

**LOCATION:** 38-44 Ballards Lane, London, N3 2BJ

**REFERENCE:** 21/4977/FUL

**Received:** 14 Sept 2021

**Accepted:** 14 Sept 2021

**WARD(S):** West Finchley

**Expiry:** 14 Dec 2021

**APPLICANT:** Abbey Commercial Ltd

**PROPOSAL:** Demolition of the existing building and erection of a 9-storey building comprising of up to 22no. self-contained residential units and up to 1025sqm of commercial (Use Class E) floorspace. Associated amenity space, hard and soft landscaping, refuse storage, cycle parking and off-street car parking

## **RECOMMENDATION 1**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation through a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following, subject to any changes as considered necessary by the Service Director Planning and Building Control:

1. Legal Professional Costs Recovery

Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;

2. Enforceability

All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Indexation

All financial contributions listed to be subject to indexation.

4. Employment and Enterprise

The applicant would be required to enter into a Local Employment Agreement with the Council in order to provide an appropriate number of employment outcomes for local residents. Alternatively, the applicant may wish to make a financial contribution in lieu of the employment outcomes. Such a contribution would be commensurate with the number of outcomes secured and in line with the Barnet Delivering Skills, Employment, Enterprise and Training SPD guidance.

5. Carbon Offset Contribution

Payment of £47,687 index-linked as a financial contribution to ensure that the development achieves net zero carbon dioxide emissions, in accordance with the London Plan 2021 and based on £95 per Tonne per annum over 30 years.

6. Town Centre Contribution

Payment of £10,000 index-linked as a financial contribution towards public realm improvements associated with the Finchley Square proposals for the town centre.

7. Framework Travel Plan & Monitoring

Travel Plan demonstrating commitment to London plan mode share targets.

Payment of £10,000 index-linked as a financial contribution towards a travel plan monitoring

8. Section 278 Highway Works

All necessary works to the public highway under section 278 of the Highways Act to facilitate the implementation of the development in agreement with the Local Highways Authority

9. Affordable Housing

Early and Late-Stage Viability Review.

10. CPZ Review

Traffic Regulation Order amendments to exclude (new) residents from CPZ permits.

11. Monitoring Fee

A contribution of £5,000 towards the monitoring of the S106 agreement.

**RECOMMENDATION 2: Approve Subject to Conditions**

That upon completion of the agreement specified in Recommendation 1, the Service Director of Planning and Building Control or Head of Development Management to approve the planning application reference 21/4977/FUL under delegated powers, subject to the conditions as set out within this report.

That the Committee also grants delegated authority to the Service Director of Planning and Building Control or the Head of Development Management 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 their absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

Conditions:

1. 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.

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

P20-049\_CGL-Z1-00-DR-A-010100-P1 Site Location Plan  
P20-049-CGL-Z1-00-DR-A-050211-P1 Proposed Ground Floor  
P20-049-CGL-Z1-01-DR-A-050212-P1 Proposed First Floor  
P20-049-CGL-Z1-02-DR-A-050213-P1 Proposed Second Floor  
P20-049-CGL-Z1-03-DR-A-050214-P1 Proposed Third and Fourth Floor  
P20-049-CGL-Z1-05-DR-A-050215-P1 Proposed Fifth to Seventh Floor  
P20-049-CGL-Z1-08-DR-A-050216-P1 Proposed Eighth Floor  
P20-049-CGL-Z1-B1-DR-A-050210-P1 Proposed Basement Floor  
P20-049-CGL-Z1-RF-DR-A-050217-P1 Proposed Roof  
P20-049-CGL-Z1-EL-DR-A-060220-P1 Proposed Front Elevation  
P20-049-CGL-Z1-EL-DR-A-060221-P1 Proposed North Elevation  
P20-049-CGL-Z1-EL-DR-A-060222-P1 Proposed Rear Elevation  
P20-049-CGL-Z1-EL-DR-A-060223-P1 Proposed South Elevation  
P20-049-CGL-Z1-EL-DR-A-060224-P1 Proposed Front Context Elevation  
P20-049-CGL-Z1-EL-DR-A-060225-P1 Proposed North Context Elevation  
P20-049-CGL-Z1-EL-DR-A-060226-P1 Proposed Rear Context Elevation  
P20-049-CGL-Z1-EL-DR-A-060227-P1 Proposed South Context Elevation  
P20-049-CGL-Z1-SE-DR-A-060230-P1 Proposed Section A-A  
P20-049-CGL-Z1-SE-DR-A-060231-P1 Proposed Section B-B  
BLL-ET-ALL-GF-DR-L-0101 P1 Landscape Masterplan

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

3. a) Notwithstanding the details shown on the hereby approved plans and documents, prior to any works above slab level, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved shall be 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 D1, D4 and D8 of the London Plan 2021.

4.. Prior to the first occupation of the development, the dwellings shall all have been constructed to 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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the above mentioned regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policy DM03 of Barnet's Local Plan (Development Management Policies) DPD 2012 and Policy D7 of the London Plan 2021.

5. No site works including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Statement 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 Statement 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 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 contractor's 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.
- xi. Provision of a competent banksman.

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 policies Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

6. Notwithstanding details shown on the hereby approved plans, prior to occupation of the development, a final internal layout plan showing details of the proposed off-street parking spaces, including disabled parking provision, adaptable enlarged spaces, details of means of barrier control including direction of opening and

any loading areas within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to 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.

7. 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 80% 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 T6.1 of the London Plan 2021.

8. Before the permitted development is occupied an updated Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved delivery service plan.

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.

9. Before the permitted development is occupied an updated Parking Management Plan (PMP) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved Parking Management Plan.

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.

10. Further details of cycle parking including the location and number of cycle spaces and cycle storage facilities in accordance with the London Plan should be submitted to and approved by the Local Planning Authority and such spaces shall be installed prior to occupation and permanently retained thereafter in accordance with the agreed details.. Minimum aisle widths, as set out in London Cycling Design Standards, must be met and 5% of space should be provided for the storage of non-standard cycles.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and the London Cycling Design Standards 2016.

11. Notwithstanding the details submitted with the application and otherwise hereby approved, prior to occupation of the site, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority. b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

12. a) Prior to carrying out works above slab level, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation. b) Prior to the first occupation of each residential building a 'Secured by Design' accreditation shall be obtained for the building. The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

13. a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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.

14. a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

15. The development shall not be occupied until an Ecological Management Plan, has been submitted to and approved by the Local Planning Authority. The plan should be in accordance with the recommendations laid out in the Preliminary Ecology Appraisal and Biodiversity Impact Assessment and shall be implemented in full and shall thereafter be so maintained.

Reason: Reason: To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM16 of the Barnet Local Plan (2012) and Policies G5 and G6 of the London Plan 2021.

16. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage

utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

17. Before the development is occupied details of petrol and oil interceptors to new car parking areas provided on the site shall be submitted to and approved in writing by the Local Planning Authority. The petrol and oil interceptors shown shall be implemented in accordance with the agreed details and be retained and maintained as specified unless previously agreed in writing by the Local Planning Authority.

Reason: To prevent polluted discharges entering local watercourses in accordance with policy SI 13 of the London Plan 2021.

18. No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until: a) Drainage Strategy detailing all drainage works to be carried out in respect of the development and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority. b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 and DM04 of the Barnet Local Plan

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

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

20. All Non-Road Mobile Machinery (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 GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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 interest of good air quality in accordance with London Plan policy SI 1

of the London Plan 2021.

21. a) No development other than demolition works shall commence on site in connection with the development hereby approved until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the commercial element of the proposal or 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 D14 of the London Plan 2021.

22. The level of noise emitted from the any plant 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 D14 of the London Plan 2021.

23. 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 2016) and Policies D13 and D14 of the London Plan 2021.

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

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

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

b) 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

c) 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 Policies SD1 and D10 of the London Plan 2021.

## Informatives

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

2. 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 smaller developments -confirmation that an asbestos survey has been carried out.*
- 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.

3. The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and

impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

4. In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

5. In accordance with paragraphs 38-57 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.

6. 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 £60 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.

7. For construction works adjacent to the public highways, the applicant must contact the council's First Contact on 0208 359 2000 for any necessary Highways Licenses.

8. The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of construction traffic movements. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works. The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

9. The applicant is advised that any street furniture or lighting column affected by the proposed works would be relocated under a rechargeable works agreement by the Council's term contractor for Highway Works. You may obtain an estimate for this work from Development & Regulatory Services, Barnet House, 1255 High Road, Whetstone, N20 0EJ.

10. The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 38 Agreement under the Highways Act 1980.

11. The costs of any associated works on the public highway, including reinstatement works, will be borne by the applicants and will require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

a. **BACKGROUND TO THE CURRENT APPLICATION**

1.1 **Site Description**

The application site is located at 38-44 Ballards Lane, London, N3 2BJ, within Finchley Church End Town Centre within the West Finchley ward. The existing 0.09 ha site comprises a 3-storey commercial building. The frontage of the existing building is set back from the highway along Ballards Lane, with the exception of a small projecting single storey element.

The site is not within a conservation area and is not a listed building.

1.2 **Site History**

There is no relevant planning history for the site.

1.3 **Description of Proposal**

This application seeks approval for the demolition of the existing building and erection of a 9-storey building comprising of up to 22no. self-contained residential units and up to 1025sqm of commercial (Use Class E) floorspace, associated amenity space, hard and soft landscaping, refuse storage, cycle parking and off-street car parking.

b. **PLANNING CONSIDERATIONS**

i. **Key Relevant Planning Policy**

The National Planning Policy Framework (NPPF) 2021 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 revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. The new London Plan policies (arranged by chapter) most relevant to the determination of this application are:

### Chapter 1

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG4 Delivering the homes Londoners need

GG5 Growing a good economy

GG6 Increasing efficiency and resilience

### Chapter 3

Policy D1 London's form, character and capacity for growth

Policy D2 Infrastructure requirements for sustainable densities

Policy D3 Optimising site capacity through the design-led approach

Policy D4 Delivering good design

Policy D5 Inclusive design

Policy D6 Housing quality and standards

Policy D7 Accessible housing

Policy D8 Public realm

Policy D9 Tall Buildings

Policy D11 Safety, Security and resilience to emergency

Policy D12 Fire safety

Policy D14 Noise

### Chapter 4

Policy H1 Increasing housing supply

Policy H2 Small sites Policy

Policy H4 Delivering affordable housing

Policy H5 Threshold approach to applications

Policy H10 Housing size mix

## Chapter 5

Policy S4 Play and informal recreation

## Chapter 7

Policy HC3 Strategic and Local Views

Policy HC4 London View Management Framework

## Chapter 8

Policy G1 Green infrastructure

Policy G4 Open space

Policy G5 Urban greening

Policy G6 Biodiversity and access to nature

Policy G7 Trees and woodlands

## Chapter 9

Policy SI 1 Improving air quality

Policy SI 2 Minimising greenhouse gas emissions

Policy SI 3 Energy infrastructure

Policy SI 4 Managing heat risk

Policy SI 7 Reducing waste and supporting the circular economy

Policy SI 8 Waste capacity and net waste self-sufficiency

Policy SI 12 Flood risk management

Policy SI 13 Sustainable drainage

## Chapter 10

Policy T1 Strategic approach to transport

Policy T2 Healthy Streets

Policy T3 Transport capacity, connectivity and safeguarding

Policy T4 Assessing and mitigating transport impacts

Policy T5 Cycling Policy T6 Car parking

Policy T6.1 Residential parking

Policy T6.2 Office parking

Policy T6.2 Retail Parking

Policy T9 Funding transport infrastructure through planning

## Chapter 11

## Policy DF1 Delivery of the Plan and Planning Obligations

### 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),  
CS4 (Providing Quality Homes and Housing Choice in Barnet),  
CS5 (Protecting and Enhancing Barnet's Character to Create High Quality Places),  
CS7 (Enhancing and Protecting Barnet's Open Spaces),  
CS8 (Promoting a strong and prosperous Barnet),  
CS9 (Providing safe, effective and efficient travel),  
CS12 (Making Barnet a Safer Place),  
CS13 (Ensuring the Efficient Use of Natural Resources),  
CS14 (Dealing with Waste).

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

#### Relevant Development Management DPD Policies:

DM01 (Protecting Barnet's Character and Amenity),  
DM02 (Development Standards),  
DM03 (Accessibility and Inclusive Design),  
DM04 (Environmental Considerations),  
DM08 (Ensuring a variety of sizes of new homes to meet housing Need),  
DM14 (New and existing employment space)  
DM16 (Biodiversity),  
DM17 (Travel Impact and Parking Standards).

### Barnet's Local Plan (Reg 22) 2021

On 26th November 2021 Barnet's Draft Local Plan was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account has been taken of the policies and site

proposals in the draft Local Plan limited weight has been given to the draft Local Plan in the determination of this application (as considered further below).

### Supplementary Planning Documents

The Council has prepared a suite of Supplementary Planning Guidance (SPG) and Supplementary Planning Documents (SPDs) including the following, which are of relevance to the scheme:

Affordable Housing SPD (2007)  
Sustainable Design and Construction (2016)  
Planning Obligations SPD (2013)  
Residential Design Guide (2016)

### The Community Infrastructure Levy Regulations 2010

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development.

### Environmental Impact Assessment Regulations

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (hereafter referred to as 'the EIA Regulations') requires that for certain planning applications, an Environmental Impact Assessment (EIA) must be undertaken.

The term EIA is used to describe the procedure that must be followed for certain projects before they can be granted planning consent.

The Regulations apply to two separate lists of development project. Schedule 1 development for which the carrying out of an Environmental Impact Assessment (EIA) is mandatory and Schedule 2 development which require the carrying out of an EIA if the particular project is considered likely to give rise to significant effects on the environment. The proposed development does not trigger either schedule. Therefore, it does not meet the criteria for it to be EIA development and an EIA is not required.

## **ii. Consultations and Views Expressed**

### Public Consultation

Neighbours Consulted: 449

Replies: 47

Correspondence has been received from 47 members of the public of which 42 are in objection, 2 neither objecting or supporting the proposal and 3 in support.

### **Summary of Comments made in Objection to the Application**

- Overdevelopment of the site
- Issues concerning existing user of the site
- Lack of Parking, will cause parking problems in surrounding roads
- Increased Traffic
- Excessive height of proposal in context of surrounding area and surrounding area
- Proposal should be limited to 4 storeys
- Proposal reliance on justification of schemes which haven't got permission.
- Tall buildings quoted as precedence are detrimental in appearance and shouldn't justify current proposals.
- Lack of need for flats as a result of covid and Brexit
- Proposal would impact town improvements by taking land to the front of the existing building.
- Proposal will add to overdevelopment in Finchley in conjunction with other developments
- Impact on local infrastructure i.e. schools, hospitals, transport
- Proposal would affect daylight, outlook and privacy to neighbouring residential occupiers.
- Proposal would cause overshadowing neighbouring properties.
- Proposal would alter suburban nature of Finchley
- Impact on the character of the area
- Proposal contains insufficient affordable housing
- Wind and Microclimate implications
- Noise and construction disruption
- Air pollution

I object to this proposed development for the following reasons:

1. The proposed height will give rise to residents in adjoining roads being overlooked by residents of the proposed development leading to issues of loss of light and privacy concerns
2. The proposed height of the development is not in keeping with other existing buildings in relation to height area with the exception of Central House, (which cannot and should not be used as a precedent and is situated in such a location that overlook issues are mitigated onto adjoining households.)
3. The development is not sensitive in relation to Finchley Central being a "suburban" and predominately of low rise build and this development will alter the character of the area
4. There will be sustained and continued pressure on parking around the area as many of the potential residents of the development will have access and possess private motor vehicles which they will use and need to park especially if they rely on their vehicle for employment (e.g vans) or getting to their place of work
5. There will be a negative effect on the micro climate of the immediate area of Ballard's Lane including:
  - i. Prolonged periods of shadow
  - ii. Increased wind speed and wind shear
6. Increased pressure on the infrastructure such as doctors surgeries and issues of refuse collection and fly tipping. The latter is already an issue at the top of Hervey

Close where residents of nearby flats often dump unwanted materials.

### **Summary of Comments made in Support of the Application**

- Regeneration of the town centre and investment in new or improved dwellings, improvement in infrastructure and additional provisions for residents.
- Better-quality town centre.
- Plans do not pose a threat to the visual amenity and will encourage neighbouring properties to improve external appearances.

#### Officer Comment

All comments have been considered in the determination of the planning application and are addressed in the officer report below.

#### Elected Representatives.

##### **Cllr Ross Houston**

Request to Speak at subsequent Committee Meeting

##### **Mike Freer MP**

As MP for Finchley & Golders Green, I have received many objections from residents regarding the proposed 9 storey building at 38-44 Ballards Lane. I am writing to provide my personal objections based on the height of the development. It would cause severe overlooking of the surrounding roads especially Hervey Close, Redbourne Avenue and Claigmar Gardens. By reason of height, scale and bulk the massing would be detrimental to the visual amenity the local residents.

#### Internal /external and Other Consultations: [

##### Transport for London (TfL)

Apologies once again for the delayed response. Here are our comments for the above application:

1) The site of the proposed development is located on Ballards Lane which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

- The footway and carriageway on Ballards Lane should not be blocked during the period of construction and demolition. Temporary obstructions during the construction and demolition should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Ballards Lane. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

2) The site of the proposed development is also located on a busy bus route, with 2 Finchley Central Station bus stops being both located on Ballards Lane. With 8 bus services using this as a route. We have concerns that the construction of this development will be disruptive to users of Ballards Lane and the large number of bus services that use this route. Therefore, we request that the applicant provides evidence that this will not cause delays to bus services and that they will minimise the impact on pedestrians, particularly given their proximity to the crossing.

3) The applicant's transport assessment stated that the footway along this part of Ballards Lane from the existing retail unit to Finchley Central station is wide, however this is not fully correct. As there are a number of parts of that footway which are narrow, therefore TfL has concerns regarding the Pedestrian Comfort Levels (PCL). TfL recommends securing a local widening of the footway along the applicant's boundary with Ballards Lane. TfL recommends that this would be 3m wide, as this is an ideal width for this location.

- We would recommend that the applicant either undertakes a PCL assessment (please see here for guidance: <http://content.tfl.gov.uk/pedestrian-comfort-guidance-technical-guide.pdf>) or confirms their approach to the footway width.

4) We welcome the proposed cycle parking which meets the minimum requirements of London Plan Policy T5.1 table 10.2. We also welcome the provision for larger bikes within the cycle parking

- The cycle parking proposed should be in line with Chapter 8 of the London Cycling Design Standards. Please see here for more information: <http://content.tfl.gov.uk/lcds-chapter8-cycleparking.pdf>

5) We welcome the car free residential side of the development and the proposed disabled car parking spaces for this part.

- However, due to the site's high PTAL rate due to its great accessibility by public transport, TfL requests that the office element of this development is also car-free. Furthermore, existing vehicle access if used as an employment car park would undermine the safety of pedestrians using Ballards Lane.

- The applicant's proposal of office car parking is also not in line with the Mayor's Transport Strategy outcomes for the borough of Barnet, as:

- MTS Outcome 1A aims for the percentage of residents doing at least 2 x 10 minutes of active travel a day in Barnet is to increase by 34% from 2021 to 2041

- MTS Outcome 3A aims for the total of vehicle kilometres in Barnet to fall by 10% from 2021 to 2041.

- MTS Outcome 3C aims for the number of cars owned in Barnet to drop by a total of 2900 by 2041

Proposing car parking in a site which has good access to public transport facilities is not in line with the aims stated above

6) If the development was changed to completely car-free, TfL would also want to see the vehicle cross over removed from Ballards Lane and restore to footway. This will benefit pedestrians and reduce the safety risk to all users of Ballards lane.

7) We understand that the travel plan is in its earlier stages, but we reiterate the importance and necessity of employing a Travel Plan Co-ordinator.

- We welcome the initiative to provide cycle training for residents
- We welcome and would strongly recommend the applicant being able to provide residents with discounts for cycle equipment.

At this moment of time, due to the reasons and queries asked above, TfL are not in support of this application

### LBB Highways

The site fronts directly onto Ballards Lane Broadway (A598). The A598 is a key north-south arterial road running through the middle of the borough. There are parking restrictions in the form of double yellow lines and “pay by phone” parking bays which operate Mon-Sat, 8am – 6.30pm with a maximum stay limit of 90 minutes in this section of Ballards Lane. There are bus stops and a pelican crossing in the vicinity of the site. Also, there is a pelican crossing in the vicinity of the site on Ballards Lane. The site is in a town centre location and it is surrounded by several shops, restaurants and office buildings.

The site is in a CPZ that operates Mon-Fri, 2pm- 3pm 11am-12noon and it lies in an area with a PTAL rating of 5 (very good) on a scale of 1 – 6, where 1 is worst and 6 is excellent access to public transport. Five bus routes (326, 125, 460, 82, 143, 382) can be accessed from stops within 2 minutes walking distance of the site. Furthermore, Finchley Central tube station is located about 319m to the south of the site which is about 4 minutes walking distance of the site.

The proposal consists of the erection of a 9 storey building to provide 22 self-contained apartments (5x1bed, 12x2bed and 5x3bed) with 1025sqm of commercial floorspace. The parking requirement for the site based on policy DM17 is between 17 and 31 spaces for the residential element. Given the very good PTAL rating of the site, Highways would accept the provision of 20 spaces including 2 disabled bays. No parking except 2 disabled bays is proposed for the residential element, which means that up to 18 vehicles could be displaced on-street. Highways would not support a car free scheme with 2 disabled spaces given the mix of units proposed (17 x 2/3beds) and the fact that CPZ that covers the area around the site operates for 1 hour.

For the 1025 sqm of retail, it is 1 space per 100 sqm of floor area which equates to 10

spaces. The applicant proposes 9 spaces including 1 one disabled space. Highways would accept the provision of 2 disabled spaces for the retail with no other parking, as the site is in a town centre location with a very good access to public transport. The ground floor plan shows (Dwg No. 050211 Rev P1) 11 spaces including 3 disabled bays at the rear of the site. It is recommended that 4 disabled spaces are provided. 2 for the residential and 2 for the retail with the remainder of the spaces for the residential.

Given the fact that the site is in a CPZ that operates for only 1 hour in the afternoon, Highways would accept the proposed parking provision subject to revised allocation (2 disabled + 7 standard bays for the residential; and 2 disabled spaces for the retail) and evidence of availability of on-street spaces to accommodate the shortfall in spaces by undertaking an overnight parking survey and submitting the results to the council for approval prior to determination. In addition, to encourage sustainable travel, Highways would recommend that the applicant enters into a s106 agreement with the Council to deny residents of the development the right to purchase CPZ permits. A revised parking layout plan is therefore requested.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 2 active and 9 passive spaces. This can be secured by way of a planning condition.

The ground floor plan shows 42 long stay and 2 short stay cycle parking spaces in an internal store. Based on London Plan standards, a minimum of 42 long stay and 2 short stay spaces are required for the residential and so this is acceptable. For the retail, 8 long stay spaces and 2 short stay spaces (assuming the predominant use will be commercial/office). Cycle parking for the commercial element is located at the southern end of the car park. However, semi-vertical racks are not acceptable. Access to the cycle store in the rear car park looks tight and so Highways would request that the applicant provides elevations of the cycle storage in the rear car park including details of the cycle stands and gaps between stands and widths of any pinch-points to ensure that cyclists can manoeuvre their bicycle into and out of the cycle storage area safely, etc. The information must be provided/approved prior to determination.

The internal layout of the site is acceptable and the swept path drawings provided by the applicant show that vehicles can enter and exit the parking spaces at the rear of the site in forward gear. There are no proposed changes to existing access arrangements. Vehicles access to the site from Ballards Lane via a crossover at the northern end of the site which leads to the car park at the rear of the site. Pedestrian access to the building site is provided at the front and rear of the site. The gates lead to the rear car park is set back from the highway which is good. However, Highways would recommend that the gates open inwards. A car parking management plan, which sets out how spaces will be allocated, if they will be sold or leased and how inconsiderate/obstructive parking will be addressed/enforced is requested

Regarding servicing, it appears that this will take place on-street as the parking area at the rear of the site cannot accommodate large vehicles. Arrangements for

emergency access and refuse collection are requested. Given that the current proposal can mainly accommodate on-street servicing, it is recommended that a delivery and servicing plan is submitted prior to determination. It is envisaged that the bins will be moved to a collection point by the roadside.

Due to the number of units proposed, trip generation is unlikely to be a major issue. The proposal will result in fewer vehicle movements to/from the site compared with existing use which is retail/office use.

The applicant has submitted a travel plan. Officers are reviewing the plan and a separate response will follow on this in due course. However a contribution of 10k towards travel plan monitoring will be sought and it is recommended that the travel plan is secured via a s106.

A contribution towards Finchley Square Public Realm scheme will be sought. Highways would advise separately on this following a discussion with the Town Centre Team.

Highways will request that the applicant dedicates the unadopted footway in front of the site. This is to ensure that the entire footway back to the building line is adopted as highway.

The applicant will need to enter into s184/s278 agreement with the Council for any off-site highway works to be undertaken as part of the scheme. A revised layout is requested for the building forecourt and adjoining footway.

#### LBB Street Scene

No objection

#### LBB Environmental Health

No objection subject to conditions

#### Lead Local Flood Authority

No objection subject to conditions

#### Metropolitan Police Service

I do not object to this proposal but due to the reported issues affecting the ward and overall crime levels within the borough, I would respectfully request that a planning condition is attached to any approval, "whereby the development must achieve Secured By Design accreditation, prior to occupation".

#### Thames Water

No objection subject to conditions

## Towns Team

In general, we are supportive with the move to re-develop the site at 44 Ballards Lane and recognise the potential for a development of this site to make a significant contribution to the town centre. However, on review of proposals, it is our view that the scheme is taking a somewhat insular approach to the development of the site, rather than supporting comprehensive regeneration aims of the town centre as we would hope – which is a priority for the council, as set out within the Growth Strategy 2030.

We expect developments such as this, in prime town centre locations, to realise the full potential of their site, without undermining adjacent sites and the strategic work the council is undertaking in other areas to support the town centre and the community it serves. Below we have listed the specific points of concern that were raised in our meetings and communications over the past couple of months and feel remain unresolved within the current proposed scheme. These outstanding issues leave us unable to support the application as currently proposed.

### Proposed Massing

#### *Building frontage alignment*

The frontage of the existing building at No 44 Ballards Lane aligns with the adjacent building, at No 46 Ballards Lane (Dreams bed shop, Barclays Bank), with a small ground floor projection. The proposals for the site show two-thirds of the frontage set forwards from the existing building line by approximately 7m, scheme, the council is developing; we question why this well-served location within a town centre requires on-site parking provision at all.

Lastly, it should be noted that there have been a number of anti-social behaviour and crime incidents in and around the alleyway off Hervey close, at the rear of the site. The proposals should take this into consideration and consult with Design-Out-Crime Met Officers. The proposal to provide covered parking within this vicinity presents some concerns.

We ask for the proposals to re-consider the need for on-site parking and to demonstrate how the application has considered alignment with the relevant council strategies.

### Public Realm and Landscape Design

There is a commitment from the council to formally adopt the frontage of 44 Ballards lane, so that this area remains well maintained and coordinated with the public realm across the town centre. Therefore, the council expects that the public realm and landscape proposals on the 44 Ballards Lane frontage will be in alignment with the guidance and material palette we are currently putting together for public realm improvement project in Finchley Central, to ensure there is consistency and a cohesive palette that is maintainable by the council.

### Commercial Space

The proposals for commercial space at ground and first floor are well received. However, we would like to understand more clearly the intended end users of these spaces. As identified in the Town Centre Strategy (2017), a priority for this area is

providing spaces for leisure/community/workspace uses that create activation onto the high street throughout the day and into the evening. Therefore, we would appreciate further clarity on the applicant's intended use of the space to enable us to better assess whether the proposed design is appropriate to accommodate the intended use and meaningfully contribute to the amenity and offer within the town centre.

We would expect all the points raised here to be seriously considered and for this letter of objection to be included as part of the statutory consultation process. Ideally, amendments will be made to the proposals prior to any decision being made on the application.

### Landscape and Trees

The proposal for: Demolition of the existing building and erection of a 9-storey building comprising of up to 22no. self-contained residential units and up to 1025sqm of commercial (Use Class E) floorspace. Associated amenity space, hard and soft landscaping, refuse storage, cycle parking and off-street car parking at 38 - 44 Ballards Lane.

Requires the removal of 1 established holly tree (T1 applicants plan) and the loss of other trees that are indeterminate. The loss of these trees would be acceptable subject to adequate compensation in accordance with Policy G7 of the London Plan.

#### Landscape:

The outline design provides for green roofs and roof top gardens. This scheme meets and exceeds the UGF of 0.4.

#### Ecology:

No preliminary bat roost assessment has been submitted, however the building has a flat roof and the likelihood of roosting bats is low to negligible. The scheme must demonstrate biodiversity net gain and compensate for the loss of habitat provided by the holly tree and ivy features.

#### Recommendations

No objection

Reason: The proposal subject to conditions and acceptable and in accordance with local planning policy DM01 & DM16.

#### Conditions

There are no significant arboricultural reasons to object to this application, however if it is likely to be recommend for approval, or in the event of an appeal, the following conditions are suggested to obtain a more suitable development:

Standard conditions

C260 Hard & Soft landscaping

C268 Landscape management

Ecology

Before the development hereby permitted commences, the applicant shall submit for approval details of measures to improve biodiversity on the site in accordance with guidance set out within BS42040:2013: Biodiversity – Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) for approval. The development shall be implemented in full accordance with these details.

The above conditions would be required, pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

Section 106 agreement

The applicant will be unable to provide an inadequate level of new tree planting on the site to demonstrate biodiversity net gain, Urban Greening Factor or mitigate the increase in visual massing a 9 story building will have on the street scene. Therefore new street trees should be provided in the local area to offset this loss. 40 new trees would be sufficient at £700.00/tree total £28,000.

1.36 Section 106 agreements can be sought from developers by the council. They are to improve the community and local area and are commonly sought to improve the local amenity including parks and open spaces. The Planning Department and Tree Team can work together to ensure funding is sought where new planting schemes would be beneficial to the local community in the vicinity of developments.

1.37 When a council owned tree is required to be removed to facilitate a development, the Capital Asset Value for Amenity Trees(CAVAT)value of the tree will be required to mitigate the loss, and the money received from the developer used to support the planting targets discussed throughout this Policy.

## **c. ASSESSMENT OF PROPOSALS**

### **i. The Principle of Development**

## Commercial Floorspace

Core Strategy Policy CS8 seeks to encourage new mixed use commercial floorspace within priority town centres, including Finchley Church End, where access to public transport is good.

Development Management Policy DM14 states office space should be retained in town centres and loss of office in town centres will only be permitted where it can be demonstrated that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken.

The existing building comprises 374.19sqm of Class E(a) retail floorspace and 540.22sqm of Class E(g)(i) office floorspace, including ancillary floorspace. This development proposes to re-provide the existing Class E floorspace at ground, first and second floor levels, substantially improving the quality and appearance of the commercial space.

The proposals comprise the provision of 1,024.8sqm of flexible Class E floorspace, excluding ancillary floorspace, with 211.5sqm at ground floor, 519.9sqm at first floor and 293.4sqm at second floor. This represents an uplift of 110.39sqm of Class E floorspace, plus ancillary floorspace. This provision of increased employment provision within a designated town centre is in accordance and indeed supported by both adopted and emerging policy.

## Housing

The National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Development that accords with an up-to-date Local Plan should be approved.

The new London Plan 2021 recognises the pressing need for more homes in London and seeks to increase housing supply to in order to promote opportunity and provide real choice for all Londoners in ways that meet their needs at a price they can afford. The previous London Plan (2016) had set an annual monitoring target of 2,349 homes for Barnet between 2015-2025, with a minimum provision of 23,489 over the same 10-year period. In the new London Plan 2021, the 10-year target for 2019/20 – 2028/29 is 23,640 for Barnet.

Barnet Local Plan documents also recognise the need to increase housing supply. Policies CS1 and CS3 of the Barnet Core Strategy expect developments proposing new housing to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

In the light of these policies it is considered that the proposed residential

accommodation accords with the above-mentioned policies, optimising the use of an existing brownfield site and contributing towards the Borough's housing targets.

### Housing Density

Chapter 11 of the National Planning Framework (Revised 2019) (NPPF) states that:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

This strategic objective to optimise redevelopment opportunities within sustainable locations is reinforced within the London Plan 2021.

The previous London Plan (2016) set out a density matrix which served as guidance for appropriate densities in different locations and with varying levels of accessibility. However, the new London Plan 2021 takes a less prescriptive approach stating inter alia, that the density of a development should result from a design-led approach to determine the capacity of the site. This should consider site context, its connectivity and accessibility by walking and cycling, existing and planned public transport (including PTAL) and the capacity of surrounding infrastructure. Policy D3 goes on to state that proposed residential development that does not demonstrably optimise the housing density of the site in accordance with this policy could be refused.

Policies D1, D1A and D1B of the 2021 London Plan place a great emphasis on a design-led approach being taken to optimising the development capacity of a particular site and to make the best use of land.

In this case, the application has been subject to a design-led approach to optimise the potential of the site with cognisance of the factors outlined above. Whilst full assessment is set out within the relevant sections of this report, officers consider that the scheme delivers a high-quality development which fully justifies an increased density in an appropriate town centre location.

## **ii. Housing Quality**

### Unit Mix

London Plan Policy H10 sets out schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes, applications should have regard to robust local evidence, the requirement to deliver mixed and inclusive neighbourhoods, mix of uses in the scheme, the nature of the location (with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station with high PTALs) and the aim to optimise housing potential on sites.

Development Management Policy DM08 sets out that a mix of dwelling types and sizes should be provided in order to provide choice for a growing and diverse population.

The proposed mix comprises 5x 1-bedroom 2-person units, 3x 2-bedroom 3-person units, 9x 2-bedroom 4-person units, 3x 3-bedroom 5-person units and 2x 3-bedroom 6-person units. It is therefore considered that a diverse mix of unit sizes will be provided and that the proposed mix is appropriate for a town centre location and is considered in accordance with the above policies.

### Affordable Housing

London Plan Policy H4 sets a strategic target that 50% of all new homes delivered across London are genuinely affordable. To achieve this aim, major developments which trigger affordable housing requirements are required to provide affordable housing through the threshold approach. Affordable housing should be provided on site. Affordable housing must only be provided offsite or as a cash in lieu contribution in exceptional circumstances.

London Plan Policy H5 states that the threshold level of affordable housing is set at a minimum of 35%. To follow the fast-track route, developments must meet or exceed the threshold level, be consistent with the relevant tenure split, meet other policy requirements and obligations and demonstrate that they have taken account of the strategic 50% target. Where developments do not qualify for the fast-track route, it must follow the Viability Tested route. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application and could be subject to early, mid or late-stage reviews.

Development Management Policy DM10 sets out that the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units, having regard to the borough wide target of 40%.

A Financial Viability Assessment has been submitted in support of the application. This demonstrates that no on site affordable housing can be delivered. The applicant does not own any other appropriate sites either within the vicinity or the wider borough. Accordingly, there are no sites which are available, achievable or viable for offsite affordable housing provision.

An independent viability review, carried out by BNP Paribas, which has advised that the proposed development is not viable whilst providing 100% market housing. Therefore, the addition of any affordable housing would only serve to further hamper the viability of the proposed development. The independent viability review confirms that the application cannot afford a contribution towards affordable housing.

On the basis of this independent review concurring with the applicant's financial viability

review it is not possible for the Council to insist on the provision of affordable housing as any refusal of permission on this ground would not be defensible at appeal. Notwithstanding this, S106 clauses are secured requiring an early and late-stage viability review of the scheme to pick up any uplift if the scheme improves in its viability i.e. as a result of greater sales values or lower build costs. in line with London Plan policy.

### Floorspace Standards

Housing standards are set out in the Nationally Described Space Standards (NDSS), London Plan Policy D6 and London Housing SPG and Barnet's Sustainable Design and Construction SPD. All the dwellings in the within the development meet the minimum standards as demonstrated in the applicant's supporting documents in relation to the unit and room sizes as such the proposal is fully in accordance with the above policies.

### Dual Aspect Units

London Plan Policy D6 sets out that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. All units are provided as dual aspect and as such are in accordance with policy.

### Wheelchair Standards

London Plan Policy D7 (Accessible Housing) require 90% of units to meet M4 (2) (accessible and adaptable) and 10% to meet M4 (3) wheelchair standards.

In accordance with policy, 10% of the proposed units (two units) have been designed to be wheelchair fully adapted or wheelchair adaptable housing to meet M4(3). All other units are designed to meet M4(2).

The residential units are designed to achieve 100% lifetime requirements. In all non-residential areas, the requirements of building regulations, BS 8300 and other good practice guidance has been used to design both the internal and external environments.

### Amenity Space

Barnet's Sustainable Design and Construction SPD Table 2.3 sets the minimum standards for outdoor amenity space provision in new residential developments. For both houses and flats, kitchens over 13sq.m are counted as a habitable room and habitable rooms over 20sq.m are counted as two habitable rooms for the purposes of calculating amenity space requirements.

<b>Table 2.3: Outdoor Amenity Space Requirements</b>	<b>Development Scale</b>
<b>For Flats:</b> • 5 m <sup>2</sup> of space per habitable room.	Minor, Major and Large scale
<b>For Houses:</b> • 40 m <sup>2</sup> of space for up to four habitable rooms • 55 m <sup>2</sup> of space for up to five habitable rooms • 70 m <sup>2</sup> of space for up to six habitable rooms • 85 m <sup>2</sup> of space for up to seven or more habitable rooms	Minor, Major and Large scale
Development proposals will not normally be permitted if it compromises the minimum outdoor amenity space standards.	Householder

The Mayor's housing SPG sets out a requirement of 5 sq.m of private amenity space for 1 and 2 person dwellings with a further 1 sq.m per additional person.

All residential units are provided with high-quality, dedicated private outdoor amenity space in the form of inset (recessed) balconies from third to eighth floors and projecting balconies at eighth floor level. Overall, the scheme provides 234.9sqm of private outdoor amenity space. Each unit has been provided with an amount of private outdoor amenity space equal to, or in excess of London Plan requirements. There is a minor shortfall in private amenity space when considered against the guidance set out in the LBB Sustainable Design and Construction SPD (2016), however, this is acceptable given the town centre location. Furthermore, the two 3-bedroom 6-person units on the eighth floor have both been provided with over 30sqm of private outdoor amenity space for these family sized units. Therefore, the amount of amenity space provision is acceptable in policy terms.

Overall, given the site's town centre location, the amenity space provision is considered acceptable and in accordance with London Plan requirements.

### Open Space

London Plan Policy G1 (Green Infrastructure) requires that proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. Policy G4 (Open Space) also requires that where possible development proposals should create areas of publicly accessible open space. When there is a loss of open space the equivalent or better-quality open space should be provided in the locality.

Given the site's town centre location and other constraints, specifically the footprint of the site, it is considered acceptable that the scheme does not seek to provide open

space. Victoria Park is located approximately 400m to the east of the site providing good access to high quality open space and play equipment.

### Playspace

London Plan Policy S4 requires housing development to make provisions for play and informal recreation based on child yield, referring to the Mayor's SPG Shaping Neighbourhoods: Play and Informal Recreation 2012.

London Borough of Barnet Core Strategy Policy CS7 requires improved access to children's play space from all developments that increase demand, and Policy DM02 requires development to demonstrate compliance with the London Plan.

Using the GLA Population Yield Calculator, it has been calculated that the development will yield a total number of 5 children. Therefore, play space and space for informal recreation is not required for this development.

### **iii. Design**

The National Planning Policy Framework (revised, 2019) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors; securing high quality design goes beyond aesthetic considerations.

The London Plan 2021 policy D1B requires development to respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and be of high quality, with architecture that pays attention to detail, and gives consideration to the use of attractive, robust materials which weather and mature well.

Policy CS5 of Barnet Council's policy framework seeks to ensure that all development in Barnet respects local context and distinctive local character, creating places and buildings of high-quality design. In this regard policy CS5 is clear in mandating that new development should improve the quality of buildings, landscaping and the street environment and in turn enhance the experience of Barnet for residents, workers and visitors alike. Policy DM01 also requires that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. Proposals should preserve or enhance local character and respect the

appearance. Policy DM03 seeks to create a positive and inclusive environment that also encourages high quality distinctive developments. The above policies form the basis for the assessment on design.

The design of the building has been developed through comprehensive pre-application discussions with LBB planning and design officers. It is considered that the design represents a high-quality of development that will complement and enhance the town centre, improving an existing poor quality, dated commercial building.

### Height, Bulk, Scale and Massing

Barnet Core Strategy defines tall buildings as buildings of 8 storeys or 26m and states that they may be appropriate in strategic locations subject to detailed assessment criteria.

Policy D9 of the London Plan 2021 state that tall buildings should be part of a plan-led and design-led approach, incorporating the highest standard of architecture and materials and should contribute to improving the legibility and permeability of an area, with active ground floor uses provided to ensure such buildings form an appropriate relationship with the surrounding public realm. Tall buildings should not have an unacceptably harmful impact on their surroundings in terms of their visual, functional, environmental and cumulative impacts, including wind, overshadowing, glare, strategic and local views and heritage assets. Policy D9 states that tall buildings should only be developed in locations that are identified as suitable in development plans.

The proposed scale, height and massing has been developed through a design-led approach which has successfully responded to the site constraints and opportunities, including the town centre location, emerging context and neighbouring properties.

Core Strategy Policy CS5 states that tall buildings of 8 storeys or more may be appropriate within the priority town centre of Finchley Church End. Furthermore, Draft Policy CDH04 (Tall Buildings) states tall buildings of between 8 and 14 storeys may be appropriate within Finchley Town Centre.

The proposal is for a building of up to 9 storeys in height which is at the lower end of what is defined as a tall building, however it is noted that the proposal is higher than the existing three storey building on the site and the immediately surrounding buildings.

The site is located within an area that is currently undergoing a period of major change. Finchley Central Station has been identified in the Draft Local Plan as a site for future development and has an indicative residential capacity of 556 units. The Tesco site opposite 38-44 Ballards Lane has also been allocated within the emerging local plan for an indicative capacity of 170 units, with a proposed use of 75% residential floorspace and 25% commercial town centre uses and car parking. It is noted that the Draft Local Plan has still to go through examination and these site allocations are subject to objection.

Within the wider area there are existing tall buildings within the town centre including

Central House, a nine-storey office building located on the corner of Ballards Lane and Nether Street, and Finchley Church End Library, an eight-storey building that although very distinguishable in form and scale from its immediate context has been successfully integrated. The proposed building will therefore respond to the existing and emerging context.

In the context of the application proposals, the proposed height is considered on balance acceptable, the property is located at the end of a terrace and the proposed height helps to bookend this terrace without appearing excessive in its scale. The proposal is also of high quality design and the proposal incorporates measures to reduce the impact of the building including the use of stepped back massing and the introduction of curves to reduce the buildings impact. Officers consider the height proposed to be acceptable and in accordance with planning policy.

### Character and Appearance

The design strategy in relation to the appearance of the proposed development draws from a detailed analysis of the local wider context and has been refined through a series of workshops with LBB design Officers. The development will provide a high-quality building design which complements and enhances the town centre and the building's surroundings.

The existing buildings along Ballards Lane reflect the diverse and changing architectural styles. Currently, the existing building on the site is of concrete framed building of 60's, 70's era construction which detracts rather than enhances the visual appearance of the surrounding area.

In relation to the comments received from the Town's Team in relation to the extensions to the front of the existing building, officers have considered these comments but do not consider that these matters justify the refusal of the application for a variety of reasons including:

- The area in question is currently blocked in by unattractive bollards, is of poor existing appearance and not used currently by pedestrians walking up and down Finchley High Road.
- The issue of whether the towns team want to adopt land in front of buildings is a land ownership issue rather than a planning issue.
- The proposed extensions do not protrude beyond the line of the furthest projecting part of the existing building and effectively moves the building level with the adjoining shopfront terrace of 20-36 Ballards Lane and as such will not appear out of keeping with the streetscene.

The proposed replacement building is for a 9 storey brick clad building. Contrasting materials at the ground floor help to create a strong base and clearly delineates the commercial zone replicating the shopfronts along the high street of Ballards Lane. Ground floor detailing takes reference from the existing signage zone height; expressed

through a strong horizontal banding detail with large, glazed openings and change in materials to express the active frontage that engages with the public realm. The commercial storeys are differentiated from the residential floors with larger glazing but still provides a coherent façade above the ground floor.

In relation to the upper residential floors Inset balconies have been included to increase the natural daylight into the apartments and enhance the proposed form of the south elevation. The balconies incorporate a curved profile adding articulation to the building. Variation in the tone of the brickwork also helps brings texture to the façade, enhanced through the use of setbacks which bring depth and visual interest. Along the south elevation, the regularity of the glazing and pilasters are reduced, and the elevation is simplified to retain an elegant form when viewed

Overall, the appearance of the building is considered to constitute an appropriate quality of design which will contribute to, and enhance, the existing diverse and evolving architectural character of the streetscene.

### Fire Safety

London policy D12 (Fire safety) requires all development proposals to achieve the highest standards of fire safety and comply with a number of criteria set out in the policy, including: identifying outside space for fire appliances to be positioned on; appropriate fire alarm systems; suitable and convenient means of escape; evacuation strategies for all users; and the provision of suitable access and equipment for firefighting. All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party suitably qualified assessor to address all of the requirements set out in the policy.

A fire statement has been prepared by a third party suitably qualified assessor which details the range of fire safety measures in terms of fire detection and control, means of evacuation, the content of which has been assessed and is supported by the Council.

As such it is considered that the proposal is in full compliance with the London Plan Policy D12 in this regard. A condition will also be attached to ensure its satisfactory implications.

### Safety, security and Crime Mitigation

The Metropolitan Police were consulted on this application and did not raise any objection but due to the reported issues affecting the ward and overall crime levels within the borough, requested that a planning condition is attached to any approval, “whereby the development must achieve Secured By Design accreditation, prior to occupation”. The proposals are therefore considered acceptable, and a condition is attached to this effect requiring the applicant to demonstrate compliance with secured by design

principles.

#### iv. **Amenities of Neighbouring and Future Occupants**

##### Privacy, Overlooking and Outlook

The Barnet Residential Design Guidance SPD states there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden or flank wall. Shorter distances may be acceptable between new build properties where there are material justifications.

The development has been designed taking into account the neighbouring buildings and land uses. The relationship between the proposed building and neighbouring buildings is considered acceptable and the amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposal in terms of overlooking.

##### Noise

No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. Whilst there is an increase in the intensity of use of the site, the use is consistent with the character of the wider area.

In considering the potential impact to neighbours, conditions are recommended to ensuring that any plant or machinery associated with the development achieves required noise levels for residential environment. The council's environmental health team have recommended appropriately worded conditions for noise reporting and impact mitigation, extract and ventilation equipment and plant noise.

##### Air Quality

In respect of air pollution, no significant impacts are identified by the council's environmental Health Team. The applicant has submitted an Air Quality Assessment in support of the application demonstrating that future and existing residents will not be exposed to poor air quality. Suitable Conditions are attached regarding ventilation and the submission of details of proposed plant and equipment.

##### Daylight and Sunlight

The application proposals are accompanied by a daylight/sunlight and overshadowing assessment. The Daylight and sunlight assessment assess the impact of both the proposals on neighbouring residential properties and also internally in relation to the proposed properties.

The assessment confirms the majority of windows either achieve or exceed the default recommendations of the BRE target of at least 27%. A very small number of heavily

self-obstructed windows serving existing neighbouring dwellings would experience a difference. This recognised by the BRE guidance as a typical characteristic when making efficient use of a proposed development site in this context. When compared with nearby less obstructed areas, the reason for these small number of results is due to their own design and over dependence on skylight from the direction of the development site.

For the neighbouring properties, the assessment confirms that all the windows to 36 Ballards Lane would either retain in excess of the default BRE target of at least 27% VSC or experience no noticeable reduction post development. For 34 Ballards Lane the majority of windows and rooms would achieve the default BRE recommendations post-development. Due to the existing windows being heavily self-obstructed and their orientation two windows would record greater than 20% VSC difference, the point at which the BRE considers changes may be noticeable. One window is only fractionally above at 21.48%, with a retained VSC of 21.35% which is considered as acceptable in this context. The remaining window has an existing VSC of 19.23% (the lowest recorded value in the area) as a result of being heavily self-obstructed due to its dependence across the site. Post development this window would have a shift change of 10% VSC. It is understood that this window serves a non-habitable room or bedroom which has a nil/lowered requirement. Therefore, this change is considered acceptable in the context.

The assessment results demonstrate that the proposed development would not have any unreasonable detrimental impact to existing neighbours by virtue of the degree of overall compliance with the default BRE guidance and retained values. The internal results show an acceptable level of sunlight access potential for future occupants.

Overall it is concluded that the levels of sunlight are also within acceptable levels.

#### **v. Transport, parking and highways matters:**

##### **Access**

The internal layout of the site is acceptable and the swept path drawings provided by the applicant show that vehicles can enter and exit the parking spaces at the rear of the site in forward gear. There are no proposed changes to existing access arrangements. Vehicles access to the site from Ballards Lane via a crossover at the northern end of the site which leads to the car park at the rear of the site. Pedestrian access to the building site is provided at the front and rear of the site. The gates lead to the rear car park is set back from the highway which is supported. However, Highways have recommended that the gates open inwards. This can be secured by condition.

TfL commented that the footway and carriageway on Ballards Lane should not be blocked during the period of construction and demolition. Temporary obstructions during the construction and demolition should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Ballards Lane. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. It is considered that

these matters can be adequately controlled by means of a Construction Management Plan.

### Trip Generation

The proposed development is expected to generate 13 two-way all person trips during 08:00 to 09:00 and 8 two-way all person trips during 17:00 to 18:00. Approximately 97 two-way all person trips are anticipated throughout the day (07:00 to 19:00). The net number of car trips to the site is likely to be minimal given the limited number of residential car parking spaces.

Highways have commented that due to the number of units proposed, trip generation will not lead to any highways issues. The proposal will result in fewer vehicle movements to/from the site compared with existing use which is retail/office use. Therefore, the trip generation resulting from the proposed development is acceptable in highways terms.

### Car Parking

Policy T6.1 states that new residential development should not exceed the maximum parking standards. The maximum parking provision for areas in PTAL 5 is car-free.

Policy T6.2 states that in well-connected parts of outer London, including town centres, office developments are encouraged to be car-free. The maximum provision for outer London is up to 1 space per 100sqm GIA. Policy T6.3 sets out the maximum retail parking standards. New retail development should avoid being car-dependent and should follow a town centre first approach. Where car parking is provided at retail development, provision for rapid electric vehicle charging should be made. For outer London retail below 500sqm, the maximum provision is up to 1 space per 75sqm GIA.

Policy T6.5 states all non-residential elements should provide access to at least one disabled persons parking bay. For workplaces, 5% of the total parking provision should be provided as designated bays and 5% as enlarged bays.

The proposed development will provide 11 car parking spaces (including three accessible bays). This is similar to the existing level of car parking (9 spaces) on site.

Two of the accessible bays will be allocated to the M4(3) residential units, with the remaining spaces on site provided to the office use. The residential units will be effectively car-free, with the exception of the two accessible bays. This provision of car parking is in accordance with policy as it complies with the London Plan's aim for car free residential development within an accessible location, with the exception of disabled parking, and does not exceed the maximum standards for office and retail parking.

The allocation of the spaces will be controlled by means of a car parking management plan as requested by Council Highway officers to secure adequate disabled parking provision. While the comments from the towns team regarding the necessity of the access and parking in this town centre location it is noted that the proposal utilises an existing access and car parking currently exists at the rear at a similar level to the

application proposals.

Electric vehicle charging points shall be provided in accordance with London Plan standards. This equates to 2 active and 9 passive spaces. This can be secured by way of a planning condition. An obligation is also suggested in the proposed heads of terms preventing future residents from applying for residential car parking permits.

### Cycle Parking

London Plan Policy T5 requires the provision of appropriate levels of cycle parking, at least in accordance with the minimum standards. For residential long-stay parking, 2 spaces per dwelling should be provided for dwellings of over 1 bedroom. 2 short-stay spaces should be provided for 5-40 dwellings. Office space should provide 1 long-stay space per 150sqm GEA and 1 short stay space per 500sqm GEA. For A2-A5 use, 1 long-stay space per 175sqm GEA should be provided with 1 short-stay space per 40sqm GEA.

The proposals will provide a total of 54 cycle parking spaces to comply with London Plan standards. This will consist of eight long-stay spaces and two short-stay spaces for the commercial units and 42 residential long-stay spaces (including two spaces for larger bikes) and two residential short-stay spaces. Residential cycle parking will be located within the ground floor of the building, with direct access to the car parking area. Cycle parking for the commercial units will be provided in the southern corner of the car park. All cycle parking for the development will be covered, secure and safely accessible.

Highways requested elevations of the cycle storage in the rear of the car park including details of the cycle stands and gaps between stands and widths of any pinch-points to ensure that cyclists can manoeuvre their bicycle into and out of the cycle storage area safely.

Following the request from Highways, the applicant submitted further detail of the proposed cycle store. The store was amended to comprise a double stacked rack capable of storing 10 bicycles to the rear of the car park. A plan was also submitted showing details of the proposed Class E cycle store. This provides the relevant dimensions to demonstrate that there is adequate space for manoeuvring bicycles in and out of the cycle store safely and that the proposals comply with the guidance outlined in the London Cycling Design Standards and the Cambridge Cycle Parking Guide.

TfL welcomes the proposed cycle parking which meets the minimum requirements of the London Plan. TfL also welcomes the provision for larger bikes within the cycle parking.

Conditions are proposed to secure these details.

### Highways Works

Highways will request that the applicant dedicates the unadopted footway in front of the site. This is to ensure that the entire footway back to the new building line is adopted as highway.

The applicant will need to enter into s184/s278 agreement with the Council for any off-site highway works to be undertaken as part of the scheme.

### Waste Management

Although the NPPF does not contain specific waste policies, it does state that part of the environmental dimension to 'sustainable development' is waste minimisation (para 7). As part of London Plan 2021 Policy SI7 'Reducing waste and supporting the circular economy which also seeks adequate recycling storage provision in new developments as does the Barnet Core Strategy DPD 2012 policy CS14 which also promotes waste prevention, reuse, recycling, composting and resource efficiency over landfill.

The applicant has confirmed that waste on site will be managed privately. A Site Waste Management Plan/Delivery and Servicing Management Plan will be secured by way of condition.

## **vi. Energy, climate change, biodiversity and sustainable construction matters**

### Energy, Sustainability and Resources

London Plan Policy SI 2 Minimising greenhouse gas emissions requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

A minimum on-site reduction of at least 35% beyond Building Regs is required for major development. Non-residential development should achieve 15 per cent through energy efficiency measures. Major development proposals should calculate and minimise carbon emissions from any other part of the development, including plant or equipment, that are not covered by Building Regulations, i.e. unregulated emissions.

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayor's targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy. Proposals are also expected to comply with the guidance set out in the council's Supplementary Planning Documents (SPD) in respect of the requirements of the Code for Sustainable Homes.

An Energy Statement, Sustainability Statement, Overheating Assessment and BREEAM Pre-Assessment have been submitted in support of the application. The GLA energy

hierarchy has been implemented and the estimated regulated CO<sub>2</sub> savings are 55% measured against a Part L 2013 compliant scheme. There will be an estimated reduction in regulated CO<sub>2</sub> emissions for the whole development of 4.8 tCO<sub>2</sub>/year, equating to a 13% reduction when compared to the Baseline emissions rate, using SAP10 carbon intensity factors. The estimated carbon emission reduction of the 'Be Lean' measures are estimated to be 11% for the domestic and 17% for the non-domestic elements of the scheme. The 'Be Green' technologies are predicted to reduce the CO<sub>2</sub> emissions on-site by 15.4 tCO<sub>2</sub>/year, equating to a 42% reduction over the baseline case, based on SAP10 carbon intensity factors.

The proposals exceed the key policy objectives, respond to local needs and requirements and conform to best practice sustainability criteria applicable to this development. The proposed development satisfies policy objectives by optimising sustainability through the incorporation of best practice design, construction and operation measures. The development has been designed to minimize the risk of overheating.

The proposed strategy currently achieves a BREEAM score of 58.96%, which represents a 'Very Good' rating and provides the required buffer over the scoring threshold. A BREEAM Design Stage and eventually Post-Construction Stage Assessment would be required in order to gain full BREEAM certification, which will be secured via condition.

#### Water resources, Drainage and SUDs Infrastructure

An Indicative Surface Water Drainage Strategy and Foul Drainage and Utilities Assessment have been submitted in support of the application. A high-level assessment of flood risk was undertaken and the risk of flooding from all sources is considered to be low and no mitigation measures are considered to be necessary.

Surface water from the proposed development will be attenuated and discharged to the nearby surface water sewer. In order to prevent flooding, both on and off the site, a variety of Sustainable Drainage Systems (SuDS) will be utilised to control surface water flows, including areas of permeable paving and underground modular storage. These features will be designed to store the volume of water associated with a 1 in 100-year rainfall event, plus an additional allowance to account for increased rainfall due to climate change, providing a betterment over the existing scenario. SuDS features have been strategically located across the site and will also provide additional water quality benefits. Calculations have been run using the Q30 Greenfield runoff rate as a discharge rate in accordance with LLFA requirements.

Foul water drainage has also been considered as part of this strategy. Thames Water have raised no issues and advised that the proposal is acceptable.

The Environment Agency, Thames Water, Affinity Water and Capita Drainage (Lead Local Flood Authority) have been consulted on the application. While no comments have been received from the Environment Agency, both Thames and Affinity Water have raised no objections to the scheme. Capita Drainage requested further information

following submission of the application, however, there are no in principle concerns raised, and the application is supported subject to appropriate conditions.

Following the request for further information, the applicant provided an updated Indicative Surface Water Drainage Strategy. Microdrainage outputs were included for the 1 in 30 year event as well as the 1 in 100 year plus 40% climate change event to demonstrate that the network would not flood during either event. Exceedence flow routing was added to the Surface Water Drainage Strategy. 50% drain times were included in the drainage calculations and demonstrated that during the 1 in 100 year plus climate change rainfall event the permeable paving has a half drain time of 7 minutes, and the modular storage tank has a half drain time of 423 minutes. A draft SUDS Management Strategy was also included. It was agreed that SUDS detailed design drawings and construction phasing details could be conditioned.

#### Landscaping, Trees and Biodiversity

The 'sustainable development' imperative of NPPF 2019 includes enhancing the natural environment and improving biodiversity. London Plan G5 (Urban Greening) advises that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Barnet Local Plan policy DM16 states that when it is considering development proposals the council will seek the retention, enhancement or creation of biodiversity.

London Plan policy G7 (Trees and woodlands) requires that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

An Arboricultural Impact Assessment has been submitted in support of the application. Three trees were recorded on site, including one Category C and two Category U trees located at the rear of the application site within the car park. The proposals will require the removal of all of the existing trees on site. The Council's arboriculturalist has not objected to the proposal subject to appropriate conditions, however a request for a S106

contribution has been sought for the planting of 70 street trees.

This request has been considered but has need been included as an obligation due to the low quality of trees which are being removed and which are not visible from the public realm. It is also not clear where street trees will be planted as the streetscape in front of the site is already due to be improved as part of the proposed town centre plan. S106 contributions are only supposed to mitigate immediate harm in the absence of which an application would be refused and it is not considered that the requested contrition would comply with the Cil/ S106 regulations in this regard. Additional tree planning can however be funded from Cil payments arising out of any consent.

The proposal application supporting documents advise that through the proposed landscaping and use of green roofs the design would bring the site's Urban Greening Factor to 0.74, which is considered acceptable and is a significant improvement over the existing site.

In relation to biodiversity the existing site has negligible potential to support notable and legally protected species given the lack of landscaping and green spaces. The application documents advise that the ecology on site will be improved through the introduction of green biodiverse roofs and habitats which will help enhance biodiversity as well as reduce run-off and the need for cooling. The addition of swift boxes and sparrow terraces to the roof and building facades will provide a suitable nesting environment for various species of bird. These matters are secured by condition.

Overall on balance it is considered that the proposed development will improve the biodiversity and greening of the site and the loss of the existing poor quality trees is considered acceptable due to replanting provided on the green roof.

#### Green/ Brown Roofs

A green roof (comprising 78sqm) with species rich planting will attract pollinators including bees and butterflies. A brown roof (comprising 64sqm) will develop from seed spread by wind and animals to become representative of the site's surrounding landscape.

### **vii. Other Matters**

#### Utilities

A Foul Drainage and Utilities Assessment has been submitted in support of the application. The utilities report assessed the implications of the development in relation to utility and telecommunication infrastructure in the vicinity of the site. The report also included communication with all relevant statutory undertakers in relation to the proposals.

The proposed redevelopment scheme can be delivered without any abnormal utility constraints and that there is sufficient capacity to accommodate the proposed

development.

It is noted that none of the statutory undertakers consulted by the Local Planning Authority have raised any objections in their representations and the schemes impact on utilities is considered acceptable.

#### Ground Conditions and Contamination

In regards to potential contamination, a Preliminary Risk Assessment was submitted in support of the planning application. Subject to the attachment of appropriate conditions scientific services raise no objections to the proposal.

#### Impact on Services

The application seeks to re-provide the existing commercial floorspace at the site and include 22 residential units within a town centre location. The impact of 22 units on the services within the town centre will be limited and funds secured via Community Infrastructure Levy will be used to ensure that the local services are sufficient to accommodate future residents.

### **viii. Viability, Planning Obligations & CIL**

#### S106 Obligations & Viability

Policy CS15 of the Barnet Local Plan states that where appropriate the Council will use planning obligations to support the delivery of infrastructure, facilities and services to meet the needs generated by development and mitigate the impact of development.

Planning obligations are to be secured as listed in Recommendation 1 of this report.

In addition to the requirements for Travel Plan, Affordable Housing Review clauses and measures to prevent future occupiers being eligible for parking permits, the applicant has offered £10,000 towards the implementation of the Town Centre improvements in the vicinity of the site. This matter is also included in the proposed heads of terms.

#### Barnet Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

Barnet Council is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in The London Borough of Barnet. Barnet Council adopted a CIL charge on 1st May 2013. This set a rate of £135 per square metre on residential and retail development within the borough. All other uses and undercroft car parking areas are exempt from this charge.

The calculation of the Barnet CIL payment is based on the floor areas of the residential elements of the development (except for any potential undercroft car parking areas).

#### Mayoral Community Infrastructure Levy

The Community Infrastructure Levy (CIL) potentially applies to all 'chargeable development'. This is defined as development of one or more additional units or development seeking an increase to existing floor space greater than 100 square metres.

The Mayor of London is a charging authority for the purposes of Part 11 of the Planning Act 2008 and may therefore charge a Community Infrastructure Levy in respect of development in Greater London. In February 2019 the Mayor adopted a new charging schedule (MCIL2). The new charges took effect on 1 April 2019 and supersede the MCIL1 charging schedule. This sets a rate of £60 per sqm on all forms of development in Barnet, except that which is for education and health purposes (which are exempt from this charge).

The calculation of the Mayoral CIL payment is carried out on the basis of the floor areas of the residential and other elements of the development (except for potential education and health uses).

#### **d. EQUALITIES AND DIVERSITY ISSUES**

Section 149 of the Equality Act 2010, which came into force on 5<sup>th</sup> 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 the above legislation.

e. **CONCLUSION**

In conclusion, the scheme is considered acceptable on balance having regard to relevant national, regional and local planning policies and guidance. The principle of the redevelopment of 38-44 Ballards Lane is considered supported and accords with national, regional and local policy guidance. It will provide a positive contribution to proactively regenerating a dated site which currently does not contribute to the town centre and will provide wider public realm benefits to the centre as a whole.

The proposed detailed design is considered to represent appropriate high quality with appropriate levels of amenity space and residential standards achieved for future occupiers. The amenities of neighbouring residential occupiers are not considered to be unduly impacted by the proposals.

The potential transport impacts of the scheme have been considered and appropriate mitigation proposed. The scheme deals with its waste and recycling requirements and energy and sustainability requirements.

Landscaping and biodiversity on this constrained site is appropriately provided for with enhancement of the biodiversity values within the site with appropriate treatments and species and mitigation.

The scheme has also considered utilities provision and contamination and appropriately worded conditions are recommended. The scheme is considered to be appropriate and acceptable having regard to the full range of considerations in this report including the stated policies and guidance.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development generally and taken overall accords with the relevant development plan policies. It is therefore considered that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to referral to the Mayor of London and subject to the satisfactory completion of the Section 106 Agreement, **APPROVAL** is recommended subject to conditions as set out above.

SITE LOCATION PLAN: 38-44 Ballards Lane, London, N3 2BJ

REFERENCE: 21/4977/FUL



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