

## ITEM 7

### PLANNING & ENVIRONMENT COMMITTEE – 19 JANUARY 2011

#### REPORT OF THE FINCHLEY & GOLDERS GREEN AREA PLANNING SUB-COMMITTEE

7 December 2010

SUB-COMMITTEE:

\*Councillor Eva Greenpan BA LLB [Hons] (Chairman)

\*Councillor John Marshall (Vice Chairman)

Councillors:

\*Jack Cohen

Melvin Cohen LLB

\*Colin Rogers

\*Alan Schneiderman

\*Jim Tierney

\*Reuben Thompstone substituting for  
Melvin Cohen

\*denotes Member present

1. **213-223 GREAT NORTH WAY, LONDON NW4 1PN – F/03551/10 (FINCHLEY CHURCH END WARD) (Report of the Assistant Director of Planning and Development Management – Agenda Item 7)**

The Sub-Committee considered the attached report and addendum of the Assistant Director of Planning and Development Management and heard oral representations from Mr Davis (Finchley Church End Ward) objecting to the application and the applicant's architect's response. The Chairman referred the Sub-Committee's recommendations to the Planning and Environment Committee in accordance with paragraph 5.2 of Part 4, Section 2 of the Council's Constitution.

RECOMMENDATION –

**REFUSE** the application (reversal of Officer's recommendation) for the following reason:

1. The proposed development by reason of its poor parking provision would be detrimental to highway safety and the free flow of traffic contrary to policies M12 and M14 of the Adopted Unitary Development Plan 2006.
2. The proposed development does not include a formal undertaking to meet the costs of extra health facilities arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Contributions to Health Services and Policy CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
3. The proposed development does not include a formal undertaking to meet the required costs for improvements to the pedestrian environment and monitoring of the travel plan and therefore would not address the highways impacts of the development, contrary to Policies M3, M5, M11, M12, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
4. The proposed development does not include a formal undertaking to meet the monitoring of planning obligations as a result of the development, and

therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Planning Obligations (2006) and Policies IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.

**2. 52 THE MARKET PLACE, FALLODEN WAY, LONDON NW11 6JP – F/03980/10 (GARDEN SUBURB WARD) (Report of the Assistant Director of Planning and Development Management – Agenda Item 7)**

The Sub-Committee considered the attached report and addendum of the Assistant Director of Planning and Development Management and heard oral representations from Mr Jonathan Gerber (Garden Suburb Ward) objecting to the application. The Chairman referred the Sub-Committee's recommendations to the Planning and Environment Committee in accordance with paragraph 5.2 of Part 4, Section 2 of the Council's Constitution.

RECOMMENDATION –

**REFUSE** the application (reversal of Officer's recommendation) for the following reason:

The proposed development would be harmful to the character of the conservation area contrary to policies D2, HC1, HC5 and D16 of the Adopted Unitary Development Plan 2006.

**LOCATION:** 213-223 Great North Way, London NW4 1PN

**REFERENCE:** F/03551/10 Received: 03 September 2010

Accepted: 15 September 2010

**WARD(S):** Finchley Church End Expiry: 15 December 2010

Final Revisions:

**APPLICANT:** D R Jones Ltd

**PROPOSAL:** Demolition of six dwellings and erection of a three storey building plus rooms in roof space and basement to facilitate a specialist elderly dementia care home (C2 use) for 73 patients. Vehicular access and associated car parking for 15 cars.

**RECOMMENDATION:**

**APPROVE SUBJECT TO S106**

**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 Improvements to Public Realm (local) £17,000.00  
A contribution towards Improvements to the pedestrian environment within the vicinity of the development.
- 4 Special Site-Specific Obligation £5,000.00  
Monitoring of the Travel Plan
- 5 Health £44,377.00  
A contribution towards Health Facilities and Resources in the Borough
- 6 Monitoring of the Agreement £3,318.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Head of Planning and Development Management approve the planning application reference: F/03551/10 under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2852/100F, 2852/110A, 2852/101E, 2852/102E, 2852/103E, 2852/104E, 2852/108C, 2852/105B, 2852/106B, SPP/1597/1, 3923se-01; "Air Quality Assessment: Care Home Development, Great North Way, Barnet, dated 19th August 2010, report number 117/1/D1"; "Environmental Noise Assessment 213-223 Great North Way, Ref 5104/R1/pjq, dated 31/08/10"; Sustainability Statement; Design and Access Statement, Barnet and Hendon Care Needs Assessment Report, Planning Statement, Tree Survey and Preliminary Constraints Advice, Transport Statement, Hendon and the London Borough of Barnet Elderly Accommodation Market Report.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

Reason:

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

- 3 Before any development starts on site, an energy assessment shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

- 5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

- 6 The premises shall be used for Elderly Dementia Care Home as shown on the hereby approved drawings listed above and no other purpose (including any other purpose in Class C2 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.

- 7 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

- 8 Before the building hereby permitted is occupied all proposed first and second floor windows on the side elevations facing 225 Great North Way and Conifer Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 9 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 8am or after 1pm on Saturdays, or before 8am or after 6pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

- 11 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.

Reason:

To ensure a satisfactory appearance to the development.

- 12 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.

- 13 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 14 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies.

- 15 Before the development hereby permitted is occupied the parking spaces/ garages shown on Drawing 2852/100 Rev. F shall be provided and shall not be used for any purpose other than parking of vehicles 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 Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 16 Notwithstanding the submitted drawings, before the development is commenced, a scheme showing details of access points (Pedestrian and Vehicular), estate road(s) and footways in accordance with the siting, size, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the access is satisfactory in terms of highway safety and in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 17 Before the permitted development commences a Construction Management Plan and Construction Logistic Plan must be submitted to and approved by the Local Planning Authority. This document following approval must be complied with unless previously agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 18 Before the development is occupied the Travel Plan shall be submitted to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan coordinator. In order to ensure the objectives of the Travel Plan are met a 'Monitoring Contribution' will be required for monitoring the objectives of the Travel Plan. The Travel plan should be reviewed annually in accordance with the target set out in the Travel Plan.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 19 Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity.

- 20 Before development commences, a scheme of proposed noise mitigation measures that agrees with the specifications in the noise report by Ian Sharland Limited entitled, "Environmental Noise Assessment 213-223 Great North Way.", Ref 5104/R1/pjq, dated 31/08/10 shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by road traffic noise in the immediate surroundings

- 21 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

- 22 The level of noise emitted from the two plant rooms, cold store plant, kitchen plant, laundry plant, lift plant and motor room 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 any neighbouring property which existed at the time of this decision notice. 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 any existing neighbouring property at the time of this decision notice.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

## INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows:
  - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant: Adopted Barnet Unitary Development Plan (2006) – GBEnv1 – GBEnv4, GParking, GCS1, D1, D2, D4, D11 – D13, M2 – M5, M11 – M14, M17, H12, IMP1 and IMP2.
  - ii) The proposal is acceptable for the following reasons:

The proposal would ensure the protection and enhancement of the character and appearance of the area in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the Council's sustainable objectives.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.
- 2 Your attention is drawn to the fact that this decision is subject to a Section 106 Planning Obligation.



3 Highways Informatives:

If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team in Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access which will need to be constructed as a heavy duty kerbed access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: David M Smith, Clerk of Works, Traffic and Development Section – Traffic and Development Section, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

LB Barnet is promoting the use of Online Travel Plan Builder.

Barnet Travel Plan Builder is an online package. It is easy to use and will help you construct your travel plan efficiently. All you have to do is input the information when you are prompted and at the end you will have your site specific travel plan. The travel plan is broken down into manageable chunks and progress is saved in incremental stages. It can also be reviewed and modified at any stage up until its submitted. Submission can be done on-line or Traffic and Development Section, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP

The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

The applicant is advised that A1 Barnet by pass is part of Transport for London Road Network (TLRN). The proposed scheme is likely to have an impact on A1. Therefore the applicant is advised that Transport for London is consulted as part of the application to ensure that their view is taken into consideration.

The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by Environment and Operations Directorate.

- 4 You are 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 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) Department of Environment: PPG 24 (1994) Planning Policy Guidance – Planning and noise; 2) BS 7445 (1991) Pts 1, 2 and 3 (ISO 1996 pts 1-3) - Description and and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 – Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.
- 5 The reason for this determination is:-  
The proposal is for a building operation/use which, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990, is development requiring planning permission, but such development is PERMITTED under Class B and Class C Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as Amended).

### **RECOMMENDATION III**

That if an agreement has not been completed by 15/12/2010, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/03551/10 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to meet the costs of extra health facilities arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Contributions to Health Services and Policy CS13, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
2. The proposed development does not include a formal undertaking to meet the required costs for improvements to the pedestrian environment and monitoring of the travel plan and therefore would not address the highways impacts of the development, contrary to Policies M3, M5, M11, M12, IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.
3. The proposed development does not include a formal undertaking to meet the monitoring of planning obligations as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Document on Planning Obligations (2006) and Policies IMP1 and IMP2 of the Adopted Unitary Development Plan 2006.

### **1. MATERIAL CONSIDERATIONS**

National Planning Policy Guidance/Statements  
PPS1 and PPG24.

Mayor's London Plan (consolidated with alterations since 2004)  
Strategic Planning Policies, in particular 3A.13, 3A.18, 3C.17, 3C.23, 4A.3, 4B.1, 5B.2 and 5B.3.

### Relevant Unitary Development Plan Policies

GBEnv1 – GBEnv4, GParking, GCS1, D1, D2, D4, D11 – D13, M2 – M5, M11 – M14, M17, H12, IMP1 and IMP2.

Supplementary Planning Document: Contributions to Health and Resources from Development  
Supplementary Planning Document: Sustainable Design and Construction  
Supplementary Planning Document: Contributions to Library Services from Development

### Relevant Planning History

Application F/00947/10 for a larger care home on site was withdrawn in 2010.

### Consultations and views expressed

Neighbours Consulted: 147                      Replies: 6  
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

- proposed use;
- excessive footprint;
- loss of amenity including loss light and overlooking;
- location of bin store;
- screening;
- car parking; and
- parking during construction work.

### Internal/other consultations

Traffic and Development – no objection.

Environmental Health – no objection.

Transport for London – no response.

Adult Social Services – no objection.

### Date of Site Notice

23 September 2010

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings

The site currently consists of three pairs of semi-detached houses. Entrance to the site is via an access road parallel to Great North Way.

The immediate surroundings are characterised by a mixture of various types of buildings in different tenure and styles. The maximum height of buildings in the immediate surroundings is three storeys. There is a pair of semi detached houses to the east and newer block of flats (Conifer Court) to the west.

### Proposal

The application seeks permission for the demolition of six dwellings and erection of a three storey building with rooms in roof space and basement to be used as a specialist elderly dementia care home (C2 use) for 73 patients. A new associated vehicular access car park for 15 cars is also proposed. The submission of the application follows pre-application discussions between the applicant and the Local Planning Authority.

A previous application for a larger scheme                      was also withdrawn earlier this year at

planning officer's request. Since the withdrawal, the applicant has liaised with planning officers, highways officers and adult social care staff to amend their scheme.

The proposed care home is to provide accommodation for older people and younger adults with care and support needs such as dementia, palliative care, intermediate care, rehabilitation, learning difficulties and physical impairments.

### Planning Considerations

**Proposed use** – Council policy H12 states that special needs housing will be supported where they help meet an identified need, do not have a negative impact on the surrounding area and are easily accessible by public transport. Great North Way comprises a mix of single occupancy housing and purpose built blocks of flats and careful consideration would have to be given for the demolition of any property, for a different residential use.

The applicant has undertaken a significant amount of market research. This research has been reviewed by the Council's Adult Social Services Team prior to the submission of the application and as part of the current application and they have no objections to the scheme which is therefore considered to comply with the first criteria of policy H12.

**Impact on the character of the area** – Turning to design considerations, built environment policies in the Adopted UDP advocate that the design and layout of a proposal should be of a high standard which complements the character of the existing development in the vicinity of the site and maintains a harmonious street scene.

High quality inclusive design is also a key objective of PPS 1. Other guidance on delivering high quality design includes the 2000 DETR/CABE publication 'By Design: Urban Design in the Planning System: Towards Better Practice'. Any development proposal must be acceptable in terms of its impact upon surrounding existing development in terms of its character, design, parking, the street scene and residential amenity.

Planning Policy Statement 1 (PSS1) makes it clear that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted (paragraph 34). The statement also points out that policies should concentrate on guiding the overall scale, density, massing and height of new development in relation to neighbouring buildings and the local area more generally. It is clear from these points that Central Government views design as a key issue in the assessment of proposals and that the relationship between proposed buildings and existing buildings and spaces is a particularly important aspect of design.

Policy H12 recognises the requirement in the borough for supported housing for people with special needs, and will encourage proposals for residential care and specifically states that any such scheme should not have a demonstrably harmful impact on the character or amenities of the surrounding area.

Policy D2 states that the Council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street patterns and the overall character and quality of the area.

Great North way is characterised by a variety of housing types, and there are a number of existing flat developments in close proximity. Therefore from a street scene perspective the principle of a further development of a larger scale than the original pairs of semi-detached houses is considered appropriate in this particular location as it is considered that the predominant residential character would be maintained.

The proposed building would respect the general proportions of neighbouring flat

development. The building has been broken in two different sections of similar heights linked by a lower structure. It is considered that the general arrangements of the building would ensure that its bulk and mass relate appropriately with the rest of the street.

Bin and cycle stores are proposed to the rear of the site. They are considered to be in a suitable location that would enable planting between the outbuildings and the rear boundary of the site.

In summary, it is considered that the proposed new building has been designed with respect for the character and appearance of the area. The achievement of a high quality development will, however, nevertheless be dependent on the use of good quality materials and attention to detail. Consequently, relevant conditions will need to be attached, including submission of details of the facing materials, windows and hard and soft landscaping.

Subject to a number of conditions to control the quality of materials and detailing the proposal is considered to comply with the adopted UDP and National Policies.

***Impact on the amenity of adjoining properties and future occupiers*** – One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported.

Unitary Development Plan Policies D5 and H16 seek to ensure that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to these issues. It is considered that the density of the site is acceptable and roughly comparable to previous permissions on site. The layout of the proposals ensures that sufficiently wide buffer zones with neighbouring existing development are introduced. Overall, it is considered that the increased activity on site would be acceptable subject to compliance with the recommended conditions.

Policy H17 sets the Council's overlooking standards which are met throughout the development.

The residents would have access to a small formal landscaped area. Although this provision falls short of UDP standards, it is considered that this does not warrant reason for refusal in view of the location of the site directly adjacent to a large open recreational area. It is considered that the proposed development would provide sufficiently high standards of amenity for future occupiers of the site.

***Transportation Issues and highway safety*** – A new vehicular access and 15 car parking spaces are being provided. The proposed care home is to provide accommodation for older people and younger adults with care and support needs such as dementia, palliative care, intermediate care, rehabilitation, learning difficulties and physical impairments. The applicant states that such high dependency users would not have the use of a private car.

The care home as a whole will employ around 50-55 staff including both full and part time posts although around 43 staff would be on duty over a typical daily period. A maximum of 26 staff would be working during any given shift period. The 24-hour working of the care home is split into three shifts. Based on the other care homes operated by the European Care Group there are typically around 6 visits per day during the week from relations and friends rising to around 10 visits per day at weekends.

Parking – The assessment of parking provision for a care home is carried out based on London

Borough of Barnet Unitary Development Plan which in turn refers to the London Plan Parking Standards which proposes individual assessment based on the Transport Statement (TS). A bench mark maximum standard (based on unfettered demand to cater for resident staff and visitors) is considered to be of the order of 1 space per 2-4 beds. Based on the information provided by the care home operator above the 15 parking spaces proposed for the development is in line with the London Plan Parking Standards and therefore is considered acceptable.

**Vehicular Access** – The site is located off the service road running parallel to A1 the Great North Way in the southbound direction. The access to the site is from the service road.

**Pedestrian Access:** Pedestrian access to the site is from the service road running parallel to A1 Great North Way. It is not clear from the drawings how the pedestrians access the site other than via the main access road which has no footway and is only about 3m wide at its narrowest point. The pedestrian environment in the vicinity of the development including the existing condition of the existing public footway would need to be improved to facilitate the development. Therefore a contribution of £17,000 towards the improvements to pedestrian environment under S106 agreement is sought.

**Cycle Parking** – 16 secure and covered cycle parking spaces are provided.

**Servicing and Delivery** – It is proposed in the Transport Statement that the refuse collection will be undertaken from within the development site by a private collection firm.

**Trip Generation** – Table 4.2, in the Transport Statement shows the predicted vehicular traffic generation. Approximately, 156 two way vehicular trips are predicted for the proposed Care Home over a period of 12 hours. This would result in approximately 10-12 vehicular trips in an hour. However, taking into consideration the trips generated by the existing residential use, potentially, the overall increase in trips is likely to be in order of 110 vehicular trips. The Transport Statement also shows that the peak traffic generation for the care home would be during 1000 and 1100 hours which is outside the traditional network peak therefore is unlikely to have any detrimental impact on public highway.

**Construction Management Plan** – A robust construction management plan needs to be provided and careful consideration must be given to the optimum route(s) for construction traffic and the Environment and Operations Directorate should be consulted in this respect.

**Travel Plan:** In order to ensure that the objectives of the proposed Travel Plan are met a 'Monitoring Contributions' of £5,000 for the residential development is required under Section 106. In addition a Travel Plan Coordinator for the travel plan must be appointed.

**Sustainability** – The Sustainable Design and Construction SPD states that proposals for such developments need to demonstrate compliance with both the broader sustainable design principles and the specified environmental minimum requirements. Where an applicant considers that certain minimum requirements are not viable or deliverable, they will be expected to demonstrate this through design and feasibility studies.

The applicant has submitted an initial sustainability statement. The Council expects that proposals for such developments show how they fully embrace the principles, guidance and minimum requirements set out in the SPD. Any aspect of a proposal which does not fully comply with what is set out in this SPD will need to be fully explained and justified through appropriate feasibility studies.

Sustainable development is a key priority of Central Government and the Council. The

Council's adopted Supplementary Planning Document on Sustainable Design and Construction requires all Major and Large Scale Developments to deliver a minimum of 20% reduction in carbon emissions from total energy needs (heat, cooling and power (including power consumption through occupation)) of the development through on-site generation of renewable energy.

The applicant has indicated that the requirements can be met by the use of various technology but are not committing to a specific option. The various systems explored in their statement together with design features could ensure that the scheme meets the Council's objectives and requirements. The development could achieve a 20% reduction in Carbon emissions. A condition requiring the submission of an energy assessment is required by any works start on site.

### ***Environmental Health Issues***

**Air quality** – The applicant has enclosed a comprehensive air quality report by Air Quality Consultants, entitled Air Quality Assessment: Care Home Development, Great North Way, Barnet, dated 19th August 2010, report number 117/1/D1. It concludes that there are areas within the development site that exceed or are equal to the UK Air quality Objectives. These areas include the ground floor and first floor on the facade of the development fronting the Great North Way. The report also concludes that with mitigation in these areas of exceedence, "such as mechanical ventilation" then poor air quality in the area should not be a barrier to development. Environmental Health Officers agree with this assessment and suggest a condition to ensure that mitigation methods for air quality on the ground and first floor facades overlooking Great North Way are approved by the Council before development commences.

**Noise from traffic on Great North Way** – The applicant has submitted a noise report by Ian Sharland Limited entitled, "Environmental Noise Assessment 213-223 Great North Way". Ref 5104/R1/pjq, dated 31/08/10. It concludes that the development falls into Noise Exposure Category C according to Planning Policy Guidance 24. It demonstrates that with suitable mitigation the internal noise levels required by LB Barnet's supplementary planning guidance can be met. The report does state that "reasonable" noise levels are acceptable, but our SPG states that "good" levels according to BS8233 are required. However the mitigation proposed in the report would still result in good internal noise levels. Environmental Health Officers recommend a condition.

**Noise from plant** – There is a significant amount of plant associated with the development including two plant rooms, cold store, kitchen, laundry in the basement. There are also lifts and motor rooms. The development is in a busy location and most of the plant is in the basement. However as there are residential properties adjacent to this site Environmental Health Officers recommend a condition.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Planning matters are considered to have been covered in the above appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

### **5. SECTION 106 ISSUES**

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

In order to facilitate this development in this location a total highways contribution of £22,000 is sought under S106 for the following:

- Improvements to Pedestrian environment: £17,000
- Monitoring of travel Plan: £5,000

Under Policy CS13 of the Adopted UDP (2006) the Council will seek to secure a financial contribution of £44,377 for future health facilities needs generated by the development in the Borough.

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation of £3,318 towards the costs of undertaking the work relating to securing the planning obligations as per the approved Supplementary Planning Document (SPD) for Planning Obligations.

## **6. CONCLUSION**

The proposal would ensure the protection and enhancement of the character and appearance of the area in line with UDP policies. It represents an efficient justified use of the land. The number of units proposed is considered acceptable on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the Borough. The proposed development would provide sufficient standards of amenity for future residents of the site. As conditioned, the proposals would have an acceptable impact on the residential amenity of surrounding occupiers. The proposals are acceptable on highways grounds. As conditioned, the proposed building would meet the Council's sustainable objectives. APPROVAL is recommended.



REFERENCE:

F/03551/10



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**LOCATION:** 52 The Market Place, Falloden Way, London NW11 6JP  
**REFERENCE:** F/03980/10 Received: 28 September 2010  
Accepted: 08 October 2010  
**WARD(S):** Garden Suburb Expiry: 03 December 2010  
Final Revisions:

**APPLICANT:** Telefonica O2 Ltd

**PROPOSAL:** Erection of two further 'alarm type' boxes on the facade of 52 The Market Place with additional cabinet internally and ancillary development.

**RECOMMENDATION:**

**APPROVE SUBJECT TO CONDITIONS**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Supporting information reference CS15526, Drawings 400B, 500B, 100A.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 This work must begin not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 Before the development hereby permitted commences, details of the colour of the boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows:
  - i) The proposed development accords with strategic planning guidance and policies as set out in The London Plan (Consolidated with Alterations since 2004) and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant: Adopted Barnet Unitary Development Plan (2006) – GBEnv1, GBEnv2, GBEnv4, D1, D2, D16, HC1 and HC5.
  - ii) The proposal is acceptable for the following reason(s):  
The antennae to be used simultaneously by O2 and Vodafone would facilitate the growth of existing systems with very limited environmental and character impact and no significant impact on the amenity of neighbouring residents and users.
- 2 The Applicant's attention is drawn to the Government's national guidance and Stewart Report on health issues arising from the installation of telecommunications equipment. In particular, the Applicant should ensure the level of emissions does not exceed the guidelines recommended by the International Committee on Non-ionizing Radiation Protection Standards.

## 1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/Statements  
PPS1 and PPG8.

Relevant Unitary Development Plan Policies  
GBEnv1, GBEnv2, GBEnv4, D1, D2, D16, HC1 and HC5.

Relevant Planning History  
None.

Consultations and views expressed  
Neighbours Consulted: 236                      Replies: 49  
Neighbours Wishing To Speak 1

A petition with 243 signatures against the scheme was received.

The 49 objections are the same template letters signed by various residents. The objections raised may be summarised as follows:

- effect on conservation area;
- lack of original planning permission;
- danger to children;
- loss of amenity relating to a pole; and
- proliferation.

Internal/other consultations  
Traffic and Development – no objection.

HGS CAAC – no objection.

Date of Site Notice  
21 October 2010

## 2. PLANNING APPRAISAL

### Site Description and Surroundings

The application site is located at the corner of The Market Place and Kingsley Way in the Hampstead Garden Suburb Conservation Area. There is an existing O2 antenna within the bakery sign approximately 3.5 metres above ground level. This antenna has been in place for a number of years.

### Proposals and planning history

The current application seeks full planning permission for the installation of two "alarm type" boxes on the facade of the building with a additional cabinet (within the building). The application is submitted by O2 and Vodafone. The site is already in use as a telecommunication site as there is an antenna within the bakery sign.

The proposal is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP) and the application has been provided with the appropriate certificate.

### Background information

O2 has recently entered onto a strategic partnership with Vodafone to share their infrastructure in the UK and across Europe. The current planning application is a direct consequence of the new partnership. In practise, this means that the same antenna can be used simultaneously by O2 and Vodafone therefore reducing the number of antennae required by both companies to operate.

### Planning considerations

Central government advice with regard to telecommunications is detailed in PPG8. It states that the Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. Local authorities have been advised to respond positively to telecommunication development proposals whilst balancing the need for increased service with the potential impact on surrounding localities.

Policy D16 of the UDP encourages sharing facilities. It also requires that installations to be appropriately designed, coloured and landscaped to take into account their setting and that there is no significant adverse impact upon the visual amenities of neighbouring occupiers.

The proposed boxes would appear no different to the existing alarm boxes found on a number of surrounding buildings. They would be located in similar positions on the facade of buildings in this stretch of The Market Place and be of the same design. The ancillary equipment to operate the Vodafone system would be housed within the building and therefore would not be visible. The proposed boxes would have no further impact on the character and appearance of the building than the existing boxes on other buildings.

The chosen technology to house the antennas is considered optimum for the conservation area and would prevent the installation of unsightly street masts that have been consistently resisted by officers.

The application is strongly encouraged because the equipment is to be used simultaneously by O2 and Vodafone and would facilitate the growth of existing systems with no significant environmental and character impact. A condition is attached to ensure that the boxes match the existing in colour and texture.

The proposed equipment would have a negligible impact on the building and the surrounding area, in line with Council policies and National Guidance set out in PPG8. The proposal would be on an existing site already in use for telecommunication purposes.

PPG8 outlines that applicants should provide evidence that other potential sites for the equipment have been adequately investigated. The applicant has not put forward alternatives because the site is already in use as a telecommunication site. Given the national and local policy requirements for site sharing, the site is considered the optimal location and no alternatives are required. The main alternative to the chosen site would be the installation of a streetmast which would be inappropriate in the conservation area.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Objections have been raised on the following grounds:

- effect on conservation area – objections on this ground are fully covered in the above appraisal.
- lack of original planning permission – the existing installation has been up for a number of years and has become lawful by virtue of time.

- danger to children – health issues are of great concern to the public in general as regards the erection of mobile communications equipment. The Stewart Report (2000) found that while the balance of evidence does not suggest that mobile phone technology puts the health of the general population at risk, the possibility of harm couldn't be ruled out. The report suggests a precautionary approach. The adoption of the stringent guidelines as set out by the International Commission on Non-Ionising Radiation Protection (ICNIRP) is part of the precautionary approach. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. An ICNIRP compliance notice for the predicted field strengths for proposed installation has been submitted with the application. This certificate shows that the maximum signal strength is within ICNIRP Public Exposure Guidelines.
- loss of amenity relating to a pole – This ground of objection does not fully relate to the application which relates only to alarm boxes and not a street pole.
- Proliferation – Each application is dealt with on its own merit. The previous refusals from the Council on other sites in the conservation area were not on grounds that telecommunication equipment is unacceptable as a matter of principle but rather on grounds specific to each proposal. The granting of permission on the application site would not change this approach.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

There are no equality and diversity issues.

#### **5. CONCLUSION**

The antennae to be used simultaneously by O2 and Vodafone would facilitate the growth of existing systems with very limited environmental and character impact and no significant impact on the amenity of neighbouring residents and users. APPROVAL is recommended.

**SITE LOCATION PLAN: 52 The Market Place, Falloden Way, London NW11 6JP**

**REFERENCE: F/03980/10**



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# **EXTRACT FROM THE ADDENDUM REPORT**

## **FINCHLEY AND GOLDERS GREEN AREA PLANNING SUB-COMMITTEE**

**7th December 2010**

### **213-223 Great North Way – Page 26**

References to “younger adults” on page 34 paragraph 2 and page 35 paragraph 9 should be removed.

The following condition should be added:

“No collections or deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 6 pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day”.

Informative 5 on page 32 should be removed.

### **52 The Market Place – Page 67**

One further letter of objection was received reiterating objections made previously by other consultees and covered in the officer’s report. The total number of objections is therefore 50.