

Location **Third Floor, Roman House, 296 Golders Green Road, London, NW11 9PY**

Reference: **F/04888/14** Received: Graham Robinson
Accepted: 8th September 2014

Ward: Golders Green Expiry 3rd November 2014

Applicant: Mr Oates

Proposal: Variation of condition 5 (Opening hours) and condition 8 (Machinery-Hours of operation) pursuant to planning permission F/01318/14 dated for 29.07.2014. Variation to allow opening between 7pm and 9pm on Saturdays. (AMENDED DESCRIPTION)

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 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.

- 4 The facilities shall be open to patients only between 8am and 10pm on weekdays, between 9am and 1pm and 7pm and 9pm on Saturdays and between 9am and 9pm on Sundays.

Reason:

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

- 5 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.

- 6 No machinery shall be operated on the premises other than between the following hours: between 8am and 10pm weekdays, between 9am and 1pm and between 7pm and 9pm on Saturdays and between 9am and 9pm on Sundays.

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

Officer's Assessment

1. 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 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 July 2011:

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 Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM04, DM13

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This 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.

Included advice 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.

In respect to amenity, development 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address: LAND REAR OF ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692H/04

Application Type: Full Application

Decision: Refuse

Decision Date: 04/05/2006

Appeal Decision: Dismissed

Appeal Decision Date: 04/05/2006

Proposal: Erection of part single (with accommodation in the roof) and part three-storey block of eight flats with basement parking for 14 no. cars. New access road from Golders Green Road. Concrete bridge over sewer to be demolished. Associated changes to landscape.

Case Officer: Karina Conway

Site Address: 290-294 Golders Green Road London NW11

Application Number: C00513Z/07

Application Type: Full Application

Decision: Migrated Code

Decision Date: 06/06/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Construction of three storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Case Officer: Karina Conway

Site Address: Land adj & r/o ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692F/04

Application Type: Full Application

Decision: Withdrawn

Decision Date: 08/03/2004

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Erection of a three storey block of 9 two bedroom self-contained flats with basement parking for 15 cars 9 additional surface parking spaces, new access road and

demolition of existing bridge over sewer and replacement foot bridge over sewer.
(AMENDED DESCRIPTION)
Case Officer: Karina Conway

Site Address: Land rear of ROMAN HOUSE 296 Golders Green Road London NW11 9PY

Application Number: C10692G/04
Application Type: Full Application
Decision: Withdrawn
Decision Date: 28/07/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Erection of part two storey (with accommodation in the roof) and part three storey block of nine flats with new basement car parking and associated changes to landscaping. (Amended description).
Case Officer: Karina Conway

Site Address: Land rear of ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692J/05
Application Type: ES Screening Opinion
Decision: Finally disposed of
Decision Date: 29/03/2005
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Environmental Impact Assessment Screening Opinion.
Case Officer:

Site Address: 296 Golders Green Road LONDON NW11

Application Number: C10692
Application Type: Full Application
Decision: Refuse
Decision Date: 23/10/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Four storey building with basement for use as offices with vehicular access to Golders Green Road and provision for 68 car parking spaces within the site
Case Officer:

Site Address: 296 Golders Green Road LONDON NW11

Application Number: C10692A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/11/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Four storey building for use as offices with vehicular access to Golders Green Road and provision for 62 car parking spaces, 2 disabled parking spaces and 10 cycle bays.
Case Officer:

Site Address: 296 Golders Green Road LONDON NW11

Application Number: C10692C

Application Type: Full Application
Decision: Not yet decided
Decision Date: 24/06/1993
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Erection of a religious study centre (D1) elevated above the southern side of the proposed car park associated with the new office development.
Case Officer:

Site Address: 296 Golders Green Road LONDON NW11

Application Number: C10692D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 01/09/1997
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Erection of 1m diameter satellite dish to flat roof.
Case Officer:

Site Address: 296 Golders Green Road LONDON NW11

Application Number: C10692B
Application Type: Full Application
Decision: Withdrawn
Decision Date: 03/06/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Four storey building for use as offices, and detached building on two floor levels for use as religious study centre. Vehicular access to Golders Green Road and provision for 55 car parking spaces
Case Officer:

Site Address: ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692P/07
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 06/06/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Addition of 8 car parking spaces to the site. Addition of a small canopy and a refuse store at the southwest end of the site. Removal of concrete bridge that connects with adjoining site to provide for additional parking spaces. Moving of entry gate slightly towards Golders Green Road to create space for an additional parking space
Case Officer: Karina Conway

Site Address: ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692S/07
Application Type: Conditions Application
Decision: Approve
Decision Date: 03/07/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Submission of details of Condition 5 (MRI Quench Pipe) pursuant to planning permission reference C10692K/06 dated 21/09/2006.

Case Officer: Karina Conway

Site Address: ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692K/06

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 26/09/2006

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Change of use of part ground and part lower ground floor from class B1 offices to class D1 medical outpatient centre, with minor external alterations.

Case Officer: Karina Conway

Site Address: ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692Q/07

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 04/06/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Erection of a single storey EDF Transformer Station accessed from Golders Green Road.

Case Officer: Karina Conway

Site Address: ROMAN HOUSE 296 Golders Green Road London NW119PT

Application Number: C10692L/07

Application Type: Conditions Application

Decision: Approve with conditions

Decision Date: 09/03/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Submission of details pursuant to Condition 8 (parking) of Planning Permission C10692K/06 dated 21-09-06.

Case Officer: Karina Conway

Site Address: ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692T/07

Application Type: Full Application

Decision: Approve

Decision Date: 01/08/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Submission of details of Condition 2 (Materials for the Smoking Canopy and Refuse) pursuant to planning permission reference C10692P/07 dated 31/5/2007.

Case Officer: Karina Conway

Site Address: ROMAN HOUSE 296 Golders Green Road London NW119PY

Application Number: C10692R/07

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 03/07/2007

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Installation of 8 No. air condenser units and an MRI chiller unit within the lightwell at lower ground floor rear and MRI quench pipe.
Case Officer: Karina Conway

Site Address: Roman House, 296 Golders Green Road, London, NW11 9PY

Application Number: 00423/10

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 09/04/2010

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Change of use of the first floor from Class B1 (office) use to Class D1 (medical consulting room) purposes.

Case Officer: Fabien Gaudin

Site Address: 290-294 Golders Green Road, London, NW11

Application Number: 02179/10

Application Type: Full Application

Decision: Withdrawn

Decision Date: 24/08/2010

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Extension of time limit for planning permission reference C00513Z/07 dated 05/06/2007 for construction of three storey building with basements and lower ground floors to create 62 self-contained flats and 1020sqm of health facility (D1 use) with provision for 89 cars and 80 cycle spaces with access from Golders Green Road. Associated landscaping.

Case Officer: David Campbell

Site Address: First Floor, Roman House, 296 Golders Green Road, London, NW11 9PY

Application Number: F/03624/10

Application Type: Conditions Application

Decision: Refuse

Decision Date: 10/11/2010

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Submission of details of conditions 4 (Ventilation/ Extraction - Details), 5 (Noise from Site plant) pursuant to planning permission F/00423/10 granted 07/04/10.

Case Officer: Junior C. Moka

Site Address: Roman House, 296 Golders Green Road, London, NW11 9PY

Application Number: 04703/10

Application Type: Conditions Application

Decision: Approve

Decision Date: 26/11/2010

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Submission of details of Condition 4 (Ventilation and Extraction Equipment - Details) pursuant to planning permission Ref: F/00423/10 dated 7/4/2010.

Case Officer: Junior C. Moka

Site Address: Roman House, 296 Golders Green Road, London, NW11 9PY

Application Number: F/02132/13
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/08/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Change of use of third floor from Class B1 offices to dual flexible Class B1 offices and Class D1 medical consulting use.
Case Officer:

Site Address: Roman House, 296 Golders Green Road, London, NW11 9PY

Application Number: F/02132/13
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 15/08/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Change of use of third floor from Class B1 offices to dual flexible Class B1 offices and Class D1 medical consulting use.
Case Officer: James Stone

Site Address: Roman House, 296 Golders Green Road, London, NW11 9PY

Application Number: F/01318/14
Application Type: Material Minor Amendment/Vary Condition
Decision: Approve with conditions
Decision Date: 29/07/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
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.
Case Officer: James Stone

Consultations and Views Expressed:

Neighbours Consulted: 136 Replies: 6
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- o The Wellington have been un-neighbourly and caused noise and disturbance to neighbouring residents
- o Wellington Hospital is growing in size and causing noise and disturbance
- o Movement and noise from car park causes disturbance
- o Loss of privacy

Internal /Other Consultations:

- o Environmental Health - Comments contained in main report, no objection subject to conditions.

Date of Site Notice: 25 September 2014

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/01318/14.

The applicant would like to extend opening hours and hours of operation on to between 7pm and 9pm on a Saturday between November and March.

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.

An established Orthodox GP practice wishes to operate from the third floor and the applicant advises that there is an identified need of an evening GP surgery during the winter months of November to March. Condition 5 restricts the opening hours on Saturday until 1pm. Condition 8 restricts the operation of machinery until 1pm on Saturdays also. As such this application proposes to vary conditions 5 and 8 so that it allows the GP practice to carry out an evening service on Saturday between 7 to 9pm during November to March only.

Environmental health officers do not object in principle with extending doctor's hours to operate between 7pm until 9pm on Saturdays. Potential noise and disturbance is an important consideration given that there are residential properties at James Close, Dolphin Court and Riverside Drive nearby. The impact on neighbouring residents needs to be considered. The rear of the building and its car park faces the residential flats at Riverside Drive.

The Council has had some complaints about noise from the car park in the evenings. The Local Planning Authority needs to consider whether the increased hours themselves are likely to result in harmful impacts on neighbouring amenity.

Environmental health officers are satisfied that the proposals would be acceptable subject to conditions.

A condition is attached which ensures that the windows to all doctor's use are fixed closed and mechanical ventilation is installed, as well as details of plant noise levels and report.

The premises are already used between 8am and 10pm on weekdays, 9am to 1pm on Saturdays and 9am to 9pm on Sundays. It is not considered that the use of the building between 7pm and 9pm on Saturdays could be considered to result in overlooking, given that the building is already occupied at similar times on other days of the week.

It is considered that the proposals would be acceptable in planning terms.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main 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.

5. CONCLUSION

The application is recommended for **APPROVAL**.



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