

WEST AREA PLANNING SUB-COMMITTEE

5 December 2011

ADDENDUM TO ASSISTANT DIRECTOR OF PLANNING & DEVELOPMENT MANAGEMENT'S REPORT

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H/04389/11, 12 Langley Park

One additional letter of objection was received and can be summarised as follows:

- Conversion of garage into living accommodation is not appropriate and will be rented out as a bed in a shed
- Proposal will increase the density of accommodation and worsen the parking arrangements in the road

These comments have been addressed in the main report.

Amendment to Informative 2 to read:

The applicant must ensure that the proposed internal changes to the outbuilding are carried out in their entirety including the removal of the associated fencing within 3 months of the date of this permission otherwise the Council will consider taking enforcement action.

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F/04114/11, 60 Erskine Hill

One further objection was received on the 20/10/2011, stating that:

- This sets a disastrous precedent for the installation of basements in the semi detached houses in the artisans quarter where there are already problems with subsidence, the water table, not to mention traffic disruption and mess on narrow roads.
 - These houses were not built to have basements, and their integrity should be respected.
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F/04316/11, Carmelite Monastery, 119 Bridge Lane

Due to an error in the production of the report generated for this committee resulting in a number of paragraphs being missing, the corrected report has been attached below which includes amendments to conditions 8, 9, 18, 19, 20, 25 and 27.

LOCATION:	Carmelite Monastery, 119 Bridge Lane, London, NW11 9JT	
REFERENCE:	F/04316/11	Received: 20 October 2011
		Accepted: 20 October 2011
WARD:	Golders Green	Expiry: 19 January 2012
		Final Revisions:
APPLICANT:	Berkeley Homes (Three Valleys) c/o Savills	

PROPOSAL: Conversion of Monastery Building into 27 self-contained flats, alterations and extensions to roof including additional dormer windows to each elevation, retention of the Gatehouse; erection of 5 two storey (plus rooms in basement and roofspace) detached houses and erection of 2 x two storey (with rooms in the roofspace) detached buildings to provide a total of 13 self-contained flats. Provision of surface car-parking and cycle parking. Associated landscaping.

Approve Subject to a Section 106 Agreement

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 **Education Facilities (excl. libraries) £200,113.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £6,991.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £46,023.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £4,563.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement. (As this is a large contribution with a total between £250,001 to £500,000, a monitoring fee of 2% will be required in accordance with the adopted Supplementary Planning Document for "Planning Obligations")
- 7 **Affordable Housing (units) £0.00**
Provision of 13 affordable housing units on the site, split up into the following types:
 - i) Social Rented Accommodation:
 - 1 x 2 bedroom (4 person)
 - 6 x 3 bedroom (6 person)
 - 1 x 4 bedroom (8 person)
 - ii) Intermediate Accommodation:
 - 2 x 2 bedroom (4 person)
 - 3 x 3 bedroom (6 person)
- 8 **Highways Improvement (local to the site) £5,000.00**
A contribution towards local highway improvements within the vicinity of the development by carrying out consultation and implementation of waiting restrictions in Bridge Lane and Harmony Close.
- 9 **Public Transport £10,000.00**
A contribution towards the cost of required changes / improvements to public transport provision within the borough.
- 10 **Requirement to submit Travel Plan £5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation

of a Travel Plan.

- 11 Improvements to Public Realm (local) £0.00**
The proposed works on Bridge Lane will need to be concluded and carried out under S278 of the Highways Act including any or all of the following:
- i) Provision of Street Furniture (benches, wastebins...etc)
 - ii) Decluttering
 - iii) Lighting
 - iv) Signage
 - v) Flora
 - vi) Other 'Character' Enhancements

- 12 Link to another Legal Agreement £0.00**
"Commit to sign an agreement to tie this application with planning reference F/01579/09 that would be prevents harm being caused to the character and appearance of the area. This agreement should confirm that either the previous approval (F/01579/09) or that this current application shall be fully implemented and not a combination of both applications. If planning reference F/01579/09 is built out then this application could not be built. And if this proposal is built then planning reference F/01579/09 could not be built."

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/04316/11 under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - 3432.200; Planning Statement - October 2011; Design & Access Statement - September 2011; Addendum Transport Statement - Issue 3: 10 October 2011; Ecological Assessment - September 2011; Bat Survey - September 2011; Heritage Statement - 7 October 2011; Arboricultural Impact Assessment - 26 September 2011; Sustainability Statement - Revision A, October 2011; Plan No's: 2432.201H; 2432.206; 2432.207; 2432.208; 2432.209; 2432.210; 2432.211; 2432.212; 2432.213; 2432.214; 2432.215; 2432.216A; 2432.217A; 2432.218A; 2432.219A; 2432.220A; 2432.221A; 2432.222A; 2432.223A; 2432.224A; 2432.225A; 2432.226A; 2432.227A; 2432.228A; 2432.229A; 2432.230; 2432.231; Site Survey - 119BRIDGELANE-B.DWG.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 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 Before this development is commenced, details of the levels of houses 1 to 5, affordable blocks 1 and 2, roads, footpaths and amenity areas in relation to adjoining land and highways 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.
- 4 Before the development hereby permitted commences, details of the materials to

be used for the external surfaces of houses 1 to 5, affordable blocks A and B and any other buildings hereby permitted 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.

5 Before the works hereby permitted commence on site, the following details shall be submitted to and approved in writing by the Local Planning Authority:

1. Facing materials (including sample panels of brickwork to be provided)
2. Roofing materials
3. Windows, including surrounds
4. Dormer windows
5. Rooflights
6. Chimneys, rainwater goods, external doors
7. Ventilation and extraction equipment, flues or other terminals
8. Refuse storage
9. Lift enclosure
10. Basement vents
11. Hard and soft landscaping, including surface treatment
12. Entrance gates and piers
13. Walls, fences and railings
14. Details of boundary treatment between individual houses

The approved details shall be implemented and retained as such thereafter.

Reason: To control the quality of materials and detailing the proposal and ensure that they are a suitable quality to protect or enhance the character of the area.

6 The materials to be used in the external surfaces of the monastery building shall match those used in the existing building unless otherwise agreed in writing by the local planning authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

7 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

8 The details of cycle store, and the enclosures of the recycling containers, wheeled refuse bins or other refuse storage containers, approved as part of this development, shall be full implemented in accordance with Plan no's. 2432.201 H & 2432.30, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

9 Before the residential units hereby permitted are occupied the following windows 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:

- First floor side elevation kitchen window of affordable block A facing house 2;
- First and second floor windows of affordable block A facing Princes Park Avenue;
- All first and second floor side elevation windows of houses 1, 2, 3, 4 and 5;
- All windows facing the courtyard in monastery flats U4, U5, & U6.

Reason:

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

- 10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be altered or extended in any manner whatsoever without the prior specific permission of the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

- 11 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the following operation(s) shall not be undertaken without the prior specific permission of the Local Planning Authority involving the erection of fences and sheds onto any part of the site.

Reason:

To ensure that the development does not prejudice the character of the locality.

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

- 13 Part 1

Before development commences other than for investigative work:

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

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

comprehensive enough to enable:-

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

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

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

Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

- 14 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.

- 15 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.

- 16 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.

- 17 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

- 18 The temporary fencing shall be erected around existing tree(s) in accordance with details provided as part of Arboricultural Impact Assessment - 26 September 2011 as prepared by Marishal Thompson Group. This fencing shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas, unless otherwise agreed in writing by the Local Planning Authority.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.
- 19 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* expanding on the principles set out in the Arboricultural Impact Assessment - 26 September 2011 as prepared by Marishal Thompson Group is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.
Reason:
To safeguard the health of existing trees which represent an important amenity feature.
- 20 Tree felling / pruning details shall be implemented in accordance with details provided as part of Arboricultural Impact Assessment - 26 September 2011 as prepared by Marishal Thompson Group and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 1989 *Recommendation for Tree Works* (or as amended), unless otherwise agreed in writing by the Local Planning Authority.
Reason:
To safeguard the health of existing trees which represent an important amenity feature.
- 21 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.
- 22 The level of noise emitted from any plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.
- 23 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

- 24 The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 25 Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard within the monastery building.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 26 Before the development hereby permitted is occupied, details of eight visitors car parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that these areas shall not thereafter be used for any purpose other than for the parking of visitors' vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.

- 27 Before the development hereby permitted is occupied the parking spaces shown on Drawing 2432.201H 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.

- 28 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. The Travel plan should be reviewed annually in accordance with the target set out in the Travel Plan.

Reason:

To encourage the use of sustainable forms of transport to the site in accordance with policies GSD and M3 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 29 No site works or works on this development including demolition or construction work, shall commence until a Construction and Traffic Management Plan have been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details 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.

- 30 Prior to occupations the highway improvement works to facilitate the development shall be completed in accordance with the details agreed and approved by the highway authority and the works shall be concluded under Section 278 of the highways Act 1980.

Reason:

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

- 31 No siteworks or works on this development shall be commenced before a Landscape Management Plan for all landscaped areas for a minimum period of 10 years, including details of long term design objectives, management responsibilities, maintenance schedules, and replacement planting provisions for existing retained trees and trees or shrubs to be planted as part of the approved landscaping scheme, is submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To ensure a satisfactory appearance to the development.

- 32 Before any of the residential units hereby approved are occupied, a site management scheme including details of refuse collection shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the impact of the development on the character of the area and amenity remains acceptable.

- 33 The basements approved as part of the houses shall at all times be ancillary to and occupied in conjunction with the main houses and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential 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 Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GSD, GBEnv1, GBEnv2, GBEnv3, GParking, GH3, Env13, D1, D2, D3, D4, D5, D11, D13, HC15, M4, M5,

M7, M10, M11, M12, M13, M14, H2, H5, H16, H17, H18, H20, H21, O17, CS2, CS8, CS13, IMP1 & IMP2.

Core Strategy (Publication Stage) 2010:

Relevant policies: CS4, CS5, DM01, DM06, DM14.

The Community Infrastructure Levy Regulations 2010

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, the residential use is appropriate for the building and will restore this building to a high architectural quality. This provision is considered acceptable and is secured through the section 106 agreement. The number of units proposed is the result of achieving a good amount of affordable units on site whilst balancing the issues of conservation on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the conservation area. The character of the main locally listed building will be preserved. The proposed development partly due to the high quality of the landscaped areas would provide sufficiently high standards of amenity for future occupiers of the site. The proposals are acceptable on highways grounds. The proposed building would meet the council's sustainable objectives.

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

3 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

4 If it is considered necessary for refuse vehicles to enter the site then the development access road will need to be designed and constructed to adoptable standards to allow refuse vehicles to enter and turn around within the site. Unrestricted access must be available to the refuse collection team on the day of the collection. Any issues regarding refuse collection should be referred to the Cleansing Department.

5 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 Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

6 LB Barnet is promoting the use of Online Travel Plan Builder. Barnet Travel Plan Builder is 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 it's submitted. Submission can be done on-line or Traffic & Development Section, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

7 You are advised that the Metropolitan Police made the following comments:

Lighting: The entire development should be lit to BS 5489. Good lighting provision will influence potential criminal behaviour and should reduce any fear of crime experienced by both residents and visitors alike. The following areas must be illuminated: The main vehicular and pedestrian entrances areas, all footpaths, roads, car parking spaces (surface and basement) and all amenity spaces.

All lighting should be automatically controlled by photo-electric cells or timer switches. Fittings and wiring should be vandal resistant.

Doors & Windows: All of the doors (which include all external, communal and final exit doors of each apartment) and windows used within the new development sections should be designed and manufactured to a high standard in terms of security. The police preferred standard for doors is: PAS 24: 2007. The police preferred standard for windows is BS 7950: 1997. Both standards refer to `enhanced security` features and if installed correctly will reduce the risk of forced entry. All of the glazing panels in both the doors and windows of all units at ground floor level and those above ground floor that are easily accessible should preferably be Laminated glass. Laminated glass is a security glass and is more resistant to forced intrusion than the more commonly used toughened glass.

Some general points that should be considered to reduce criminal opportunity: All of the perimeter / boundary features within the entire development, (including the individual side / rear gardens of the 5 detached houses) i.e. walls, railings or fencing, should be built to a height of at least 1.8 m. This should deter and reduce the risk of easy access by intruders. The addition of 300-400mm high wooden trellis along the top of any fencing or wall would improve security even more. The provision of the cycle storage areas on site is a good feature given the high incidence of cycle theft throughout the borough. The racks or other anchorage points provided should be of a robust design so as to encourage the use of these facilities and reduce the risk of theft. Access into the basement car park should be controlled by either a barrier or gate which should be strictly controlled by only those authorised to use this facility.

Both pedestrian and vehicular access into the development from Harmony Close should be controlled. The principle of defensible space should be considered in reference to the ground floor apartments within the actual monastery building. The semi public space of the amenity areas should not directly abut the private space of the apartments. Poor design here will increase the risk of crime, particularly burglary.

Finally the main principles of the Association of Chief Police Officers crime reduction scheme: Secured By Design should be considered here as in all built environments across Barnet borough. All interested parties involved in this development may obtain full details of the scheme at: www.securedbydesign.com

8 In complying with the contaminated land condition parts 1 and 2:

a) Reference should be made at all stages to appropriate current guidance and

codes of practice at January 2006 this would include:

1) The Environment Agency CLR Guidance documents; 2) Planning Policy Statement 23 Planning and Pollution Control; 3) PPS23 Annex 2 Development On Land Affected By Contamination; 4) BS10175:2001 Investigation of potentially contaminated sites – Code of Practice; 5) The Environment Agency (2001) Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination; 6) Guidance for the safe development of housing on land affected by contamination, Environment Agency R&D Publication 66.

b) Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.

c) All raw data should be provided in a form that can be easily audited and assessed by the council. (e.g. trial pit logs and complete laboratory analysis reports)

d) Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made should be included. (e.g. the reasons for the choice of sampling locations and depths).

9 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 & 3 (ISO 1996 pts 1-3) - Description 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.

10 For the avoidance of doubt, the supporting documents granted planning permission only relates solely to the information text and not plans included within these documents which differ from the approved planning numbers following amendments being received for this proposal.

RECOMMENDATION III

That if an agreement has not been completed by 19/01/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application F/04316/11 under delegated powers for the following reasons:

1. The development would require a Section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting identified additional education, health and

library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

2. No undertaking has been given by the developer to address the required levels of affordable housing to be provided on site, contrary to policy H5 of the Barnet Adopted Unitary Development Plan (2006) and Adopted Supplementary Planning Document on Affordable Housing (2007).

3. The Development would require works to improve and adapt the highway in the vicinity of the site and no formal undertaking has been given to meet the costs of these works to the detriment of highway and pedestrian safety and the free flow of traffic contrary to policies M7, M10, M11, M12, M13, IMP1 and IMP2 of Barnet's Adopted Unitary Development Plan 2006.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Planning Policy Statement PPS 1 "Delivering Sustainable Development", states at paragraph 3 that "At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone now and for future generations". High quality inclusive design is identified as one of the key principles that should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. Paragraph 13(iv) indicates that "Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted" and at para. 18 that "Planning should seek to maintain and improve the local environment.... through positive policies on issues such as design...." Further comment regarding "Design" is made at para's 33-39.

Planning Policy Statement PPS3 "Housing" (2006), along with other Government housing policy and planning policy statements, provides the context for plan preparation in relation to housing development. Paragraphs 12-19 relate to the achievement of high quality housing. In para. 16 the matters to consider when addressing design quality include the extent to which the proposed development is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. PPS3 advises at para. 49 that more intensive development is not always appropriate.

The implications of new development on transport are included within PPG13 "Transport" (2001). Paragraph 49 relates to car parking and in para. 52 it is stated

that maximum parking standards should be designed to be used as part of a package of measures to promote sustainable transport choices.

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

One overall theme that runs through the plan is 'sustainable development'. Policy GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv3, GParking, GH3, Env13, D1, D2, D3, D4, D5, D11, D13, HC15, M4, M5, M7, M10, M11, M12, M13, M14, H2, H5, H16, H17, H18, H20, H21, O17, CS2, CS8, CS13, IMP1 & IMP2.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

As part of its emerging Local Development Framework the Council has adopted (October 2006), following consultation, a Supplementary Planning Document relating to Planning Obligations. This highlights the legislation and Barnet's approach in requiring contributions from new development.

Supplementary Planning Document for Affordable housing (February 2007), was adopted following public consultation.

The Council adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

On 21 February 2008, following public consultation, a Supplementary Planning Document "Contributions to Education" was adopted by the Council. The SPD, which provides guidance and advice in relation to adopted planning policy to secure contributions towards education needs generated by new residential development, superseded an SPG approved in August 2000.

On 21 February 2008 the Council also adopted following public consultation, a Supplementary Planning Document "Contributions to Library Services". The SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, the Council adopted a Supplementary Planning Document "Contributions to Health Facilities from Development". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new development.

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant policies: CS4, CS5, DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17.

Relevant Planning History:

Site Address: Carmelite Monastery, 119 Bridge Lane, London, NW11 9JT
Application Number: F/00546/09
Application Type: Full Application
Decision: Withdrawn
Decision Date: 23/04/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of Monastery Building into 29 self-contained flats, including a three storey extension within the courtyard area, alterations and extensions to roof including additional dormer windows to each elevation. Erection of 5 two storey (plus rooms in basement and roofspace) detached houses and erection of 2 x two storey (with rooms in the roofspace) detached buildings to provide a total of 13 self-contained flats. Provision of basement and surface car-parking, basement cycle parking. Associated landscaping. Demolition of lodge building.**
Case Officer: Fabien Gaudin

Site Address: The Lodge Cottage, Carmelite Monastery, 119 Bridge Lane, London, NW11 9JT
Application Number: F/00550/09
Application Type: Conservation Area Consent
Decision: Withdrawn
Decision Date: 23/04/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of gatekeepers lodge.**
Case Officer: Fabien Gaudin

Site Address: The Lodge Cottage, Carmelite Monastery, 119 Bridge Lane, London, NW11 9JT
Application Number: F/01580/09
Application Type: Conservation Area Consent
Decision: Approve with conditions
Decision Date: 02/07/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of gatekeepers lodge.**
Case Officer: Fabien Gaudin

Site Address: Carmelite Monastery, 119 Bridge Lane, London, NW11 9JT
Application Number: F/01579/09
Application Type: Full Application
Decision: Migrated Code
Decision Date: 23/07/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conversion of Monastery Building into 27 self-contained flats, alterations and extensions to roof including additional dormer windows to each elevation. Erection of 5 two storey (plus rooms in basement and roofspace) detached houses and erection of 2 x two storey (with rooms in the roofspace) detached buildings to provide a total of 13 self-contained flats. Provision of basement and surface car-parking, basement cycle parking. Associated landscaping. Demolition of lodge building.**
Case Officer: Fabien Gaudin

Site Address: Carmelite Monastery, 119 Bridge Lane, London, NW11 9JT
Application Number: F/03410/09
Application Type: Conditions Application

Decision: Approve
Decision Date: 11/11/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details of Condition 20 (Tree Works - Detailed Specification) pursuant to planning permission F/01579/09.**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted: 301 Replies: 3
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

1. Impact on parking and increased traffic
2. Highways safety and dangerous access road
3. Excessive density of development
4. Loss of amenity including overlooking
5. Noise and disturbance resulting from the number of residential units proposed
6. Insufficient levels of outdoor amenity space for future occupiers
7. Loss of trees
8. Health & safety concerns

Internal /Other Consultations:

Traffic & Development -

The revised proposal is acceptable on highways grounds subject to the highways conditions, informatives, and a total section 106 contribution of £20,000 as shown below is required to facilitate the development.

- A sum of £5,000 is required to carryout consultation and implementation of waiting restrictions in Bridge Lane and Harmony Close;
- A contribution of £10,000 is required towards public transport improvements;
- A sum of £5,000 will be required towards the monitoring of the Proposed Travel Plan;
- The proposed works on Bridge Lane will need to be concluded and carried out under S278 of the Highways Act.

Urban Design & Heritage -

No objection following receiving amendments.

Environmental Health -

No objection

Thames Water Devt Control -

No objection

Metropolitan Police Service (F&GG) -

No objection

Date of Site Notice: 27 October 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site consists of the Carmelite Monastery and its substantial grounds and is located on and accessed by the western side of Bridge Lane in the Golders Green ward. The site has an additional access from Harmony Close although this is not currently in use. The site has an area of 1.1595 hectare.

The site contains the Carmelite Monastery, founded in 1908. The frontage of the monastery is set-back from Bridge Lane, behind a brick boundary wall with iron gates. The site also contains a two-storey, detached house in stock brick with a slate roof, located close to the main entrance (referred to as the lodge building). A tall, stock brick wall, with substantial buttresses encloses the site. The area around the building is now predominantly residential, although when built the monastery would have been surrounded by open farmland.

Until its closure, the building was one of a small number of remaining Carmelite convents in England. The Carmelite Order has its origins in the early 12th Century centred in on Mount Carmel, Israel. In the mid 15th Century, a formal order of nuns was established, with a constitution providing for a life of prayer, solitude, silence and penance. The late 19th Century saw the beginning of a new wave of Carmels in Britain founded from Paris, the first of which was built in 1878 on a site in Charles Square, Notting Hill, known as the Carmelite Monastery of The Most Holy Trinity. Other Carmels were established in the 20th Century, of which twenty survive and 15 are in England. Unlike Notting Hill, the monastery in Golders Green was founded in 1908 from Lyons. It served a community of Catholics that had been growing in England throughout the 19th Century. The Carmelite nuns were living alongside the Jewish community of Golders Green since 1908.

The monastery building is partially screened from Bridge Lane and from the surrounding housing by a tall brick wall, which provided privacy, whilst creating a sense of tranquillity and serenity for the nuns. The nuns had homeless people come to their door for food on a daily basis, but they did not leave the convent other than for medical reasons. Food and other necessities were delivered to them. The nuns took a vow of silence and only spoke to each other when necessary. The site was vacated by the nuns in 2007, having been purchased by a developer, although it has remained vacant other than for site security staff.

The monastery was designed by D. Powell in the Gothic Revival style. It is built in London stock brick with red brick and stone dressings, with a slate roof. It consists of four ranges built around a central courtyard and has a bell tower in the south-east corner. Around the courtyard is a stone flagged corridor with large, pointed segmental-arch windows, creating an indoor cloister. The interior of the building is plainly detailed, as might be expected, however, most rooms have original panelled doors, parquet floors, and window shutters. The refectory walls are panelled to dado height and the chapter room has beams across the ceiling supported by carved stone corbels. The chapel is more decorative and has contrasting red brick walls with stone surrounds to the doors, bands of stone on the walls and dark timber roof trusses rising from stone corbels. The stained glass windows in the chapel are later replacements, although the original polished timber floors and benches in the nun's choir survive.

The building appears today, much as it was originally intended and despite some uPVC window alterations, the architectural integrity of the building remains intact and in good order, externally and internally. The building is locally listed

In 2008, the Council designated the site as a conservation area known as the Bridge Lane Conservation Area, however, a High Court decision out ruled this designation.

There are a number of trees protected by Tree Preservation Orders within the site.

Proposal:

The proposal relates to the conversion of the Monastery Building into 27 self-contained flats following alterations and extensions to roof including additional dormer windows to each elevation.

The proposal also includes the retention of the gatehouse to the front of the site by Bridge Lane; and the erection of 5 two-storey (plus rooms in basement and roofspace) detached houses and erection of 2 two-storey (with rooms in the roofspace) detached buildings to provide a total of 13 self-contained flats within the rear of the site.

There will be associated landscaping and it is proposed that the car and cycle parking provision will be provided on the surface.

This application follows the approval of planning permission F/01579/09. This current application differs from the previous approval as follows:

1. Changes in the internal conversion of the monastery (whilst retaining the approved number of units at 27)
2. Retention of the gatehouse and associated changes to the landscaping at the front of the site resulting in the loss of tree
3. Omission of the underground parking and associated access ramp and replacement with surface parking
4. Changes to the fenestration to all elevations of the Monastery including the rearrangement of dormer windows and rooflights.

Planning Considerations:

Planning Policy Statement 3 (PPS3) on Housing sets out the Government's strategic housing policy objectives of creating sustainable, inclusive, mixed communities. Paragraph 20 states that key characteristics of a mixed community are a variety of housing, particularly in terms of a mix of different households such as families with children, single person households and older people. In terms of developing housing density policies, paragraph 46 states that Local Authorities should have regard to the level of housing demand and need in their area, current and future level and capacity of infrastructure, services and facilities, desirability of using land efficiently, current and future levels of accessibility particularly public transport accessibility, the characteristics of the area, and the desirability of achieving high quality, well-designed housing.

Paragraph 50 highlights that “the density of existing development should not dictate that of new housing. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment”. It states that good design is fundamental to using land efficiently and that good design is facilitated by identifying the distinctive features that define the character of a particular local area. Paragraph 49 however points out that in areas which involve the intensification of the existing urban fabric, careful attention to design is particularly important as more intensive development is not always appropriate.

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’.

In terms of density, paragraph 8.3.3.16 of the UDP states that “large redevelopment sites, because of their size, can in some locations dictate their own character. However, 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.”

The London Plan density matrix, Table 3.2 within the Mayor's London Plan July 2011 provides guidance on appropriate residential densities based on local character and accessibility to public transport (PTAL rating).

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. The chief objective of Planning Policy Statement 3: Housing (PPS3) is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The site is a partially previously developed site and on this basis the redevelopment of the site for residential purposes is considered to accord with national, strategic and local planning policy.

PPS3 advocates that local planning authorities should avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare); encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare) and seek greater intensity of development at places with good public transport accessibility such as town, district and local centres. The application site would equate to 38.8 units per hectare.

The proposal would therefore represent an efficient use of partially previously developed land in accordance with national legislation, the London Plan and policy H21 of the adopted UDP.

The density of development has been determined by creating a balance of meeting the requirement of PPS3 and respecting the sensitive setting of the site.

The main issues are considered to be:

1. Change of use and restoration of the monastery building;
2. Whether harm would be caused to the character and appearance of the area and street scene as result of the amendments to planning permission F/01579/09;

3. Impact on the amenity of adjoining properties and future occupiers;
4. Whether the proposal would result in the community incurring extra educational costs that should be met by the developer;
5. Whether the proposal would increase pressures on the services provided by libraries incurring additional costs that should be met by the developer;
6. Whether the proposal would increase the demand for health care facilities incurring extra costs that should be met by the developer.

Change of Use:

It has been established that the lawful use of the site is for the purposes of a monastery which is Sui Generis. This was formally confirmed by the issuing of a certificate of lawfulness by the Council in November 2008 (planning reference F/03677/08). As established within the previously approved application, there are no council or national policies that warrant the retention of such uses and the change of use to residential is not therefore objectionable on the grounds of the loss of a monastery. Also as previously concluded, it is considered that a residential use is appropriate for the building and will restore this building to a high architectural quality and secure the substantial grounds and setting and character of the area.

Amendments to F/01579/09:

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 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.

The scheme has been devised so that the new buildings are appropriately sited in order to maintain views of the main monastery building. There is a central communal vista that will allow views of the locally listed building to be maintained.

A number of relatively minor revisions have been carried out to the number of rooflights on all elevations on the main monastery building following Local Planning Authority comments. These proposed alterations are now considered appropriate in terms of their design and location.

The proposed houses, which have been designed in a Gothic style to complement the architecture of the monastery, are considered appropriate in terms of their design and size for this sensitive setting. They do not differ from the previously approved houses.

The proposed blocks A and B, as previously advised although still generously sized are considered to be acceptable. They do not differ from the previously approved blocks.

The gatehouse will be retained and its refurbishment together with the increased amount of surface car and cycle parking is considered acceptable.

Since the previous approved application as stated above, the site is no longer the Bridge Lane Conservation Area. In consideration this, the proposed amendments in terms of their design and siting are of a very high standard in line with what would be expected within a conservation area. The amendments would enhance the character and appearance of this part of the Golders Green ward. 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 as previously, including submission of details of the facing materials (including sample panels of brickwork to be provided, roofing materials, windows, dormer windows, rooflights, chimneys, rainwater goods, external doors, ventilation and extraction equipment, flues or other terminals, refuse storage, lift enclosure, basement vents, hard and soft landscaping, including surface treatment, entrance gates and piers, walls and railings and details of boundary treatment between individual house.

It must also be acknowledged that since the previous approval, the London Plan July 2011 has been formally adopted and it is considered that the development complies with the plan. The proposed units would all provide adequate internal space and therefore comply with policies H16 of the Adopted UDP (2006) as well as the Policy 3.5 (table 3.3) of the London Plan July 2011.

Affordable Housing Provision:

Policy H5 of the Adopted UDP (2006) states that having regard to the council's target that half of housing provision over the UDP period should be affordable, the council will seek to negotiate the maximum reasonable amount of affordable housing on sites of 10 or more units gross, or 0.4 hectares or more, and to ensure that these units will continue to be affordable for successive occupiers.

The council also has an adopted Supplementary Planning Document (SPD) on Affordable Housing which supplements the policies and proposals of the London Borough of Barnet's Unitary Development Plan (UDP), adopted in 2006, and the Mayor of London's London Plan (2004).

As with the previous application, the applicant proposes the provision of 13 affordable housing units on the site (29% of the total number of units on site), split up into the following types:

- i) Social Rented accommodation: 1 x 2 bedroom (4 person), 6 x 3 bedroom (6 person) and 1 x 4 bedroom (8 person);
- ii) Intermediate accommodation: 2 x 2 bedroom (4 person) and 3 x 3 bedroom (6 person)"

As with the provision approval, this provision is considered acceptable and is to be secured through a section 106 agreement. The number of units proposed is the result of achieving a good amount of affordable units on site whilst balancing the issues of conservation on site.

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 the surroundings with a mixture of detached houses and flatted blocks. The layout of the proposals ensures that sufficiently wide buffer zones with neighbouring existing development are introduced. These zones along the boundaries with properties on Princes Park Avenue and Woodlands Close would be landscaped and protected by conditions. 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 generally met throughout the development. It is however recommended to include a condition requiring the following windows are glazed with obscure glass only and are permanently fixed shut with only a fanlight opening before the residential units are occupied to prevent any direct overlooking and for the development to adhere fully to policy H17:

- First floor side elevation kitchen window of affordable block A facing house 2;
- First and second floor windows of affordable block A facing Princes Park Avenue;
- All first and second floor side elevation windows of houses 1, 2, 3, 4 and 5;
- All windows facing the courtyard in monastery flats U4, U5, & U6.

This amended scheme like the previously approved development ensures that all overlooking distances are met with respect to the relationship of the proposed buildings and houses on Princes Park Avenue and Woodlands Close. Properties in surrounding streets have relatively large gardens and it is considered that proposed buildings on site would have an acceptable impact on the amenity of neighbouring occupiers.

The flats and houses would have access to formal landscaped areas which are integral to the design and general principles of the scheme. It is considered that the proposed development partly due to the high quality of the landscaped areas would provide sufficiently high standards of amenity for future occupiers of the site.

Impact on the Grounds, Trees and Landscaping:

The London Borough of Barnet (Carmelite Monastery, Bridge Lane and 99 Princes Park Avenue, NW11) Tree Preservation Order 1975 was made on 7th October

1975 and confirmed without modification on 5th March 1976. The Order, which included 13 individual trees and 6 groups (41 trees in total), was made in the light of proposed development at 99 Princes Park Avenue and the monastery land to the rear. Not all of the trees at the former Monastery site were included in the TPO - e.g. the rows of pollarded Poplars around the boundaries were excluded because of their condition and previous treatment; the orchard was not included because of the exemption provisions applicable at that time in respect of fruit trees.

Since the Tree Preservation Order (TPO) was made, Harmony Close and Meta Worms Court (a block of sheltered residential accommodation) have been developed on the southern part of the former Monastery site, with road access through part of 99 Princes Park Avenue.

In January 2008 planning enforcement investigation was undertaken following a complaint about tree removals at the site. The trees and shrubs that had been removed were not protected (i.e. they had not been included in the TPO) so no Council consent would have been required for their treatment. At the time of investigation, it was also apparent that the formal garden had been partially destroyed - but, again, the Council has no powers of control over such activities. In the circumstances, no further action could be taken by the planning enforcement team in respect of removal of vegetation and damage to the garden.

The garden of the Carmelite Monastery is integral to the character and appearance of the monastery - with the formal garden leading down to the orchard. However, neither the shrubs in the formal garden nor the orchard could be included in a TPO because they did not comprise 'trees' to which TPO protection could apply.

The Carmelite Monastery / Convent is sited on land that in part was known as Grove Wood, and was shown as such on Ordnance Survey maps from 1865 - 94 and 1896 - 1898. The form of the slightly convoluted footpath along the eastern boundary of the Wood / Monastery site is maintained today. It appears from their size and age that some of the Oaks in the grounds may originate from Grove Wood.

The Ordnance Survey extracts from 1912 - 1915 and 1932 - 41 show a terraced area of some 38 metres (125 foot) immediately to the south of the Monastery building without trees, beyond which the grounds are shown with stylised deciduous trees. However, the 1951 - 1971; 1950 - 1965; and 1954 - 1988 Ordnance Survey extracts differentiate more clearly between areas of Orchard and Non Coniferous Trees, there is also a section of grounds in the south-west of the site (on which Meta Worms Court, Harmony Close is now located) on which no trees are shown. The terraced area is shown on the 1951 - 1971; 1950 - 1965; and 1954 - 1988 Ordnance Survey extracts as being laid out with paths - which correspond with the layout set with rose beds, formal pond, sundial, and lawn that existed until January 2008.

Various measures have been outlined to minimise potential tree damage and details have been included in the application documents including no dig construction techniques and sheet piling.

The main alteration from the previous approval involves the loss of the TPO tree to the front of the site to allow of access on to the site and the planting of a

replacement tree by the boundary to 117 Bridge Lane with will be conditioned together with a landscaping condition. This loss is regrettable but has to be balanced against the benefits of other changes proposed as part of the application. It is considered that, on balance, the loss of the tree does not warrant refusal for the application.

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.

Like the previously approved application, the applicant has again highlighted their sustainability strategy in this submission as part of an environmental performance 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, together with a commitment to build to Code Level 4 performance against the Code for Sustainable Homes.

Within the previously approved application, the applicant indicated that the requirements for the reduction in Carbon emissions can be met by using a Combined Heat and Power system. The system together with design features would ensure that the scheme meets the council's objectives and requirements. This approved development would achieve a 31% reduction in Carbon emissions. However, within this submission, the applicant has indicated that this current proposal will achieve a 25% reduction in Carbon emissions from all dwellings as stated within the 'Sustainability Statement - Revision A, October 2011'.

It is to be conditioned that this development could achieve the Code Level 4 rating of the Code for Sustainable Homes in line with Policy 5.2 of the London Plan July 2011.

Environmental Health Issues:

Following the original comments for the previously approved application there are two changes to the conditions that the Environmental Health team would apply to this application regarding air quality and biomass boilers.

Following further software modelling on the air quality at the site in 2009, the site does not now need mitigation measures for poor air quality.

The Environmental Health team note also that biomass is not being considered for the site (page 8, Sustainability Statement - Revision A, October 2011 refers to the sole use of gas boilers across the site). Therefore, there is no need for a biomass air quality report.

Therefore, the main concern for the site is ground contamination which will need to be addressed through conditions. With regards to noise, there is a relatively low background noise level from traffic, therefore no conditions have been included to cover this except for a condition any site plant.

Parking, Access and Vehicle Movements:

The UDP Parking Standards are contained in policy M14 of the UDP. This equates to parking provision for the proposed units ranging between 41 - 67 parking spaces for the proposed 45 units to meet the parking standards set out in the UDP 2006 depending on the PTAL Score for the site.

However, due to the revision of the previously approved scheme it has been possible to accommodate additional parking spaces on site. 75 parking spaces in total are now being provided. Taking into consideration the location of the site the parking provision is acceptable. It is considered that 8 of those spaces should be for visitors only which are considered an appropriate number for a development of this size, leaving 67 spaces for the future occupiers in line with maximum parking standards.

Access Arrangement: There are two existing access points into the site. The access from Bridge Lane will serve the proposed private accommodation and the access from Harmony Close will serve the proposed affordable accommodation.

Parking Layout: The proposed 59 parking spaces for the private accommodation are to be located in the front, on the right and left of the existing Monastery building and within the parking area proposed for the private houses and will be accessed from Bridge Lane.

The proposed 16 car parking spaces for the affordable use are to be provided at the rear of the site and will be accessed from Harmony close.

46 cycle parking spaces in total are proposed within the development.

Refuse Collection: The refuse collection points will need to be located within 10 metres of public highway. If the refuse vehicles are required to access the site to get to the refuse collection point then the estate roads within the development must be constructed to Barnet Council's adoptable standards and adequate turning facilities and operational space should be provided to avoid damage to the road structure. Unrestricted access must be available to the refuse collection team on the day of the collection. The applicant will need to sign a Waiver Agreement to ensure that the Council is not held responsible for any damage to private estate roads.

Comments on the Addendum Transport Statement: Full Transport Assessment was provided as part of the previously approved Planning Application No. F/01579/09. The addendum Transport Statement is provided to account for the proposed amendments to the previous application. The principal difference between the approved scheme in 2009 and the current application is the removal of the basement car parking and provision of parking at ground level and revision of the geometry of vehicle routes.

Trip assessment: The revised application is very similar to the previously approved planning application therefore there is unlikely to be any significant additional impact on the public highway as a result of the revised application.

Proposed highway improvements: Highway improvement works to facilitate the development agreed at previously approved planning application reference F/01579/09 to improve visibility and access to the site will be carried forward with this application. Illustrative Drawing No. 411310-SK08, included in the Transport Assessment submitted, with the above planning application, shows the extent of works to be carried out. In addition, it may be necessary to introduce waiting restrictions in Bridge Lane on either side of the access to the development site to enhance visibility.

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 and to ensure that Travel Plan Coordinator for the travel plan is appointed.

Highway and pedestrian Improvements in the vicinity of the site to meet the Travel Plan objectives: One of the issues that have been brought to attention is the location of the bus stop/lay by on NCR junction with Bridge Lane which may need to be relocated so that the visibility of vehicles entering North Circular Road at junction with Bridge Lane is improved.

The Council's Highways group have recommended approving the application.

Education needs generated by the development:

The scheme would provide residential units that are considered would generate an increased demand for educational facilities in the area. The method of calculating the likely demand resulting from new development is provided in the Council's Supplementary Planning Document "Contributions to Education" adopted in February 2008.

Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind. It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS8 and the SPD the proposed scheme of 45 residential units (net increase 44 bedroom units) would require a contribution of £200,113 and a monitoring fee of 2%.

Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer's contributions are therefore necessary to ensure service provision mitigates the impact of their development activity. The Council's adopted Supplementary Planning Document "Contributions to Library Services" sets out the Council's expectations of how developers will be able to contribute to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs.

Circular 5/2005 "Planning Obligations" supports the use of developer's contributions to mitigate the impacts of new development, where it would give rise to a need for additional or expanded community infrastructure. It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS2 and the SPD the proposed scheme would require a contribution of £6,991 and a monitoring fee of 2%.

Contributions to Health facilities:

The scheme would provide residential units that it is considered would generate an increased demand for health care facilities in the area. The Council's SPD "Contributions to Health Facilities from Development" adopted in July 2009 sets out capital contributions per residential unit.

Circular 05/2005 supports the use of planning obligations to secure contributions towards the provision of community infrastructure provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

No information has been provided to demonstrate how the health care needs of the future occupiers of the development would be met by the submitted scheme, or how the proposal fits within NHS Barnet's long term plans to deliver primary care services on a "hub and spoke model" (para. 5.16 of the SPD).

It is considered that a financial contribution towards health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with UDP Policy CS13 and the SPD the proposed scheme would require a contribution of £46,023 and a monitoring fee of 2%.

The highways, education, library services, health facilities & monitoring fee of 2% contributions and the number of affordable housing units will be required to be

secured by Section 106 Agreement. 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.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Having received amendments to this application and having attached conditions to this recommendation, it is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal as the principle of the development has already been approved.

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. CONCLUSION

The proposal complies with the requirements of PPS1, which states in part that, 'design which is inappropriate in its context, or which fails to take the opportunities available for improving character and quality of an area and the way it functions, should not be accepted'.

Having taken all material considerations into account, the residential use is appropriate for the building and will restore this building to a high architectural quality. This provision is considered acceptable and is secured through the section 106 agreement. The number of units proposed is the result of achieving a good amount of affordable units on site whilst balancing the issues of conservation on site. Subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the conservation area. The character of the main locally listed building will be preserved. The proposed development partly due to the high quality of the landscaped areas would provide sufficiently high standards of amenity for future occupiers of the site. The proposals are acceptable on highways grounds. The proposed building would meet the council's sustainable objectives. 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. **APPROVAL** is recommended.

Page 32
F/03498/11, 45 Hampstead Way

The council consulted 5 neighbours on the application and received 3 responses, including 2 requests to speak.

Page 38 and 50
29 Winnington Road.

These comments relate to both F/03572/11 and F/03573/11.

Condition 1: Drawings 1225/3/p002A and 1225/3/p009A should replace drawings 1225/3/p002 and 1225/3/p009. These show an amended rear elevation which is considered to be an improvement. There are therefore no objections to this part of the application.

The neighbouring objection can be summarised as follows:

- The plans are not accurate and statements made are misleading.
- A hydrology report and SUDS drainage plan are needed.
- Increased sense of enclosure for neighbouring properties/ insufficient space between properties.
- Harm to protected trees.
- A method statement is required.

Most of the planning grounds have been dealt with in the main report. It is considered that the information provided is sufficient and a decision can be made on their basis. Drainage is dealt with under the Building Regulations.

The following section should be added to the report:

Impact on Neighbouring Residential Amenity

Policy D5 of the adopted *Unitary Development Plan* is a Design policy states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The existing plans show that 29 Winnington Road is 1.2m from the boundary with 27 Winnington Road and 1.5m from the boundary with 31 Winnington Road. The proposed house is approximately 1m from both No. 27 and No. 31. The existing house is approximately 4m away from No.27 and 3.6m away from No. 31, where as the proposed house is approximately 3.2m away from No. 27 and 3.5m away from No. 31.

This is considered to be an acceptable relationship between the proposed property and the two adjoining neighbours. It is also noted that with respect of the figure quoted above that the dimensions relate to the distance from and to the single storey element of the building to N. 27. The two storey part of the proposed house set back further from the boundary, by approximately 4.5m.

The proposed building would also have an approximate depth of 16m at the ground floor which is comparable to other properties in Winnington Road and is not considered to cause harm to either neighbour.

Conditions have been recommended that seek to further protect the amenities of the neighbours, with obscure glazing to all new side windows and a condition preventing other side windows being inserted into the flank walls. A condition has also been recommended that seeks to protect the character and appearance of the

existing building by ensuring that the materials used on the external surfaces are submitted to the Local Planning Authority and approved before any works commence.

There are therefore no objections on these grounds, and it is considered that the policy requirements of policy D5 have been met.

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H/03023/11, 41 Church Road

Insertion of additional condition

Details of the materials to be used for the external surfaces of the roof lights shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

Amendment to condition 2

The development shall be adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the use of the rear enclosure as measured within habitable rooms of the nearest residential properties shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority to within 3 months of the date of this permission. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

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

Amendment to condition 5

No amplified music or speech shall be used within the approved extension.

Reason:

To protect the amenities of the neighbouring occupiers.

Attach additional condition:

No amplified music or speech shall be used within the approved extension.

Reason:

To protect the amenities of the neighbouring occupiers.

Additional objections

5 Additional objections were received in response to additional consultation undertaken in reference. These are on the following grounds:

Objection to the use of the front forecourt as a 'shisha' smoking area – This is not part of the application however this will be investigated by the planning enforcement team.

Insufficient parking capacity – This parade has a rear service road. There was no formal parking area where the rear extension is.

Applicant is vague regarding the proposed use – A condition is proposed ensuring that the extension is used only as a part of the restaurant and for storage.

Extraction unit would cause noise and disturbance to neighbours – The Council's environmental health team have looked at the flue and the current construction does not comply with the previously approved details in 2002. A condition is proposed ensuring that the flue is fitted with anti-vibration mounts so that it would comply with environmental health requirements.

Hours of opening, equipment is operating until midnight – The hours of use were specified under application W02459D/01 and are:

9am-11pm Monday-Saturday

9am-10.30pm Sunday.

This is part of the conditions of the original change of use and the Council has could potentially enforce against a breach of these hours of use.
