

**Location** **Rowlandson House 289 - 297 Ballards Lane London N12 8NP**

**Reference:** **21/6628/FUL** Received: 17th December 2021

Accepted: 20th December 2021

Ward: West Finchley Expiry 14th February 2022

**Case Officer:** **Wilf Foster**

Applicant: Greenhold Properties

Proposal: Additional storey to the front elevation and addition of two storeys at rear to provide 7no self-contained units. Associated amenity space, bicycle storage, parking and refuse and recycling

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

### **RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
  
3. Amendment to Traffic Management Order -  
- A contribution of £2,392.01 to ensure that the new occupants are prevented from purchasing CPZ parking permits;

- A contribution of £101.10 to meet the Council's costs of monitoring the planning obligation.

## **RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Drawings: 08 CO revP3; 09 CO revP2; 10 CO revP3; 11 CO revP2; 12 CO revP3; 13 CO revP2.

Daylight and Sunlight Report (ref: 1868/JN), Planning Architecture Ltd., 23 February 2022.

Daylight and Sunlight Appendix B.

Energy Assessment, ClearStream, December 2021.

Air Quality Assessment (ref: 21-8484), Syntegra Consulting, December 2021.

Fire Statement (version 1.1), Fire Safety South East.

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

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7

of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

5 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

6 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing the exact dimensions of the existing/proposed crossovers and proposed off-street parking spaces including at least 1 disabled space shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking space shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

7 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is

occupied, cycle spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the 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.

- 8 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods 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.

- 9 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 SI1.

- 10 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan 2021

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they 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). 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 London Plan 2021.

- 13 The property shall be used as self-contained units as shown in the hereby approved

drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

14 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

### **RECOMMENDATION III:**

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 17.09.2022, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

## Informative(s):

- 1 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.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

## Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

- 3 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 the construction traffic. 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.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW.

Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an un-adopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The



applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

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

Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein

- 4 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o 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.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o 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.

- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

- o 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.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the north-western side of Ballards Lane, within the West Finchley ward. It comprises a three-storey building. Prior notification was granted in 2019 for the conversion of the previous office use on the site to a total of 37no self-contained residential flats. It is understood that this has been recently implemented.

The site is located within the North Finchley Town Centre. The surrounding area is mixed, comprising a mix of commercial uses at ground floor with some residential uses above.

### **2. Site and other Relevant History**

Reference: 17/7863/PNO

Address: Rowlandson House, 289 - 293 Ballards Lane, London, N12 8NP

Decision: Prior Approval Required and Approved

Decision Date: 11 May 2018

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (47 Units)

Reference: 19/0948/PNO

Address: Rowlandson House, 289 - 293 Ballards Lane, London, N12 8NP

Decision: Prior Approval Required and Approved

Decision Date: 27 September 2019

Description: Change of use from office space (Class B1a) to 37no. residential units (Class C3)

Reference: 19/5574/FUL

Address: Rowlandson House, 289 - 293 Ballards Lane, London, N12 8NP

Decision: Approved subject to conditions

Decision Date: 16 December 2019

Description: Replacement of existing metal framed windows with grey UVPC windows, insertion of doors and addition of external staircase

Reference: F/00246/13

Address: Rowlandson House, 289 - 293 Ballards Lane, London, N12 8NP

Decision: Approved subject to conditions

Decision Date: 2 May 2013

Description: Change of use of existing ground floor office space to ancillary Cafe

Reference: F/03594/08

Address: Rowlandson House, 289 - 293 Ballards Lane, London, N12 8NP

Decision: Approved subject to conditions

Decision Date: 1 December 2008

Description: Installation of new electrical substation and electrical cupboard at front of existing office block and associated landscaping. Reconfiguration of car parking spaces.

### **3. Proposal**

The application seeks approval for "Additional storey to the front elevation and addition of two storeys at rear to provide 7no self-contained units. Associated amenity space, bicycle storage, parking and refuse and recycling".

The proposed extension would extend the existing building upwards by one storey to the front and two storeys to the rear to form a four-storey building. The fourth storey is set back from the front and finished in render, in contrast to the brick finish for the lower levels.

The proposals will provide a total of 7no additional residential units. The proposed units are as follows:

- Unit 1: 4-bedroom/8-person, 135.6 sqm;
- Unit 2: 3-bedroom/6-person, 110.3 sqm;
- Unit 3: 3-bedroom/6-person, 102.7 sqm;
- Unit 4: 3-bedroom/6-person, 108.7 sqm;
- Unit 5: 2-bedroom/4-person, 87.3 sqm;
- Unit 6: 2-bedroom/4-person, 80.8 sqm;
- Unit 7: 3-bedroom/6-person, 103.3 sqm.

The proposal includes terraces for each unit providing outdoor amenity space. The total amenity space provision is approx. 275 sqm. The proposals include the provision of 5no off-street car parking spaces, including 1no disabled bay.

### **4. Public Consultation**

A site notice was posted on 30th December 2021. Consultation letters were sent to 142 neighbouring properties. A total of 7 objection have been received. Their contents can be summarised as follows:

- The proposal will result in loss of light/overshadowing and privacy to neighbouring occupiers.
- The proposed increase in height will be obtrusive/overbearing and harm the visual amenity of neighbouring occupiers.
- Concerns regarding increased parking congestion.
- Concerns regarding noise and disturbance during construction.
- The proposal will restrict development of neighbouring sites.
- The proposal will harm the amenities of the consented units at the lower levels of the host building.

- Concerns regarding accessibility for the proposed units.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 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 London Plan (2021)

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

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

Barnet's Draft Local Plan on 26th November 2021 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 needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate living conditions would be provided for future occupiers;
- Whether harm would be caused to the surrounding highways network.

## **5.3 Assessment of proposals**

### Principle of development

The existing building contains an implemented residential use which was granted consent under Prior Notification application 19/0948/PNO. The proposal to provide an additional 7no residential units by way of an extension to the existing building is consistent with the existing land use and would contribute to housing supply in an accessible location within the North Finchley Town Centre. As such, there is no objection to the principle of development, subject to the considerations below.

### Impact on the character of the area

All proposed developments should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012).

The proposal would result in an increase in height of the existing building from a maximum of three storeys to a maximum of four storeys. It would still be noticeably lower than the ridge height of the neighbouring building at 303 Ballards Lane. Furthermore, the fourth storey is set back from the front elevation and from the side elevation adjacent to the two-storey building to the south-west at No. 287. As such, officers consider that the proposed additional height would sit comfortably within the streetscene on Ballards Lane and provide an appropriate transition between building heights.

The proposed extensions to the rear step down in height, particularly on the south-western side adjacent to No. 287. This responds to the lower scale of development on the corner with Hutton Grove. The proposed render finish is considered to be acceptable given the local context which includes predominantly rendered buildings on Hutton Grove. Further details are required by condition of the proposed privacy screens to ensure that these have an acceptable appearance.

Overall, it is considered that the proposed development would have an acceptable impact on the character of the area and the streetscene, in accordance with planning policy including Policy DM01.

### Impact on the amenities of neighbouring occupiers

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The neighbouring property to the north-east is at 303 Ballards Lane (Global House), a four-storey building comprising a mix of commercial and other non-residential uses. To the south-west is a two-storey building at 285-287 Ballard Lane. The site also shares its south-western boundary with No. 2 Hutton Grove. To the rear is a two-storey apartment block known as Arkley Mansions, 2a Hutton Grove.

The proposed fourth storey to the front of the host building is set away approx. 6.8 metres from the side boundary with No. 287 Ballards Lane and additionally steps down in height towards the rear. Given the separation between the proposed extension and the neighbouring property, it is not considered that there would be an unacceptable impact in terms of increased overbearing or an undue loss of outlook. Privacy screening would mitigate overlooking towards the neighbouring windows or amenity areas.

It is noted that the neighbouring property at 2a Hutton Grove benefits from angled windows on the rear elevation facing the host site and therefore there would be no direct overlooking impacts between the two properties. The south-west limb of the proposed extension does not protrude beyond the nearest flank wall of No. 2a Hutton Grove, mitigating the impact to the neighbour's amenity in terms of loss of light/outlook and overbearing. As such, officers are satisfied that there would be an acceptable impact to the neighbouring occupiers at No. 2a.

To the rear, the massing steps down to single-storey only at the rear site boundary. There are no habitable windows on the rear-elevation facing Arkley Mansions, 2 Hutton Grove and privacy screening is provided to prevent harmful overlooking of neighbouring amenity areas. This is considered to be acceptable.

The neighbouring property at 303 Ballards Lane (Global House) comprises various commercial and other non-residential uses. The proposal involves a two-storey extension with a depth of approx. 13.4 metres adjacent to the shared boundary. This element is set-off the rear elevation of the neighbouring building by approx. 2 metres by way of a void at second and third floor levels between the front and rear elements. A daylight and sunlight assessment has been provided in relation to No. 303. This demonstrates that impacts to neighbouring windows would be within BRE guidelines with the exception of one window at second-floor level, for which there is a moderate adverse impact under the vertical sky component assessment. All rooms assessed under the daylight distribution measure are within BRE guidelines. Given this relatively minor daylighting impacts are not considered to warrant a reason for refusal, given the non-residential use of the neighbouring property.

As such, it is not considered that the proposed development would result in unacceptable harm to the amenities of any neighbouring occupiers, in accordance with Policy DM01.

## Whether the proposal provides a satisfactory living environment for future occupiers

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM02 of the same document states that where appropriate, development will be expected to demonstrate compliance with the following national and London wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents. This includes minimum floorspace standards in accordance with outdoor amenity space requirements set out in Barnet's Sustainable Design and Construction SPD (2016).

The proposals would provide the following new residential units:

- Unit 1: 4-bedroom/8-person, 135.6 sqm;
- Unit 2: 3-bedroom/6-person, 110.3 sqm;
- Unit 3: 3-bedroom/6-person, 102.7 sqm;
- Unit 4: 3-bedroom/6-person, 108.7 sqm;
- Unit 5: 2-bedroom/4-person, 87.3 sqm;
- Unit 6: 2-bedroom/4-person, 80.8 sqm;
- Unit 7: 3-bedroom/6-person, 103.3 sqm.

The proposed units would meet minimum internal space standards and would be acceptable in this regard. The proposed units are all dual aspect and would benefit from good levels of light and outlook. The proposed bedrooms would meet minimum room sizes.

Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016) sets out outdoor amenity space requirements.

Paragraph 2.3.1 of the document states: Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For houses, amenity space should be provided in the form of individual rear gardens. For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable.

The proposals include private amenity areas comprising between 20 sqm and 98.5 sqm. The provision of outdoor amenity space for the proposed units is considered to be acceptable, particularly giving weight to the site's location within the North Finchley Town Centre.

## Highways

The site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site. The off-street car parking demand for this proposal is expected to be between 7.5-11 spaces. The proposals do not provide any additional off-street car parking, although the existing parking layout to the front of the site would be reconfigured to provide 1 no disabled bay.

Given the good accessibility and location within a town centre, officers are satisfied that

the proposals would have an acceptable impact on surrounding highways subject to a legal agreement to restrict future occupiers from obtaining parking permits.

A total of 34 cycle parking spaces are proposed across the site, with 14no allocated to the proposed new units. This would be in accordance with London Plan standards. A condition is attached to ensure compliance with this.

Overall, the proposals are not considered to result in an unacceptable impact on the surrounding highways network, subject to the proposed conditions and legal agreement.

### Refuse

The proposed refuse and recycling storage provision is considered to be acceptable, subject to the attached condition.

### Accessibility and Sustainability

The application scheme is required to meet Building Regulation requirement M4(2), in accordance with the London Plan. A condition is attached to ensure compliance with this requirement.

In respect of carbon dioxide emission reduction, a condition is attached to ensure an appropriate level of reduction is achieved in accordance with the requirements of the London Plan.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

## **5.4 Response to Public Consultation**

- The proposal will result in loss of light/overshadowing and privacy to neighbouring occupiers.

- The proposed increase in height will be obtrusive/overbearing and harm the visual amenity of neighbouring occupiers.

- Concerns regarding increased parking congestion.

The above issues are addressed in the main body of the report.

- Concerns regarding noise and disturbance during construction.

This is not considered to warrant a reason to refuse permission.

- The proposal will restrict development of neighbouring sites.

The proposed extensions would overlook the neighbouring car park, which is additionally overlooked by several other windows. This is not considered to warrant a reason to refuse permission.

- The proposal will harm the amenities of the consented units at the lower levels of the host building.

This is addressed in the main body of the report.

- Concerns regarding accessibility for the proposed units.

Approval would be subject to a condition requiring compliance with accessibility standards as per the requirements of the London Plan.

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

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory



equality responsibilities.

## 7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

