

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 10TH JANUARY, 2019

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

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

Chairman: Councillor Brian Gordon
Vice Chairman: Councillor Elliot Simberg

Councillors

Councillor Gill Sargeant Councillor Nizza Fluss Councillor Helene Richman
Councillor Golnar Bokaei Councillor Ammar Naqvi

Substitute Members

Councillor Val Duschinsky Councillor Mark Shooter Councillor Lachhya Gurung
Councillor Charlie O-Macauley Councillor Zakia Zubairi Councillor Linda Freedman
Councillor Alex Prager

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

Andrew Charlwood – Head of Governance

Governance Services contact: Abigail Lewis Abigail.Lewis@barnet.gov.uk 020 8359 4369

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 10
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)	
	Hendon	
6.	61 Albert Road London NW4 2SH - 18/5637/RCU	11 - 22
7.	278 Watford Way London NW4 4UR - 18/4247/FUL	23 - 38
	West Hendon Ward	
8.	20A Shirehall Close London NW4 2QP - 18/6946/FUL	39 - 48
9.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

29 November 2018

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)

Councillor Simberg (Vice-Chairman)

Councillor Zakia Zubairi

Councillor Nizza Fluss

Councillor Ammar Naqvi

Councillor Helene Richman

Apologies for Absence

Councillor Gill Sargeant sent her apologies and was substituted by Cllr Zubair.

Councillor Golnar Bokaei sent her apologies.

1. MINUTES

RESOLVED that the minutes of the meeting held on 16 October 2018 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Gill Sargeant sent her apologies and was substituted by Councillor Zakia Zubairi.

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

Councillor	Agenda Item	Interest
Cllr Simberg	Item 8	Non-pecuniary – The applicant of the item is a member of a business club that Cllr Simberg chairs.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

6. 113 DAWS LANE LONDON NW7 4SJ - 18/5349/FUL

The planning officer introduced the report and addendum which related to 113 Daws Lane.

An oral representation was made by the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and the addendum.

Votes were recorded as follows:

For - 6
Against - 0
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to conditions as per the officer's report and addendum.

7. 47 FINCHLEY LANE LONDON NW4 1BY - 18/4419/FUL

The planning officer introduced the report which related to 47 Finchley Lane.

An oral representation in objection was made by Ilan Sherr.
An oral representation in objection was made by Avrom Sherr.

An oral representation was made for the applicant by the agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve subject to conditions.

Votes were recorded as follows:

For - 4
Against - 2
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to conditions.

8. SPECTRUM HOUSE HILLVIEW GARDENS LONDON NW4 2JR - 18/5909/S73

The planning officer introduced the report which related to Spectrum House Hillview Gardens.

An oral representation in objection was made by Mrs Renata Siepe
An oral representation in objection was made by Mr Suresh Damle.

An oral representation was made for the applicant by the agent for the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and the addendum.

Votes were recorded as follows:

For - 6
Against - 0
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

9. 61 ALBERT ROAD LONDON NW4 2SH - 18/5637/RCU

The planning officer introduced the report and addendum which related to 61 Albert Road.

The Planning Officer noted that there was an error in the report regarding the number of objections received, which should in fact be noted as 5.

An oral representation was made in objection to the application by Mrs Rosemarie Stein.

An oral representation was made by the agent for the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For -	1
Against -	4
Abstain -	1

Councillor Fluss moved a motion to refuse the applicant which was seconded by Councillor Simberg on the grounds that too many people would be living in the property which they felt would be overcrowded. However, during discussion Councillor Fluss and Councillor Simberg withdrew their motion to refuse.

Councillor Simberg moved a motion to defer this application, in order for an internal site visit to be conducted and for the concerns to be addressed, the motion was seconded by Councillor Fluss.

The votes on the motion to defer the application to the next meeting were as follows:

For -	4
Against -	1
Abstain -	1

The Committee therefore **RESOLVED to DEFER** the application to the next meeting of the Hendon Area Planning on January 10th 2019.

10. 16 SEVINGTON ROAD LONDON NW4 3SB - 18/5641/FUL

The planning officer introduced the report and addendum which related to 16 Sevington Road.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 3
Against - 3
Abstain – 0

The Chairman used his casting vote in favour of the application.

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

11. 31 LANGLEY PARK LONDON NW7 2AA - 18/5479/FUL

The planning officer introduced the report and addendum which related to 31 Langley Park.

An oral representation was made for the applicant by the agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 6
Against - 0
Abstain – 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

12. 80 THE FAIRWAY LONDON NW7 3HP - 18/5817/RCU

The planning officer introduced the report and addendum which related to 80 The Fairway.

An oral representation was made in objection to the application by Ms Sandy Clifford.
An oral representation was made in support of the application by Miss Melina Rezaie.

An oral representation was made for the applicant by the agent.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 6
Against - 0
Abstain – 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report.

13. 126 COLINDALE AVENUE LONDON NW9 5HD - 18/5153/S73

The planning officer introduced the report and addendum which related to 126 Colindale Avenue.

An oral representation was made for the applicant by a representative for the applicant.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to s106.

Votes were recorded as follows:

For -	6
Against -	0
Abstain –	0

The Committee therefore **RESOLVED to APPROVE** the application subject to the s106 as set out in the report.

14. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

The Chairman raised concerns that people from outside the local area were currently able to submit objections to planning applications and the Committee was unaware of which objectors were local and which were not. The Committee agreed that they should be notified of how many objectors live in the local area. The Planning officers explained that all objections had to be considered, however members could decide how much weight to apply to each objection. The Chairman agreed to speak with officers outside of the committee on the matter.

The Chairman requested that the plans submitted with reports be more detailed, including the name of roads and streets where possible.

The next meeting will be held on Thursday 10th January 2019.

The meeting closed at 21.30.

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Location **61 Albert Road London NW4 2SH**

Reference: **18/5637/RCU**

Received: 19th September 2018

Accepted: 19th September 2018

Ward: Hendon

Expiry 14th November 2018

Applicant: Mr G Doherty

Proposal: Conversion of house into ground floor 1 bedroom flat and upper floors as a 4 person HMO (retrospective application)

AGENDA ITEM 6

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Site Location Plan (received 19/09/2018)

Drawing No.01 (received 19/09/2018)

099-02 Rev A (received 19/09/2018)

099-03-Rev A (received 19/09/2018)

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 The maximum number of occupants permitted within the HMO hereby approved is 4.

Reason: To ensure that the proposed development does not prejudice the character and residential amenity of the surrounding area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 3 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).

- 4 The proposed room labelled "Study" serving the ground floor flat hereby approved shall be used for this, or other ancillary purposes, and shall not be used as bedroom or primary living accommodation.

Reason:- In the interests of providing suitable living accommodation for occupants of the unit.

- 5 The premises shall be used for Class C4 (HMO) and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 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 or by telephoning 0208 359 4500.

Decision: Notice Issued

Decision Date: 11.05.2015.

Proposal: Without planning permission the conversion of the property into two self-contained flats.

Appeal Dismissed: 01/12/2015

Site address: 61 Albert Road, London, NW4 2SH

Application Number: ENF/01054/14/H

Decision: No Further Action (lawful)

Decision Date: 10.10.2014

Proposal: HMO.

Site address: 61 Albert Road, London, NW4 2SH

Application Number: 18/3296/FUL

Decision: No decision made.

Decision Date: N/A.

Proposal: Conversion of house into 1 x 1-bedroom flat and 1 x 2-bedroom maisonette at upper floor levels (part retrospective)

3. Proposal

The applicant seeks retrospective consent to retain the ground floor as a 1 bedroom flat. The first floor would be used as a House of Multiple Occupation (HMO) for 4 persons. The HMO bedrooms are located on the first and second floor. The ground floor flat would be served by the rear garden area. No parking spaces are provided.

4. Public Consultation

Consultation letters were sent to 81 properties, 3 replies were received. The comments received can be summarised as follows;

- Concern about parking and the strain on public disturbance;
- Concern about the potential for additional noise disturbance and the transient nature of such uses;
- There seems a high percentage of HMO's in the area;
- HMO uses are solely about maximising profit at the expense of the provision of medium sized units;
- The units do not appear to meet minimum space standards and will result in excessive over crowding along the road.

It is noted that the application has been called in to the Hendon Area Planning Committee by Councillor Fluss, for the reasons being over-development of the site, over-crowding and lack of parking.

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 Government's 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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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.

Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM09.

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:

- Principle of redevelopment;
- 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;
- Provision of adequate accommodation for future occupiers;
- Highways issues;
- Any other material considerations, third party representations.

Principle of redevelopment

As detailed above there is recent history at the site. The property was originally converted unlawfully into flats. An enforcement notice was issued to convert the property back to its previous state as a single dwelling and this was upheld at appeal. The appeal however concluded that the principle of flats was acceptable. Notwithstanding this, the provision of private (external) amenity space for the first floor flat was not considered acceptable.

An undecided application has been submitted to convert the property to 1 x 1-bedroom flat and 1 x 2-bedroom maisonette at upper floor levels (18/3296/FUL).

The current proposal seeks permission to use the ground floor as a 1 bedroom flat and convert the upper flat into a HMO. As discussed above the Inspector at appeal accepted the general principle of flats at this location and this followed no objection from the council on this aspect of the appeal scheme. Previous applications on the road support the general principle of conversion and the development would not result in the loss of a dwellinghouse on a road characterised by single family dwellings.

The retention of the HMO at the upper floors is therefore the new aspect of the scheme which requires consideration.

Policy DM09 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016) sets out that proposals for new HMOs will be encouraged provided that they meet an identified need, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

Core strategy policy CS4 aims to maximise housing choice by providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes. Barnet's growing and increasingly diverse population has a range of needs that requires a variety of sizes of accommodation. HMO's are recognised as an important source of low cost, private sector housing for students, those on low incomes and those seeking temporary accommodation.

As of 29th May 2016, the London Borough of Barnet's Planning Authority executed a borough-wide Article 4 Direction making it a mandatory requirement to obtain planning permission anywhere within Barnet to convert a dwelling house (Use Class C3) to a small HMO (Use Class C4) where between 3 and 6 unrelated people share basic amenities (e.g. such as a kitchen or bathroom).

As discussed above the council are content that the upper floor has operated for a period in excess of 4 years and before the article 4 direction was put in place. Notwithstanding this, the applicant has provided a letter from a local Estate Agent (Jayson Russel) which points to a demand for low cost housing in the area, including HMO's and that demand currently outstrips supply. The character of the area includes multiple unit properties and flat conversions and the proposed development would therefore not be out of character.

As part of the application submission, tenancy agreements and an affidavit from the landlord of the property outlining that the bedrooms on the first and second floor of the unit have been rented out separately for a period in excess of four years, with occupiers having access to the kitchen and the bathroom. The council are content that the applicant has provided enough information to demonstrate that the flat has been rented to separate people with no connection over a 4 year period.

Policy DM09 also requires that the site is within walking distance of a number of bus routes and is also a short walk (5 minutes) from Hendon Town Centre with its associated facilities and services, and 10 minutes from Middlesex University. The location of the site makes it suitable for a HMO and officers are of the view the upper floor has been in effective HMO use for some time. In light of this the proposed ground floor flat and HMO at upper floor level are considered in principle acceptable and that an identified demand exists for HMO's in the area.

In comparison with the previous planning applications to convert the properties into flats, the Development Plan is silent on a requirement to provide external amenity space for an HMO. On this basis, the proposed development would be acceptable in policy terms and would be acceptable.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The proposal does not propose any alterations by way of external changes or extensions. The changes would be solely internal and as such, no harm would be caused to the established appearance of the street scene through allowing the conversion to a Flat/HMO.

Whether harm would be caused to the living conditions of neighbouring residents

With regards to the HMO, whilst a maximum of 4 people, consisting of occupants forming different households may generate additional activity, such as the general coming and going of people and their visitors, the increase in activity likely from the proposal would not impact

neighbouring properties to a detrimental level. These noise levels and levels of general disturbance are not likely to increase from increased occupancy to any great degree due to the relatively low number of people occupying the property in relation to bedroom space. The occupants of the HMO have no access to the private amenity space which may be an avenue for disturbance; however the level of activity would be similar to what could be generated by a single family dwellinghouse.

Furthermore, due to the existence of other flats and HMO's in the surrounding area, which would contribute to increased activity levels, it is not considered that the proposed use would have significant harm on neighbouring amenities. Submitted documentation suggests this level of occupancy has existed for some time and there is no record of significant disturbance in connection with the site.

Provision of adequate accommodation for future occupiers

The council has previously raised no concern with regards to the level of amenity provided by the ground floor flat. The bedroom meets the space standards, and the proposed study, too small for a bedroom, could be conditioned to remain as such. The occupants have access to a good sized rear amenity area, which will be a beneficial characteristic of the unit.

In the case of a 1no. room letting, the minimum floor area excluding kitchen for 1no. person is 8.50m² and 12.50m² for 2no. persons as per the Council's Adopted Standards for HMO Guidance. All rooms exceed the minimum space standard and a separate kitchen area is provided.

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms /kitchens should have a reasonable outlook. It is considered that all of the proposed habitable rooms benefit from sufficient clear glazing and outlook and thereby provide an acceptable standard of amenity for future occupiers, A condition has been attached to ensure that the maximum number of occupants permitted with the HMO would not exceed 4 people. This would ensure the space standards would remain suitable for the number of occupants proposed as well as to mitigate adverse impact upon the character and residential amenity of the immediate surroundings.

Highways issues

No parking is provided. Under the refused application H/05407/14, the council concluded that the demand for a 3 bedroom and 1 bedroom flat would be marginally greater than the reverting back to a 4 bed house. With the general low car ownership among HMO occupants and no car parking space standards, the level of need for on street parking would likely reduce with this proposal. There is therefore no objection, owing to the lack of parking provision.

Suitable refuse, recycling and cycle parking provision could be agreed by condition.

5.4 Response to Public Consultation

It is considered the issues on parking, noise disturbance, space standards and the general principle have been addressed in the evaluation.

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

In light of the above appraisal it is considered the general principle of the proposal at this location is acceptable. The details of the proposed scheme raise no concern and there is general accordance with the Development Plan, it is therefore recommended for approval subject to conditions.



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Location **278 Watford Way London NW4 4UR**

Reference: **18/4247/FUL**

Received: 9th July 2018

AGENDA ITEM 7

Accepted: 12th July 2018

Ward: Hendon

Expiry 6th September 2018

Applicant: Mr Steve Goldman

Proposal: Conversion of existing doctors surgery (D1 use) to children's nursery (D1 use) including single storey side extension with erection of a single storey outbuilding (buggy store) to side elevation and associated alterations to external render. Associated alterations to windows and doors including 1no rooflight to rear elevation and 2no rooflights to side elevation and 2no rooflight to adj. side elevation with associated alterations to external render. Associated alterations to hard and soft landscaping including provision for refuse and recycling storage to front elevation

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. A requirement that the applicant shall enter into a Full Travel Plan that seek to reduce reliance on the use of the private car, promote sustainable means of transport and include the appointment of an appropriately qualified Travel Plan Champion.

A contribution of £5,000 towards the monitoring of the Travel Plans for the development.

RECOMMENDATION II:

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

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

Proposed Roof Plan Drawing No PL04 Rev A
Received 13 December 2018

Email confirming refuse and cycle store materials dated 5 December 2018

Proposed First Floor Plan Drawing No PL03
Received 6 December 2018

Air Quality Assessment Technical Note J0268/2/D1
Received 6 November 2018

Proposed Location Plan Drawing No PL01 Rev A
Proposed Side Elevation Drawing No PL11 Rev A
Proposed Rear Elevation Drawing No PL10 Rev A
Proposed Ground Floor Plan Drawing No PL02 Rev A
Proposed Front Elevation Drawing No PL12 Rev A

1 October 2018

Existing Location Plan Drawing No EX01
Existing Ground Floor Plan Drawing No EX02
Existing First Floor Plan Drawing No EX03
Existing Roof Plan Drawing No EX04
Existing Front Elevation Drawing No EX10
Existing Side Elevation Drawing No EX11
Existing Rear Elevation Drawing No EX12
Existing Side Elevation 2 Drawing No EX14

Received 9 July 2018

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 development shall be implemented in accordance with the materials details as shown in approved drawings PL10 Rev A, PL11 Rev A PL12 Rev A.

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 2016.

- 4 The development shall be implemented in accordance with the details shown in Drawings PL10 Rev A PL11 Rev A and PL12 Rev A, 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).

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

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 7 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority.

b) Details of the maintenance schedule for the green roof must be provided to ensure that it remains a healthy, vibrant and pleasant feature in the landscape. This should include provision for replacement if any part of the green roof is removed, dies, become severely damaged or diseased.

c) The green roof shall be implemented in accordance with the details approved under this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 8 Prior to occupation of the building for the proposed use, refuse stores shall be implemented in full accordance with the details shown in the approved plans, namely PL12 Rev A, PL02 Rev A and PL11 Rev A and the email dated 5 December 2018 and the stores shall be permanently retained 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).

- 9 Prior to occupation of the building for the proposed use, the cycle and buggy stores shall be implemented in accordance with the details shown on the approved plans, namely PL12 Rev A, PL02 Rev A and PL11 Rev A and the email dated 5 December 2018 and the stores 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.

- 10 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.3 of the London Plan 2011

- 11 The premises shall be used for D1 use and for no other purpose (including any other purpose in Class D of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

RECOMMENDATION III:

1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31/03/19 unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of monitoring of the Travel Plan. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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.

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.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than

the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

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.

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

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

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 proposed gates should not open outwards onto the public footway/highway as this could cause health and safety issues for pedestrians/road users.
- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways

Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 Any signage advertising the use of the site may require separate advertisement permission. No permission for signage is given by this permission.

Officer's Assessment

1. Site Description

The application relates to a two storey semi-detached property on the corner of Watford Way and Southfields. The property has a frontage to Watford Way with crossovers accessed from Southfields.

The building is currently utilised as a Doctors Surgery. The property has two existing entrances, to the front and to the side.

The property has been previously extended and benefits from rear and side extensions.

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

2. Site History

Reference: 18/4156/FUL

Address: 278 Watford Way, London, NW4 4UR

Decision: Withdrawn

Decision Date: 26 September 2018

Description: Conversion of existing doctors surgery (D1 use) to children's nursery (D1 use) including single storey side extension with erection of a single storey outbuilding (buggy store) to side elevation and associated alterations to external render. Associated alterations to windows and doors including 1no rooflight to rear elevation, 1no rooflight to side elevation. Associated alterations to hard and soft landscaping including provision for refuse and recycling storage to front elevation. Addition of roof terrace at first floor level (amended description).

Reference: W06693F/00

Address: 278 Watford Way, London, NW4 4UR

Decision: Approved subject to conditions

Decision Date: 22 May 2000

Description: Construction of new boundary wall and railings to Watford Way and Southfields frontages.

Reference: W06693B

Address: 278 Watford Way, London, NW4

Decision: Approved subject to conditions

Decision Date: 30.07.1991

Description: Single-storey side and rear extensions, elevational alterations and creation of new access and car parking area.

Reference: W06693C

Address: 278 Watford Way, London, NW4

Decision: Approved subject to conditions

Decision Date: 12.11.1991

Description: Single-storey side and rear extensions, elevational alterations and creation of new access and car parking area (Variation of planning permission W06693B dated 30/07/91)

Reference: W06693D

Address: 278 Watford Way, London, NW4

Decision: Approved subject to conditions

Decision Date: 31.03.1992

Description: Single-storey side and rear extension, elevational alterations and creation of new vehicle accesses and carparking areas (Variation of planning permission W06693B 30.07.91 to provide additional parking to front

Reference: W06693E

Address: 278 Watford Way, London, NW4

Decision: Approved subject to conditions

Decision Date: 31.07.1996

Description: Single-storey side extension

Reference: W06693

Address: 278 Watford Way, London, NW4

Decision: Approved subject to conditions

Decision Date: 2.03.1981

Description: Change of use from residential to doctor's surgery on ground floor with self-contained caretaker's flat on first floor.

Reference: W06693A

Address: 278 Watford Way, London, NW4

Decision: Approved

Decision Date: 30.10.1985

Description: Retention of pitched roof on single-storey rear extension.

3. Proposal

The application proposed to convert an existing doctors surgery (D1 use) to a children's nursery (D1 use).

The proposal also includes a single storey side extension with erection of a single storey outbuilding (buggy store) to side elevation and associated alterations to external render. Associated alterations to windows and doors including 1no rooflight to rear elevation and 2no rooflights to side elevation and 2no rooflight to adj. side elevation with associated alterations to external render. Associated alterations to hard and soft landscaping including provision for refuse and recycling storage to front elevation.

The single storey side extension replaces a previous extension. The extension measures 3.5 metres in height with a flat roof. The depth of the extension is 6.6 metres. The width of the extension from the side elevation is approximately 3.3 metres.

The site will be bounded by a mixed timber and brick fence approximately 1.9 metres in height. To the front boundary facing Watford Way, the fencing is approximately 2.5 metres in height. The side entrance will open directly onto the pavement.

The buggy stores, refuse stores and cycle stores are all low standing enclosures.

There is an external play area of 58sqm to the rear of the site.

The plans have been amended in discussion with the case officer. The side extension to create a new frontage for the nursery has been redesigned with materials to match the existing property.

4. Public Consultation

Consultation letters were sent to 136 neighbouring properties in Watford Way, Wilshaw Close, Southfields, Clarendon Gardens and Hendale Avenue.

9 responses have been received, comprising 9 letters of objection from neighbours residing in Southfields and Clarendon Gardens.

The objections received can be summarised as follows:

- The proposal is unsuitable for this location. Watford Way is too congested and this will become worse from this proposal which will bring vehicles to the area and where there is a shortfall in parking available. 'The accommodation road always has parked cars filling the allowed spaces and although it is marked as a 2-lane road, in practice only one lane is free for 2-way traffic. During periods of heavier traffic, there is often a need to give way or reverse and if several cars arrive together, the road can be blocked. Parents will therefore have to turn into Southfields to park, but this end of the road has limited parking bays outside the potential nursery premises and the bays on the opposite side of the road are often full. Cars that come down the road to exit via the A41 or the accommodation road will therefore meet nursery traffic trying to park.'
- The proposal will be detrimental to the health of children due to the fumes in Watford Way.
- It is too dangerous to have young children accessing the property at this corner site. 'The location of 278 Watford Way is very dangerous one. The corner has four way traffic and it is next to A41 one of the busiest red route trunk roads to central London. The traffic on the road is heavy, with traffic lights a few meters away, and constant throughout the day.'
- There is already an existing nursery on Southfields which should be enough for the local area.

Internal consultations

Internal consultations

Children's services- No comment or objection

Highways- No objection subject to Travel plan and conditions.

Environmental Health- Objection on air quality. Mitigation options discussed and resolved via conditions.

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 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 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 London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM13, DM17.

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

- Principle of development

The existing use of the property is as a Doctors Surgery (D1 use). The application proposes the change of use of the premises to a nursery which is also within Use Class D1. The original planning permission granted for the use of the site as a doctor also included the retention of a self contained flat which no longer exists at the site. As such, the last lawful use is a sui generis D1/C3 use and a material change of use would occur. The continued use of the premises as a community use within the D use class would be acceptable.

Development Management Policies DM13: Community and education uses deals with new community uses which would include health centres, dentists, schools and further education uses. Policy DM13 states '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.'

Subject to an assessment of the impacts of the development on user and residential amenity or traffic impacts, the principle of the conversion from the existing Doctors surgery to a Children's nursery is considered acceptable in principle.

One of the considerations for the use of the site as a childrens nursery is the standard of accommodation the building would provide for a nursery. Due to its location on Watford Way, Environmental Health officers raised a concern with the air quality and absence of air quality mitigation measures.

The applicant has explained that the nursery is likely to take children off site at times for play and that the sites own external play space is to the rear of the site away from Watford Way. However, children are not only exposed to poor air quality outside of the site, it is inside the property where children could be exposed to poor quality air from Watford Way for long periods of time.

As vulnerable children could be exposed to poor air quality, it was advised that the applicant submit an air quality report. The applicant has provided an air quality report demonstrating the air quality for the site meets objectives set and mitigation is not required.

Environmental Health officers have reviewed the report. EH officers advised that according to Air Pollution Exposure Criteria Category A the predicted NO₂ level at R3 is greater than 5% below national objectives. The requirements state 'No air quality grounds for refusal; however mitigation of any emissions should be considered'. EH officers consider that 'the results are borderline and are based on modelling which always carries uncertainties. The recommended guidelines state that mitigation should be considered as it is greater than 5% below national objectives. Officers have recommended a condition for air quality mitigation would be a suitable option. This would be a pre-commencement condition required for the applicant to satisfy. Officers have recommended that if the nursery incorporated sealed windows to protect the children from exposure and included mechanical ventilation with filters, this is likely to be sufficient mitigation for air quality. The final details of air mitigation measures will be provided by condition and with this condition, officers do support the proposal.

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

The property has a traditional frontage to Watford Way. The plot is on the corner of Watford Way and Southfields. The proposal includes a single storey side extension to create a new entrance for the nursery accessed off Southfields. The existing property already includes a secondary entrance in the side elevation, although still facing Watford Way. This secondary entrance is associated with the use of the property as a Doctors surgery. The property has been extensively extended and no longer resembles a traditional residential property. While the extension increases the footprint and scale of development on the property, its siting and scale is such that it does not adversely impact the character and appearance of the host property. The materials have been changed to reflect the existing property and reduce the visual impact of the extension. The extension will be rendered to match the existing building behind. The materials for the extension will be conditioned to match the existing property and as detailed in the submitted plans.

As a large, extended corner site, with an established history of non-residential uses, the extensions and alterations are not considered to be harmful to the character and appearance of the host property or residential street.

Conditions are suggested for landscaping details to be submitted. The plans show artificial turf to be used as the main ground covering. Given the property should be well screened by the boundary enclosures and given the use of the site for a childrens nursery, artificial turf is considered to be an acceptable option. Landscaping is shown along the boundaries but specific details are required on plant types. A green roof is proposed over part of the existing and proposed roof. A condition requiring final details of the green roof structure and plant species is required.

- Whether harm would be caused to the living conditions of neighbouring residents.

The extensions are to the side of the property adjacent to Southfields. There is no extension beyond the rear building line of the property.

The use of a childrens nursery is within the same use class as the existing doctors surgery. The previous use has established the principle of non-residential use at the property. The additional noise and activity for a nursery is not considered to have a detrimental impact on neighbouring properties.

In terms of the number of children, the plans indicate up to 49 children could be accommodated within the site. The baby room accommodates 12, the toddler room accommodates 18 and the pre-school room accommodates 19. The development is expected to require 10 full time employees and 5 part time employees.

Environmental Health have not raised any concerns with the proposal impacting neighbouring properties.

- Impact on Highways

The Council's Highways department were consulted on the scheme and provided the following advice:

'The proposal is for the conversion of the existing doctors surgery into a children's nursery. The additional impact of the proposed Nursery with approximately 32 children would only be

during the drop off and pick up times. Taking into consideration the pick-up and drop off times, the proposed is not expected to have a significantly detrimental impact on the surrounding public highway.

The applicant will be required to provide a travel plan and a contribution of £5,000 needs to be secured under section 106 agreement for the monitoring of the travel plan.

The applicant is proposing changes to both existing vehicular accesses from the public highway. As both crossovers are to become redundant, the applicant is required to make an application to the Crossovers Team of the Highways department, further details can be found in the informative included below.

The proposed on-street car parking arrangement for pick-up and drop off is not acceptable as the car parking bays are to remain available for use by all permit holding residents and during non Controlled Parking times, all other road users.'

After comments from the Highways department, the applicant has revised the location plan to remove reference to the parking spaces along Southfields to be for pick up and drop off of children. These parking spaces as existing are public parks. Residents may use these parking spaces while using the nursery, however these spaces are not dedicated to the nursery. The plan now identifies these spaces as existing parking spaces to be retained.

The crossovers to be removed from the site should be replaced with a raised kerb in the future.

A draft travel plan has been prepared and should this application be approved, a S106 legal agreement to secure a contribution and travel plan will be recommended.

With the adoption of a travel plan and suitable conditions regarding the hours of use of the nursery, the proposal is not expected to have a detrimental impact on the surrounding public highway and is therefore acceptable on highways grounds subject to the below conditions and informatives.

- Legal agreement

Highways officers have requested the applicant provide a travel plan and a contribution of £5000 for the monitoring of the travel plan. A s.106 legal agreement is required to secure this. The application is recommended for approval subject to a s.106 legal agreement being signed by both parties. In the absence of this agreement, the recommendation would be to refuse the application. The applicant has agreed to this and has provided a draft travel plan for early engagement.

5.4 Response to Public Consultation

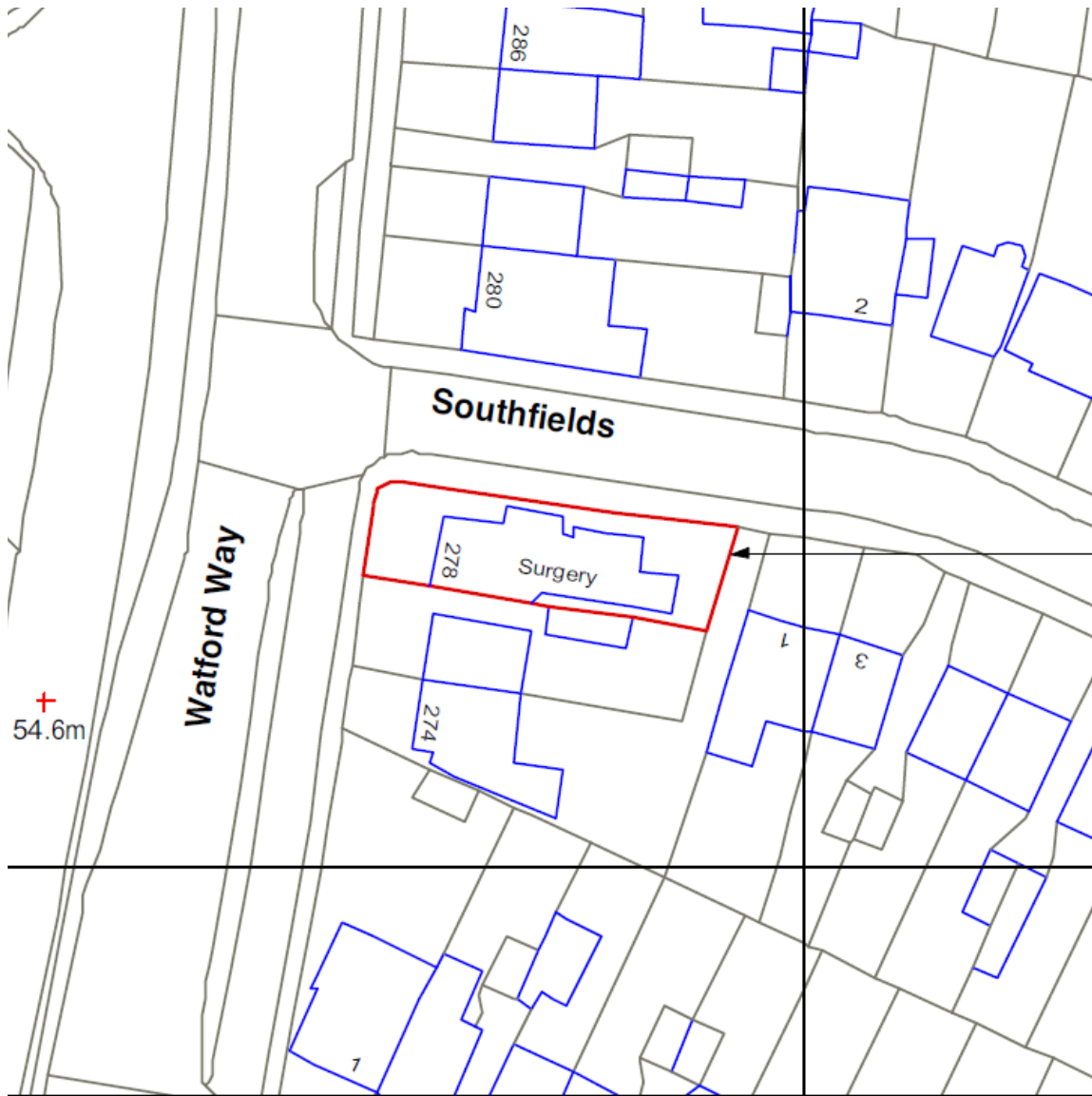
Discussed in the body above.

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.



Location **20A Shirehall Close London NW4 2QP**

Reference: **18/6946/FUL**

Received: 19th November 2018

Accepted: 23rd November 2018

Ward: West Hendon

Expiry 18th January 2019

Applicant: Mrs M Conway

Proposal: Roof extension involving side and rear dormer window and 2no front rooflights

AGENDA ITEM 8

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed roof extension, by reason of its size, siting and design, would be inappropriate and out of context with the prevailing character of the area and would introduce a feature detrimental to the character and appearance of the host property and the streetscene, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 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 (LPA) 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 did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In

accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

2 The plans accompanying this application are:

- 01/250, JC/556/1, JC/556/2, JC/556/3, JC/556/4, JC/556/5, JC/556/6

Officer's Assessment

1. Site Description

The application site comprises a first floor flat within a detached property on the eastern side of Shirehall Close. The surrounding area is characterised by residential dwellings, most of which are single family dwellings. Some properties within Shirehall Close and Shirehall Park have been extended at roof level through rear dormers, however, it is considered that these do not constitute the prevailing character of the area and where they do exist are likely to have been achieved through the utilisation of permitted development rights.

The site is not located within a Conservation Area and the host property is not a Listed Building.

2. Site History

Reference: 18/3738/FUL

Address: 20A Shirehall Close, London, NW4 2QP

Decision: Refused

Decision Date: 23 August 2018

Description: Roof extension involving side and rear dormer window and 2no front rooflights

Reference: 18/4531/FUL

Address: 20A Shirehall Close, London, NW4 2QP

Decision: Refused

Decision Date: 28 September 2018

Description: Conversion of garage into habitable room, insertion of new window and door to replace existing door

3. Proposal

This application seeks planning permission for a roof extension involving a side and rear dormer and 2no rooflights to the front roof slope.

The side and rear dormer would have a maximum depth of 5.73 metres, height of 2.65 metres and maximum width of 8.51 metres. The proposed dormer would extend for much of the rear roof slope and then wrap around the right hand side roof hip and along the side roof elevation.

The application site is a first-floor flat and thus does not benefit from permitted development rights. As such the application must be assessed using the councils local planning policy and guidance, with particular regard to the Residential Design Guidance SPD.

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties within Shirehall Close and Shirehall Park.

No responses have been received

It should be noted that the absence of objections does not necessarily override the officer's view that the proposed development would be contrary to the requirements of the Adopted Local Plan and the Supplementary Planning Guidance.

This application has been called in to be heard by the Committee by Cllr Alex Prager on the following basis:

"I believe that the appearance of the roof extension would be acceptable in that it would not be aesthetically dissimilar to many neighbouring roof extensions, and if that the sole reason for refusal of the application would be due to the status of the building as flats, this too should not impact the design or amenity impact of the roof extension".

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 24 July 2018. 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 (MALP)

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London 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 Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

Barnet's Local Plan (2012)

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

- 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 2016)

- 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 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:

- 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

Impact on Existing Building, Street scene and Character of the Area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The application constitutes a re-submission of the previous and identical planning application which was determined by delegated authority on 23 August 2018.

The applicant seeks permission for a proposed wrap around dormer to the property. The extension runs along much of the length of the rear elevation of the property and subsequently wraps around the side of the roof adjacent to 22 Shirehall Close and along the side roof slope.

The application site is a flat on the first floor of a detached property. The application site does not benefit from permitted development rights and therefore the proposed roof extension must be assessed using the relevant local planning policies.

The Residential Design Guidance SPD under paragraph 14.30 states "Additional, usable space can sometimes be created by converting roof space, providing this is carried out sympathetically. This often involves the formation of dormer windows or the insertion of roof lights. Many houses in Barnet have roofs that are too small for conversion, or in some cases, dormer windows or roof lights may be out of keeping with the character of the area"

Under paragraph 14.33 the SPD notes that "Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. Dormers which wrap around the hips will not normally be considered acceptable"

The proposed rear dormer would occupy well over half the width and height of the roof slopes it is positioned on and would not be considered to be a subordinate addition to the property. Furthermore, as stipulated within the SPD guidance dormers that wrap around hipped roofs are not considered acceptable in most instances. It is considered that the proposed wrap around dormer to fundamentally conflict with the character of the existing roof form to the detriment of the character of the existing property, street scene and wider locality contrary to Policy DM01 of the Development Management Policies DPD.

Furthermore the proposed side element of the dormer would be only have a maximum set back of 3 metres form the front election of the property. This set back given the significant mass and bulk of the dormer is not considered acceptable and would result in a visually dominant addition to the side elevation of the property when viewed form the street scene, resulting in detrimental harm to the street scene and wider locality contrary to Policy dM01 of the Development Management Policies DPD.

It is noted that there are examples of other roof extensions along Shirehall Close, however most of these are significantly smaller in proportion, with the dormers situated largely to the rear roof slopes as opposed to side roof slopes. Furthermore after undertaking a planning search the majority of such dormers were built under permitted development rights and as such the council did not have the ability to assess such proposals. In this instance, the property does not benefit from permitted development rights and an assessment using relevant local policy and guidance has been undertaken.

Although the proposed dormer is located at the rear of the property with much of the harm being appreciated from the rear, Planning Inspectors reporting in Barnet have concluded

that this harm should be taken into account. The impact on the visual amenity of occupiers in Shirehall Close and Shirehall Park is of importance and must be considered. For example, at 67 Rivington Crescent in Mill Hill, the Inspector determined that the proposed dormer would be conspicuous in the roofscape of the area from parts of the adjoining return of Rivington Crescent where it would be clearly seen over intervening gardens and garages. As a result it would appear at odds with the established character and appearance of the terrace and area. Another Inspector reported that a dormer in Garden Close, Barnet, would not be visible from the Close itself but would be visible in some private views in which they would appear incongruous in a context where roof slopes are largely unaltered.

The proposal is at odds with the character of the property and contrary to the Local Development Plan.

The proposed rooflights are considered acceptable.

Overall for the reasons highlighted above the proposed development is considered to result in detrimental harm to the character of the existing property, street scene and wider locality and would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies Development Plan Document (2012) and the Residential Design Guidance SPD (2013). The application is therefore recommended for REFUSAL.

Impact on Neighbouring Amenity

The host property shares a boundary with the neighbouring property at No. 18 and No.22 Shirehall Close. The property shares a boundary to the rear with no.14 and no.16 Shirehall Park.

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

In regards to the amenity of neighbouring occupiers, located to the rear of the property, it is not considered that the proposed development would result in unacceptable levels of harm in terms of overshadowing, over dominance or overlooking in accordance with Policy DM01 of the Development Management Policies DPD. This is due to the significant distance from the host property to the rear neighbours.

The roof lights would also not be found to have an adverse impact on neighbouring occupiers.

Given the location of the proposed development to the side and rear roof slopes of the existing property, it is not considered that the proposal would result in any unacceptable levels of harm to the amenity of the adjacent occupiers at no.18 or no.22 Shirehall Close in accordance with Policy DM01 of the Development Management Policies DPD.

As such, the proposal would not have a detrimental impact on the amenities of neighbouring occupiers to a harmful level.

5.4 Response to Public Consultation

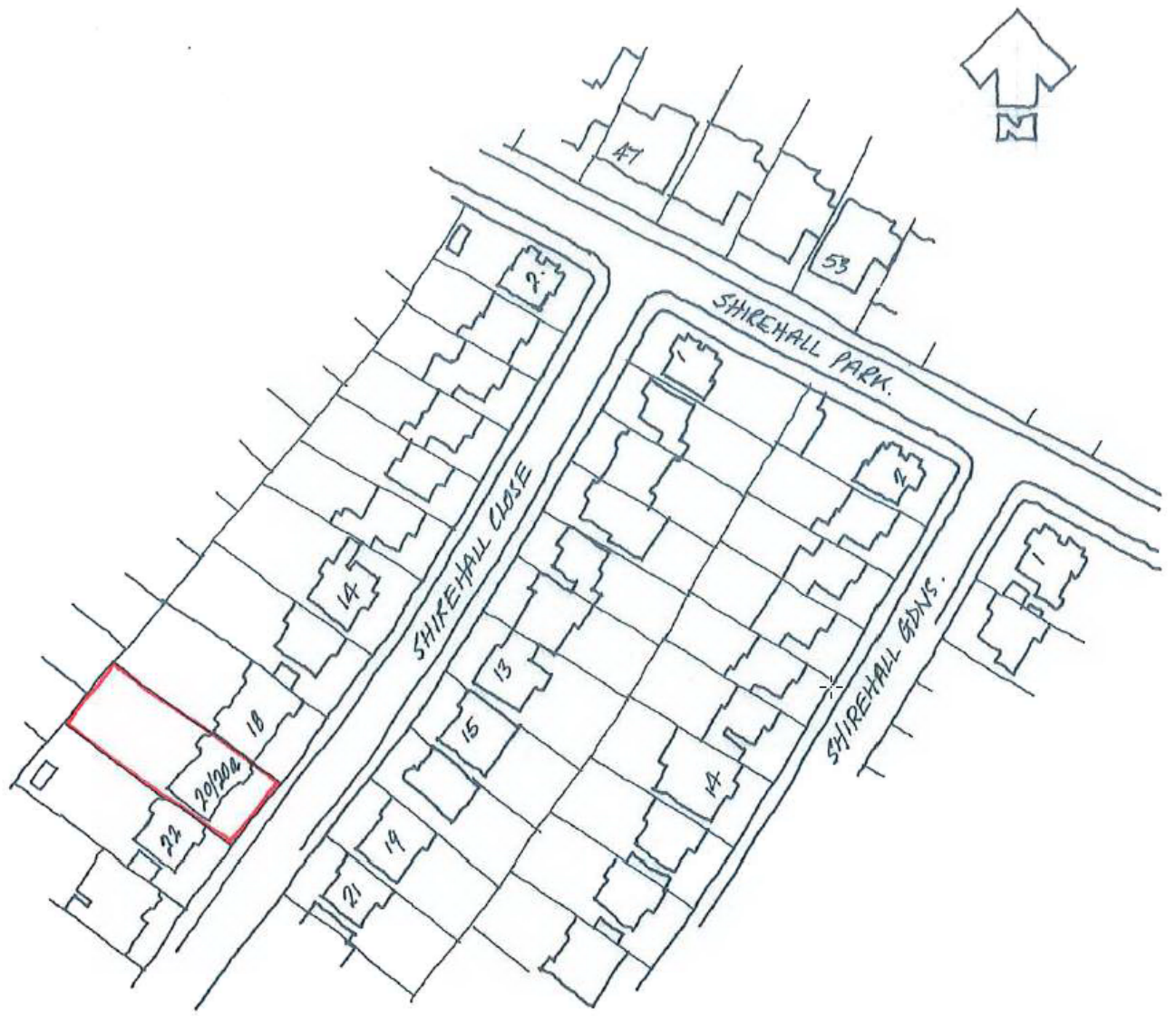
N/A

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 the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the general locality. Therefore this application is recommended for REFUSAL.



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