

**LOCATION:** Roman House, 296 Golders Green Road, London, NW11 9PY  
**REFERENCE:** F/01318/14

**Received:** 10 March 2014

**Accepted:** 20 March 2014

**Expiry:** 15 May 2014

**WARD(S):**

**Final Revisions:**

**APPLICANT:** HCA International Ltd

**PROPOSAL:** Variation of condition 5 (Opening hours) and condition 8 (Machinery-Hours of operation) pursuant to planning permission F/02132/13 dated 15/08/2013. Variations to include opening until 9 p.m on Sunday.

**RECOMMENDATION: Approve Subject to Conditions**

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

Application form

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 planning permission F/02132/13.

Reason:

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

- 3 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).

- 4 The premises shall be used for a B1 use or shall be used for medical consulting and no other purpose (including any other purpose in Class D1 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.

- 5 The facilities shall not be open to patients before 8am or after 10pm on weekdays, before 9am or after 1pm on Saturdays and before 9am or after 9pm on Sundays unless otherwise agreed by the Local Planning Authority.

Reason:

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

- 6 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details

before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 7 The level of noise emitted from any plant machinery at the site shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 8 No machinery shall be operated on the premises before 8am on weekdays and 9am on Saturdays and Sundays or after 10pm on weekdays, 1pm on Saturdays and 9pm on Sundays unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 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.

## **1. MATERIAL CONSIDERATIONS**

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF

Development Management Policies DPD (Adopted) 2012: DM01; DM04  
Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD (Adopted) 2013

## Relevant Planning History:

<b>Application Reference:</b>	F/02132/13
<b>Case Officer:</b>	James Stone
<b>Proposal:</b>	Change of use of third floor from Class B1 offices to dual flexible Class B1 offices and Class D1 medical consulting use.
<b>Stat Start Date</b>	20/06/2013
<b>Application Type</b>	APF
<b>Decision</b>	APC
<b>Decision Date</b>	15/08/2013

## Consultations and Views Expressed:

Neighbours Consulted: 136      Replies: 5 letters of objection received  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Noise disturbance from machinery and from people using the site

### Internal /Other Consultations:

- Environmental Health - No objection

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site is located off Golders Green Road between its junctions with Princes Park Avenue and Woodlands. The application only relates to the third floor of the building.

Planning permission was granted under ref: C10692A for a four storey building for use as offices on this site in 1990. It should be noted that this permission did not include any conditions limiting the use of the building to Class B1.

Application ref: F/02132/13 granted permission for change of use of the third floor from Class B1 office use to dual flexible Class B1 offices and Class D1 medical consulting use. There were no proposed external alterations.

Planning permission was granted under ref: F/00423/10 for the first floor for a similar change of use to ref: F/02132/13.

### Proposal:

The current application seeks to vary conditions 5 (opening hours) and condition 8

(machinery - hours of operation) of permission F/02132/13.

The applicant would like to extend opening hours and hours of operation on a Sunday to 9pm. At present the applicant is limited to 1pm on a Sunday.

#### Planning Considerations:

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

The Sustainable Design and Construction SPD 2013 expands on the issue of noise and explains that 'Noise can be a significant nuisance in urban areas. Persistent and intermittent noises and vibrations, such as those made by traffic, building services plant, sound systems, construction activities or other people, can undermine quality of life for those who live, work and visit the borough. Management of noise is an issue which significantly increases in importance for higher densities of population and economic activity. Receptors which are particularly sensitive to noise include  **dwellings, health facilities, schools and libraries**. Noise can however be created both in residential and commercial areas and sensitive receptors can create a noise impact too. Natural habitats can also be affected by excessive noise. It is advisable to predict and assess the likely levels of noise and vibration arising from a proposed scheme, to establish optimum mitigation measures and determine the extent of residual significant effects.'

It should be noted that there is a current planning application under reference F/05593/13 for residential development at the neighbouring site 290-294 Golders Green Road. However this has not been determined, and as such there is not an extant permission at the neighbouring site for residential development. Therefore, the impact on any future residential development cannot be considered.

Roman House is located in an area characterised by residential development which consists of both houses and flats. However, Roman House is quite isolated for a building in an area with a relatively high density of development. The building is separated from residential plots by an existing car park to the north and west of the site whilst mature vegetation provides a natural buffer in all directions. It should also be noted that the façade is on a busy main road so noise from vehicles arriving and leaving should not be significant. Furthermore, a planning condition on the original approval restricts the level of noise emitted from any plant machinery at the site to ensure that it shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. The machinery is limited and the noise will not be likely to impact on the neighbouring residents.

The councils' Environmental Health officer has stated that they have no objection to extending the hours of operation and that there would be no impact on the residential amenity of the area. The Environmental Health officer has stated that from looking

at their records there were no complaints regarding the use of the site and that the only complaints relate to the car park gate opening and closing which is a separate issue.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

See report

### **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.

Noise levels at the site are restricted and so are not considered to affect any religious groups' day of rest.

### **5. CONCLUSION**

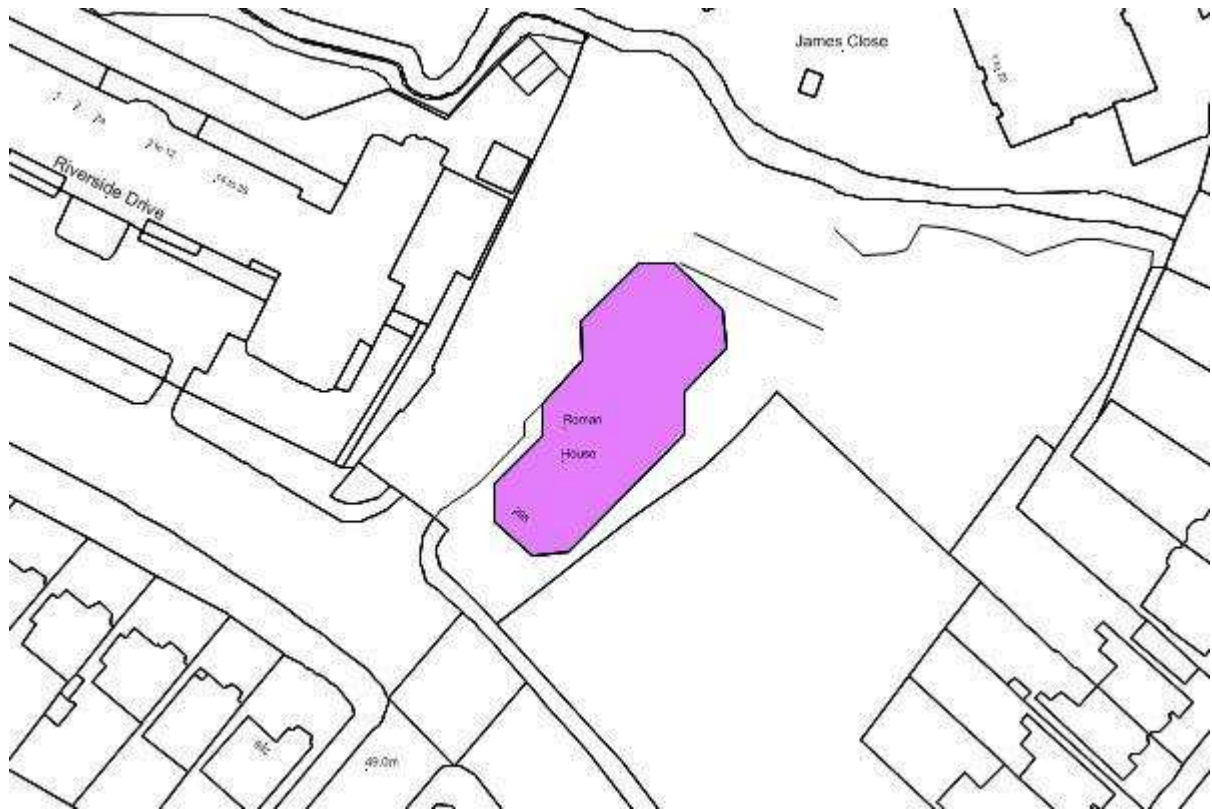
The proposal is in accordance with the policies and guidance of the adopted Barnet Local Plan and would not detract from the residential amenity of the area and is recommended for APPROVAL.

**SITE LOCATION PLAN:**  
London, NW11 9PY

**Roman House, 296 Golders Green Road,**

**REFERENCE:**

**F/01318/14**



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