

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**THURSDAY 9TH FEBRUARY, 2017**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX**

**TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Maureen Braun  
Vice Chairman: Councillor Brian Gordon LLB

**Councillors**

Claire Farrier	Gill Sargeant	Hugh Rayner
Sury Khatri	Agnes Slocombe	

**Substitute Members**

Tom Davey	Val Duschinsky	Helena Hart
Dr Devra Kay	Charlie O-Macauley	Mark Shooter
Zakia Zubairi		

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: Maria Lugangira 020 8359 2761

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	3 - 5
2.	Absence of Members (if any)	
3.	Declaration of Members Disclosable Pecuniary Interests and Non Pecuniary Interests (if any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	<b>Hendon Ward</b>	
6.	Montfort House, 54 Parson Street, London, NW4 1TP - 16/6366/FUL	7 - 33
7.	Montfort House, 54 Parson Street, London NW4 1TP - 16/6367/LBC	35 - 47
	<b>Mill Hill Ward</b>	
8.	Cumberland Lodge, Hillview Road, London NW7 1AJ - 16/7596/HSE	49 - 55
9.	104 Millway, London NW7 3JJ - 16/8021/FUL	57 - 72
10.	Any Item(s) the Chairman decides are urgent	

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## Decisions of the Hendon Area Planning Committee

19 January 2017

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)

Councillor Helena Hart (in  
place of Councillor Brian  
Gordon)  
Councillor Hugh Rayner  
Councillor Agnes Slocombe

Councillor Sury Kharti

Councillor Gill Sargeant

### 1. MINUTES

**RESOLVED – The minutes of the meeting held on the 7 December 2016 were agreed as a correct record.**

### 2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Brian Gordon, who was substituted by Councillor Helena Hart.

### 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

Member	Agenda Item	Interest declared
Maureen Braun	Item 6	Non-pecuniary interest as one of the applicant is a Member of the Council.
Claire Farrier	Stoneways Tenterden Grove London NW4 1SX	Non-pecuniary interest as one of the applicant is a Member of the Council.
Helena Hart		Non-pecuniary interest as one of the applicant is a Member of the Council.
Sury Khatri		Non-pecuniary interest as one of the applicant is a Member of the Council.
Hugh Rayner		Non-pecuniary interest as one of the applicant is a Member of the Council.
Gill Sargeant		Non-pecuniary interest as one of the applicant is a Member of the Council.
Agnes Slocombe		Non-pecuniary interest as one of the applicant is a Member of the Council.

### 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

**5. ADDENDUM (IF APPLICABLE)**

The committee noted the addendum to the main report, and considered its contents when deliberating the relevant applications.

**6. STONEWAYS TENTERDEN GROVE LONDON NW4 1SX - 16/6364/FUL**

The Committee received the Officer's presentation which included an addendum.

An oral representation was received from Mr Theofanis Anastasiadis agent for the applicant.

Following discussion by Committee and consideration of the issues, the Committee

**RESOLVED to APPROVE** the planning application as per the officer's recommendation.

Votes were as follows:-

For	<b>4</b>
Against	<b>0</b>
Absatined	<b>3</b>

**7. 6B BERTRAM ROAD LONDON NW4 3PN - 16/6621/RCU**

The Committee received the Officer's presentation.

An oral representation was received from applicant's agent

Following discussion by Committee and consideration of the issues, the Committee

**RESOLVED to APPROVE** the planning application as per the officer's recommendation.

Votes were as follows:-

For	<b>5</b>
Against	<b>0</b>
Abstained	<b>2</b>

**8. PLANNING ENFORCEMENT QUARTERLY UPDATE OCTOBER 2016 TO DECEMBER 2016**

The Committee received the report.

**RESOLVED** that the Planning Enforcement Quarterly Update for the period October to December 2016 be noted.

**9. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 8.10 pm

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**Location Montfort House 54 Parson Street London NW4 1TP**  
**Reference: 16/6366/FUL**

AGENDA ITEM 6

Received: 30th September 2016  
Accepted: 24th October 2016  
Ward: Hendon  
Expiry 23rd January 2017  
Applicant: Kisharon

Proposal: Partial demolition to front, side and rear at ground, first and roof levels including rear outbuildings. Construction of a two storey front, side and rear extension with basement below and single storey side extension to provide a Special Education Needs and Disability School. Associated internal and external alterations including landscaping, disabled access and car parking

**Recommendation 1: Refuse for the following reasons:**

1 The proposals would result in harm to a Grade II listed building and its setting, as a result of the loss of its historic fabric and plan form and public benefits sufficient to outweigh this have not been demonstrated. The development would also harm the character and appearance of the wider area. This would be contrary to policy DM01 and DM06 of the Adopted Barnet Development Management Policies 2012, policy 7.8 of the Mayor's London Plan and paragraph 134 of the National Planning Policy Framework.

2 The proposals would cause harmful loss of outlook and appear overbearing as perceived from the rear windows of Tydfil House, being detrimental to the living conditions of the occupiers of this property. The proposals would be contrary to policy DM01 and DM13 of the Adopted Barnet Development Management Policies 2012.

**Recommendation 2:**

If Members of the committee are minded to approve the application then the item shall be delegated to officers in order to draw up a schedule of conditions and legal agreement.

**Informative(s):**

1 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the preapplication advice service.

2 The plans accompanying this application are: 2463\_GAD\_100000\_C, 2463\_GAD\_100001\_C, 2463\_GAD\_100003\_F, 2463\_GAD\_100004\_C, 2463\_GAD\_100010\_C, 2463\_GAD\_110000\_F, 2463\_GAD\_110001\_F, 2463\_GAD\_110002\_F, 2463\_GAD\_110100\_B, 2463\_GAD\_110101\_B, 2463\_GAD\_110102\_B, 2463\_GAD\_120000\_G, 2463\_GAD\_120001\_G, 2463\_GAD\_120002\_G, 2463\_GAD\_120003\_F, 2463\_GAD\_120004\_F, 2463\_GAD\_120005\_F, 2463\_GAD\_120006\_E, 2463\_GAD\_120100\_C, 2463\_GAD\_120101\_D, 2463\_GAD\_120102\_D, 2463\_GAD\_140000\_E, 2463\_GAD\_140001\_E, 2463\_GAD\_140002\_E, 2463\_GAD\_140003\_E, 2463\_GAD\_140100\_B, 2463\_GAD\_140101\_B, 2463\_GAD\_140102\_B, 2463\_GAD\_140103\_B, 2463\_GAD\_150000\_G, 2463\_GAD\_150001\_G, 2463\_GAD\_150002\_G, 2463\_GAD\_150003\_G, 2463\_GAD\_150004\_G, 2463\_GAD\_150005\_G, 2463\_GAD\_160000\_D, 2463\_GAD\_160001\_D, Planning Statement.



## **Officer's Assessment**

### **1. Site Description**

The site is Montfort House (Number 54) which is a site of 0.23 hectares in size. The property is a grade II listed building. It is not in a conservation area and there are no other significant planning designations. There are protected trees at the site subject to preservation orders.

The site is located adjacent to Corrigan Close which serves houses to the rear of the site and Markham Court adjacent to the north-east.

The surrounding area is predominantly residential with a mixture of houses and blocks of flats.

### **2. Site History**

W04548E - Change of use from residential institution(C2) to educational (D1). - Approved - 19.10.1999

W04548J/99 - Internal alterations and extension of pitched roof at ground floor rear. - Approved - 22.05.2000

W04548K/00 - Erection of 2 blocks of outbuildings in the rear garden for use as group workshops in connection with the Kisharon School. [Listed Building Consent]. - Approved - 09.04.2001

W04548L/00 - Erection of 2 blocks of outbuildings in the rear garden for use as group workshops in connection with the Kisharon School. - Approved - 09.04.2001

W04548S/04 - Retention of two outbuildings in rear garden for use as teaching/classroom space. - Approved - 13.10.2004

W04548T/04 - Retention of two outbuildings in rear garden for use as teaching/classroom space. - Approved - 13.10.2004

### **3. Proposal**

The proposals involve the extension of the existing building to provide a special educational needs school. The building and its garden area are located on the south side of Parson Street. It has a street frontage of 35 metres and a depth of around 55 metres. Montfort House was granted planning permission in 1999 under reference W04548E to be used as a school and that planning permission is personal to Kisharon and limited to 50 pupils.

In 2001 planning permission and listed building consent were granted for the erection of outbuildings in the rear garden for use as educational workshops. The site is now used as a children's nursery and as day care/education for people with learning disabilities as well as the administration function of the charity.

The nursery accommodates on a daily basis some 70 to 80 children. The day care activities, staff to the nursery and charity accommodate around 50 people on a day to day basis.

The proposed school would have a maximum of 72 pupils and would employ 50 members of staff although not all these staff will be at the site at the same time.

The physical works to the building involve demolition of part of the existing building, and extension to the rear which includes a basement area.

The proposals involve the demolition of the south-west of the building and the buildings to the rear of the site behind the main building. A more modern extension would be constructed to the south-west of the building.

The proposals involve the construction of an L shaped extension that would run alongside the boundary with Tydfil House. This would be part two storeys and part three storeys, with the first floor not extending back perpendicular to the boundary with Tydfil House to leave a roof play area. The extension would incorporate school accommodation over lower ground, ground and first floors. The extension would project approximately 25m along the boundary with Tydfil House.

The proposed ground floor roof play area would incorporate staircase from the rear 'garden' area. The main external play area would be kept away from the boundary with no.2 Corrigan Close by a planting area which would be used for teaching purposes only.

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

Consultation letters were sent to 224 neighbouring properties.

A Site Notice was put up on 27/10/16

A Press notice advertising works affecting the setting of a listed building was sent out on 27/10/16

217 responses have been received, comprising 16 letters of objection, 200 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

##### Highways Impacts

Traffic flow and risks to vehicles turning into and out of Corrigan Close will be affected, significant reduction of visibility occurs with lines of waiting traffic, this will be further complicated by increased on street parking of the increased numbers of staff. At present we find it extremely dangerous to exit and enter Corrigan Close into Parson street, due to cars parked when dropping/picking up children. We are regularly obliged to request that drivers allow us clear visibility However this practice

still continues every school day and we feel with extra pupils arriving, this will encroach even more on highway safety.

Young people and adults are being driven in from other areas causing considerable problems, especially traffic jams which badly affect the local area. Sometimes the line of traffic waiting to enter the site is so bad that the traffic jam has been as far back as the lights at the junction of the Holders Hill Road and the A41. A cyclist was killed a few years ago because of this situation. Increasing the number of pupils means increasing the number of vehicles and that will only make the situation much worse.

### Noise/Disturbance

The development is situated close to our flat and we are anxious about persistent noise of air conditioning units for the buildings, hydrotherapy pool and kitchen area, we are also anxious with regard to the smells arising from the kitchen areas and being ventilated out over the entire area.

### Impact on Trees

If planning permission was given we would not want any of the existing trees to be removed, which provides a visual shelter for activities on the site. We are also anxious that other noisy and troublesome activities on the site would be allowed to develop, say in the evenings or at the weekends. We fear potential damage that heavy excavation equipment could have on the root system of the protected trees. There is also a proposal for the removal of a red chestnut tree and shrubs. Green open space is in scarce supply in our area and the beautiful trees opposite our apartment block provide a valuable contribution to the area and are an amenity for all. Especially for our elderly residents who are unable to go out very often.

### Other Issues

The depth of the proposed basement will in some way affect the foundations of our building and that there may be drainage disturbances and problems. In 5 years time a further application would be made to further expand the building e.g. with a third floor on the extension. In addition to enduring a very lengthy period of disruption during the construction, this extension is likely to result in noise and disturbance to the detriment of our present neighbouring residential amenities.

We note that supporting comments have been given by individuals who are living away from this site and will not be affected. Looking at the online comments for this planning application, it is interesting to note that, as I have mentioned above, the support is mainly coming from people living well outside the area, for example as far away as Bushey Heath and Harrow. This is a religious matter, not a community one.

Furthermore, the site has been used as a synagogue for some time which is not the original purpose of the site.

There are responsibilities of Barnet Council under the Human Rights Act, in particular Protocol 1, Article 1, this states that a person has a right to peaceful enjoyment of all their possessions, which includes their home and other land.

The representations received can be summarised as follows:

- Will fill a much-needed gap in the special needs educational provision in the borough of Barnet.

- There is a desperate shortage of special needs education in the Borough.

The local area requires more spaces for children with special needs and given the high percentage of Jewish residents in the area this, Kisharon's proposal offers a good solution to the borough.

- Kisharon currently caters for children with a variety of needs many of which are complex and the current building is not fit for purpose as the corridors and doorways struggle to accommodate wheelchairs and the storage space for mobility equipment is inadequate creating further obstructions in passageways.

Letters of support have also been received from Matthew Offord MP, Andrew Dismore AM, Jewish Leadership Council, the Board of Deputies of British Jews, and the Jewish Autism Trust.

Consultation Responses:

#### Commissioning Director, Children's Services

Kisharon School currently provides education for a number (25) of Barnet children with special educational need and disabilities (SEND). As the number of children in Barnet grows, so does the number of children requiring the type of specialist educational provision offered by Kisharon. The school's ambition to expand its provision would assist in meeting the needs of Barnet's growing population and we have taken this into account in our forward planning, as reported to the Children's, Education, Libraries and Safeguarding Committee on 6th January 2016. However the school is currently restricted in terms of space and building condition. To deliver additional SEND places for Barnet's children, both of these issues need to be addressed. Kisharon's ambition to do this supports a key part of our strategy in meeting future SEND needs in Barnet.

#### Historic England

54 Parson Street is a grade II listed former villa originating from the late nineteenth century, which was expanded and altered at the beginning of the twentieth century. This early phase of development is important and made the property a considerably larger, prestigious villa, with the ancillary and entertaining spaces this type of property required. Though the building's large grounds have been reduced it retains a sizeable rear garden, which contributes to its significance and is an important part of its setting. The scheme involves the demolition of a large proportion of the original service wing of the property, the early conservatory, and some later accretions. The front elevation of the building will be returned to close to its early twentieth century appearance, which is a benefit. However, the demolition of much of the service wing, though altered, will mean the loss of spaces crucial to understanding the early

functioning of a building of this type. Along with the loss of the conservatory, this loss of fabric and plan form will cause harm.

The demolished elements would be replaced with a far larger new addition, joined with the main building up to parapet level and filling the majority of the plot with a part one, part two (plus basement) storey structure.

Historic England Advice Note 2: Making Changes to Heritage Assets, illustrates the application of policies laid out in the National Planning Policy Framework, providing advice on best practice when considering proposed additions to historic buildings. It states that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. It notes that buildings will often have an important established and historic relationship with the landscaping that exists or used to exist around them. It also makes clear the need to pay particular attention to the junction between new work and the existing fabric, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Given Historic England's statutory remit, the final assessment of the impact of this development on the setting of the building is a matter for the council to determine. This should be considered alongside the harm we have identified to the fabric and plan form. We urge your Authority to take into account the full impact of the proposals on the listed building and its setting in determining this application, as per the statutory duty to pay special regard to the desirability of preserving a listed building or its setting (Planning [Listed Building and Conservation Areas] Act 1990). This should also take into account whether the application fulfills the National Planning Policy Framework's core planning principle to conserve heritage assets in a manner appropriate to their significance, for the benefit of future generations (paragraph 17).

#### Conservation Officer

#### Victorian Society

We are supportive in principle of the proposed use as a Special Needs school and the conversion works required to facilitate this. However, the harm to the listed building can be significantly mitigated through better design, and this is the overriding consideration of planning legislation and policy. We therefore object to the application in its present form, and recommend that amendments are required. Monfort House is a characterful building comprised of rambling accretions to a late Victorian house, including a playful tower by George Hornblower and a later, well-designed conservatory. It is rightly listed for its special architectural and historic interest; being situated in area devoid of many other such buildings it is particularly important to ensure that its special interest remains or is enhanced as far as is possible. Paragraphs 131 and 132 of the NPPF enshrine this requirement, also stating that 'great weight should be given to the asset's conservation'. The committee identified numerous failings where improvements are achievable in this regard, whilst still allowing for the schools specific requirements. Primarily, these relate to the demolition of the conservatory, the interface of the new and old building as well as the treatment of the front elevation and landscaping.

### Demolition of the conservatory

This is believed to date to c.1910, replacing one that was added by Hornblower in 1902. The committee considered it to be a very good example of a conservatory of this date; although altered, it forms part of the significance of Monfort House and it is included in the listing. Its demolition would require clear and convincing justification in order to be permissible. We note that its thermal performance is a concern and it may not be suited to conventional class room use, though nevertheless it would provide a pleasant space to be in and could be used for most months of the year with some thermal upgrading. This would obviously require revisiting the layout of the new extension, but it would need to be convincingly demonstrated that the retention of the conservatory would prevent the reuse of the site as a school in order for its removal to be justifiable. Looking at the site plan, this seems unlikely.

### Rear extension

The demolition of the service wing is not objectionable, though the house would benefit from a sharp differentiation between the new and old elements – they should have a clear separation rather than bleeding into one another. This is important because it allows for the historic part of the building to be read and understood for what it is and where it ends.

### Front elevation and landscaping

This should be restored to its original form where there are post-war alterations. This includes the new proposed front to the service wing and if this is not possible, it needs to be finished to a higher standard. At present, the drawings show a poor pastiche and given its prominent location this would detract from overall architectural quality of the listed building in a pronounced way. Existing historic windows must be retained and where new ones are needed, proper timber sash windows with matching proportions of those that already exist should be made. Finally, thought needs to be given to a more sympathetic landscape design at the front of the house. We object to the use of black-top tarmac in particular; it is a finish that is generally incongruous with historic buildings of this period.

There has been a subsequent exchange of emails between the applicant and the Victorian Society, principally regarding the merits of retaining the conservatory to the rear of the building.

### Trees

No objection, Addressed in main report.

### Highways

No objection, Addressed in main report.

### Environmental Health

As part of the application there are proposals for new plant such as a kitchen extraction and ventilation system, swimming pool /hydrotherapy suite plant, and an emergency generator. It is not known what the specification of each plant is at this time, but a noise survey has helped to determine what levels the plant would need to meet to be acceptable and not cause a noise disturbance to nearby residents. Plant can be situated away from existing residential properties and mitigation measures for

plant can be designed and implemented according to the details of the acoustic report. Special attention will be required and agreed with us to mitigate the swimming pool plant to ensure it does not cause a disturbance at night when the background levels are lower and there is less dominant traffic noise from Parson Street. The same applies to any ventilation and extraction equipment that is on for longer than the school day. Nearby residents will be more sensitive to noise at night. Noise from children and teachers in the classrooms is likely to be heard in the surrounding area when the windows are open. This could be mitigated by keeping windows closed. Children using the outside classroom / learning terrace and play areas is much harder to mitigate. There will be intermittent high pitched screams and shouting when children are playing and carrying out different activities and this is likely to be heard by nearby residents.

I would like to see more information on how this can be mitigated. It maybe that children have break times and use the outside learning areas in very small groups and at staggered times during the day? How many children will be in the outside areas at any one time. How many break times per day. What activities take place in the outside learning areas, and any additional proposals to ensure the nearby residents are not affected by noise from the children at the new school.

If the application were to be approved I would recommend a post installation noise assessment condition to confirm that all plant has been mitigated effectively.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

The following London Plan policies are especially relevant:

### 3.18 – Education Facilities

The Mayor will support provision of childcare, primary and secondary school, and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, including in parts of London with poor educational performance.

The Mayor strongly supports the establishment of new schools, including free schools and opportunities to enable local people and communities to do this. Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand.

### 6.1 – Strategic Approach (Transport)

#### 7.4 – Local Character

#### 7.6 – Architecture

#### 7.8 – Heritage Assets

#### 7.21 – Trees and Woodlands

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM13, DM17

Policy CS9 states that we will seek to improve the effectiveness of our School Travel Plans to achieve a greater reduction in car based journeys and increase levels in walking and cycling to and from school. We will implement complementary traffic management schemes outside schools, including preventing pupil parking.

Policy CS10 states that the council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.

Policy CS11 states how we will improve health and well-being in Barnet.

The Council's approach to development as set out in Policy DM01 is to minimise the



impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM06 sets out that proposals involving or affecting Barnet's heritage assets set out

in Table 7.2 should demonstrate the following:

- the significance of the heritage asset
- the impact of the proposal on the significance of the heritage asset
- the impact of the proposal on the setting of the heritage asset
- how the significance and/or setting of a heritage asset can be better revealed
- the opportunities to mitigate or adapt to climate change
- how the benefits outweigh any harm caused to the heritage asset.

Policy DM13 states that new community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of the development
- Design character and appearance & Setting of Listed Building
- Quality of School Accommodation
- Amenities of Neighbouring occupiers
- Trees Issues
- Sustainability/Environmental Issues
- Parking and Highways Matters
- Impact of the proposals on Ecology
- Whether the benefits of the scheme can outweigh any harm caused

## **5.3 Assessment of proposals**

This application for planning permission follows pre-application discussions with the local planning authority.

Historic England have given authority to the Local Planning Authority to determine the application as it sees fit. The application follows pre-application discussions with the Local Planning Authority.

Officers have tried to work with the applicant in order to address concerns relating to the development.

### Principle of the development

#### *Land Use*

The site is an existing nursery and day care/educational facility.

The proposals would involve replacement with school on site. This is of similar use class to that which currently exists, albeit not in exact terms with the approved permission under reference W04548E. However this is likely to be lawful by passage of time. It is likely that the premises have not been used in strict accordance with permission W04548E for over 10 years, so may now constitute a lawful position.

Policy CS10 states that *'The council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities.'*

It is acknowledged that the existing facility on site does not appear to be operating in full accordance with the conditions attached to planning permission reference W04548E.

The principle of additional and improved Special Educational Needs (SEN) accommodation is understood and supported. It is known that there is demand in the borough for this sort of school accommodation. The proposals would replace existing nursery and day care facilities and this is considered acceptable given the similar nature of the uses.

### Design, character and appearance & Setting of Listed Building

Montfort House, 54 Parson Street is a Grade II listed building. The proposals involve substantial extensions and alterations to the existing building, including building over the majority of the site coverage, as well as significant first floor extensions.

The applicant has provided a Historic Building Report by Donald Insall Associates. This report acknowledges that overall the proposals would amount to some harm being caused to the setting of the listed building, and that this harm is considered to be 'less than substantial'.

The National Planning Policy Framework states that:

*'132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's*

*conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*

Policy Section 12 of the NPPF sets out the Government's policy on the historic environment. Paragraph 132 states, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Further, significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 134 states, where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposals include the demolition of various elements of the western part of the listed building, mainly at ground floor level but also at first floor. This would be replaced with a large, two storey L-shaped extension, which would extend to the depth of the garden.

Various internal alterations are also proposed. A new basement is proposed below the extension.

The main heritage issue is to consider whether the proposal would preserve the listed building, its setting, or any features of special or architectural interest it possesses. The applicant has provided an assessment of significance, which examines the exterior and interior of the building and its setting. There is an acceptance by the applicant that some of the proposals cause harm to what is significant about the listed building, however, the conclusion reached by Donald Insall and Associates -heritage consultants acting for the applicant, is that this harm is 'less than substantial'. The main thrust of the applicant's justification for the proposals is that there are compelling public benefits which will result from the proposed development, due to the additional SEN places (Children with Special Educational Needs) which will be created and these benefits should be weighed against the identified harm caused to the buildings significance. In their comments of May 2016, Historic England concluded that the scheme would result in less than substantial but still considerable harm to the grade II listed building and its setting. They also considered that the heritage benefits of the scheme are relatively minor and make only a small contribution to mitigating the harm. It is proposed to erect a large 2-storey extension, with an extensive basement in the rear garden. It would be linked to the western part of the listed building, in place of the rear part of the service wing. It would have an L-shape and its footprint and volume would be considerably larger than those of the listed building. The extension would also extend almost the full depth of the rear garden.

The scale, bulk and massing of this addition is considered to be excessive in relation to the listed building and its garden area. The extension would be highly dominant in its setting, rather than being subordinate. Very little of the rear garden would remain and thus an important part of the building's setting would be compromised. The building would run close to the western site boundary for almost the entire length of the rear garden. As can be seen on the submitted CGI's, the flat-roofed extension would overpower the rear and western side of the listed building due to its scale and mass. The flat roof design, constructed of grey brick with curtain walling and zinc paneling would also contrast markedly with the red brick and clay-tiled, pitched roofs of the listed building. The lack of an adequate break between the new and old structures to provide a comfortable visual transition only compounds the impact and results in an extension that overwhelms in terms of scale, design and materiality. It would have a harmful effect on both the listed building and its setting.

Historic England has produced a guidance note entitled 'Making Changes to Heritage Assets' (Advice Note 2). It advises that it would 'not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting'. In this instance, the proposed extension would completely dominate the asset and its setting when seen from the south. Views of the listed building within the rear garden would be severely limited if the extension was to be constructed. Furthermore, the guidance note indicates that the junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Contrary to this guidance, the proposed new building would have an uncomfortable relationship with the host building due to its design, mass and bulk, which contrasts dramatically with the smaller scale of the host building.

The alterations considered to cause some harm include, demolition of parts of the original service wing such as the former kitchen/skullery (G8) and the room above on the first floor (P9), also the loss of the original yard, which has been roofed over but contains some 1902 detailing. The conservatory and veranda would also be removed, and each holds some significance. Although alterations have been made to these rooms, including an asphalt roof covering to the conservatory, these works are reversible. There are a number of changes proposed to the interior which will involve a loss of significance to the building, to a varying degree. There are also proposals which are beneficial to the building's significance and these include the removal of modern partitions and additions which have compromised the original plan layout and interior appearance. A proposed double door opening would result in the removal of an original chimney breast (room G5) and in the former billiard room (room G7) a number of alterations are proposed, including a new opening on the western wall. On the first floor, a food technology space is proposed in a former reception room (room P7) and will require a new extractor and ceiling raft to accommodate extraction and other services. A new opening is also proposed adjoining the chimney breast in this room. Collectively, there would be a degree of harm to the designated heritage asset as a result of the alterations to various features, including the loss of fabric, which contribute to the building's significance.

In summary, the heritage asset will be harmed as a result of the proposed development. This is in terms of the impact of the proposed extension on the listed building and its setting, and on the loss of historic fabric and plan form.

Consultation responses have been received from Historic England, the Victorian Society. All are of the view that the proposals would cause harm in terms of the impact on the listed building and its setting. These comments are mentioned above within the consultation responses.

The proposals are considered to cause harm to the listed building and its setting. Whilst this is less than substantial harm as defined by the National Planning Policy Framework, the impact would still be major in nature and counts against the application.

#### Impact on character and appearance of the general locality and streetscene.

Notwithstanding the comments above, officers have concern that the works to the listed building, and in particular the large rear projection especially at first floor; as a result of its depth, form and siting; would detract from the appearance of the host building, appearing out of proportion and being detrimental to the character and appearance of the wider area. Though this part of the site is not publicly visible to any substantive extent, it would be clearly visible from Markham Court, Tydfil House and Corrigan Close.

#### Quality of School Accommodation

It is noted that existing school accommodation the Finchley Road site suffers from cramped and poor layout. The creation of new SEN school accommodation would be welcomed as it would contribute towards the needs of the Borough. There no specific concerns with regard to the school layout shown with regard to the quality of the accommodation proposed. The Children's Service has commented in support of the scheme. Significant weight must be given the benefits of providing SEN school Accommodation.

#### Amenities of Neighbouring occupiers

The site is located close to neighbouring residential properties. Closest residential properties are adjacent to the south-west at Tydfil House, to Markham Court (Which is approximately 11.5m to the north-east across Corrigan Close), and 2 Corrigan Close to the south.

Markham Court is a block of flats that has windows looking to the south-west across the site and to the rear.

No.2 Corrigan Close has a side garden and windows in the side elevation facing the site that appear to serve habitable rooms. Tydfil House aligns approximately with the site property.

#### Loss of Light

A Daylight and Sunlight report accompanies the planning application and illustrates that there would be no harmful impact in this respects. The proposals would accord with Building Research Establishment Guidance.

Taking into account the orientation of the building on the south-east side of Parson Street and taking into account the distance of buildings from Markham Court and Corrigan Close, it is not considered that there would be harmful impact.

#### Visual Impact and Loss of Outlook

The building would extend some 25m beyond the rear windows of Tydfil House between 5.5m and 8m from the boundary. Such a deep projection would be wholly detrimental to the outlook from the occupiers of this property, creating a harmful sense of enclosure as a result of the height and rearward projection of the extended building. Whilst it may be that the current occupiers of Tydfil House are supportive of the proposals, the Local Planning Authority must consider the impact in perpetuity. The proposals would cause significant harmful impact to neighbouring residents. The proposals would result in a substantial rear projection at ground and first floor level beyond the rear windows of Tydfil House, which would cause harmful loss of outlook to these windows as well as appearing overbearing.

It should be noted that Tydfil House has a large outbuilding running alongside the site boundary at ground floor which limits any impact from the ground floor of the proposals. It is considered that the impact on no.2 Corrigan Close or Markham Court would not be harmful given the distance from the windows and gardens serving these properties.

#### Privacy

The proposals are for the use of the building as a school and it's extension. The premises would not have rear windows facing no.2 Corrigan Close in close proximity to the boundary, and side windows would be located some 40m behind Markham Court and due to the siting of Markham Court it sites forward of the site. The resulting building would have windows running alongside the boundary with Tydfil House at first floor level at regular intervals along the flank wall. However these windows would be obscure glazed to sufficient height to prevent overlooking. The level of glazing has been restricted in order to prevent perception of overlooking from this property. It is not considered that any overlooking resulting from the development would materially harm neighbouring amenities.

#### Noise/Disturbance

The site is currently used as a nursery and day care facility. Taking into account the existing use, it is not considered that the proposals would cause harm to neighbouring occupiers through harmful noise or disturbance providing adequate mitigation is provided.

A noise report accompanies the planning application. This recommends that Conditions are suggested if the application is to be approved. Officers are satisfied that any impacts could be mitigated by use of planning conditions in the event of

approval. Environmental Health Officers have been consulted and have no objections to the scheme.

### Trees Issues

*British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations clearly sets out the requirements for tree retention in proximity to development and will be used as the benchmark for considering development proposals.*

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value. Trees make an important contribution to the character and appearance of the Borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery. Appropriate protection of TPO trees and those identified for retention will be expected in line with good practice during construction of a development. proposed development requires the loss of the 1 lime tree at the front of the property (T19 Cat C) and horse chestnut tree along the side of the property (T16 Cat U) and some small shrubs and trees. These trees are not protected by the TPO on the site (TPO/CA/331). The impact assessment states that replacement planting will offset this loss, however there T19 will not be planted in the same location due to the new pedestrian access.

A new pedestrian access path is proposed on the landscape plan the existing hard surfaces should protect tree roots at this location. At the rear of the property there is construction within the root protection areas of protected trees however this is very localised and with ground protection minimal additional harm is likely. Measures set out on the tree protection plan should ensure retained trees on the boundaries of the site remain unharmed. Further details will need to be submitted and include an arboricultural method statement which can be conditioned. The proposed extension will occupy the majority of the garden leaving small areas of landscaping around the building. The general thrust of the landscape plan is acceptable considering the constraints this proposal places on opportunity.

The proposal will not have a significant long term impact on trees of special amenity value.

### Sustainability/Environmental Issues

There are no specific sustainability requirements for extensions to form schools. As such it is not considered necessary to attach conditions to this effect.

### Parking and Highways Matters

Kisharon currently operates an existing Special Education Needs (SEN) school on Finchley Road, approximately 2km south east of the proposed development site.

This school currently operates the services which will be provided at Parson Street on a smaller scale. As a result of pressures for expansion, it is proposed to relocate the existing SEN at Finchley Road to Parson Street and increase the scale of operation.

The Parson Street Site is located on Parson Street at its junction with Corrigan Close which is a private road.

- The site is located within a walking distance of Town Centre and public amenities;
- There are existing Waiting and Loading Restrictions on Parson Street fronting the site which operates from 7am to 7pm throughout the week.
- There are also No Stopping Restrictions (School Keep Clear Markings) from Monday to Friday from 9am to 5pm in operation fronting the site.
- The current Public Transport Accessibility Level for the site is assessed as 2 which is considered as a poor public transport accessibility rating for the site.
- The site is within walking distance of bus stops served by bus routes 143, 183, 240 and 326.

The site currently provides a dual operation, as Kisharon Adult Day Services, which provides special education needs care on a small scale basis, and as nursery for around 70 children. Approximately 50 staffs currently work at Parson Street associated with the existing uses of the site. As part of the development proposals, these uses are to be discontinued. However, it must be noted that, the existing position may not necessary reflect what is lawful under the terms of planning permission reference W04548E.

The site has two existing gated accesses which allows access and egress from Parson Street and provides access to and from the existing car parking area serving the site. Currently there are 11 informal car parking spaces and 2 minibus parking spaces are available on site The parking spaces are located on the main forecourt in front of the existing building.

The nearest rail station to the Site is Hendon Station, which is located approximately 2.3km from the site and operates a service from Monday to Sunday between Luton and Sutton. The closest underground station to the Site is Hendon Central Station, which is located approximately 1.8km from the site and is served by the Northern Line providing service through Central London.



The Proposed Development is for the redevelopment of the existing site on Parson Street to provide a Special Educational Needs (SEN) school for approximately 72 pupils. This will result in increase in the Gross Internal Area (GIA) of the buildings on the site from 1,153m<sup>2</sup> to 2,250m<sup>2</sup> following the redevelopment of the site.

The proposed redevelopment of the site to provide an SEN school for around 72 pupils will result in an associated increase in staff from 50 to 60.

*Proposed Access Arrangement:*

It is proposed that the existing access arrangements will be maintained and improved to serve the SEN school following the redevelopment of the site. The revised access arrangements will provide a separate pedestrian entrance adjacent to the existing vehicle entrance to the site to enable segregation between vehicles and pedestrians entering the site. This will be circa 2m wide and gated and manned in the same way as the vehicular entrance.

The main vehicular access will remain in the existing location but the width of the access will be increased to 4.2m and the gates will be further set back internal to the site to 7.2m from the back of footway to improve the ability of vehicles to wait at the gates without causing any possible backing up onto the existing footway.

The existing arrangements will continue to operate as a designated access and egress, and will be gated and managed at all times. The forecourt will continue to operate a oneway working through the main parking area and drop offs for pupils will continue to operate as they do to serve the current use.

*Parking Provision:*

As part of the development proposals, the car parking spaces are to be formalised with improved markings to ensure that vehicles are parked correctly outside of the front of the main building, and any potential for conflict between drop offs, parked cars and pedestrians is minimised.

The layout of the parking area will also be modified to reflect the type of use and parking demand associated with the proposed SEN school.

It is therefore proposed that five parking spaces will be provided at the front of the car parking adjacent to the car park wall backing onto Parson Street, together with a further disabled parking bay, and minibus parking bay.

A drop off area is proposed and will be located immediately outside of the building entrance, with potential to accommodate at least three vehicles at any one time. It is proposed that the assignment of parking spaces will be prioritised for disabled and staff use. It is proposed that whilst these spaces are to be designated and marked within the existing forecourt, the use of these spaces is to be flexible to ensure that demand and the needs of the school are met due to the nature of the

proposed use of the site. The use of the parking spaces is to be monitored and managed by the security guards ensuring the successful operation of the car park.

The proposed formalised with drop off and pick up facility and the existing waiting and loading restrictions including the school keep clear restrictions will assist in reducing the impact on public highway compared to the existing use of the site.

*Cycle parking provision:*

20 cycle parking spaces are to be provided for the residential use in accordance with London Plan Cycle Parking Standards.

*Emergency Service Access:*

It is proposed that the emergency vehicles will continue to access the site as required, in accordance with the existing access arrangements.

*Works on Public Highway:*

Any amendments that may be required to the access arrangement or any works proposed on public highway to facilitate the development would need to be undertaken under S278 of the Highways Act. A separate application needs to be made to the Highway Authority for works under S278 of the Highways Act.

*Servicing Arrangements:*

It is proposed that refuse collection and servicing are likely to continue as per the existing arrangements associated with the current use. The refuse collection is to take place within the forecourt and adequate space is to be provided for refuse vehicles to manoeuvre so that they can enter and exit the site in forward gear

*Trip Assessment:*

*Existing Vehicular Trips:*

	Peak Hour		Total Peak Period	
	AM 0900 - 1000	PM 1500 - 1600	PM 0700 - 1000	PM 1400 - 1900
Trip movements	32	35	49	47

The table above shows the existing vehicular trip generation for the Parson Street site during the AM and PM peaks. However, it must be noted that, the existing position may not necessary reflect what was granted permission under the terms of planning permission reference W04548E but is likely to be lawful in the view of officers.

*Proposed Vehicular Trips:*

The predicted trips for the proposed development at Parson Street is a total number of 27 car trips and around 7 minibus trips (based on an average of 5 pupils per minibus), therefore equating to a total of 34 predicted vehicle trips during both the AM and PM peak periods.

*Vehicular Trip Comparison:*

	Total Peak Period	
	PM 0700 - 1000	PM 1400 - 1900
Existing	49	47
Proposed	34	34
Difference	-15	-13

The table above shows the comparison of trip generation for the existing and the proposed development. The trip assessment shows that there will be a reduction in vehicular trips as a result of the proposed development.

*Travel Plan:*

A School Travel Plan will need to be submitted prior to occupation of the proposed school. A contribution of £5000 would be required towards the monitoring of the Travel Plan.

*S106 Contributions:*

The following needs to be included in the S106 Agreement to ensure that any detrimental impact on public highway as a result of the proposed development can be mitigated.

- £5000 towards the provision of any new waiting restrictions and renewal of the existing warn School Keep Clear Markings;
- Provision of a Travel Plan;
- Contributions of £5000 towards monitoring of the Travel Plan;

Impact of the proposals on Ecology

The applicant has submitted an ecological survey in support of the scheme. This states that the proposed demolition work required is unlikely to result in adverse impacts upon roosting bats. Despite the moderate potential of the building, no bats were recorded using it as a roost site after completing surveys which adhered to the protocols within the Bat Conservation Trust Guidelines 2016 to confirm the likely absence of roosting bats. Lighting will be designed to minimise any impacts upon surrounding vegetation (mature trees) which were observed to be used by foraging and commuting bats.

Commitments for the enhancement of the development for the benefit of local wildlife have been made, namely the installation of habitat boxes.

## Planning Balance

### Whether the benefits of providing new SEN School accommodation outweigh the harm caused to the listed building, its setting and to neighbouring amenity

Section 66 of the Planning Conservation Areas and Listed Buildings Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

### Examination of the public benefits

The provision of new SEN school accommodation is considered to be a noteworthy benefit and needs to be weighed against the harm caused by the proposals. There is no guidance for Local Planning Authorities in how to consider such public benefits or how to weigh them against harm identified. However, there are some examples of cases that have been to the Courts such as Barnwell Manor and Forge Field. From these cases, it is clear that in order to satisfy the requirements of the NPPF the applicant would need to carry out a robust assessment of alternative sites.

In more detail, the Barnwell Manor Court of Appeal decision set out that:

- Following an inquiry, an inspector allowed Barnwell's appeal and granted permission for four wind turbines in the settings of more than 40 designated heritage assets, the most important of which were an outstanding collection of Grade 1 buildings and gardens.
- This was subsequently challenged at the court of appeal.
- In allowing the challenge and quashing the decision to allow the appeal, the judge set out that *'It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise.... should ignore the overarching statutory duty imposed by section 66(1), which properly understood requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings;*
- The judge set out that the ability of the public to appreciate a heritage asset is *'one, but by no means the only, factor to be considered when assessing the contribution that setting makes to the significance of a heritage asset. The contribution that setting makes does not depend on there being an ability to access or experience the setting'*

The National Planning Practice Guidance states that:

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development.

They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

There is an identified need for SEN school accommodation in the area and the scheme has the support of the Children's Service. However, the proposals would cause harm to a listed building and cause harm to neighbouring amenity. The proposals would not provide significant heritage benefits, so it is necessary to look at whether the proposals would provide wider economic, social or environmental benefits.

The proposals would provide social benefits insofar as they would contribute to SEN school accommodation within the borough and meet identified demand. This is clearly a notable benefit, albeit a localised one.

#### Search for Alternative Sites

The applicant has provided a site search document in support of the scheme as part of their wider case. This looks at 20 sites. Whilst the site search does include premises within the Borough and also within a wider radius, in the opinion of officers the document provided could not be described as robust. It does not set out over what period premises were looked at, or how explain how site selection has taken place. Furthermore, the search includes sites within Green Belt, and sites that are not available.

As such, officers are not persuaded that this document should be given significant weight in any decision making exercise.

As such, the proposed development would be of significant harm to the value and interest of the listed building which would include partial loss. The loss should be seen to be acceptable in only exceptional cases. Although the proposed development would facilitate the provision of important community facilities which make a contribution to supporting healthy communities, it is considered that the combined harm to a listed building arising through loss and insensitive additions as well as the harm to amenity would be so significant as to not being outweighed by these benefits. The scheme is contrary to the NPPF.

## **5.4 Response to Public Consultation**

### *Highways Impacts*

Highways officers have considered the issues raised by residents. There would be no alterations to the vehicular access. There remains keep clear lines around the school to allow for visibility around the access. The front forecourt allows for vehicle circulation which allows for drop off and pick up.

### *Noise/Disturbance*

Planning and Environmental Health Officers consider that any noise and disturbance issues from the development can be appropriately mitigated by use of planning conditions.

### *Impact on Trees*

Addressed in main report. In event of an approval conditions could be attached to prevent harm to Trees of Special Amenity Value.

### *Other Issues*

The site is located within an area of London Clay. As such, there is not considered to be a likely impact on hydrogeology. Conditions would be suggested in the event of an approval in order to ensure that a construction management plan is provided. Any future planning applications would need to be considered on their own merits at that time.

Noise and disturbance during construction is not grounds for withholding planning permission. Conditions would be suggested in the event of an approval in order to ensure that a construction management plan is provided. It is noted that some supporters live outside the Borough. Nevertheless the scheme would provide benefits to the borough as well as harm as identified in this report. It is noted that the site has not been used in strict accordance with the terms of planning permission reference W04548E.

The Local Planning Authority has considered the proposals against the Human Rights Act and do not consider that the proposals would impinge on the rights of local residents to the peaceful enjoyment of their homes, although consider that some harm would be caused to the amenities of residents in respect of outlook. The comments in support of the scheme are noted. The need for such a facility is accepted but must be weighed against the harm caused by the scheme.

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

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic

and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and would comment as follows:

The applicant, Kisharon, provides services and education for children with learning disabilities within a Jewish ethos.

The proposals would provide additional SEN school accommodation to meet known demand which is a notable benefit which has been considered by officers and must be taken into account within the planning balance.

The proposed school would be of Jewish ethos and would primarily benefit those of Jewish religion. However, there would also be benefits to the wider population in that known wider demand for SEN accommodation would be contributed to and there is a clear need for this.

In considering the above factors, officers have given significant weight to the benefits to residents of these protected characteristics and this is considered within the planning balance against the harm caused by the development.

It is noted that elderly and disabled residents are likely to be impacted more by construction noise, noise escape from the school and potential highways impacts. Environmental Health and Highways officers have looked at the scheme and consider that the scheme would be acceptable in this regard.

## **7. Conclusion**

In balancing these issues, it must be noted that the harm caused to the listed building is major in nature (albeit not substantial) and by its very nature as a statutory listed building it is of national importance. The benefits of the scheme, whilst noteworthy and welcomed, are of more localised scale. The lack of depth and detail of the site survey also weighs against the proposal, and it is considered likely that more preferable sites exist (even if they may have other constraints).

In the opinion of officers, this benefit is undermined by the lack of a more thorough search for sites in more suitable locations. As such, officers are unable to say that the public benefits of the scheme are so great. It is also suggested that harm to neighbouring amenity cannot be balanced to the same extent as wider issues relating to the listed building and public benefits.

As a result, it is not considered that the provision of additional special need school

accommodation could be considered to outweigh the harm caused to the Grade II Listed building.

If Members of the committee are minded to grant planning permission for the development, it is suggested that the reasons for doing so, and in particular, the nature of public benefits are clearly identified. It would be suggested that if the committee determines to approve the application the item would need to be delegated to officers to resolve school Travel Plan arrangements through legal agreement as well as agreeing a schedule of planning conditions.

The provision of new SEN school accommodation is welcomed as it would meet existing demand within the borough. However, it is considered that the harm caused to the setting and character of the listed building is great enough that it would outweigh this notable benefit. Furthermore, this is amplified by the additional harm to neighbouring amenity. It is not considered that the provision of additional special need school accommodation could be considered to outweigh the harm caused to the Grade II Listed building. As such officers recommend **REFUSAL**.





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**Location Montfort House 54 Parson Street London NW4 1TP**  
**Reference: 16/6367/LBC**

**AGENDA ITEM 7**

Received: 30th September 2016  
Accepted: 24th October 2016  
Ward: Hendon  
Expiry 23rd January 2017  
Applicant: Kisharon

Proposal: Partial demolition to front, side and rear at ground, first and roof levels including rear outbuildings. Construction of a two storey front, side and rear extension with basement below and single storey side extension to provide a Special Education Needs and Disability School. Associated internal and external alterations including landscaping, disabled access and car parking (LISTED BUILDING CONSENT)

**Recommendation 1: Refuse for the following reasons:**

1 The proposals would result in harm to a Grade II listed building and its setting, as a result of the loss of its historic fabric and plan form and public benefits sufficient to outweigh this have not been demonstrated. This would be contrary to policy DM06 of the Adopted Barnet Development Management Policies 2012, policy 7.8 of the Mayor's London Plan and paragraph 134 of the National Planning Policy Framework.

**Recommendation 2:**

If Members of the committee are minded to approve the application then the item shall be delegated to officers in order to draw up a schedule of conditions

**Informative(s):**

1 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the preapplication advice service.

2 The plans accompanying this application are: 2463\_GAD\_100000\_C,  
2463\_GAD\_100001\_C, 2463\_GAD\_100003\_F, 2463\_GAD\_100004\_C,  
2463\_GAD\_100010\_C, 2463\_GAD\_110000\_F, 2463\_GAD\_110001\_F,  
2463\_GAD\_110002\_F, 2463\_GAD\_110100\_B, 2463\_GAD\_110101\_B,

2463\_GAD\_110102\_B, 2463\_GAD\_120000\_G, 2463\_GAD\_120001\_G ,  
2463\_GAD\_120002\_G, 2463\_GAD\_120003\_F , 2463\_GAD\_120004\_F,  
2463\_GAD\_120005\_F, 2463\_GAD\_120006\_E, 2463\_GAD\_120100\_C,  
2463\_GAD\_120101\_D, 2463\_GAD\_120102\_D, 2463\_GAD\_140000\_E,  
2463\_GAD\_140001\_E, 2463\_GAD\_140002\_E , 2463\_GAD\_140003\_E,  
2463\_GAD\_140100\_B, 2463\_GAD\_140101\_B, 2463\_GAD\_140102\_B,  
2463\_GAD\_140103\_B, 2463\_GAD\_150000\_G, 2463\_GAD\_150001\_G,  
2463\_GAD\_150002\_G, 2463\_GAD\_150003\_G, 2463\_GAD\_150004\_G,  
2463\_GAD\_150005\_G, 2463\_GAD\_160000\_D, 2463\_GAD\_160001\_D, Planning  
Statement.

## **Officer's Assessment**

### **1. Site Description**

The site is Montfort House (Number 54) which is a site of 0.23 hectares in size. The property is a grade II listed building. It is not in a conservation area and there are no other significant planning designations. There are protected trees at the site subject to preservation orders.

The site is located adjacent to Corrigan Close which serves houses to the rear of the site and Markham Court adjacent to the north-east.

The surrounding area is predominantly residential with a mixture of houses and blocks of flats.

### **2. Site History**

W04548E - Change of use from residential institution(C2) to educational (D1). - Approved - 19.10.1999

W04548J/99 - Internal alterations and extension of pitched roof at ground floor rear. - Approved - 22.05.2000

W04548K/00 - Erection of 2 blocks of outbuildings in the rear garden for use as group workshops in connection with the Kisharon School. [Listed Building Consent]. - Approved - 09.04.2001

W04548L/00 - Erection of 2 blocks of outbuildings in the rear garden for use as group workshops in connection with the Kisharon School. - Approved - 09.04.2001

W04548S/04 - Retention of two outbuildings in rear garden for use as teaching/classroom space. - Approved - 13.10.2004

W04548T/04 - Retention of two outbuildings in rear garden for use as teaching/classroom space. - Approved - 13.10.2004

### **3. Proposal**

The proposals involve the extension of the existing building to provide a special educational needs school. The building and its garden area are located on the south side of Parson Street. It has a street frontage of 35 metres and a depth of around 55 metres. Montfort House was granted planning permission in 1999 under reference W04548E to be used as a school and that planning permission is personal to Kisharon and limited to 50 pupils.

In 2001 planning permission and listed building consent were granted for the erection of outbuildings in the rear garden for use as educational workshops.

The site is now used as a children's nursery and as day care/education for people with learning disabilities as well as the administration function of the charity.

The nursery accommodates on a daily basis some 70 to 80 children. The day care activities, staff to the nursery and charity accommodate around 50 people on a day to day basis.

The proposed school would have a maximum of 72 pupils and would employ 50 members of staff although not all these staff will be at the site at the same time.

The physical works to the building involve demolition of part of the existing building, and extension to the rear which includes a basement area.

The proposals involve the demolition of the south-west of the building and the buildings to the rear of the site behind the main building. A more modern extension would be constructed to the south-west of the building.

The proposals involve the construction of an L shaped extension that would run alongside the boundary with Tydfil House. This would be part two storeys and part three storeys, with the first floor not extending back perpendicular to the boundary with Tydfil House to leave a roof play area. The extension would incorporate school accommodation over lower ground, ground and first floors. The extension would project approximately 25m along the boundary with Tydfil House.

The proposed ground floor roof play area would incorporate staircase from the rear 'garden' area. The main external play area would be kept away from the boundary with no.2 Corrigan Close by a planting area which would be used for teaching purposes only.

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

Consultation letters were sent to 224 neighbouring properties.

A Site Notice was put up on 27/10/16

A Press notice advertising works affecting the setting of a listed building was sent out on 27/10/16

217 responses have been received, comprising 16 letters of objection, 200 letters of support and 1 letters of comment.

The objections received are summarised in the report associated with the planning application (16/6366/FUL).

#### **5. Planning Considerations**

##### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

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

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

The following London Plan policies are especially relevant:

- 7.4 – Local Character
- 7.6 – Architecture
- 7.8 – Heritage Assets

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM13, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM06 sets out that proposals involving or affecting Barnet's heritage assets set out

in Table 7.2 should demonstrate the following:

- the significance of the heritage asset
- the impact of the proposal on the significance of the heritage asset
- the impact of the proposal on the setting of the heritage asset
- how the significance and/or setting of a heritage asset can be better revealed
- the opportunities to mitigate or adapt to climate change
- how the benefits outweigh any harm caused to the heritage asset.

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Design character and appearance & Setting of Listed Building
- Whether the benefits of the scheme can outweigh any harm caused

## 5.3 Assessment of proposals

This application for planning permission follows pre-application discussions with the local planning authority.

Historic England have given authority to the Local Planning Authority to determine the application as it sees fit. The application follows pre-application discussions with the Local Planning Authority.

Officers have tried to work with the applicant in order to address concerns relating to the development.

### Design, character and appearance & Setting of Listed Building

Montfort House, 54 Parson Street is a Grade II listed building. The proposals involve substantial extensions and alterations to the existing building, including building over the majority of the site coverage, as well as significant first floor extensions.

The applicant has provided a Historic Building Report by Donald Insall Associates. This report acknowledges that overall the proposals would amount to some harm being caused to the setting of the listed building, and that this harm is considered to be 'less than substantial'.

The National Planning Policy Framework states that:

*'132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'*

*As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'*



Policy Section 12 of the NPPF sets out the Government's policy on the historic environment. Paragraph 132 states, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Further, significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 134 states, where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposals include the demolition of various elements of the western part of the listed building, mainly at ground floor level but also at first floor. This would be replaced with a large, two storey L-shaped extension, which would extend to the depth of the garden.

Various internal alterations are also proposed. A new basement is proposed below the extension.

The main heritage issue is to consider whether the proposal would preserve the listed building, its setting, or any features of special or architectural interest it possesses. The applicant has provided an assessment of significance, which examines the exterior and interior of the building and its setting. There is an acceptance by the applicant that some of the proposals cause harm to what is significant about the listed building, however, the conclusion reached by Donald Insall and Associates -heritage consultants acting for the applicant, is that this harm is 'less than substantial'. The main thrust of the applicant's justification for the proposals is that there are compelling public benefits which will result from the proposed development, due to the additional SEN places (Children with Special Educational Needs) which will be created and these benefits should be weighed against the identified harm caused to the buildings significance.

In their comments of May 2016, Historic England concluded that the scheme would result in less than substantial but still considerable harm to the grade II listed building and its setting. They also considered that the heritage benefits of the scheme are relatively minor and make only a small contribution to mitigating the harm.

It is proposed to erect a large 2-storey extension, with an extensive basement in the rear garden. It would be linked to the western part of the listed building, in place of the rear part of the service wing. It would have an L-shape and its footprint and volume would be considerably larger than those of the listed building. The extension would also extend almost the full depth of the rear garden.

The scale, bulk and massing of this addition is considered to be excessive in relation to the listed building and its garden area. The extension would be highly dominant in its setting, rather than being subordinate. Very little of the rear garden would remain and thus an important part of the building's setting would be compromised. The building would run close to the western site boundary for almost the entire length of the rear garden. As can be seen on the submitted CGI's, the flat-roofed extension would over power the rear and western side of the listed building due to its scale and mass. The flat roof design, constructed of grey brick with curtain walling and zinc

paneling would also contrast markedly with the red brick and clay-tiled, pitched roofs of the listed building. The lack of an adequate break between the new and old structures to provide a comfortable visual transition only compounds the impact and results in an extension that overwhelms in terms of scale, design and materiality. It would have a harmful effect on both the listed building and its setting.

Historic England has produced a guidance note entitled 'Making Changes to Heritage Assets' (Advice Note 2). It advises that it would 'not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting'. In this instance, the proposed extension would completely dominate the asset and its setting when seen from the south. Views of the listed building within the rear garden would be severely limited if the extension was to be constructed. Furthermore, the guidance note indicates that the junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Contrary to this guidance, the proposed new building would have an uncomfortable relationship with the host building due to its design, mass and bulk, which contrasts dramatically with the smaller scale of the host building.

The alterations considered to cause some harm include, demolition of parts of the original service wing such as the former kitchen/skullery (G8) and the room above on the first floor (P9), also the loss of the original yard, which has been roofed over but contains some 1902 detailing. The conservatory and veranda would also be removed, and each holds some significance. Although alterations have been made to these rooms, including an asphalt roof covering to the conservatory, these works are reversible. There are a number of changes proposed to the interior which will involve a loss of significance to the building, to a varying degree. There are also proposals which are beneficial to the building's significance and these include the removal of modern partitions and additions which have compromised the original plan layout and interior appearance. A proposed double door opening would result in the removal of an original chimney breast (room G5) and in the former billiard room (room G7) a number of alterations are proposed, including a new opening on the western wall. On the first floor, a food technology space is proposed in a former reception room (room P7) and will require a new extractor and ceiling raft to accommodate extraction and other services. A new opening is also proposed adjoining the chimney breast in this room. Collectively, there would be a degree of harm to the designated heritage asset as a result of the alterations to various features, including the loss of fabric, which contribute to the building's significance.

In summary, the heritage asset will be harmed as a result of the proposed development. This is in terms of the impact of the proposed extension on the listed building and its setting, and on the loss of historic fabric and plan form.

Consultation responses have been received from Historic England, the Victorian Society. All are of the view that the proposals would cause harm in terms of the impact on the listed building and its setting. These comments are mentioned above within the consultation responses.

The proposals are considered to cause harm to the listed building and its setting. Whilst this is less than substantial harm as defined by the National Planning Policy

Framework, the impact would still be major in nature and counts against the application.

#### Impact on character and appearance of the general locality and streetscene.

Notwithstanding the comments above, officers have concern that the works to the listed building, and in particular the large rear projection especially at first floor; as a result of its depth, form and siting; would detract from the appearance of the host building, appearing out of proportion and being detrimental to the character and appearance of the wider area. Though this part of the site is not publicly visible to any substantive extent, it would be clearly visible from Markham Court, Tydfil House and Corrigan Close.

#### Planning Balance

#### Whether the benefits of providing new SEN School accommodation outweigh the harm caused to the listed building, it's setting and to neighbouring amenity

Section 66 of the Planning Conservation Areas and Listed Buildings Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

#### Examination of the public benefits

The provision of new SEN school accommodation is considered to be a noteworthy benefit and needs to be weighed against the harm caused by the proposals.

There is no guidance for Local Planning Authorities in how to consider such public benefits or how to weigh them against harm identified. However, there are some examples of cases that have been to the Courts such as Barnwell Manor and Forge Field. From these cases, it is clear that in order to satisfy the requirements of the NPPF the applicant would need to carry out a robust assessment of alternative sites.

In more detail, the Barnwell Manor Court of Appeal decision set out that:

- Following an inquiry, an inspector allowed Barnwell's appeal and granted permission for four wind turbines in the settings of more than 40 designated heritage assets, the most important of which were an outstanding collection of Grade 1 buildings and gardens.
- This was subsequently challenged at the court of appeal.
- In allowing the challenge and quashing the decision to allow the appeal, the judge set out that *'It does not follow that if the harm to such heritage assets is found to be less than substantial, the balancing exercise.... should ignore the overarching statutory duty imposed by section 66(1), which properly understood requires considerable weight to be given by decision-makers to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings;*

- The judge set out that the ability of the public to appreciate a heritage asset is *'one, but by no means the only, factor to be considered when assessing the contribution that setting makes to the significance of a heritage asset. The contribution that setting makes does not depend on there being an ability to access or experience the setting'*

The National Planning Practice Guidance states that:

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits should flow from the proposed development.

They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

There is an identified need for SEN school accommodation in the area and the scheme has the support of the Children's Service. However, the proposals would cause harm to a listed building and cause harm to neighbouring amenity.

The proposals would not provide significant heritage benefits, so it is necessary to look at whether the proposals would provide wider economic, social or environmental benefits.

The proposals would provide social benefits insofar as they would contribute to SEN school accommodation within the borough and meet identified demand. This is clearly a notable benefit, albeit a localised one.

#### Search for Alternative Sites

The applicant has provided a site search document in support of the scheme as part of their wider case. This looks at 20 sites. Whilst the site search does include premises within the Borough and also within a wider radius, in the opinion of officers the document provided could not be described as robust. It does not set out over what period premises were looked at, or how explain how site selection has taken place. Furthermore, the search includes sites within Green Belt, and sites that are not available.

As such, officers are not persuaded that this document should be given significant weight in any decision making exercise.

As such, the proposed development would be of significant harm to the value and interest of the listed building which would include partial loss. The loss should be seen to be acceptable in only exceptional cases. Although the proposed development would facilitate the provision of important community facilities which

make a contribution to supporting healthy communities, it is considered that the combined harm to a listed building arising through loss and insensitive additions as well as the harm to amenity would be so significant as to not being outweighed by these benefits. The scheme is contrary to the NPPF.

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

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;  
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;  
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and would comment as follows:

The applicant, Kisharon, provides services and education for children with learning disabilities within a Jewish ethos.

The proposals would provide additional SEN school accommodation to meet known demand which is a notable benefit which has been considered by officers and must be taken into account within the planning balance.

The proposed school would be of Jewish ethos and would primarily benefit those of Jewish religion. However, there would also be benefits to the wider population in that known wider demand for SEN accommodation would be contributed to and there is a clear need for this.

In considering the above factors, officers have given significant weight to the benefits to residents of these protected characteristics and this is considered within the planning balance against the harm caused by the development.

It is noted that elderly and disabled residents are likely to be impacted more by construction noise, noise escape from the school and potential highways impacts. Environmental Health and Highways officers have looked at the scheme and consider that the scheme would be acceptable in this regard.

## **7. Conclusion**

In balancing these issues, it must be noted that the harm caused to the listed building is major in nature (albeit not substantial) and by its very nature as a statutory listed building it is of national importance. The benefits of the scheme, whilst noteworthy and welcomed, are of more localised scale. The lack of depth and detail of the site survey also weighs against the proposal, and it is considered likely that more preferable sites exist (even if they may have other constraints).

In the opinion of officers, this benefit is undermined by the lack of a more thorough search for sites in more suitable locations. As such, officers are unable to say that the public benefits of the scheme are so great. It is also suggested that harm to neighbouring amenity cannot be balanced to the same extent as wider issues relating to the listed building and public benefits.

As a result, it is not considered that the provision of additional special need school accommodation could be considered to outweigh the harm caused to the Grade II Listed building.

If Members of the committee are minded to grant Listed Building Consent, it is suggested that the reasons for doing so, and in particular, the nature of public benefits are clearly identified. It would be suggested that if the committee determines to approve the application the item would need to be delegated to officers to resolve school Travel Plan arrangements through legal agreement as well as agreeing a schedule of planning conditions.

The provision of new SEN school accommodation is welcomed as it would meet existing demand within the borough. However, it is considered that the harm caused to the setting and character of the listed building is great enough that it would outweigh this notable benefit. Furthermore, this is amplified by the additional harm to neighbouring amenity. It is not considered that the provision of additional special need school accommodation could be considered to outweigh the harm caused to the Grade II Listed building. As such officers recommend **REFUSAL**.



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**Location** Cumberland Lodge Hillview Road London NW7 1AJ

**Reference:** 16/7596/HSE

Received: 29th November 2016

Accepted: 29th November 2016

**Ward:** Mill Hill

Expiry 24th January 2017

**Applicant:** Ms Z Ms Mouskas

**Proposal:** Alterations to roof involving raising the ridge height, 3no rear dormer windows with 1no. rooflights to both side elevation to facilitate a loft conversion

AGENDA ITEM 8

**Recommendation: Approve subject to conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan
  - ST\_JUN16\_50HILL\_01 Revision E
  - ST\_JUN16\_50HILL\_02 Revision A

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

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

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

3. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

## Informative(s):

1. In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## Officer's Assessment

### 1. Site Description

The application site relates to a two-storey, detached, single family dwelling located on north side of Hillview Road. The property has previously been extended by means of a part single, part two storey front and side extension.

The property is not listed and is not located within a conservation area.

### 2. Site History

**16/4184/HSE** - Alterations to roof involving raising the roof height, 2no rear dormer windows with 1no. rooflights to both side elevation to facilitate a loft conversion.  
**[Refused - 25.08.2016]**

*(i) The proposed extensions including the increase in ridge height and two rear dormer windows, by virtue of their design, scale, bulk, mass and positioning cumulatively fail to result in subordinate and proportionate additions to the host building. As such, the proposed extensions would have a detrimental impact on the character and appearance of the host property and the surrounding area, and visually overbearing appearance to the neighbouring occupiers of No. 21 Hillview Road. In this regard, the proposal is considered unacceptable and fails to comply with policies DM01 and DM02 of the Barnet Development Management Policies (2012) DPD, Policy CS1 and CS5 of the Barnet Core Strategy (2012) and the Barnet Adopted Residential Design Guidance SPD (2013).*

**W10850A/01** - Demolition of existing garage and replacement with two storey front extension and changes to existing facade to create ground floor bay window.  
**[Withdrawn - 03.03.2003]**

**W10850** - Part single, part 2 storey front extension, single storey side extension.  
**[Approved - 28.05.1996]**

### **3. Proposal**

This application proposes alterations to the roof, raising the main ridgeline height by 0.5m; the front roof projection ridgeline height by 0.3m; and, the construction of 3no. rear dormer windows (W= 1.3m, H= 1.7m, D= 1.8m) to facilitate a loft conversion.

### **4. Public Consultation**

Consultation letters were sent to 10 neighbouring properties.  
6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- The location plan and streetscene drawings are inaccurate and do not indicate the current size of the house on the plot or the neighbouring houses.
- The house has already been extended substantially.
- The alterations would make the house too large and not in keeping with the character and appearance of the streetscene and wider area.
- The streetscene is comprised of a number of bungalows and this is not reflected in the streetscene drawing.
- The dormer windows will overlook the neighbouring properties and result in a loss of privacy.
- The alterations will result in a loss of light to neighbouring residents' garden.
- The flank rooflight windows would result in overlooking of adjacent neighbouring properties.

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

##### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted April 2013)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## 5.3 Assessment of proposals

As noted in the planning history the application site has been altered from its original built form, quite extensively by means of a part single, part two-storey front and side extension. This application seeks permission to enlarge the original roof and the previously approved two-storey front element (extension) of the house by means of raising the ridgeline height.

This proposal has been reduced from the previously refused scheme and some additional information in the form of a street scene drawing has been provided in order to aid the assessment of the development's relationship with the immediate surroundings. The proposed roof ridgeline height would be 0.5m higher, compared to the 0.75m proposed height of the previously refused application. The front projection of the roof would be raised (0.3m) but would still remain set down from the main ridgeline to appear subordinate to the main roof - unlike the previously refused application where this element was level with the higher proposed ridgeline of the main roof. As such, with the consideration of the additional street scene drawing, the Local Planning Authority consider that the proposed increase in roof ridgeline height would be a marginal increase relative the overall scale of the existing roof, but also when viewed against the immediate neighbouring property, would not have harmful impact to character and appearance of the vicinity and street scene. Hill View and the surrounding roads are characterised by a variety of different property types with varied roof heights (including some bungalows), therefore it is considered that the development would not be detracting from a predominant character type within the road. Furthermore, there is a significant separation between this property and the nearest property to the east which is set at a lower land level and is a bungalow. As such, the proposed development would not appear incongruous in this immediate context.

The previous application proposed two large bulky dormer windows which were less half the width of the roof, but failed to comply with the half depth and half height design principles contained in the Council's adopted Residential Design Guidance SPD (April 2013). In this application the applicant proposed three smaller dormers that closely observe these design principles. They are offset from both ridge and eaves, have a vertical alignment with lower level windows and appear subordinate to these lower level windows, and therefore have a more reasonable and proportionate scale relative to the size of the roof, resultantly appearing as sympathetic and subordinate additions.

The proposed flank rooflight windows (one each side of the front projection) are not considered to result in unacceptable harm to the character and appearance of the host property, streetscene or wider locality.

Whilst the proposals will result in another set of rear facing windows in the roof, it is not considered that these would offer demonstrably more overlooking (and risk of loss of privacy) beyond the levels that already exist with the windows at first floor level, and

therefore there is no justification for a reason for refusal on these grounds. Views were observed during the site visit from Burtonhole Lane to determine the potential for overlooking at this property, however due to distance being greater than 20m to the nearest property on this road and the line of sight aligning mostly with the flank of the property and a skewed view of the front it is considered that potential for a loss of privacy and potential for overlooking would be to an extent that would warrant an acceptable reason for refusal. It is also considered that the proposals would not result in a substantial loss of light or overshadowing to neighbouring occupiers beyond the existing levels.

The proposed rooflights in the flank of the front projection's hipped roof slope would not create any greater loss of privacy or overlooking to neighbouring sites to an extent that would warrant the application's refusal on these grounds.

#### **5.4 Response to Public Consultation**

The Local Planning Authority have considered the material planning concerns raised through the public consultation process and considers that these have been addressed in the above Officer's assessment of proposal.

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

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to conditions the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

# Cumberland Lodge Hillview Road London NW7 1AJ



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**Location**                    **104 Millway London NW7 3JJ**

**Reference:**                **16/8021/FUL**

Received: 16th December 2016

Accepted: 16th December 2016

Ward:                        Mill Hill

Expiry 10th February 2017

Applicant:                Mr Ben Weinburg

Proposal:                    Demolition of existing building and the erection of a two storey building with rooms in roof space to provide 6no self contained flats. Relocation of vehicular access and associated car parking and landscaping.

AGENDA ITEM 9

**Recommendation: Approve subject to conditions**

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

Location Plan

455716 - 1 (Existing Plans and Elevations)

455716 - 2 (Proposed Plans and Elevations)

455716 - 3 (Proposed Streetscenes)

455716 - 4 (Proposed Site Plan)

455716 - 5 (Existing Site Plan)

Environmental Statement (received 16.12.16)

Planning Statement (received 16.12.16)

Tree Survey (16.12.16)

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 6
- a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 7
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
  - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
  - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 8
- a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.
  - b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management

Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 9 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No.102 Millway 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.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 455716-4 (Proposed Site Plan) shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 11 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 12 Before the development hereby permitted is occupied 20% active and 20% passive parking spaces shall be installed with electric vehicle charging points. Such spaces shall be permanently retained and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 13 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

14 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

15 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

17 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.

18 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water

meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

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

- 20 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £12,075 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £46,575 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 The applicant is advised that 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 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 [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 4 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 5 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.



- 6 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 7 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and 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 and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

## **Officer's Assessment**

### **1. Site Description**

The application site consists of a detached two storey dwelling within a large triangular shaped plot of land, located at the northern end of Millway, within the ward of Mill Hill.

### **2. Site History**

Reference: W13618/04

Address: 104 Millway, London, NW7 3JJ

Decision: Refused

Decision Date: 14 April 2004

Description: Demolition of existing house and erection of two storey building (with rooms in roof) comprising 9no. self-contained flats with associated changes to landscaping and provision of off street parking accessed from Millway.

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 04 April 2005

### **3. Proposal**

The application seeks consent to redevelop the site, involving the demolition of the existing building and the erection of a two storey building with rooms in the roofspace, comprising of 6no. self-contained units. The proposal also involves the relocation of vehicular access and the provision of associated off-street parking and landscaping.

### **4. Public Consultation**

Consultation letters were sent to 26 neighbouring properties.

8 responses have been received, comprising 8 letters of objection

The objections received can be summarised as follows:

- Overbearing and out of character with houses on Millway;
- Large increase in footprint compared to existing building;
- Proposed development will result in overlooking;
- Loss of trees and green space;
- Insufficient parking spaces provided within the development; and
- Increased risk on highways safety through increase in vehicles

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principle of redevelopment of the site for flats;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- The provision of adequate living conditions for future occupiers;
- Highways safety and parking provision;

- Any other material considerations.

### **5.3 Assessment of proposals**

#### Principle of development

In determining whether flats are appropriate, Policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and that the loss of houses in roads characterised by houses will not normally be appropriate.

Assessing the context of the street and wider area, it is considered that Mill Way has a suburban setting of predominately large detached dwellings, with the exception of one flatted development (No.137 Mill Way) on the corner on the opposite side of the road. The pattern of development is of large houses in spacious and mature settings with both sides of the street having wide frontages. Running adjacent to the site is Watford Way, which leads to a large roundabout junction to the north-west. The houses along Watford Way are of a more substantial size and are set well back with wide grass verges to the front of the plot. At Apex Corner, approximately 200 metres from the pre-application site, there is a higher density and greater scale of built form, comprising of three-storey parades, flatted developments and a petrol station and fast food premises. Moving south away from Apex Corner, there is a transition towards a distinct suburban character where properties are all of a similar style, form and size.

Taking into account that the site holds a corner plot, further investigation of development along the A1 highway, reveals that a number of other corner sites have been redeveloped for flats. While the street is predominately single family dwellings and policy DM01 is resistant to new flatted development in such cases, when assessing development proposals, the Planning Authority will take into account any relevant material considerations such as other similar patterns of approved development for flats along the A1 highway. On its own merits, the proposal would conflict with Policy DM01, however, when the Planning Authority considers the other relevant material considerations, it is considered that there is potential for a new flatted development on this site which takes into account the local pattern of development along Millway. The Planning Authority considers that an appropriate scheme which is of an acceptable design, scale and layout and reflective of the pattern of development, may not undermine the local character of the surrounding area.

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 2. The proposal would provide 6 units with a total of approximately 24 habitable rooms. The site measures 0.15ha and the London plan would indicate an appropriate density of between 150-250 habitable rooms per hectare and 50-95 units per hectare. In this instance, the proposal would result in a density of approximately 160 hr/ha and 40 units per ha, which would be within the density ranges for a PTAL 2-3 (Suburban) location. As such this density is considered to be acceptable.

The proposed development would provide a mix of dwelling types, comprising, 3 x 2 bedroom units and 3 x 3 bedroom units. Policy DM08 states that homes with 3 bedrooms are a medium priority and therefore the proposal would help contribute towards this provision and the Borough's overall housing supply.

### Character and appearance

In addition, Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

When analysing the street pattern, there is a rhythm of two-storey houses with a consistency of hipped roof design, spacing between properties, building heights and building lines. Each of the properties tends to have a large paved area to the front to accommodate off-street parking. There is some variety in design with Tudor style front gables, large bay windows and a mixture of white render and brick finishes.

The application seeks to demolish the existing detached dwelling and redevelop the site with a two-storey development with rooms in the roofspace. The proposed building would represent an increase in the footprint, width, depth and bulk compared to the existing, but would maintain the existing height and building line of the street. Overall, officers consider that the design and scale of the proposed building is representative of the local context and the characteristics of the properties along Millway. The additional width of the proposed new building is relatively minor and is to be added to the side elevation facing Watford Way. The proposed footprint of the new building will be moved further away from the neighbouring No102 which maintains an appropriate setting between the properties and maintains this common street characteristic.

Overall, the Planning Authority considers that the proposed scheme is reflective of the neighbouring properties, relates well to No.102 and the streetscene in terms of character and provides a suitable transition between the corner site the houses on Millway.

### Impact on amenity

Proposals for the site will need to respect and protect the amenities of the occupiers of neighbouring properties and meet the requirements of development plan policy in this respect (for example Barnet Local Plan policies CS5 and DM01). Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained.

Officers consider that the potential for any impacts on residential amenity is limited to the adjacent property No.102. As previously mentioned, there is a pattern of spacing between the properties along the street which serves to protect the amenity of each of the properties. While the proposed scheme would result in the existing garage being demolished, the overall footprint of the property will be moved away from No.102 and a single storey element would be retained on this side of the building. The proposed two storey element would not project any closer to No.102 than the existing building. As the proposal would maintain and increase the separation distance, officers are satisfied that the residential amenity of No.102 will not be adversely affected in terms of overbearing or loss of light by the footprint and bulk of the proposed building. The submitted plans note that the 3 proposed windows on the side elevation facing No.102 would be fitted with obscure glazing and so officers are satisfied that the proposed will not result in any impacts of overlooking. A condition will be applied to any planning permission to ensure

that this implemented. The last issue is whether the additional depth and bulk to the rear of the proposed building will adversely affect the amenity of No.102. The central two storey element will be stepped in and positioned approximately 8.3m from the side boundary and approximately 9.9m from the side elevation of No.102. Given this separation distance and the fact that the application site is located to the north of No.102, officers are of the opinion that due to the orientation of the site, the proposal is unlikely to have a detrimental impact on the amenities of No.102 in terms of loss of light.

In terms of amenity for future occupiers, the individual flats proposed would each meet the minimum dimensions required by the nationally described space standard, as adopted by minor alterations to the London Plan in March 2016. Each of the flats would have dual aspects outlooks and so officers are satisfied that an adequate level of amenity would be provided for future occupiers of the site.

Both the ground floor units would have direct access to the large communal area to the rear, with unit 3 on the first floor having a private terrace area. The Sustainable Design and Construction SPD states that for flats, 5 sqm of external amenity space should be provided per habitable room. With 24 habitable rooms within the development, the scheme should provide for at least 120sqm. The proposed area to the rear would easily exceed this requirement and therefore combined with the proposed private amenity space, the development more than satisfies this requirement.

#### Highways safety and parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 2 and 3 bedroom units            1.0 - 1.5 spaces per unit

Based on the above parking standards, the parking requirement for the proposed development is calculated as follows:

3 x 2b = a range of (1.0 - 1.5) = 3.0 - 4.5 parking spaces required

3 x 3b = a range of (1.0 - 1.5) = 3.0 - 4.5 parking spaces required

This equates to a range of parking provision of between 6 to 9 parking spaces to meet the Barnet Local Plan parking standards contained in Policy DM17.

9 parking spaces including 1 disabled space are being provided. Therefore the proposal provides the necessary parking provision expected and would comply with the requirements of Policy DM17. The relocation of the existing of the access into the site is not considered to adversely affect the highways safety of the Millway.

#### Any other considerations

##### *Ecology and Trees*

The applicant has submitted an Ecology Report and a Tree Survey to assess any potential impacts of the proposed development. The Ecology report found there was no evidence of bats or nesting birds within the existing building and concluded that there was a negligible impact on protected species should the existing building and garage be demolished. On this basis, officers are satisfied with the conclusions of this report. The tree survey has indicated that a number of trees to the front and rear of the site would have to be removed in order to accommodate the proposed development. The trees identified for removal all appear to be Category C rated (trees of low quality), while the moderate to high quality trees would be retained. Officers are satisfied that the character of this corner site will be maintained through the retention of the trees in this corner and along the northern boundary.

#### **5.4 Response to Public Consultation**

Issues raised in relation to the principle of development, design, layout and impact on residential amenity are addressed within the assessment section above.

While there will be the loss of trees, these have been identified as low quality and the number of trees to be unaltered will still preserve the character of this corner and could be suitably mitigated through an acceptable landscaping scheme which will be requested via condition.

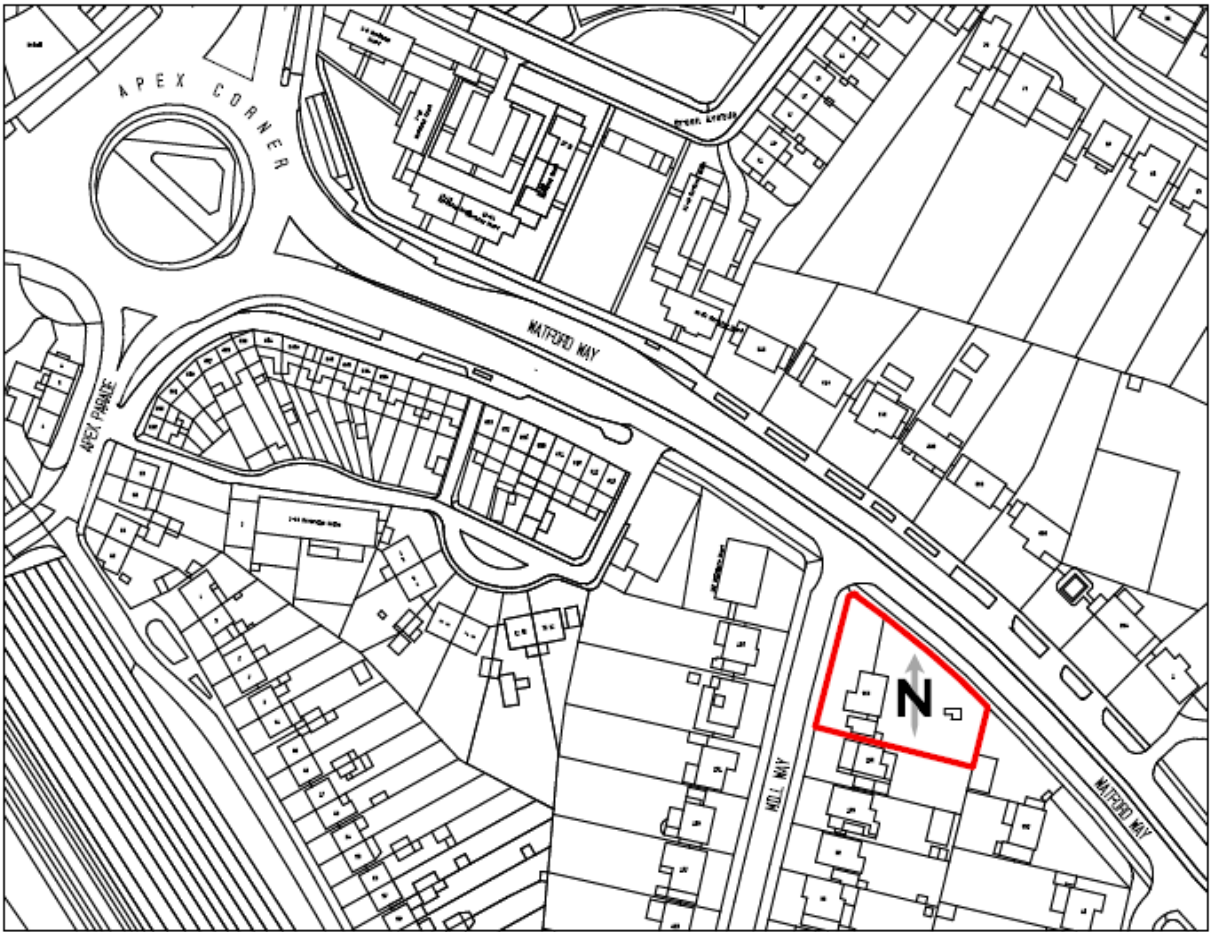
It has been assessed that the proposal will provide the required parking spaces to serve the development. The proposal is for a relatively minor residential development and there is not expected to result in significant highways issues.

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

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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