

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

**Reference:** 18/2039/FUL **Received:** 2<sup>nd</sup> April 2018

**Accepted:** 6<sup>th</sup> April 2018

**Ward:** West Finchley **Expiry:** 6<sup>th</sup> July 2018

**Applicant:** Ballards Lane LLP

**Proposal:** Redevelopment of the site comprising the erection of two residential buildings of up to five storeys providing 47 no. self-contained flats and 161 sqm of A1/A3 floorspace, including on site car parking for 24 vehicles and 87 cycle spaces, recycling and refuse areas, associated amenity space, landscaping and associated development

#### **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) on the sale or occupation of 75% of the residential units at the site (or two years after the date of the permission, whichever occurs first), with a proportion of any sales value uplift over the 20% nominal viability level to be paid to the Council for the sole purpose of contributing towards off-site affordable housing. The proportion of any uplift to be paid to Council will be 60%.
5. Provision of the following costs towards extension of the Controlled Parking Zone (CPZ):
  - (a) A contribution of £114,034.79 towards 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.
  - (b) A contribution of £2,000 to amend the existing Traffic Management Order to exempt permits.
6. Provision of travel plan costs
  - (a) Travel Plan monitoring contributions of £5,000; and
  - (b) Travel Plan Incentives for future occupiers to the value of £7800.
7. Provision of Skills, Employment, Enterprise and Training appropriate to the site, to provide four apprenticeships.
8. 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_0001 rev.1 | Location Plan 1:1000 scale   |
| HTA-A_XX-D1_DR_0002 rev.1 | Location Plan 1:1250 scale   |
| HTA-A_XX-D1_DR_0003 rev.1 | Post Demolition Plan         |
| HTA-A_XX-D1_DR_0010 rev.1 | Existing Ground Floor Plan   |
| HTA-A_XX-D1_DR_0011 rev.1 | Existing Level 01 Floor Plan |

|                           |                                   |
|---------------------------|-----------------------------------|
| HTA-A_XX-D1_DR_0012 rev.1 | Existing Level 02 Floor Plan      |
| HTA-A_XX-D1_DR_0120 rev.1 | Existing Elevations               |
| HTA-A_XX-D1_DR_0121 rev.1 | Existing Elevations               |
| HTA-A_XX-D1_DR_0150 rev.5 | Proposed Ground Floor Plan        |
| HTA-A_XX-D1_DR_0151 rev.6 | Proposed Level 01 + 02 Floor Plan |
| HTA-A_XX-D1_DR_0152 rev.6 | Proposed Level 03 Floor Plan      |
| HTA-A_XX-D1_DR_0153 rev.6 | Proposed Level 04 Floor Plan      |
| HTA-A_XX-D1_DR_0155 rev.3 | Proposed Roof Plan                |
| HTA-A_XX-E1_DR_0200 rev.6 | Block A Elevations 1 of 2         |
| HTA-A_XX-E1_DR_0201 rev.5 | Block A Elevations 2 of 2         |
| HTA-A_XX-E1_DR_0205 rev.4 | Block B Elevations 1 of 2         |
| HTA-A_XX-E1_DR_0206 rev.3 | Block B Elevations 2 of 2         |
| HTA-A_XX-E1_DR_0210 rev.2 | Main Street Elevations            |
| HTA-A_XX-S1_DR_0250 rev.2 | Block A+B section                 |
| HTA-A_XX-S1_DR_0251 rev.2 | Block B Section B2                |
| HTA-A_XX-D1_DR_3000 rev.2 | Unit plan, type Studio_T1         |
| HTA-A_XX-D1_DR_3001 rev.1 | Unit plan, type 1B2P_T1           |
| HTA-A_XX-D1_DR_3002 rev.1 | Unit plan, type 1B2P_T2           |
| HTA-A_XX-D1_DR_3005 rev.1 | Unit plan, type 1B2P_T5           |
| HTA-A_XX-D1_DR_3006 rev.1 | Unit plan, type 1B2P_WCHR         |
| HTA-A_XX-D1_DR_3007 rev.1 | Unit plan, type 1B2P_WCHR_T2      |
| HTA-A_XX-D1_DR_3008 rev.1 | Unit plan, type 1B2P_WCHR_T3      |
| HTA-A_XX-D1_DR_3009 rev.1 | Unit plan, type 2B3P_T1           |
| HTA-A_XX-D1_DR_3011 rev.1 | Unit plan, type 2B4P_T1           |
| HTA-A_XX-D1_DR_3012 rev.2 | Unit plan, type 2B4P_T2           |
| HTA-A_XX-D1_DR_3013 rev.1 | Unit plan, type 2B4P_T3           |
| HTA-A_XX-D1_DR_3014 rev.1 | Unit plan, type 2B4P_T4           |
| HTA-A_XX-D1_DR_3016 rev.1 | Unit plan, type 2B4P_WCHR         |
| HTA-A_XX-D1_DR_3018 rev.1 | Unit plan, type 1B2P T6           |
| HTA-A_XX-D1_DR_3019 rev.1 | Unit plan, type 2B4P T6           |
| HTA-A_XX-D1_DR_3020 rev.1 | Unit plan, type 2B4P T7           |
| HTA-A_XX-D1_DR_3021 rev.1 | Unit plan, type 1B2P T7           |

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 (2012) and Policy DM01 of the Local Plan Development Management Policies DPD (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 and approved in writing by 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 site investigation report, risk assessment and refined Conceptual Model shall be submitted to and approved in writing by 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) 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).

11 (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



- 12 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.

- 13 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:
- a) 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;
- b) 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
- c) 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 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).

- 14 a) No development other than demolition 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. The detail to be provided shall include sufficient information to ensure that there will be no views between rear facing windows and balcony at Block A (fourth floor) to those at Wentworth Lodge.
- 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.

- 15 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).

- 16 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 3rd 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).

- 17
- a) Prior to any construction works above finished ground floor level being undertaken, 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.
  - 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.

- 18
- 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:
- a) 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).
  - b) 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.

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).

- 19 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.

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

- 21 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.

- 22 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 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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 2016 and the 2016 Mayors Housing SPG.

- 23 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.

- 24 Prior to occupation of the development, vehicular parking onsite as shown on Drawing No. HTA-A\_XX-D1\_DR\_0150 rev.5 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.

- 25 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 2016.

- 26 Prior to the first occupation of the development, 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.

- 27 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.

- 28 Before the development hereby permitted is occupied, secure cycle storage shall be provided in the locations shown on the approved drawings, in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: To ensure and promote easier access for cycling 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 which in turn refers to London Plan Parking Standards.

- 29 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.

- 30 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 Local Planning Authority and works shall only be carried out in accordance with the approved plans.

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.

- 31 a) No building within the development shall be occupied until details have been submitted to and approved in writing that show that all units within the relevant building 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 the exception of the flats that are identified on the approved drawings to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations (with a total of five flats to meet Part M4(3) standard across the whole development).
- 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.

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

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.

- 33 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).

- 34 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), the commercial unit in Block A shall be used for Class A1 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).

- 35 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. These 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.

- 36 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.

- 37 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.

- 38 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).

- 39 No construction shall take place until details of access and facilities for Fire and Rescue Services have been submitted and approved by the Local Planning Authority.

Reason: To ensure a satisfactory standard of design, in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

**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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq. m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

## Relief or Exemption from CIL:

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

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

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

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

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit 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 whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- 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. Bonfires are not permitted on site.

- For major developments only: provide a copy of an asbestos survey;
- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

5 In line with the Rainfall runoff management for developments (Environment Agency, 2013) guidance, the calculations for the required attenuation storage should be amended. The calculations undertaken use a Quick Storage Estimate. However, calculations should be based on the actual scheme design. In order to comply with Policies S4 and S5 in the Non-statutory technical standards for sustainable drainage systems (March 2015), the above condition should provide calculations for the current runoff volume and proposed post-development runoff volume for a 1 in 100 year, 6 hour rainfall event.

6 The applicant 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, 11th 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.
- 11 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.
- 12 The applicant is advised that the Council's Refuse Collection Team must be consulted to agree the proposed refuse collection arrangement.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 1st October 2018, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to extend the Controlled Parking Zone and prevent residents from obtaining parking permits would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and Policy CS9 of the Adopted Barnet Core Strategy 2012.
2. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Local Plan Development Management Policies (adopted September 2012), Affordable Housing SPD, and the Planning Obligations SPD (adopted October 2016) and policy 3.12 of the Mayor's London Plan (MALP) 2016.
3. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Skills, Enterprise, Employment and Training SPD, and the Planning Obligations SPD (adopted October 2016).

## **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 southern part of the site is within the Church End Town Centre. The adjacent 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 to the west and rear of the application site. On Gruneisen Road there is a single storey automotive repair workshop directly adjoining to the north-west, and there are two and three storey terraced houses to the opposite side of Gruneisen Road (numbers 2-12). Some of these are divided into flats. As noted above, Hartnell Court occupies the corner site on Ballards Lane and Gruneisen Road. Victoria Park is located on the opposite side of Ballards Lane.

## 2. Site History

15/05583/FUL - 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. Refused 11 November 2016

The application was refused for two reasons, which can be summarised as:

- 1 The lack of 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.
- 2 The proposal's 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.

17/5250/FUL - Redevelopment of the site comprising the erection of two residential buildings up to 6 storeys high providing 52 no. self-contained flats and 161 sqm of A1/A3 floorspace, including on site car and cycle parking, recycling and refuse areas, associated amenity space and landscaping (amended from 54 residential units as submitted). Refused 10 January 2018, for the following reasons:

1. 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.
2. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to extend the Controlled Parking Zone and prevent residents from obtaining parking permits would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and Policy CS9 of the Adopted Barnet Core Strategy 2012.
3. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Local Plan Development Management Policies (adopted September 2012), Affordable Housing SPD, and the Planning Obligations SPD (adopted October 2016) and policy 3.12 of the Mayor's London Plan (MALP) 2016.

4. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Skills, Enterprise, Employment and Training SPD, and the Planning Obligations SPD (adopted October 2016).

The site has also been subject to the following applications:

18/0577/ADV- 1no banner sign to front elevation. Approved subject to conditions 29.03.2018.

17/5121/PND- Demolition of former police station building comprising 3 storey office building and basement. Prior Approval Required and Approved 01.09.2017

F/00030/13/LIC Replace 3no. existing antennas with 3no. new antennas and the installation of 2no. 0.3m transmission dishes and 2no. equipment cabinets on the roof. Exempt 05.03.2013

F/00003/08/LIC Installation of telecommunications equipment. Exempt 22.04.2008

C11571C/03 Installation of telecommunication equipment on roof. Exempt 05.12.2003

### **3. Proposal**

The proposal seeks to overcome the above reasons for refusal. The existing buildings would be demolished and replaced with two buildings accommodating 47 flats. Block A would be a part five storey building adjacent to the Ballards Lane frontage, reducing to four and then three stories to the rear, while Block B would be located with frontage to Gruneisen Road, with front part of the building being three stories high and rising to four stories further back from the street frontage. This development pattern largely replicates that in the more recent of the two refused residential schemes, with a reduction in heights of one storey across most of the built forms, and a corresponding reduction in the number of flats from 52 to 47. As with the previous scheme, vehicular access would be gained from Gruneisen Road, and the space between the buildings would be largely taken up in car parking at ground level, including in an undercroft within Block B. Landscaping would be provided at the rear of Block A and on a small triangle of land close to the adjacent to the boundary with Hartnell Court. Further greening of the site is proposed by way of a green wall on the flank wall of Block B, adjacent to the vehicular access, and with green roofs for both buildings.

Accommodation provided would be as follows:



Block A would accommodate 30 flats with a 161 sq.m. ground floor commercial unit on Ballards Lane. The mix in this building would comprise 13no. one-bedroom and 17no. two-bedroom flats, including three wheelchair units (2no. one-bedroom and 1no. two-bedroom).

Block B would accommodate 17 flats comprising 6no. studio flats, 8no. one-bedroom and 3no. two-bedroom flats. Two of the single bedroom units would be wheelchair units.

Amenity space would be provided for some flats in the form of balconies or terraces for 15 flats in both buildings, along with small private gardens in the case of two lower ground floor flats in Block A. In addition, the ground floor flats at the front of Block B would have small front gardens, although these would not constitute 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 82 cycle spaces within the buildings.

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

Consultation letters were sent to 547 neighbouring properties. 49 responses have been received, comprising 46 letters of objection, one letter of support and two further representations.

##### Support Comments:

- The redevelopment at 193 Ballards Lane sounds highly positive for the area although with concern about the parking provision (Officer comment: this concern is also noted in the objections, below).

##### Objection Comments:

- Request from neighbouring gym for further information
- Parking pressure on neighbouring roads from additional residential and retail use at the site
- The parking situation is already poor for existing residents; the proposal would add additional pressures on parking. Most 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 ....
- Overshadowing, loss of natural light, and loss of privacy.
- Height and bulk still unacceptable; too dominant and too imposing
- Artificial revenue raising (Officer comment: apparently through on-street car parking charges)
- Inappropriate the choice of buff bricks is out of keeping with Hartnell Court. Also, the building line should remain where it is, rather than be pulled forward (it could be used as a small green space), to ameliorate the 'overwhelming' nature of the proposed building.
- 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.
- Impacts on privacy
- Scale should be restricted to three or four storeys / three storeys / limited to height of adjacent buildings
- Harmful to streetscape and to neighbouring businesses that will have less prominence in the streetscape
- Detrimental to the amenity of neighbouring residents
- Too dense, too high
- Noise issues
- A development of this size would need twice the number of car parking spaces that are proposed
- Detrimental to the character and appearance of the streetscene and general locality
- The buildings would be out of character from the rest of the street and will be towering above the local buildings
- The height reduction on Ballards Lane from 5 stories down to 4 is from the "removal" of a floor that was recessed from the street, so there is no major difference in visual impact; still significantly taller than neighbouring Martyn Gerrard House.
- 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.
- Approval 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.

Neutral comment:

- Hendon and District Archaeological Society: - An Archaeological watching brief should be required.

#### 4.1 Consultation Responses

Highways Officer: - No objections, subject to conditions.

Environmental Health: - No objections, subject to conditions.

Lead Local Flood Authority: - Although there was no objection to the previous application, subject to conditions, further information was requested on sustainable drainage. This has been provided by the applicant in the form of an Addendum to the Flood Risk Assessment that was submitted with the application. A further consultation comment is currently awaited, and any received will be noted in the Addendum report.

The London Fire and Emergency Planning Authority: - No consultation response received at the time of writing the report. For the 2017 application, The Authority comments to say that it 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 occupiers.

Historic England: - An archaeological condition is requested.

## 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.

- Relevant London Plan Policies:

3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 3.9 (Mixed and Balanced Communities), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.10 (Urban greening), 5.11 (Green roofs and development site environs), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.15 (Water use and supplies), 6.9 (Cycling), 6.10 (Walking), 6.13 (Parking), 7.1 (Lifetime neighbourhoods), 7.2 (An Inclusive Environment), 7.3 (Designing Out Crime), 7.4 (Local Character), 7.5 (Public Realm), 7.6 (Architecture), 7.18 (Protecting open space and addressing deficiency), 7.19 (Biodiversity and access to nature), 8.1 (Implementation), 8.2 (Planning Obligations), 8.3 (Community Infrastructure Levy)

## 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.

### - 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 (Providing 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), 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.

##### 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.

##### 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.

## **5.2 Main issues for consideration**

The application seeks to overcome the reasons for refusal of the 2016 planning application, ref. 17/2039/FUL. Key issues for consideration therefore relate first to whether the reasons for refusal would be overcome, 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:

- 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.
- Limited on-site car parking and offer to fund CPZ study was not secured by a planning obligation.
- Lack of affordable housing, including the offer made not having been secured by a planning obligation.
- Lack of employment and skills training, which was not secured by a planning obligation.

(ii) Other key issues:

- Whether the principle of the change of use is acceptable.
- Whether the proposed commercial unit is acceptable
- Whether the mix of residential accommodation is acceptable
- 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).

## **5.3 Assessment of proposals**

### **5.3.1 Whether the application has overcome the reason for refusal in the previous application**

Reason 1 - 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 occupy the same footprint as the 2017 application, with the key difference being that it would be reduced by one storey over the bulk of the building footprints. As in the 2017 application two buildings are proposed with courtyard car parking between them. Block A would have frontage to Ballards Lane and would be aligned at the front to the linear development to the south. While the existing building on the site is set back from the adjoining building to the south-west (191 Ballards Lane), Block A would extend forward to match the front building line of this neighbouring building. Block B would have frontage to Gruneisen Road. This area is currently occupied by carparking with some planting on the street frontage.

It is noted that the proposal 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 to Gruneisen Road.

### *Density*

The gross site area for purposes of assessing density is approximately 0.19 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 247 units per hectare. This is within the suggested range for urban areas, although high for suburban areas. However, it is noted that the whole site has urban characteristics with the ground that is currently not built on being taken up in hardstanding, with three storey flats with basement car parking adjacent at Hartnell Court and business premises adjoining at both 197 Ballards Lane and 11 Gruneisen Road. 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 considered in optimising potential. The GLA Supplementary Planning Guidance on Town Centres states that such areas are well suited to high density development. The adjacent development outside the town centre represents a range of building scales that exclude single family dwellinghouses, making this a typical edge-of-centre location where a higher density than typical of suburban areas is considered to be acceptable. Other aspects of the scheme have also been taken into consideration in arriving at this conclusion, which are discussed below.

### *Scale and Massing*

The proposed Block A would be a maximum of five storeys in height, a reduction of one floor as compared to the 2017 scheme. As in that scheme, the main element at street frontage would be four-storeys high (ground to third floor level) and above that, the fourth floor would be set



back from the street frontage. At the rear, towards Wentworth Lodge it would be three stories high, stepping up to four and then five stories high. In the refused application, the building would have been four stories high at the rear, stepping up to five and then six stories.

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 also providing an appropriate reduction in scale compared to the 2017 application that was refused.

Block B has also been reduced in scale as compared to the refused 2017 application. While the rear part of the building would be four-storeys high, as in the refused application, the front part would be three stories high so that the Gruneisen Road frontage would fit the scale of development opposite. As compared to the refused application, it is considered that this reduces the impacts on the residential occupiers of Gruneisen Road, and the removal of a fourth level of accommodation in the mansard roof in the previous application would further reduce impacts on occupiers in the closest flats at Hartnell Court. 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 be overly scaled as compared to them. It is therefore considered in this context that the proposed massing of the block to Gruneisen Road would not cause material harm to the character and appearance of the streetscene and general locality.

The cladding material for both buildings would be predominantly brick, with charcoal grey window frames and green roofs. The fourth-floor level at Block A would have a grey metallic finish, resulting in a recessive appearance that will accentuate the main brick-built element of the building. Subject to construction in appropriate high-quality materials, it is considered that both buildings would provide high-quality additions to the built environment in this location.

### *External Appearance*

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 drawings show that the buildings would be finished in a buff or light brown brick cladding for the main elements in each building, with a grey metal finish for the upper floor at Block A. Recessed window openings would feature on the two front elevations, with balconies to the rear although these are reduced in number from the proposals as first submitted. 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. Rusticated brick patterning would be provided to add design interest on higher walls, and green walls could be provided in more appropriate locations, as recommended in the proposed condition. Green roofs are provided over most of the building footprint.

In order to ensure that the appearance of the building is not marred by the addition of significant external fittings that have not been considered as part of the design, a condition is also recommended that permitted development rights for installation of telecommunications equipment on

the building should be removed, to ensure that the clean lines of the building as shown on the submitted computer-generated images (CGIs) are retained.

### *Landscaping*

Given the urban nature of the site and the proposed layout, the scope for landscaping is very limited. Car parking would occupy much of the space between the two buildings, so that the remaining space for landscaping would be limited. Some details of landscaping are shown on the landscape masterplan provided, but a condition would be required in the event of approval 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 regarding Reason 1*

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 this application would successfully overcome the previous reason for refusal in regards to height, massing, siting, scale, and density.

### Reason 2 - Whether the proposals would have an acceptable impact on highway and pedestrian safety

As with the refused application for 52 flats, 24 car parking spaces are proposed including 4 disabled parking spaces. There would also be 82 cycle spaces in two stores, one in each of the two buildings. The Public Transport Accessibility Levels (PTAL) score for the site is calculated as 4, representing a good level of accessibility by public transport.

Barnet's parking standards provide for up to 1 car parking space for 1-bedroom units, and 1 to 1.5 spaces for 2 and 3-bedroom units, dependent on the PTAL rating for any given site. This equates to a range of parking provision of between 22 to 57 parking spaces, and taking into account the PTAL rating of 4 for the site, the Highways Officer has calculated the parking provision required to meet the anticipated car parking demand at 34.8 spaces. Car parking provision would therefore fall short by approximately 11 parking spaces.

To mitigate the shortfall, the application has included information in a Transport Statement (TS) prepared by Ardent Consultant Engineers. This sets out that, based on the 2011 Census Data, car ownership in the surrounding area is 0.86 per household, suggesting a potential higher parking demand at approximately 40 parking spaces. A parking beat survey has therefore been carried out, which included:

:

- 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

These surveys were carried out between 1<sup>st</sup> and 5<sup>th</sup> July 2017. The survey indicated that there is sufficient on-street parking available within the identified area during night times and at the weekends to accommodate any potential overspill parking. However, the survey showed that the roads in closer proximity to the site suffer from greater parking stress than roads further away from the site. It is noted that the site is located on the edge of a one Hour Controlled Parking Zone (CPZ), near of road with uncontrolled parking, and that overspill parking could further exacerbate the parking pressure. In order for this to be acceptable, the developer would need to provide financial contributions towards the future review and implementation of a review of the existing CPZ, including provision for the amendment of the Traffic Management Order for the future residents of the development to be exempted from purchasing CPZ parking permits. This is provided in the Recommendation above.

A Travel Plan (TP) has also been submitted with the planning application, and a contribution of £5,000 would be required towards the monitoring of the TP. Overall acceptability of the scheme in Highways terms therefore requires the following contributions to be secured in a section 106 agreement:

*CPZ Contribution:*

(c) 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.

(d) A contribution of £2,000 would also need to be secured to amend the existing Traffic Management Order to exempt permits.

*Travel Plan Contributions:*

(e) Travel Plan monitoring contributions of £5,000 is required, and

- (f) £7800 is also needs also to be set aside by the applicant towards the Travel Plan Incentives in accordance with the Planning Obligations SPD.

Electrical Vehicle Charging Points would need to be provided in accordance with the London Plan Parking Standards, and 87 cycle parking spaces are proposed, also in accordance the London Plan Cycle Parking Standards. 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 relevant recommended conditions provide for this.

### *Conclusions regarding Reason 2*

Subject to the completion of the section 106 planning agreement and to conditions as recommended in this report, it is considered that the second reason for refusal of the previous application would be successfully overcome.

### Reason 3 - Whether the proposals make sufficient 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. 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 deficit of £1,137,694. 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 clause 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 applicant has referred to a recent High Court decision where four retirement house-builders took the Mayor of London to the High Court challenging the Mayor's Affordable Housing Viability policies (SPG McCarthy and Stone Retirement Lifestyles Ltd and others versus Greater London Authority (ref. EWHC 1202, 23 May 2018)). Within the decision, the judge noted that the SPG requires that all sites of over ten homes should be subject to at least three viability appraisals. The Judge referred in the decision to the Mayor's SPG as not aligning with the London Plan and therefore being unlawful in one respect. The applicant has also provided a legal opinion which makes a case that the requirement for

a late stage viability review is therefore unlawful. Officers are seeking a legal opinion on this point, and further details will be provided in the Addendum report or verbally at the Area Planning Committee meeting where this application is considered. It is however noted at this stage that the judge did not request that the SPG be quashed or altered at this stage, and it is therefore considered that the viability review process remains within the Mayor's SPG at this time.

It should also be noted, that the late review mechanism would only be triggered when the scheme has reached a 'breakeven' point. This means that the scheme would be able to achieve the appropriate profit level prior to any additional payments being made to the LB Barnet. Therefore, by offering three affordable housing units and the inclusion of a review mechanism, the applicant would not be required to provide any additional funding towards affordable housing obligations until the provision of the three units offered is within a scheme that is viable in terms of baseline profit levels.

#### *Conclusions in regards to Reason 3*

At this stage it remains the opinion of officers that, with an early and late stage review mechanism and three shared ownership housing units secured by a section 106 agreement, the third reason for refusal of the previous scheme would be successfully overcome. In the event that the Council's solicitors agree that the late review mechanism should be dropped, the early review would remain.

#### Reason 4 - Whether the proposals make sufficient provision for apprenticeships and skills training

The Council's Skills, Employment, Enterprise and Training SPD sets out mechanisms and benchmarks for ensuring that development positively contributes to Barnet's economy. This is provided for in part by the Skills, Employment, Enterprise and Training framework (SEET), which is intended to ensure that development provide new job opportunities through construction and / or end use. This can be provided either on site and / or by way of a commuted sum for off-site provision. The later would need to be provided for in a section 106 obligation which would be for training and employment to be provided, either on site or by way of a commuted sum for off-site provision. In this case, provision should be made for four apprenticeships, and Recommendation II above provides for this either on- site or off- site.

#### *Conclusions regarding Reason 4*

Subject to providing the above employment training or alternatively for off-site provision, the inclusion of this element within a section 106 agreement would overcome the fourth reason for refusal.

### 5.3.2 Other key issues

This leave the other key issues both as considered in the previous applications, and/or which 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. 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.'

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.

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 has been considered in the previous applications involving loss of the facility. It was noted then that 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. 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 further needs to be balanced against the benefits that the proposed housing units would provide, including as the three shared-ownership units, it is therefore considered to be no policy objection to the loss of the police station.

Whether the proposed commercial unit is acceptable

Policy DM11 essentially supports Class A uses within a secondary retail frontage, and the A1 use proposed for the 161 sq.m. commercial unit is considered to be appropriate.

Whether the mix of residential accommodation is acceptable

While Policy DM08 identifies family sized homes 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 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:

- Three first floor rear window at Hartnell Court, which currently have outlook onto the police station car park. Two of these are overhung by balconies, so the impact of these results in their current marginal performance.
- A single first floor rear window at Wentworth Lodge.

It is notable that some non-compliance noted for the Gruneisen Road properties opposite the site, which were noted in the report for the previous application, has now been eliminated. In the refused application this would have impacted on individual windows within the ground floor bays at 2, 4, 6 and 8, where one or two of the three windows in each bay would have been slightly under the BRE standard. As noted in the previous report, when the bays were considered, the light afforded to these properties complied with the BRE standard. The removal of the third-floor element on Block B facing these properties as included in the refused 2017 application, has improved further this relationship.

The guidance notes that all of the BRE standards are not always achievable in urban areas, and it is noted that any development that is capable of delivering a viable scheme for the redevelopment of the site is likely to result in more urban characteristics for the area as a whole. In this context a 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 third floor levels would be located between 8.7m and 10.0m from Wentworth Lodge to the rear for ground, first and second floor levels, stepping in at third and again at fourth floor level. In the refused scheme, the element closer to Wentworth Lodge would have been one storey higher, and it is the reduced height of this element in particular that results in the largest improvement for occupiers of that neighbouring development. It should be noted that the separation from the rear of the existing building is a minimum of 6m from the main central element at WL facing the development; this steps forward 1.5m from the building line to either side of it, resulting in an separation of 7.5m from this part of the building. The proposed scheme represents an improvement over this, albeit that the rear of Block A would be wider than the ex-police station that would be replaced (the rear element would be 6m wide, widening to 14.5m where it steps a further 1.5m in from the rear boundary, as against the 6.5m for the length of the existing rear wing at the ex-police station building). There would be no directly facing windows in this part of the rear elevation on first to third floor levels, and while there are windows and a balcony at fourth floor level the angle of views from them to the rear is such that direct views to habitable and balcony space at Wentworth Lodge are obscured by the projecting floors below. Measured, on plan, separation distances to the line of the rear façade at Wentworth Lodge would be as follows: These are all horizontal measurements which would be above the window line at this neighbouring property:

- from rear of the balcony - 14m (angled) and 15.5m (directly to rear)
- from closest rear facing window - 16m (angled) and 17.5m (directly to rear)

However, the view would be to the very top of the façade, above the top of the window level. The privacy of occupiers from any overlooking here could be specifically protected by the recommended levels condition.

The rear elevation drawing shows decorative brickwork on the rear-most part of the façade, and all windows in the rear flats are side-facing to avoid impacts on Wentworth Lodge. While this is an acceptable design approach, it is considered that a green wall would be visually



preferable. This has been discussed with the applicant and is provided for in the conditions as recommended above. It is acknowledged however that a green wall could potentially have some adverse impact on internal light levels at Wentworth Lodge due to the darker colour and lower reflectivity of foliage as compared to a light buff brick, and if this is demonstrated to be the case then it would be necessary to revert to the use of brick only on this elevation. The same approach is also recommended for the flank elevation of the front part of Block B where it faces Hartnell Court. Block B would be sited to the rear of Hartnell Court. For residents at this neighbouring development, the bulk of Block A will be apparent in angled views. In the previous application screens were recommended on the corners of some balconies to divert views towards Hartnell Court; however, in this proposal the balconies that would have been the most visible at Block A from these neighbouring flats have been deleted in amended drawings. These have removed six balconies to the rear of Block A, three of which would have been towards the north-west corner of the building with views towards Hartnell Court and three towards the south-west corner, which would have had views to Wentworth Lodge and its private amenity space to an extent that was considered intrusive.

As noted previously, the key difference in Block B as compared to the refused 2017 scheme is that a mansard roofed element to the front of the building has been deleted, reducing the height of this part of the building from four to three storeys. As with the refused scheme, reference to the approved floor plans for Hartnell Court show that kitchen areas for three flats in the north-east part of this neighbouring development 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, and a minimum of 14.5m from the external rear access walkways at first and second floor levels that would provide access to two flats at these levels. Computer generated images for the proposal show privacy screens at the ends of these access walkways and these would be secured by condition to prevent overlooking from occupants coming and going to and from their flats. Balconies on the facing façade at Block B were deleted during the previous application, and amended to the angled windows that are included also in this scheme to ensure that there would be no direct views towards Hartnell Court. Balconies would be visible from Hartnell Court only on the rear (south-west side) of Block B, where they would be over 20m from the rear corner of the closest rear garden and over 30m from the closest rear window to the west at Wentworth Place, and over 21m from the closest windows and balconies at Hartnell Court. It is considered that this distance is sufficient to preserve the privacy of occupiers on both sides, although if Members have any remaining concerns in regards to impacts on Hartnell Court then condition 38 as recommended above could be amended to require privacy screens to the south-east side of these balconies. It should be added that these balconies would provide no views to habitable room windows at Wentworth Lodge.

While opportunities for landscaping in the areas between the two proposed blocks would be limited, indicative landscape proposals provide for a pergola and climbing plants to 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 planting is also proposed on this boundary. This would improve the appearance of the currently hard-paved car parking area at the former Police Station, and result in a considerable improvement to this aspect of the existing outlook to 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, scale and spacing of the buildings is sufficient to ensure that no harmful sense of enclosure would result from the proposals. Views between habitable room windows are at sufficient distances to ensure that no harmful loss of privacy would result, and the potential overlooking from balconies in

the previous schemes has been overcome by the deletion of the majority of the balconies; those that remain in the drawings now under consideration are at acceptable distances and angles from neighbouring properties to ensure that they would not impact significantly on neighbouring occupiers. It is considered therefore that impacts on outlook and privacy would not be so great as to warrant a robust reason for refusal.

#### *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 and 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.

#### *Conclusions on neighbour impacts*

While the 2017 application was not refused on grounds of neighbour impacts, it is considered that the changes between that application and the scheme currently being considered have taken neighbours objections into account, and produced a scheme that better addresses concerns regarding impacts on privacy and outlook. It is not considered that the application should be refused on any related grounds.

#### 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 would be 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.

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

### *Internal Space*

The proposed units would all comply with the internal spaces standards in the Mayor's London Plan and LBB Sustainable Design and Construction SPD. Five of the flats would be wheelchair units, which is more than the 10% stipulated in the London Plan standards.

### *Amenity Space*

Under policy DM02 and the Supplementary Planning Document: Sustainable Design and Construction, approximately 605 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, a further reduction in the number of balconies has been made. While some flats would have their own private balconies and ground floor flats to the rear of Block A have private gardens that together provide a total of 302 sq.m. of private amenity spaces, the majority of units would not have access to private amenity space. Shared amenity spaces amount to approximately 106 sq.m., giving a total for the site of 407 sq.m. which represents a shortfall of 198 sq.m. However, it is noted that a significant part of the site (Block A) is within the town centre, and that Victoria Park is readily accessible. It is therefore considered that the proposals would provide an acceptable level of amenity in this location.

### *Playspace*

As noted for the previous application, on-site play space is not provided within the development. For the previous application, the Council's Greenspaces Manager was consulted, and based on the site's proximity to Victoria Park it was agreed that a contribution to additional provision of play space within the Park was not required.

### *Conclusions on the amenities of future occupiers*

Overall, it is considered that the proposal offers a good standard of amenities for future occupiers, including future shared ownership buyers and disabled occupiers.

Whether the proposals would have an acceptable impact on archaeology

The site is located within the 'Finchley: Nether Street & Ballard Lane, Church End and Manor House' Archaeological Priority Area as identified in the LBB Development Management Policies DPD. This 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. Following consultation with Historic England, a condition is recommended to provide for pre-commencement investigations to be carried out, in the event that the application is approved.

### Environmental and sustainability issues

#### *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 was undertaken in July 2017, to identify 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 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%. As noted above the number of wheelchair units proposed (5 out of 47) exceeds this requirement. A condition is recommended to secure this level of accessibility within the development.

#### *Energy use within the development*

The applicant has provided an energy strategy which indicates that enhanced insulation and photovoltaic panels can provide good energy performance with 35% reductions in CO2 emissions for the non-residential component of the development, and zero carbon for the residential component. Discussions are on-going at the time of writing this report, and this will be updated in the Addendum. 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, an obligation within the Section 106 agreement to provide four 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, it is noted in the planning history for that site that 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, and 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.

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 also 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 application ref. 17/5250/FUL, subject to the recommended conditions and to the completion of a section 106 agreement that provides for the matters set out in Recommendation II above.

