

LOCATION: 4 Manor Park Crescent, Edgware, Middx, HA8 7NN

REFERENCE: H/00213/14 **Received:** 15 January 2014

Accepted: 15 January 2014

WARD: Edgware **Expiry:** 12 March 2014

**Final
Revisions:**

APPLICANT: BMI International Holdings LTD

PROPOSAL: Use of part of 1st floor as 7no. student residential units with communal lounge and kitchen.

APPROVE SUBJECT TO S106 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 **Special Site-Specific Obligation** **£0.00**
To ensure that the residential accommodation is occupied as 7 single rooms and occupied only by students enrolled at and attending the Further/ Higher Education College operating at the site.
- 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 Assistant Director of Development Management & Building Control approve the planning application reference: H/00213/14 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: A-MPC13-LO; A-MPC12-BL; A-MPC13-EL; A-MPC13-FR-01; A-MPC10-PP02-EX.

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

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

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

RECOMMENDATION III

That if an agreement has not been completed by 30/05/2014, that unless otherwise agreed in writing, the Assistant Director of Planning and Building Control should REFUSE the application H/00213/14 under delegated powers for the following reason:

The development does not include a formal undertaking to restrict the use of the residential units to students enrolled with the existing college. In the absence of such an undertaking it is considered that unrestricted residential use would prejudice the use of the wider site for education purposes and fail to adequately protect the amenities of residential occupiers contrary to Policies DM01 and DM13 of the Development Management Plan Policies.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning

Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

The London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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: July 2011

Policy 3.5

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

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

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy Policies:

CS NPPF, CS1

Relevant Development Management Policies:

DM01, DM02, DM04, DM08, DM09, DM13 and DM17
Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Residential Design Guidance

Relevant Planning History:

Site history for current landparcel :

132849 - 4 Manor Park Crescent, Edgware, Middx, HA8 7NN

Case Reference: **H/00213/14**

Application:	Planning	Number:	H/01771/11
Validated:	15/06/2011	Type:	APF
Status:	WDN	Date:	07/09/2011
Summary:	WIT	Case Officer:	Matthew Corcoran
Description:	Change of use from D1 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.		

Application:	Planning	Number:	H/04040/11
Validated:	09/11/2011	Type:	APF
Status:	APD	Date:	17/07/2013
Summary:	DIS	Case Officer:	Graham Robinson
Description:	Change of use from D1 & D2 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.		

Application:	Planning	Number:	H/04347/13
Validated:	20/09/2013	Type:	APO
Status:	WDN	Date:	06/11/2013
Summary:	WIT	Case Officer:	Graham Robinson
Description:	Demolition of existing building and erection of 2no. 3 and 4 storey building blocks to facilitate 14 residential units, including associated parking and cycle store. (OUTLINE APPLICATION - Access, Layout and Scale)		

Application:	Planning	Number:	H/05641/13
Validated:	18/12/2013	Type:	APO
Status:		Date:	
Summary:		Case Officer:	Graham Robinson
Description:	Part demolition of existing building and construction of 14 residential flats in two buildings, including remodelling of retained portion of the existing building to create The Larches Community charity centre. (OUTLINE APPLICATION)		

Consultations and Views Expressed:

Neighbours Consulted: 127 Replies: 8
 Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Building has been illegally used as hostel for 3 years.
- Residents are not students.
- Men who may be on the building services course now offered on ground floor may now be living in units, however, if the application is granted it is unlikely that residents will remain as students.
- Must come a time when developers cannot keep submitting new applications in order to continue to operate.
- Overlooking and noise.
- 7 rooms does not mean 7 people.

- No recreation area so games are often played in courtyard between the two buildings.
- Rubbish including empty bottles are thrown into neighbouring gardens.
- No mention of what is to be done with first floor on Grove Road side of the courtyard.
- Anti-social behaviour from residents.
- Increased traffic.
- Pollution levels.
- Insufficient spaces allocated on site to provide for occupants of student rooms.
- Council has turned a blind eye to previous illegal use.
- Overdevelopment.
- Loss of community use.

Internal /Other Consultations:

Date of Site Notice: 06 February 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a former youth club and community centre. The building is sited with entrances on the north-west side of Manor Park Crescent and south-east side of Grove Road. The building is part two storey and part three storey, though the two storey element is particularly high given that it housed a gym.

An access road serving the rear of shops on High Street runs alongside the south-west of the site. To the south and west is Edgware Town Centre. To the north and east are residential properties.

Proposal:

The application relates to the use of part of 1st floor as 7no. student residential units with communal lounge and kitchen.

Planning Considerations:

- * Principle of use;
- * Intensification and impact on amenity of adjoining properties;
- * Impact on living standards of current occupiers

Principle of use:

Policy DM09 advocates that proposals for new HMO's will be encouraged provided that :

- they meet an identified need;
- can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area;
- are easily accessible by public transport, cycling and walking; and
- meet the relevant housing standards for a 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. The proposal is therefore considered to meet an identified need.

Policy DM08 (ensuring a variety of sizes of new homes to meet housing need) states that development should provide an appropriate mix of dwelling types and sizes in order to provide choice within the borough and that for market housing homes with 4+ bedrooms are the highest priority. However, this policy is not applicable in this instance as the building does not provide family accommodation.

The first floor of the unit has been in use without the benefit of planning permission as residential accommodation and the current application seeks to reduce the number of rooms to provide 7 bedrooms with en-suite facilities and provide a communal lounge and separate communal kitchen.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. This site has been assessed to have a PTAL of 6a, with 6 being the highest level of accessibility. HMO's are recognised as a source of low cost accommodation where residents are likely to be reliant on public transport. Therefore the proposal is considered acceptable from a Highways point of view.

The Council has the following minimum room standards for HMO's when the rooms are provided with a separate shared kitchen:

1 person household	10.2sqm
2 person household	14sqm

The proposal is in compliance with the requirements of Policy DM09.

Intensification and impact on amenity of adjoining properties:

The application property is the part of the college building that fronts on to Manor Park Crescent which is largely characterised by family homes and flat conversions resulting in two-three units. The unit lies adjacent to the commercial properties along Edgware Road/High Street. It is considered that the intensification of the use of the site through the provision of accommodation for 7 students, given its location, would not result in increased comings and goings to an unacceptable degree to warrant a reason for refusal of the application. In reaching this conclusion, officers are mindful of the comments of the planning inspector in a previous appeal.

A previous application for the redevelopment of the site to provide a college with C2 student accommodation was refused and dismissed at appeal in 2013. The scheme involved the provision of 30 student rooms. In the inspectors report it was noted '*the sustainable location (of the site) would make it suitable for student accommodation, particularly when it is connected to the education use of the site in which it is situated.*' Also, '*I recognise that the introduction of the student rooms would mean 24-hour occupation of the site, but this scale of development in this location and the general activity from it would not give rise to significant adverse impacts in the*

locality. Measures to encourage the use of public transport given the level of car parking provision on site and the site's public transport accessibility and a mechanism to exempt residents from using controlled parking zones as well as sound insulation measures and hours of operation would also have helped to mitigate any adverse effects had the appeal been allowed. In respect of the general activity generated by the proposal in the locality there would be no conflict with the objectives of CS Policy CS13 or DPD Policy DM04 which I consider to be the most relevant policies.'

A Unilateral Undertaking (UU) would be required to tie the residential accommodation into the college use.

In assessing the previously submitted UU in relation to the appealed decision the inspector commented that *the UU allows occupation by students enrolled on any UK accredited and based higher or further education full-time courses. Occupation should be restricted to those students attending this educational establishment given the nature and scale of the development and its location close to residential properties as this would give more control over the premises.*

It is considered that a unilateral undertaking to restrict the use of the residential accommodation to the students enrolled at the existing college CSBS college would be necessary to ensure that the proposal would not result in harm to surrounding residential occupiers and to ensure that any residential use does not conflict with the existing or future use of the wider site for D1 purposes.

Each of the rooms in the first floor will provide sufficient light and outlook to the future residential occupiers. It is noted that the rooms within the rear part of the building will look onto the courtyard between the two buildings it is considered that there would be sufficient outlook taking into account the distance between the windows and the existing second building to the rear of the site. Given that the proposal will be for student lets it is considered that the units will be for short term let only. The UU will also specify these will be single bedroom units to control the number of occupiers of the units.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Occupation of site by students would be detrimental to character of the area and upset tranquility of the neighbourhood - *The site is located close to Edgware town centre. The proposed use is considered appropriate for this location if conditions are attached to prevent undue harm to local residents.*

Should be a limit on how often a developer can submit an application - the number of submissions made by a developer can not be controlled.

Anti-social behaviour and dumping of rubbish- it is not considered that the intensity of the use would directly give rise to increased anti-social behaviour.

Loss of community use. - the proposal relates to the first floor residential units. It is considered that the use of the first floor as residential accommodation associated with the education use is acceptable in planning terms.

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 subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

**SITE LOCATION PLAN:
7NN**

4 Manor Park Crescent, Edgware, Middx, HA8

REFERENCE:

H/00213/14



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