

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

**Reference:** **17/5250/FUL** Received: 11 August 2017  
Accepted: 21 August 2017

**Ward:** **West Finchley** Expiry: 20 November 2017

**Applicant:** **Ballards Lane LLP**

**Proposal:** Redevelopment of the site comprising the erection of two residential buildings up to 6 storeys high providing 54no. self-contained flats and 161 sq.m of A1/A3 floorspace, including on site car and cycle parking, recycling and refuse areas, associated amenity space and landscaping (AMENDED to 52no. flats in the revised scheme).

**RECOMMENDATION I:**

- (i) Approve following completion of a Section 106 legal agreement and the conditions listed below; and
- (ii) the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**RECOMMENDATION II:**

The applicant and any other person having a requisite interest in the site be invited to enter into a section 106 Agreement to secure the following:

- 1. 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. Provision of three flats as shared-ownership housing, to be provided for sale through a registered social landlord acceptable to the Council with an initial offering of a 25% share to prospective buyers.
- 4. Provision of a review of development viability for the approved development (including residential and non-residential units), with a proportion of any "profit" over the 20% benchmark viability level to be paid to the Council for the sole purpose of contributing towards off-site affordable housing (all in accordance with the Mayor of London's Affordable Housing Viability SPG).
- 5. Provision of the sum of £114,034.79 towards the costs of investigating the extension of the Controlled Parking Zone (CPZ).

6. A contribution of £2,000 to amend the existing Traffic Management Order to exempt permits.
7. A Travel Plan contribution of £12,800, comprising a £5000 monitoring fee and £7800 towards the Travel Plan Incentives in accordance with the Planning Obligations SPD.
8. Other than for registered disabled drivers, a restriction shall be placed on residents of the approved from eligibility to obtaining resident and visitor parking permits for the local Controlled Parking Zone.
9. Provision of six apprenticeships in accordance with the Supplementary Planning Document on Skills, Enterprise, Employment and Training, or an equivalent sum for off-site provision.
10. Meeting the Council's costs of monitoring the planning obligation - £3000.

**Conditions:**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

HTA-A_XX-D1_DR_002	Location Plan
HTA-A_XX-D1_DR_0150 rev. 3	GROUND FLOOR
HTA-A_XX-D1_DR_0151 rev. 3	LEVEL 01-02
HTA-A_XX-D1_DR_0152 rev. 3	LEVEL 03
HTA-A_XX-D1_DR_0153 rev. 3	LEVEL 04
HTA-A_XX-D1_DR_0154 rev. 4	LEVEL 05
HTA-A_XX-D1_DR_0155 rev. 1	Roof plan
17.362-P-200 rev. f	Landscape Masterplan
HTA-A_XX-E1_DR_0200 rev. 4	Block A Elevations 1 of 2
HTA-A_XX-E1_DR_0201 rev. 3	Block A Elevations 2 of 2
HTA-A_XX-E1_DR_0205 rev. 3	Block B Elevations 1 of 2
HTA-A_XX-E1_DR_0206 rev. 2	Block B Elevations 2 of 2
HTA-A_XX-E1_DR_0210 rev. 1	Main street elevations
HTA-A_XX-E1_DR_0250 rev. 1	Block sections (A-A and B-B)
HTA-A_XX-E1_DR_0251 rev. 1	Block sections (B2-B2)
AIT -FPS_HTA-A_XX-D1_DR_3000 rev. 1	STUDIO_T1 Unit plan

AIT -FPS\_HTA-A\_XX-D1\_DR\_3003 rev. 1 1B2P\_T3 Unit plan

AIT -FPS\_HTA-A\_XX-D1\_DR\_3004 1B2P\_T4 Unit plan

AIT -FPS\_HTA-A\_XX-D1\_DR\_3017 3B5P\_T1 Unit plan

AIT -FPS\_HTA-A\_XX-D1\_DR\_3018 1B2P\_T6 Unit plan

AIT -FPS\_HTA-A\_XX-D1\_DR\_3019 2B4P\_T6 Unit plan

AIT -FPS\_HTA-A\_XX-D1\_DR\_3020 2B4P\_T7 Unit plan

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 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority. An asbestos survey shall also be carried out and submitted as part of this condition.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

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

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

- 4 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods and equipment to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;

- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development, with including contact details to be shown on site hoarding;
- xi. Confirmation that a competent banksman shall be employed at all times to manage the construction traffic in and out of the site to ensure highway and pedestrian safety;
- xii. Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- xiii. Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999;
- xiv. Proof within the contractor's specification that all NRMM will be registered on the local government website;
- xv. Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
- xvi. Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed;
- xvii. Confirmation that there shall be no bonfires or burning of rubbish at the site.

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

- 5 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations
- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

- 6 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.
- b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.
- c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

- 7 The level of noise emitted from any plant used in association with the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 8 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local

Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

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

This sound insulation shall ensure that the levels of noise generated from any plant as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2016.

- 10 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority. The report shall include an assessment of construction dust impacts. The development shall be at least "Air Quality Neutral" and an air quality neutral assessment for both buildings and transport shall be included in the report. The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. This shall include mitigation for when air quality neutral transport and building assessments do not meet the benchmarks.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

11 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler / CHP Plant shall be submitted to and approved by the Local Planning Authority. The emissions for CHP and / or biomass boilers shall not exceed the standards listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document 2014. The report shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and London Atmospheric Emissions Inventory. It shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. Details of the plant and evidence to demonstrate compliance with the GLA's emissions standards will be required.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development in accordance with the Sustainable Design and Construction SPD (adopted April 2013). To comply with the London Plan's SPG on Sustainable Design and Construction and Policy 7.14 of the London Plan 2016.

12 a) No development other than demolition works shall take place until a detailed assessment for any kitchen extraction unit serving any A3 use of the commercial unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with



policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 13 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; 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).

- 14 (i) Unless first approved in writing by the local planning authority, no Non-Road Mobile Machinery (NRMM) shall be brought onto or used at the site in connection with the development unless it complies with the standards set out in the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), and all NRMM of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the SPG, or any subsequent guidance that replaces it.

(ii) The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

Reasons: In the interests of good air quality with regard to London Plan policies 5.3 and 7.14

- 15 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured. Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

16 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to underground piling and foundation works have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard existing underground services, in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

17 a) No site works or works in connection with the development hereby approved shall be commenced until a biodiversity strategy, to include habitat improvement measures to be implemented in conjunction with landscaping and the timing of development works and special techniques, has been submitted to and approved in writing by the Local Planning Authority. Unless works commence at the site less than three years from the date of the extended preliminary ecological appraisal survey that was carried out on 3<sup>rd</sup> July 2017, the details to be provided under this condition shall include details of an updated survey of the land and buildings.

b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

18 a) A scheme of hard and soft landscaping, including details of existing species (to include wildlife-friendly varieties where possible), planting heights and grades, densities, positions and ground preparation (including volumes of soil and / or other growing media) for soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

19 The development hereby approved shall not commence until a surface water drainage strategy for the site based on the principles of Sustainable Drainage Systems (SUDS) has been submitted to and approved in writing by the Local Planning Authority. The following details shall be included:

- i. Demonstration that discharge of surface water runoff shall be as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
- ii. Confirmation that the surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS

The approved details shall then be implemented prior to first occupation and maintained as such for the lifetime of the development.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

20 a) No development other than demolition works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

(i) A Refuse and Recycling Collection Strategy, which shall include 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) The appearance and siting of 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 storage containers where applicable; and

(iii) Plans showing points of collection for refuse and recycling.

The refuse and recycling facilities shall be fully implemented in accordance with the approved details before the development is first occupied and after first occupation, the approved collection arrangements shall be also be fully implemented. Both the facilities and arrangements shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

21 a) No construction works shall commence until specifications and maintenance details of the proposed green roofs have been submitted to and approved in writing by the Local Planning Authority.

b) The green roofs shall then be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. If any part of the approved green roof shall be removed, die, become severely damaged or diseased, it shall be replaced in accordance with the details approved by this condition unless other details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

22 a) No development shall take place until details of the levels of the approved buildings, vehicle access and footpaths in relation to the adjoining land and buildings and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the

safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 23 Prior to the first occupation of any building within the development, the buildings shall be constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority, showing that the development will incorporate carbon dioxide emission reduction measures and on-site renewable energy provision that taken together will achieve an improvement of not less than 20% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such for the lifetime of the development.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 24 Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 25 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces, which shall include details of brick detailing and recesses, green walls, fenestration including exterior doors, roof cladding, rainwater goods and hard surfaces for outside areas, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

26 a) No development other than demolition works shall take place until details of the appearance, materials and opening mechanism for any electronically controlled access gates and appearance and materials for other boundary treatment have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and shall then be retained as such.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD and Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD.

27 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

28 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 29 Prior to occupation of the development, vehicular parking onsite as shown on Drawing No. HTA-A\_XX-D1\_DR\_0150 Rev. 3 submitted with the planning application and the access to the parking area from public highway shall be provided. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 30 a) No development other than demolition works shall take place until details of the internal dimensions and design of the approved secure cycle stores, in accordance with London Plan cycle parking standards, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be retained as such and the cycle stores shall be used for no purpose other than for the parking / storage of cycles associated with the development, for the lifetime of the development.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of Development Management Policies DPD.

- 31 Prior to the occupation, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- i. location and layout of car parking spaces,
- ii. The allocation of car parking spaces;
- iii. On-site parking controls and charges;
- iv. The enforcement of unauthorised parking; and
- v. disabled parking spaces.
- vi. Locations of active and passive Electric Vehicle Charging Points and the monitoring of Electrical Vehicle Charging Points, including when additional spaces are required to be brought into operation. The Car Parking Management Plan shall thereafter be implemented in accordance with the approved details immediately following the first occupation of the development hereby approved.

The car parking spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development. The parking management plan shall be implemented in accordance with the approved details before the buildings hereby permitted are occupied and maintained thereafter.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 32 The development shall not be occupied until disabled parking spaces have been provided and clearly marked with a British Standard disabled symbol where appropriate in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The disabled parking spaces shall then permanently retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons within the development in accordance with London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy DPD and Policy DM17 of the Development Management Policies DPD.

- 33 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 20% of the approved residential parking spaces to be provided with active electric vehicle charging facilities and 20% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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

- 34 The buildings shall not be occupied until details of the electronically controlled access to these building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016 and advice in the Mayor's Housing SPG.



- 35 The commercial unit in Block A may only be used for an A3 class use if it has first been demonstrated that flues and ventilation equipment will be accommodated within the approved building.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and ensure the satisfactory appearance of the building, in accordance with policy DM01 Development Management Policies DPD (adopted September 2012).

- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) and the requirements of the above condition, the commercial unit in Block A shall be used for A1 or A3 class uses only, and may not be changed to any other use other than with express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, and to retain an element of employment use at the site, in accordance with policies DM01 and DM14 of the Development Management Policies DPD (adopted September 2012).

- 37 All windows serving any bathrooms, en-suite and / or w/c within the development shall be fitted with obscure glazing prior to the first occupation of the dwelling or non-residential unit of which they form a part, and shall be permanently fixed shut with only a fanlight opening, and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and 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 October 2016).

- 38 a) No flat shown on the approved drawings as having a balcony or roof terrace shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and where applicable have been installed in their entirety:

(i) details of privacy screens, including details of materials and appearance of the screens, or

(ii) for those flats where the balcony or roof terrace will not significantly overlook any neighbouring residential property or properties, sufficient drawings that demonstrate that is the case.

b) For the flats where privacy screens are required, the screens shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers at the development and 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 October 2016).

- 39 a) No development other than demolition work shall take place until details have been submitted to and approved in writing that show that all units within the development shall meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) with no less than five constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations.

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

Reason: To ensure the development meets the needs of its future occupiers in accordance with Policy DM03 of the Development Management Policies DPD (adopted September 2012) and Policies 3.5 and 3.8 of the London Plan 2016 and the Mayors Housing SPG.

- 40 a) Before the development hereby permitted is first occupied, details of the subdivision of the ground floor amenity area(s) together with any provision for direct access from adjacent flats in Block A shall be submitted to and approved in writing by the Local Planning Authority. This approved details shall include clarification of the areas within the development which are for the communal use of all residents.

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

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

- 41 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 42 The ground floor commercial use hereby permitted shall not be open to members of the public before 7 a.m. or after 8 p.m. on weekdays and Saturdays or before 8 a.m. or after 6 p.m. on Sundays and Bank and Public Holidays.

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

- 43 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the roof of the building(s) hereby approved, including any structures or development otherwise permitted under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

### **RECOMMENDATION III**

That if the above agreement has not been completed has not been submitted by 28 March 2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the requirements set out in Recommendation 1. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted October 2016).

### **Informatives:**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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. 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 All trees, shrubs and herbaceous plants to be planted must adhere to basic biosecurity measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth, Obama nungara flatworm and Chalara of Ash. All material to be planted must have been held in quarantine."

- 3 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6.

The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development, including responsibility that sufficient funds have been set aside and / or can be raised to cover operation and maintenance costs throughout the lifespan of the development.

- 4 The submitted Construction Method Statement shall include in addition to the Highways Officer's requirements, the following additional minimum details:

- Site hoarding
- Wheel washing
- Dust suppression methods and equipment to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

- Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding.
- Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays.
- That bonfires are not permitted on site.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £115,080 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 £443,880 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

- (i) Charity
- (ii) Residential Annexes or Extensions
- (iii) Self Build.

- 6 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Control Team for approval. Any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that a Joint photographic survey shall be carried out prior to commencement of any works affecting public highway.

To receive a copy of our Guidelines for Developers and an application form please contact: Development and Regulatory Services, Development Control Team, 11<sup>th</sup> Floor, Barnet House, 1255 High Road, London N20 0EJ Telephone Number is 020 8359 3555.

- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 8 The applicant is advised that Ballards Lane (the whole length) is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 9 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would be subject to TfL's approval before works can commence.
- 10 The applicant is advised that any works on public highway required to facilitate the development will need to be included in the Council's agreed works programme would be subject to priorities and the available resources therefore the time scales cannot be guaranteed.

## Officer's Assessment

### 1. Site Description

The application property is approximately 0.19 hectares in area, L-shaped in plan form with frontages to both Ballards Lane and Gruneisen Road. The site wraps around the rear and south-western side boundaries of 197 and 201 Ballards Lane, which accommodates a three-storey apartment building known as Hartnell Court. It currently accommodates a three storey flat roofed building which is set back from the neighbouring buildings to either side, with the exception of the projecting single storey entrance onto Ballards Lane, which is built out to the line of the adjoining two-storey building at 191 Ballards Lane. Vehicular access is from the Gruneisen Road frontage.

The surrounding area is mixed in character. The Church End Town Centre is directly to the south-west, and the southern part of the site is within its secondary retail frontage. The two-storey premises at 191 Ballards Lane are currently vacant at ground level, with a gym on the first floor. The rear of that building is separated by the gardens and private amenity space belonging to a three-storey apartment building, Wentworth Lodge, which is itself to the west of the rear of the application site. On Gruneisen Road there is a single storey automotive repair workshop directly adjoining to the north-west, and two and three storey terraced houses are to the opposite side of Gruneisen Road (numbers 2-12). As noted above, Hartnell Court occupies the corner site on Ballards Lane and Gruneisen Road, and Victoria Park is located on the opposite side of Ballards Lane.

### 2. Site History

This application follows the refusal of planning permission on 25 November 2016 for application reference 15/05583/FUL, which was for:

*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 application was refused for two reasons:

- 1 The proposal by reason of not including any on-site dedicated car parking would have a harmful impact on highway and pedestrian safety and the free flow of traffic; and have a detrimental impact on residents in a scheme of this size and height, as well as 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.
- 2 The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (MALP) 2016, contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Policy CS5 of the Adopted Barnet Core Strategy 2012.



### **3. Proposal**

The proposals are for the demolition of the existing buildings and the erection of a six-storey Block A adjacent to the Ballards Lane frontage and a four-storey Block B adjacent to Gruneisen Road. Vehicular access would be gained from this second street frontage. The space between the buildings would be largely taken up in car parking at ground level, with Building B projecting out over some of these spaces. Landscaping would be provided on the south side of the building and also on a small triangle of land close to the northern boundary with Hartnell Court. Further greening of the site is proposed by way of a pergola over the parking spaces adjacent to the Hartnell Court boundary, which would be clad in climbing plants.

During the course of the application, amended drawings were received and consulted on, which resulted in changes to the design of both buildings intended to reduce the dominance of Block A on the street frontages, deletion of windows in Block A that would have overlooked Wentworth Lodge, deletion of balconies from and remodelling of Block B to improve the relationships with Hartnell Court, and the addition of landscaping between the two buildings. The roof form of Block B was also amended to provide mansard roof to the Gruneisen Road frontage. Changes in the design of Block A resulted in a reduction of two units in that building, with the overall number of flats proposed falling from 54 as submitted to 52 in the amended drawings.

Block A would accommodate 32 flats with a 161 sq.m. ground floor commercial unit on Ballards Lane and flats on a lower ground floor level in the rear part of this building. The mix in this building would comprise 11no. one-bedroom, 19no. two-bedroom and 2no. three-bedroom flats, inclusive of three wheelchair units (2no. one-bedroom and 1no. two-bedroom units).

In Block B would accommodate 20 flats comprising 6no. studio flats, 11no. one-bedroom and 3no. two -bedroom flats, including two of the single bedroom units as wheelchair flats.

Amenity space would be provided for some flats in the form of balconies or terraces for 32 flats in both buildings, along with small private gardens in the case of two lower ground floor flats in Block A. The two ground floor flats in Block B would have small front gardens, although these cannot be described as private amenity space.

Refuse and recycling stores would be provided within both buildings, at the rear of Block A and on the street frontage for Block B. 24 car parking spaces would be provided, and 87 cycle spaces, again within the buildings.

### **4. Public Consultation**

Consultation letters were sent to 293 neighbouring properties, and were reconsulted on 4<sup>th</sup> December 2017 after amended plans were submitted. 55 responses have been received, comprising 51 letters of objection, one letter of support and two further representations. Comments are summarised as follows:

- The parking situation is already poor for existing residents; the proposal would add additional pressures on parking. The majority of residents of this potential development will be forced to seek parking elsewhere and exacerbate parking in nearby streets which have already reached saturation point. Parking is also insufficient for visitors, contractors and deliveries.
- Any new development should have a parking space for each dwelling and the parking restrictions should be 8am to 9pm.

- Traffic congestion.
- Impact on safety of pedestrians due to the large number of new residents.
- While in favour of redeveloping the police station this should be done in a way that ensures the existing residents of the surrounding area are not negatively impacted.
- 10 Gruneisen Road which is a purpose built turn of the century ground floor flat with another flat above. The proposed 'Block B' will be directly opposite and being 4 stories high it will cast a shadow and result in a loss of natural light, and this building should be greatly reduced in height.
- The design of Block B should be more in keeping with the cottages opposite.
- Family-friendly areas like these are becoming rare as all new builds are flats which end up being rentals, with more turnover of occupiers and more dumping of unwanted effects by tenants leaving to move out.
- Loss privacy for occupiers of Wentworth Lodge.
- Loss of morning sun to Wentworth Lodge.
- Obstruction of views to Victoria Park.
- Fails to respect and enhance local character and does not respond to local distinctiveness.
- Does not respect the existing building line or respond positively to the scale, massing and height of the surrounding physical context.
- Overdevelopment of the area. The overall number of units must be greatly reduced, to provide less cramped accommodation.
- Excessive demand on local utilities.
- Increase in social and public problems in the area.
- Likely to serve only as another investment opportunity for landlords rather than the creation of real social housing which is severely lacking in the area.
- The Martyn Gerrard building which is attached to Hartnell House was refused planning permission to build an extra floor. A bigger and bulkier building should not therefore be approved.
- Approved would make a complete mockery of Barnet's Local Plan.
- The revised plans are not considered to address the fundamental issues for residents of Gruneisen road.
- The reduction in the amended scheme will not prevent loss of light and privacy for some residents.

#### **4.1 Consultation Responses**

*Highways Officer:*

No objections, subject to conditions.

*Environmental Health:*

No objections, subject to conditions.

*Lead Local Flood Authority:*

No objections, subject to conditions.

*The London Fire and Emergency Planning Authority:*

The Authority strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the

damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of occupier.

## **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 in 2012, and 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

#### **Consultation Draft London Plan**

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

#### 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.

Policy 3.3      Increasing Housing Supply

Policy 3.4      Optimising Housing Potential

Policy 3.5      Quality and Design of Housing Developments

- Policy 3.8 Housing Choice
- Policy 3.9 Mixed and Balanced Communities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater infrastructure
- Policy 5.15 Water use and supplies
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.2 An Inclusive Environment
- Policy 7.3 Designing Out Crime
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.6 Architecture
- Policy 7.18 Protecting open space and addressing deficiency
- Policy 7.19 Biodiversity and access to nature
- Policy 8.1 Implementation
- Policy 8.2 Planning Obligations
- Policy 8.3 Community Infrastructure Levy

#### 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	National Planning Policy Framework - Presumption in favour of sustainable development
CS1	Barnet's place shaping strategy - the Three Strands approach
CS3	Distribution of growth in meeting housing aspirations
CS4	Providing quality homes and housing choice in Barnet
CS5	Protecting and enhancing Barnet's character to create high quality places
CS6	Promoting Barnet's town centres
CS8	Promoting a strong and prosperous Barnet
CS9	Proving safe, effective and efficient travel
CS10	Enabling inclusive integrated community facilities and uses
CS11	Improving health and well-being in Barnet
CS12	Making Barnet a safer place
CS13	Ensuring the efficient use of natural resources
CS14	Dealing with our waste
CS15	Delivering the Core Strategy

- Relevant Development Management Policies:

DM01	Protecting Barnet's character and amenity
DM02	Development standards
DM03	Accessibility and inclusive design
DM04	Environmental considerations for development
DM05	Tall buildings
DM06	Barnet's heritage and conservation
DM07	Protection of housing in Barnet
DM08	Ensuring a variety of sizes of new homes to meet housing need
DM10	Affordable housing contributions
DM11	Town centres
DM14	New and existing employment space
DM16	Biodiversity

## DM17 Travel impact and parking standards

The Council's approach to all development as set out in Policy DM01 is to minimise impact on the local environment and to ensure that 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, amongst other things, privacy amenity and outlook for adjoining occupiers.

### Mayor of London's Supplementary Planning Guidance

- Mayor of London's Housing SPG
- Mayor of London's Affordable Housing Viability SPG
- Shaping Neighbourhoods: Play and Informal Recreation SPG
- Control of Dust and Emissions during construction and demolition SPG

### London Borough of Barnet Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

- Sets out information to assist in the design of new residential development. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- In respect of amenity, development should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted October 2016)

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

#### Affordable Housing SPD

- Provides detailed guidance that supplements policies on affordable housing provision in the adopted Local Plan.

#### Skills, Enterprise, Employment and Training SPD

- Provides detailed guidance on financial and non-financial provisions to be made within larger developments for Employment and Training.

### Other relevant planning documents

#### London Borough of Barnet Characterisation Study

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

#### Planning Obligations SPD

- 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 application seeks to overcome the reasons for refusal of the 2016 planning application, ref. 16/5328/FUL. Key issues for consideration therefore relate first to the two reasons for refusal, and secondly to other key issues that may have arisen due to the differences in the refused and proposed schemes, as follows:

(i) The issues in the reasons for refusal:

- Lack of dedicated on-site car parking and the resulting harmful impact on highway and pedestrian safety and the free flow of traffic.
- Overdevelopment of the site that would be detrimental to the character and appearance of the streetscene and general locality, by reason of its height, massing, siting, scale, and density.

(ii) Other key issues:

- Whether the principle of the development is acceptable.
- Whether the proposals make adequate provision for affordable housing.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether living conditions for future residents would be of an acceptable standard.
- Whether the proposals would have an acceptable impact on archaeology.
- Environmental and sustainability Issues.
- Whether the proposals would make adequate provision for accessibility.
- Section 106 and Community Infrastructure Levy (CIL).

It should further be noted that this scheme no longer seeks permission for private rental sector (PRS) units, but market housing. Therefore, whilst the identified issues in the previous application are considerations, the planning balance of considerations is different as

previously officers gave significant weight to the PRS use. All issues therefore need to be reconsidered.

### **5.3 Assessment of proposals**

#### **5.3.1 Whether the application has overcome the issues on which application reference 15/05583/FUL was refused**

##### **Reason 1 - Whether the proposals would have an acceptable impact on highway and pedestrian safety**

It is noted that two options for car parking were submitted, one of which would have provided less spaces (14) with the balance area provided as landscaped amenity space and the other providing 24 spaces. While the Council does not generally choose between options when assessing applications, in this case the fact that this was essentially limited to one issue (parking provision) both formed part of the basis of negotiations. The option that would provide the lower number of car parking spaces was considered unacceptable, and not given further consideration. The option with 24 spaces represents a reduction of 21 parking spaces would from the 45 existing. There would also be 87 cycle spaces in two stores, one in each of the two buildings.

##### *Parking Assessment*

The assessment of vehicular parking provision for a residential development is based on various criteria including Public Transport Accessibility Levels (PTAL) Score. The PTAL Score for the site is calculated as 4.

The parking requirement for the proposed development is calculated as follows.

06x1b (Studios) = a range of (0.0 - 1.0) = 00.00 – 27.0 parking spaces required

22x1b = a range of (0.0 - 1.0) = 00.00 – 22.0 parking spaces required

22x2b = a range of (1.0 - 1.5) = 22.00 – 33.0 parking spaces required

02x3b = a range of (1.0 - 1.5) = 02.00 – 03.0 parking spaces required

This equates to a range of parking provision of between 24 to 64 parking spaces to meet the Barnet Local Plan parking standards contained in the Development Management Policies DM17. Highways officers interpret that 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. As the PTAL rating for the site is 4 the parking provision required would be 40 parking to accord with the parking standards as set out in the DM17 Policy.

24 parking spaces are being provided including 4 disabled parking spaces resulting in shortfall in parking provision by approximately 16 parking spaces.

A Transport Statement (TS) prepared by Ardent Consultant Engineers has been submitted with the planning application.

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 46 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.

### *Parking Beat Survey*

The consultants have undertaken parking beat survey as required under the DM17 Policy to justify the shortfall in parking provision.

As part of the pre-application advice provided to the applicant, the scope of assessment for a car parking capacity survey was agreed including the area to be covered. The survey was undertaken as summarised below:

- 2 x Overnight Surveys (single beat between 00:30-05:00)
- 2 x hourly beats between 18:00-21:00; and
- Hourly beat between 11:00 – 13:00 on both a Saturday and Sunday

The surveys were undertaken on the following days.

Saturday 1/7/2017	weekend day time survey
Sunday 2/7/2017	weekend day time survey
Tuesday 4/7/2017	weekday evening survey
Wednesday 5/7/2017	weekday overnight survey

The tables below included in the TS summarise the results of the parking beat survey.

The result of the survey indicated that there is ample parking available on street within the identified area for parking during the night time survey and at the weekends to accommodate any potential overspill parking, detailed assessment of the survey showed that the roads in close proximity of the site suffers from greater parking stress than on roads further away from the site.

Taking into consideration the following factors:

- Parking provision of 24 parking spaces is falling short when assessed against the DM17 parking Policy;
- The site on the edge of a town centre location and local amenities;
- The site is located in an area with a Public Transport Accessibility (PTAL) score of 4;
- The site is located on the edge of a one Hour Controlled Parking Zone (CPZ), in close proximity of road 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 potential detrimental impact of the proposed development on roads in close proximity of the site and the roads sandwiched between Church End and North Finchley CPZs which are not part of either of the existing CPZs.
- Therefore any permit restriction is unlikely to deal with the impact of parking demand that may result from the proposed development.
- The location of the site provides an easy vehicular access to A406 North Circular Road, A1, A41 and M1 which will inspire the occupants of the proposed development to own a car:

In conclusion, the proposed development with shortfall in parking provision is likely to have a detrimental impact on roads in the close proximity of the development therefore the developer will be expected to provide contributions towards the future review and implementation of the outcome of the review of the existing CPZ including the amendment of the Traffic Management order for the future residents of the development to be exempted from purchasing CPZ parking permits.

#### *Trip Generation*

Within the TS the consultants carried out a trip generation assessment for the proposed development using the industry standard TRICS database as shown in the table below which indicated the potential vehicular trip generation during the AM and PM Peak hours.

Period	Trips		
	In	Out	Total
AM Peak (8am-9am)	1	7	9
PM Peak(5pm -6pm)	5	2	7
Daily Total	28	32	60

The consultants have stated that in terms of vehicle movements, the application site will result in a reduction compared to the existing police station use.

#### *Electrical Vehicle Charging Points (EVCPs)*

Electrical Vehicle Charging Points would need to be provided in accordance with the London Plan Parking Standards. A condition will be applied to this effect.

#### *Cycle Parking*

Cycle parking is to be provided in accordance the London Plan Cycle Parking Standards. A condition will be applied to this effect.

#### *Vehicular Access*

Please note that the maximum width of vehicular access allowed from the public highway would 4.8m wide.

#### *Refuse Collection*

Refuse stores are to be provided on the frontage of both Ballards Lane and Gruneisen Road. The bin store should be located within 10m of the public highway on a levelled surface.

The applicant is advised that the Council's Refuse Collection Team must be consulted to agree the proposed refuse collection arrangement.

It is proposed that separate refuse stores are to be provided for the commercial and residential elements.

Commercial waste is to be collected by a private contractor and the residential waste is to be collected by the Council's Waste collection.

#### *Travel Plan*

A travel Plan (TP) has been submitted with the planning application. A Travel Plan Statement is required for the proposed development. A contribution of £5,000 would be required towards the monitoring of the TP.

#### *Section 106 requirements*

##### CPZ Contribution:

- A contribution of £114,034.79 will need to be secured towards the proposed CPZ works as follows.
  - To undertake review of the existing CPZs;
  - To implement the outcome of the review;
  - To undertake consultation on roads currently outside the CPZ area in the proximity of the site; and
  - To implement the outcome of the CPZ consultation.
- A contribution of £2,000 would also need to be secured to amend the existing Traffic Management Order to exempt permits.

##### Travel Plan Contributions:

- Travel Plan monitoring contributions of £5,000 is required.
- £7,800 is also needs also to be set aside by the applicant towards the Travel Plan Incentives in accordance with the Planning Obligations SPD.

Based on the PTAL Rating for the site of 4, the parking provision for the residential use would have required parking provision of 43 parking spaces in accordance with the Parking Standards as set out in DM 17 Policy. Provision of 24 parking spaces would result in a falling short by 19 parking spaces. TfL's support for the provision of 14 parking spaces would result in shortfall in parking provision. Considering that the site is located on the edge of a town centre and a one hour CPZ the proposed reduction from 24 parking spaces to 14 parking spaces could not be justified as any further reduction in parking provision would result in overspill of parking on roads in the vicinity of the development and potentially could impact on roads in the close proximity of the development and could potentially adversely impact on the Strategic Road Network (SRN) contrary to TfL comments above on SRN and is likely to impact on the free flow of traffic and pedestrian and highway safety therefore any further reduction in parking is not supported by London Borough of Barnet.

### *Conclusions in regards to Reason 1*

Subject to the completion of the section 106 planning agreement and to conditions as recommended in this report, it is considered that the first reason for refusal has been successfully overcome.

### **Reason 2 - Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality**

The proposed development would take the form of two blocks with a courtyard car parking between them. The block fronting Ballards Lane would largely fit within the existing linear development on this frontage. While the existing building on the site is set back from the adjoining building to the south-west, the proposed Block A would extend forward to match the front building line of this neighbouring building. The building line to Gruneisen Road is less well defined, with commercial uses having irregular parking areas to the frontage. The proposed siting of Block B close to the street frontage would result in a more urban character, which is however considered to be acceptable in the context of the apartment building at Hartnell Court and buildings in various business uses on the southern side of Gruneisen Road.

#### *Density*

The gross site area for purposes of assessing density is approximately 0.22 hectares. The London Plan and LBB Residential Design Guide SPG sets out that for sites in urban locations with good public transport accessibility (PTAL 4 or above), density ranges of 200-700 habitable rooms and 45-260 units per hectare are advised. For suburban sites, 200-350 habitable rooms and 45-130 units per hectare are considered appropriate (so with upper figures at half of those for urban sites). This site is a mix of both, with the southern part being more urban (within the Town Centre) and the northern part more suburban. It is noted however that, in the draft London Plan which is currently being consulted on by the Greater London Authority, density limits are removed.

Based on the plans provided, the whole site would be developed at 274 units per hectare. This is slightly over the maximum for urban areas in the current policy documents. Policy 3.4 of the London Plan advises that *development should optimise housing output for different types of location within the relevant density range but that the density matrix should not be applied mechanistically, and that other factors should be taken into account in optimising potential.* The GLA Supplementary Planning Guidance on Town Centres states that such areas are well suited to high density development. It is not considered that the density of the scheme is so great as to warrant refusal on these grounds, taking into account the other aspects of the scheme which have been considered to be satisfactory as set out below.

#### *Scale and Massing*

The proposed Block A would be a maximum of six storeys in height, although the main element at street frontage would be four-storeys high. Above this, the fourth floor is set back from the street frontage and stepped back again and also in from the sides, to the fifth floor level. It would also be set in from the rear on the fourth and fifth floors, with roof terraces provided for the flats on these levels. The cladding material for both of these levels will be a grey metallic finish, resulting in a recessive appearance that will accentuate the brick-built four storey element. With regards to scale, Block A has been reduced from seven stories for

the street frontage element to Ballards Lane in the refused application, to six stories with the significant set-ins from the front part of the building for the top two levels. The top level is also set in significantly from the sides, resulting in a more appropriately scaled building as viewed from the frontage. Due to the lower ground levels to the rear of the site, the central part of Block A while having a similar roof height to the front of the building would have been eight stories high. To the rear of that, the refused Block A would have dropped in height towards Wentworth Lodge to six and then three stories. In this proposal, the reductions towards the rear would be to a four stories, but the majority of part of the building would sit below the maximum height of the equivalent part of the building in the refused application. The rear parts of the building would also be pulled further away from the boundary with the Wentworth Lodge private amenity space on its southern side. While this block would be the tallest building in the immediate vicinity and considerably taller than neighbouring buildings, it is considered that with careful attention to high quality exterior materials the proposed building would be of a quality that would improve the overall appearance of this part of the Town Centre, while providing an appropriate reduction in scale compared to the refused application. In particular, it would sit more comfortably in the street scene on Ballards Lane than the equivalent building in the refused proposal.

Block B would also comprise a brick-clad element, in this case three stories high on the Gruneisen Road frontage and four stories further south into the site. A fourth level towards the Gruneisen Road frontage of this building is designed in the form of a mansard roof, again with a grey metal cladding, which would be set back at from this frontage. As compared to the refused application, the building has been pulled back from the boundary with Wentworth Lodge, and while the element closest to the Gruneisen Road frontage remains at a similar height to that of the previous proposal, the height to the rear of that has been reduced from five to four stories. This is considered to be more appropriate to the site, and improves relationships to both Wentworth Lodge and Hartnell Court as compared to the refused application.

It is noted that ground levels are lower towards the westward end of Gruneisen Road, but that Hartnell Court provides a taller building close to the junction with Ballards Lane. This part of the site is currently occupied by the police station car park. While the building line for Block B continues to sit slightly forward of the garage to the west, it is considered that the scale of the proposed building to Gruneisen Road would be appropriate in the context of its neighbours, 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. The removal of one level of accommodation coincides with what would have been the central part of Block B in the refused application, and the rearmost part of the building has been eliminated entirely in this application. While the proposal would be larger in scale with neighbouring buildings to Ballards Lane, the presence of the taller building at Hartnell Court and the set-back of the top level of accommodation from the street frontage would provide an appropriate transition in scales on this street frontage. Subject to appropriate materials, it is considered that Block B would provide an appropriately designed and finished building in this location.

### *External Appearance*

The plans show development with buff or light brown brick cladding for the main elements in each building with grey metal finishes above. Recessed window openings, with composite and tile cladding. Nearby buildings on Ballards Lane include a mixture of commercial terraces with traditional details such as balustrades and banding, and more isolated modern flat-roofed development along with the modern shallow-pitched roof at Hartnell Court. Buildings on Gruneisen Road consist of a mix of late 19th century terraces and a larger villa along with 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 the more traditional buildings on Gruneisen Road. Where higher brick walls would feature, rusticated brick patterning would be provided to add design interest. Greenery is shown on the CGIs submitted with the amended plans, and while some of this is likely to be impractical due to its reliance on deep planter bays that would need to be very well managed and maintained if the vegetation was to thrive, additional green walls could be provided in more appropriate locations, as recommended in the condition below.

In order to ensure that the appearance of building is not marred by the addition of significant external fittings that have not been considered as part of the design, and it is noted there is an opportunity prior to construction to ensure that any flues and ventilation equipment for the commercial unit are provided within the envelope of the building. It is considered that any A3 use of the commercial unit should be subject to this being demonstrated, and a condition is recommended that such use of the unit may only proceed if this is provided for. Another condition would ensure that permitted development rights for installation of telecommunications equipment on the building are removed.

### *Landscaping*

Given the urban nature of the site and the proposed layout, the scope for landscaping is very limited. Car parking has been provided in order to address the first reason for result in the previous application, and this has resulted in the space available for landscaping being very limited. Some details of landscaping are shown on the landscape masterplan provided, but a condition would be required in the event of approval in order to secure the details of a hard and soft landscaping scheme that would assist in softening the appearance of the development. Artificial greenery would not be acceptable at this Town Centre / suburban edge, but climbing plants on a pergola over car parking, as described in Section 3 of this report, would be an acceptable feature in the scheme. Their success would however be dependent on the provision of adequate soil volumes within the car parking area, details of which would also need to be provided in conjunction with the landscaping scheme.

### *Conclusions in regards to Reason 2*

Taken the above points and reductions in the scale of the two buildings as compared to the refused application, it is considered that the current proposals including the amendments received during the course of this application would successfully overcome the second reason for refusal in the 2015 application.

### **5.3.2 Other key issues**

This leave the other key issues both as considered in the previous application and that may have arisen due to the differences in the refused and proposed schemes, to be assessed.

#### Whether the principle of the development is acceptable

##### *Loss of the Police Station*

The proposals seek to demolish the existing police station building and replace it with two residential blocks. The block fronting Ballards Lane would have a commercial use 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 remodelling 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.

London Plan policy 3.16 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, including as noted below three shared-ownership units.

##### *Proposed commercial unit*

Policy DM11 essentially supports A class uses within this secondary retail frontage. A flexible A1 / A3 use is considered to be appropriate, subject to internal flues and ventilation being designed into the proposal as discussed above in regards to design and appearance. Conditions are recommended to provide these issues.

##### *Unit Mix*

While Policy DM08 identifies family sized home as the biggest priority for housing delivery in Barnet, the proposals would make provision for significant numbers of smaller units, including a range of studio units and 1 and 2 bedroom flats. While only 2no. 3-bedroom flats

would be provided, the site is within a town centre, and therefore is suitable for delivering smaller sized units. The mix of unit sizes is therefore considered to be appropriate for this site.

### **Whether the proposals make adequate provision for affordable housing**

Policy DM10 of the Development Management Policies Document states that *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*. The applicant has provided a Financial Appraisal Supporting Statement in support of the scheme, which has been independently reviewed on the Council's behalf. The review concludes that the scheme can provide a development profit surplus of £144,900. The applicant has offered to provide three on-site units, comprising 2 no. 1-bedroom and 1 no. 2 bedroom flats. As this falls well short of the minimum 40% provision set out in Policy DM10, it is considered that this offer of shared ownership units would only be acceptable:

- (i) subject to confirmation that these are acceptable to a registered social landlord, and
- (ii) provision of a review clause within the section 106 agreement.

The review closure is intended to ensure that, if the profitability of the scheme is sufficiently improved on the level projected in the applicant's viability assessment, an additional financial contribution towards provision of affordable housing would then be secured, with the ceiling amount to be the value equivalent to the policy compliant level of provision. The timing of any review is currently the subject of negotiation with the developer; further details will be provided in the Addendum report.

### **Whether harm would be caused to the living conditions of neighbouring residents**

#### *Daylight and Sunlight*

A daylight and sunlight report accompanies the planning application. This refers to BRE (Building Research Establishment) Guidance, which assesses sunlight in terms of visible sky component (VSC) or "no sky view", and daylight in terms of average daylight factor (ADF). For VSC, target values that are considered acceptable in the guidance is that the VSC should not fall below 0.8 times their measured value prior to the development taking place.

The following properties were considered in the applicant's assessment:

- 197 - 201 Ballards Lane (Hartnell Court)
- 205 - 207 Ballards Lane
- 2 - 12 Gruneisen Road (even numbers only)
- 1 - 14 Wentworth Lodge.

Officers requested further information in regards to 2 - 12 Gruneisen Road (evens) and a supplementary report was also provided that gave further consideration to these properties. The reports set out that the impact of the proposals would be compliant with BRE standards with the following exceptions. The guidance notes that these will not always be achievable in urban areas, and the following windows would be slightly below the BRE recommendations in regards to sunlight and / or daylight:

- A single first floor rear window at Hartnell Court, which currently overlooks the police station car park.
- A single first floor rear window at Wentworth Lodge.



- For the Gruneisen Road properties opposite, individual windows within the ground floor bays at 2, 4, 6 and 8 would be adversely affected in that the light values to one or two of the windows in each bay would be slightly under the BRE standard. These face the street and Block B. However in each case, when the bays are considered as a whole, the light afforded to these properties complies with the BRE standard.

It is noted that any development that is capable of delivering a viable scheme for the redevelopment of this site is likely to result in more urban characteristics for the area as a whole, and that in this context the marginal non-compliance with BRE standards is not considered to be so great as to warrant refusal of the application, given the overall benefits of the proposals in respect of delivering housing to the area.

#### *Outlook, visual impacts and privacy*

Separation from ground to fourth floor levels would be located between 8.5m and 10.0m from Wentworth Lodge to the rear, increasing to 15m at fifth floor level (13.5 from the closest balcony at that level) and 19.5m from the fifth floor level (15m to 16.5m from the outdoor terrace). The development would be prominent in views from the rear windows of the block of flats at Wentworth Lodge. Windows in the rearmost parts of the building have been oriented to the sides rather than to the rear, so that the minimum distance between directly facing windows within the development and those at Wentworth Lodge would be 24m. Potential views from windows at higher levels are prevented by the setting in of the fourth and fifth floor levels from the rear of the building. A number of balconies have been deleted from the amended proposals being considered, and for those remaining to be fully acceptable it is considered that translucent or opaque screening would need to be introduced on the sides facing Wentworth Court. The incorporating of climbing plants or sections of green wall on the rear elevations, which have been shown on the amended elevation drawings as being treated with rusticated brick panels, would assist in ensuring a visually acceptable outlook for residents at Wentworth Lodge. With this elevation treatment secured by conditions, it is not considered that the additional height of the building as compared to the existing police station, would be overbearing or unduly dominating as viewed from the rear windows of Wentworth Lodge or houses on Wentworth Avenue.

For residents of Hartnell Court, the bulk of Block A will be apparent in angled views, and screens will also be required on the corners of balconies to divert views. With these in place, it is not considered that there would be any significantly detrimental impacts from Block A on the residents of Hartnell Court

Block B would be sited to the rear of Hartnell Court. With reference to the approved floor plans for this neighbouring building, it is noted that kitchen areas for three flats on the north-east corner of the building would face the closest part of Block B at a distance of 11.5m. The living areas served by the bay window and balconies for these flats would be 20m from the larger part of Block B, with a minimum of 14.5m across a short section of wall (1.0 metre deep) on part of the facing elevation. Balconies on this part of Block B have been deleted in the amended plans, and angled windows added in their place ensure that there would be no directed views towards Hartnell Court.

While opportunities for landscaping in the areas between the two proposed blocks would be limited, indicative landscape proposals provide for pergolas with climbing plants to grown

across their tops would be provided over the car parking spaces adjacent to the Hartnell Court boundary, and a triangular area of about 26 sq.m. of more substantial planning would be also proposed on this boundary. This would improve the appearance of the currently hard-paved car parking area at the former Police Station, and assist in improving the outlook at the rear of Hartnell Court.

Overall, it is considered that, while there would be some loss of outlook for residents at both Wentworth Lodge and Hartnell Court, a harmful sense of enclosure would not result from the proposals. Views between habitable room windows are at sufficient distances to ensure that no harmful loss of privacy would result, and any potential overlooking from balconies in the revised scheme would be countered by the privacy screens noted above. Overall, it is therefore considered that impacts on outlook and privacy would be acceptable.

#### *Noise and disturbance*

The proposals involve developing a former police station site as primarily residential scheme. 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.

#### *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, and this is included in the recommended conditions.

### **Whether the living conditions for future residents would be of an acceptable standard**

#### *Daylight and sunlight*

The daylight / sunlight study noted above also considers the light for future residents at the development, which demonstrates that acceptable levels of amenity would be provided.

#### *Privacy*

One issue for privacy within the development relates to the use of the garden area at the rear of Block A. Any communal use of this garden being in close proximity to the habitable room windows of adjacent flats, resulting in unacceptable impacts on the privacy of these flats. It is therefore considered that this space should be apportioned as private amenity space to the adjacent flats. It would be acceptable to provide for direct means of access between the flats and their private amenity space, and this is provided for in a condition below.

In all other respects, acceptable standards of privacy for future residents would be provided, with no harmful overlooking results either between units or from neighbouring properties.

#### *Internal Space*

The proposed units would all comply with the standards in the Mayor's London Plan. Five of the flats would be wheelchair units, which is very marginally below the 10% stipulated in the London Plan standards.

### *Amenity Space*

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 600 square metres of amenity space would be required to serve the development. Amenity space is provided in the form of balconies and private gardens for some of the ground floor flats in Block A. As part of amendments to avoid unacceptable overlooking, the number of balconies has been reduced, and although some flats would have their own private balconies varying from 5 to 16 sq.m. in area, and the two fifth floor flats at Block A would have 82 sq.m. terraces, 18 units would not have access to private amenity space. Some of the balconies will require screening on either one side or, for some of those on the northern side of Block A, at both ends in order to ensure that there is no unacceptable overlooking to either Wentworth Lodge or Hartnell Court. This screening could be either a translucent or completely opaque material, or a combination of the two. This is considered acceptable as views from the main glazed doors can be provided without direct outlook being impeded. Whilst the level of amenity space provided for the majority of flats would not comply with the Council's SPD standards, it is noted that part of the site is within a town centre and that Victoria Park is readily accessible. It is therefore considered that the proposals would provide an acceptable level of amenity.

### *Playspace*

According to the requirements of the London Plan, 32 square metres of playspace should be provided to serve the development. However 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.

## **Whether the proposals would have an acceptable impact on archaeology**

The site is located within the 'Finchley: Nether Street & Ballard Street, Church End and Manor House' Archaeological Priority Area as identified in the LBB Development Management Policies DPD. This is APA is associated with Anglo-Saxon and Medieval period settlement. A Desk Based Archaeology Assessment was submitted with the application. This noted that the site has been subject to considerable disturbance in the development of the Police Station as well as prior to that, and any remains are considered to be of local significance only. A condition is recommended to provide for pre-commencement investigations to be carried out, in the event that the application is approved.

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

### *Air quality*

An air quality report accompanies the planning application. The majority of the building is set back from Ballards Lane. Mitigation measures include 'mechanical ventilation system which draws air from the roof or rear of the building'. This would be acceptable to Environmental

Health officers subject to details. Potential issues relating to dust during construction could be dealt through a construction management plan, as provided for in the recommended conditions.

#### *Biodiversity and wildlife*

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 sets out that *a preliminary ecological appraisal including a site survey undertaken in July 2017. 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*, with the existing assessed as having negligible potential for roosting bats and the site's location and habitats provide negligible bat foraging or commuting potential. Owing to a lack of suitable habitat and its location, it is unlikely that other protected species are present at the site. Recommendations for enhancements are made within the report which aimed at improving the ecological value of the site post-development. A condition is recommended to provide for this, but also for a further survey to be undertaken if demolition has not commenced prior within three years of the date of the survey.

#### *Building sustainability*

A sustainability report is provided with the application, which sets out proposals to ensure acceptable standards of building sustainability. This would be secured in the recommended conditions.

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

A proposed drainage strategy was reviewed by the Lead Local Flood Authority during the course of the last application. They considered 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.

#### **Whether the proposals would make adequate provision for accessibility**

The application scheme is required by Policies 3.5 and 3.8 of the London Plan and LB Barnet SPDs to meet Building Regulation requirement M4(2) for 90% of the units and M4(3) for the remaining 10%. While the number of wheelchair units proposed (5 out of 52) is marginally under this requirement, the remaining flats would meet the Part M4(2) requirement. A condition would provide for this in the event planning permission is granted.

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 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.

### **Section 106 and Community Infrastructure Levy**

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

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

The majority of the issues raised by objectors are addressed in Section 5.3 of this report.

With regards to the reference to a refused application at Gerrard House, while each planning application must be determined on its own merits, the following planning history for that site is noted:

Application ref. F/04628/12 was refused planning permission on 14 March 2013 for a *Third floor extension over existing second floor including alterations to roof to create new office space.*

Application ref. F/02072/13 was subsequently made, a 23 Jul 2013d approved subject to conditions on 23 Jul 2013, for a *Third floor roof extension including a front and a rear dormer window to facilitate conversion into a new office space.*

It is noted however that the above applications related to extensions to an existing building, rather than to a new-build property.

Comments made by objectors in regards to local infrastructure are noted. The requirement to provide for a financial payment towards local infrastructure, by way of the Community Infrastructure Levy, is set out in the Informatives recommended above, to be included in any planning permission that is issued.

## **6. Equality, Diversity and Human Rights 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 Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the act is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The articles of the act relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

Officers have considered the proposals against the Human Rights act and do not consider that the proposals would be in breach of this.

## **7. Conclusion**

Having taken all material considerations into account, the proposed development is considered to have sufficiently addressed the reasons for refusal of the 2015 application, subject to the recommended conditions and to a section 106 agreement covering the matter as set out in Recommendation 1.

**SITE LOCATION PLAN:**

