

LOCATION: Wolfson Court, Limes Avenue, London, NW11 9TJ
REFERENCE: F/04173/13 **Received:** 16 September 2013
Accepted: 16 September 2013
WARD: Golders Green **Expiry:** 16 December 2013

Final Revisions:

APPLICANT: Jewish Community Housing Association
PROPOSAL: Conversion of existing ground floor car park into 10. no self contained residential units including associated external alterations.

**Approve Subject to S106
Subject to a Section 106 Agreement**

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Affordable Housing (units) £0.00**
Provision of 4 affordable housing units on the site, split up into the following types:
 - i) Social Rented Accommodation:
3 x 1 bedroom (2 person) 1 x 2 bedroom (3 person)
- 4 **Monitoring of the Agreement £500.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/04173/13 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: LA.847.01, LA.847.2c, LA.847.03a, LA.847.04, LA.847.05
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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 Before the development hereby permitted is occupied the proposed parking spaces shown on drawing no. LA.847.02 rev C submitted with the planning application 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.
- 4 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 policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.
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 Adopted Barnet Development Management Policies DPD (2012).
- 6 Before the development hereby permitted is commenced a scheme indicating the provision to be made for disabled people to gain access to the ground floor units shall have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use.
Reason:
To ensure adequate access levels within the development in accordance with policies DM03 of the Adopted Barnet Development Management Policies DPD (2012) and 7.2 of the London Plan 2011.
- 7 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.
- 8 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.
Reason: 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.

- 9 Before the permitted development commences details of the location of refuse collection point shall be submitted to and agreed by the Local Planning Authority.
Reason:
In the interests of highway safety in accordance with the London Borough of Barnet's Local Plan Policy CS9 of the Core Strategy (adopted) September 2012 and Policy DM17 of the Development Management Policies (adopted) September 2012.
- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.
Reason:
To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).
- 11 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
Reason:
To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.
- 12 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
Reason:
To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. 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 Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
- 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. Your planning application has been assessed at this time as liable for a £12,348 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 £47,628 payment under Barnet CIL.

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.

If affordable housing or charitable relief applies to your development 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 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 Community Infrastructure Levy 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: cil@barnet.gov.uk.

- 3 In case any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning and Regeneration Directorate. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London, N11 1NP.

- 4 The applicant has commented that if acceptable, a dedicated on-street ambulance bay for emergency use will be adequate. However, Ambulance Bay is only provided on public highway in situations where the highway authority is convinced that the ambulance bay is necessary and it cannot be a dedicated bay.

RECOMMENDATION III:

That if an agreement has not been completed by 20th January 2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should **REFUSE** the application F/04173/13 under delegated powers for the following reasons:

1. The proposed development does not include a formal undertaking to provide the affordable housing units on site contrary to Policies DM10 of the Adopted Barnet Local Plan 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy (Adoption version): CS NPPF, CS1, CS4, CS5, CS9, CS15

Development Management Policies (Adoption version) 2012: DM01, DM02, DM04, DM08, DM17.

Relevant Planning History:

Application:	Planning	Number:	F/03486/13
Validated:	07/08/2013	Type:	S96A
Status:	DEC	Date:	04/09/2013
Summary:	REF	Case Officer:	Jo Dowling
Description:	Non-material minor amendments to planning permission reference F/04550/12 dated 30/04/13 for 'Conversion of existing ground floor car park into 9. no self contained residential units including associated external alterations.' Amendments include addition of 5.6sqm to flats 7 & 8 and internal alterations to achieve additional flat.		

Application:	Planning	Number:	F/04550/12
Validated:	04/12/2012	Type:	APF
Status:	DEC	Date:	30/04/2013
Summary:	APC	Case Officer:	Jo Dowling
Description:	Conversion of existing ground floor car park into 9. no self contained residential units including associated external alterations.		

Consultations and Views Expressed:

Neighbours Consulted: 260 Replies: 21
Neighbours Wishing To Speak 17

The objections raised may be summarised as follows:

- Overlooking and loss of privacy

- Loss of parking resulting in parking on the surrounding roads which is already heavily parked.
- Increase in the number of residential units in an already heavily populated area.
- Over the last thirty years this and the neighbouring site (Jewish Care) have been extensively redeveloped and each time the amount of parking provided has reduced and as a result there are acute parking difficulties for staff; volunteers; visitors and users

Internal /Other Consultations:

- Traffic & Development - No objection subject to a number of conditions

Date of Site Notice: 24 October 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

Wolfson Court is a three storey building located on the north west side of Limes Avenue opposite the junction with the Grove. To the north east of the site is the new Jewish Care building which fronts Golders Green Road. To the rear of the site is Rela Goldhill Lodge. Rela Goldhill Lodge and Wolfson Court were constructed in the 1990's to provide accommodation for active elderly residents. Over a period of time since the buildings were completed, the occupancy of both buildings has changed to reflect current housing trends and social need and the residents are now divided between relatively frail elderly and severely physically disabled persons of all ages. Both Rela Goldhill Lodge and Wolfson Court are owned and run by Jewish Care.

Wolfson Court is a part two/part three/part four storey building that occupies the full width of the site. The majority of the ground floor of the site is an undercroft car park that is meant to provide parking for residents of the home. However, as the residents of the building have changed the parking is no longer used and is currently used by the adjoining Jewish Care.

To the rear of the property is a communal rear garden.

Levels drop gently across the site.

Proposal:

The application is for the conversion of the existing ground floor car park into 10 self contained residential units including associated external alterations.

The proposed units would consist of 8, 1 bed units and 2, 2 bed unit. Units would be accessed via the existing main entrance and would extend either side of a central corridor.

The Undercroft car park would be in-filled using a dark plum cladding which would contrast with the red brick of the upper floors. A number of windows and double doors with Juliet balconies would be inserted. The narrow strip of hardsurfacing

between the front elevation and the boundary railings would be landscaped. The proposed units at the rear of the property would have direct access onto the communal amenity space.

A new access to the retained surface car park would be created by the demolition of a pair of single storey concrete garages. The surface car park would be reconfigured to provide parking for 6 cars.

Planning Considerations:

The key considerations are:

- Principle of development
- Highway safety and parking provision
- Impact on the street scene
- Impact on adjoining properties
- Impact on amenities of future occupiers
- Affordable housing; and
- Community Infrastructure Levy (CIL)

Principle of development:

The NPPF advocates that the government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development, therefore the principle of reuse of the site for a mixed use scheme introducing residential development is acceptable.

However, whilst the Government is committed to maximizing the re-use of previously developed land and empty properties to promote regeneration the NPPF also advocates that new housing development of whatever scale should not be viewed in isolation.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

This is further reinforced by policies contained within the adopted Local Plan.

Planning permission (our ref: F/04550/12) was granted for a similar scheme for 9 units (7, one bed and 2, two bed) in April 2013. The scheme was originally for 10 units (the same as the current scheme) but was reduced to 9 units following technical problems with providing affordable housing through a Section 106.

This proposal would provide 10, one and two bedroom units in an accessible location in line with the NPPF, London Plan and Local Plan which encourage the provision of residential accommodation within or close to Town Centres. Although the proposal would result in the loss of car parking the proposal would introduce landscaping to

the front of the building which will enhance the streetcene. The units would provide self contained accommodation for people with mental and physical disabilities. The units would form part of an existing complex of accommodation which provides for the needs of the elderly; physically and mentally disabled. The units will therefore benefit from existing on-site facilities; expertise and management. The use is therefore considered acceptable in this location.

Therefore, in principle the proposed redevelopment of the undercroft car park is considered acceptable.

Highway safety and parking provision:

In principle the development is acceptable on highway terms.

The current undercroft car park is sub-let to Jewish Care and used by their staff who work in the Golders Green Road building as it was being underused by the residents/staff at Wolfson Court. Initially concerns were raised that although currently the site is not being used as approved, it is possible that in future it could revert back to the approved thereby placing additional demand for parking on the highway. However, following further discussions with the applicant it is accepted that given the owners of the site and the modifications undertaken to the building this would not happen and therefore the need to amend the traffic regulation order to exempt future occupants from being able to purchase residents permits is not required.

Following initial concerns the layout of the proposed car parking has been amended and is now considered satisfactory. The proposal is therefore considered to comply with the requirements of Policy DM17 of the Local Plan.

Impact on the streetscene

The proposal would result in the in-filling of the undercroft car park. The proposal has been designed to contrast with the design of the existing upper floors. The area to the front of the building which is currently hardsurfaced would be landscaped thereby helping to soften and green the appearance of the building which is considered to enhance the appearance of the building in accordance with Policies CS1, CS5 and DM1 of the adopted Local Plan.

Impact on amenity of adjoining properties

The proposed units would not have an impact on adjoining properties as they are located within an existing complex where the established distances between habitable room windows would be maintained.

Impact on the amenity of future residents

The proposal would provide 10 bespoke self contained units for people with severe mental or physical disabilities to enable them to live independently in a safely managed environment. The units are owned and managed by Jewish Community Housing Association (JCHA) and would provide facilities for residents of the

borough. Adult Social services have written in supporting the scheme. The proposal is therefore considered to accord with Policy DM08 in that it provides accommodation for the growing and diverse population for households in the borough.

The units would be single aspect with access to communal open space to the rear of the building. The units do not comply with the requirements of the Council Guidance in terms of layout however the internal layout of the units have been designed to meet the specific needs of future occupiers who would also have access to the wider facilities available at the site and therefore the proposal is considered acceptable.

Affordable Housing

The application is for 10 units and as a result Policy DM10 is applicable. Policy DM10 advocates that having regard to the borough wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site from all new sites providing 10 or more units.

The applicant is the Jewish Community Housing Association and all 10 units are proposed to be available for social rent and is therefore technically in compliance with the requirements of Policy DM10. However, without the benefit of a Section 106 agreement securing the provision of affordable housing in perpetuity there would be nothing to prevent the units being sold on the open market in the future. As a result it is recommended that should Members be minded to grant consent that this should be subject to a S106 agreement securing 4 (ie 40%) of the units as affordable.

The applicant has confirmed that they are happy to enter into S106 to secure this provision.

Community Infrastructure Levy

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. The proposal would be liable to pay the Mayoral CIL contributions using the information provided by the developer which has been assessed to require a charge of approximately **£12,348**.

In May 2013 Barnet adopted its own local Community Infrastructure Levy which replaced and the Councils' SPD's on planning obligations which required the developer to make financial contributions towards health and library services in the borough to off-set the pressure of additional residents in the area. Barnet CIL is set at £135 per sqm on all 'chargeable development' in Barnet. The proposal would be liable to pay Barnet CIL contributions using the information provided by the developer the charge would be approximately **£47,628**.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The issue of parking has been considered in the above report. The impact of

construction is not a material planning consideration. A condition restricting hours of construction is recommended.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

Having taken all material considerations into account, it is considered that the development complies with the requirements of NPPF, which states in policy 57, 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.

The proposal is considered to be in accordance with the requirements of the NPPF and Policies CS1, CS5 and DM01 of the adopted Local Plan.

The application is recommended for **Approval**.

**SITE LOCATION PLAN:
9TJ**

Wolfson Court, Limes Avenue, London, NW11

REFERENCE:

F/04173/13



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