by upper floor flats.

Whilst the level of amenity space provided would not comply with the Supplementary Planning Document on Sustainable design and Construction, it needs to be considered that the site is within a town centre and is located immediately opposite Victoria Park. It is therefore considered that the proposals would provide an acceptable level of amenity.

### *5.2.5 Playspace*

According to the requirements of the London Plan, 35.8 square metres of playspace is required to serve the development. The applicant has advised that this cannot be

incorporated on site. Given the proximity to Victoria Park it is not considered that refusal on grounds of lack of provision could be justified.

## 6. Whether the proposals would have an acceptable impact on local security

The Metropolitan Police have not expressed any objection to the proposals, and at the time of writing the report were providing detailed comments.

## 7. Environmental and Sustainability Issues

### *7.1. Whether the proposals would have an acceptable impact in respect of noise pollution*

The applicant has submitted an acoustic report with the planning application. Environmental Health officers have considered that the information is generally acceptable but have requested ventilation details and a noise report for proposed plant equipment.

It is recognised that an A3 use could generate noise and disturbance from the use as well as any associated plant and ventilation equipment. Therefore mitigation will be required to the new flats to ensure that any impact on residents would be acceptable, and a condition would be attached in the event of an approval to ensure that this is provided.

Conditions could be attached to any grant of permission to ensure adequate mitigation against noise from plant.

The applicant has not suggested hours of use for the café. These would need to be restricted by condition in the event of approval to protect the residents of the development and neighbouring properties.

### *7.2 Waste*

The Council's refuse team have been consulted on the proposals. They have suggested that more area needs to be provided for bins associated with both the residential properties as well as the ground floor café. The applicant has indicated that these can be incorporated within the scheme.

### *7.3 Whether the proposals would have an acceptable impact in respect of air pollution*

An air quality report accompanies the planning application.

The majority of the building is set back from Ballards lane. Mitigation measures include a mechanical ventilation system. This would be acceptable to Environmental Health officers subject to details. A condition would be attached in the event of an approval in order to provide mitigation ensure that the impact on future residents of the development would be acceptable.

Potential issues relating to dust during construction could be dealt through a construction management plan.

### *7.4 Whether the proposals would achieve an acceptable level of environmental performance*

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2) and M4(3). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

The applicant has provided an energy strategy. This indicates that Combined Heat and Power plant and photovoltaic panels can provide adequate reductions in CO2 emissions. At the time of writing the report the applicant had stated that they could achieve a reduction of 21%. This level of reduction is below the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and discussions are on-going at the time of writing the report.

In terms of water consumption, a condition would be attached in the event planning permission is granted] to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

#### 8. Whether the proposals would make adequate provision for accessibility

London Plan policy requires development to provide 10% of residential units to be wheelchair accessible or adaptable. Policy DM03 of the Adopted Barnet Development Management Policies requires development to comply with good accessibility principles. The applicant has confirmed that the scheme would comply with this and a condition would be attached to ensure compliance in the event of an approval.

#### 9. Whether the proposals would make adequate provision for biodiversity

Policy DM16 of the Barnet Development Management Policies 2012 advises that when considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity.

The applicant has submitted an environmental report which states that '*a preliminary ecological appraisal has been carried out on the proposed site to identify in order to obtain a baseline for the site and provide recommendations for protecting and enhancing the biodiversity of the site. The site is currently of low ecological value as it is predominantly hard standing, and that the Proposed Development will improve on this by the inclusion of living roof areas and a landscaped courtyard. Where feasible, gardens will be planted with native species of low water demand to limit maintenance requirements*'.

Officers agree that the site is of low ecological value, and the proposed landscaping provides opportunities to improve the biodiversity contribution of the site.

#### 10. Whether the proposals would have an acceptable impact on local drainage

The proposed drainage strategy has been reviewed by the Lead Local Flood Authority. They consider that the document is acceptable in principle and that conditions could be attached to any grant of planning permission in order to ensure that the development had an acceptable impact on local drainage.

#### 11. Section 106 Issues

The development would be liable to make a contribution towards Barnet Community Infrastructure Levy and Mayoral Community Infrastructure Levy. In accordance with the Supplementary Planning Document on Skills, Enterprise, Employment and Training, a section 106 agreement to provide 6 apprenticeships as part of the scheme would be sought.

## 5.4 Response to Public Consultation

### Principle of Development

Development makes no provision for affordable housing – *Noted and this is of concern*  
Uncertain what will happen after ten years, will the block be sold on – *The applicant has committed to the site for this time. After this the site can be used for unrestricted residential use*

Development is of excessive density – *Addressed in main report. Officers consider that whilst the development exceeds the standards within the density matrix given the accessible town centre location the density is justified*

### Character/Appearance Issues

The buildings are too tall and out of scale with other buildings in the area. – *Addressed in main report*

Permission was refused to extend 197 Ballards Lane and nothing has changed since. – *The scheme at no.197 was refused because the extensions related poorly to the remainder of the building and therefore the circumstances are different. All planning applications are assessed on their own merits*

Development should be no higher than neighbouring buildings. - *All planning Applications must be assessed on their own merits*

Design is incongruous and doesn't reflect neighbouring buildings - *Addressed in main report*

Overdevelopment – *Whilst the development is more intensive than what is currently on site it is not considered that this would be harmful*

Lack of architectural quality – *Addressed in main report*

Lack of benefit to public realm – *It is considered that the development would make adequate contribution, given the limited scope to do this*

### Amenity Issues

Development will have appearance of blank wall. - *Addressed in main report*

Loss of daylight and sunlight. - *Addressed in main report*

Loss of light to Hartnell Court, Wentworth Lodge and Wentworth Avenue - *Addressed in main report*

Overlooking to Hartnell Court, Wentworth Lodge and Wentworth Avenue and not clear if 21m overlooking distance will be met. - *Addressed in main report*

Noise arising from use and number of people within the building. - *Addressed in main report*

The proposals provide inadequate amenity space- *Addressed in main report*

### Environmental Issues

Noise and dust during construction, particularly to disabled and elderly residents. – *Whilst it is acknowledged that development can cause disruption, this is principally covered by environmental health legislation and is not a reason for refusing planning permission. The applicant has provided a construction plan with the application and conditions could be attached in the event of approval in order to secure this.*

### Highways Issues

Lack of parking proposed for the development or visitors – *Acknowledged*

It is already difficult to park outside CPZ hours. CPZ is known to have high occupancy. - *Acknowledged and Addressed in main report*

Additional residents using Gruneisen Road will make access dangerous competing with commercial uses - *Addressed in main report*

If residents are excluded from permits they will park on streets outside the CPZ which already suffer from parking stress - *Addressed in main report*

Parking surveys have not adequately measured parking streets and have included CPZ areas that are not representative - *Addressed in main report, though Highways officers have not questioned the methodology used*

Public transport will be overcrowded - *It is not considered that development of 70 flats would have significant impact*

Residents may cycle to cars parked elsewhere - *It is not considered that this is likely to have significant impact*

Lack of cycle facilities – *proposed cycle storage is considered adequate*

### Other Issues

Finchley already has enough cafes and doesn't need more. – *The site is within a town centre and therefore a café use would accord with policy. Competition is not a planning issue*

Will be occupied by more transient community which will impact the local community. – *The proposals are for build to rent flats that would be managed, and these would be open to the market. Therefore anyone could live in the flats, they would be open to anyone. As such it is not considered that the residents would be more transient than other forms of residential accommodation that would be expected in town centres.*

Not enough school or doctors places to support development - *The development would make a contribution to local infrastructure through Barnet Community Infrastructure Levy*

How will development be maintained – *The Development would have an on site manager. Conditions could be attached in the event of approval in order to secure high quality materials and landscaping.*

Appears to involve building on neighbouring land – *The applicant advises that they own the land within the site plan and that part of the area adjoining the site has been disputed. Ultimately boundary disputes are not a planning consideration*

Increased antisocial behaviour – *The Metropolitan Police have been consulted on the proposals and consider that the proposals comply with secured by design principles, and as such would not compromise the security of local occupiers.*

This sort of residential accommodation is not needed and does not help residents in the area – *Evidence shows that Private Rental Accommodation is needed both in Barnet and London wide*

Impact on security for residents - *The Metropolitan Police have been consulted on the proposals and consider that the proposals comply with secured by design principles, and as such would not compromise the security of local occupiers.*

Fact that developer is in competition with developers building for sale is not relevant - *Acknowledged*

The representations received can be summarised as follows:

Police station needs to be developed - *Acknowledged but the merits of the development must be considered.*

Parking is already limited and this will not change - *Addressed in the main report.*

Economic and social benefits to the area - *Noted but must be balanced against any harm caused*

An objection was received from Mike Freer MP on the following grounds:



The proposed development would breach the local roofline, and would be harmful to the area as a result of its massing, bulk and intensification. - *Addressed in main report*

Correspondence was received from the Finchley Residents Group objecting to the proposals for the following reasons:

-Lack of affordable Housing - *Acknowledged.*

-Development is too high and does not relate well to local character - *Addressed in main report*

-Overshadowing, loss of daylight and sunlight - *Addressed in main report*

-Access to Gruneisen Road is unsuitable for a quiet road - *Addressed in main report*

-Development is out of scale with its surroundings - *Addressed in main report*

-Development does not provide adequate amenity space for upper floor flats - *Addressed in main report*

-Development does not provide adequate green space or areas for wildlife - *Addressed in main report*

-Lack of parking provision to serve the development - *Acknowledged*

-What happens after 10 years, will developer sell the complex – *The applicant has committed to the site for this time. After this the site can be used for unrestricted residential use*

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

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

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

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

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

The proposed development would provide additional residential and mixed use accommodation for which there is known demand.

In terms of likely negative impacts, it is suggested that the majority of these can be mitigated through conditions and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic. Whilst it is recognised that development can cause noise, dust, and disturbance; and that children, disabled and elderly road users are

more likely to be affected by this it is considered that these impacts are adequately mitigated by the proposals. Officers have found that the development cause harm in some regards to planning matters however in reaching this view they are of the view that this would not discriminate against any group with a protected characteristic, whether the development is approved or refused.

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 our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

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**

Officers have assessed the proposals and the benefits of the scheme need to be weighed up against the harm caused.

The scheme would have notable benefits, in that it would make provision for managed private rental sector housing for a period of 15 years, and would add to the borough's housing stock. This is a significant benefit.

This needs to be weighed against the harm considered to be caused, namely:-

- The impact on highway safety caused by the lack of provision for car parking and any mechanism to mitigate any impact on the public highway
- The lack of affordable housing provision
- The relationship of the building to Ballards Lane to neighbouring buildings appearing out of scale.
- The impact on the residents of the first floor of Hartnell Court through loss of outlook and light.

Officers consider that the harm caused by the relationship of the Ballards Lane to neighbouring buildings is outweighed by the benefits of providing development within the town centre and needed housing units. Furthermore, any scheme on the site is likely to have a similar level of impact at Hartnell Court and officers are of the view that this should not preclude development on the site.

However, the harm caused by the lack of affordable housing provision, as well as the impact on highway and pedestrian safety are considered to be so great that they outweigh any benefits of the development. Therefore, the scheme is recommended for refusal.

