

Location **1 Rectory Lane Edgware HA8 7LF**

Reference: **15/02839/OUT**

Received: 8th May 2015

Accepted: 22nd May 2015

Ward: Edgware

Expiry 17th July 2015

Applicant: Mrs Linda Edwards

Proposal: Demolition of the existing structure and erection of basement and ground floor area for 7 parking spaces and Amenity area. First floor assisted living apartments and second floor roof garden. Five new self-contained units over five floors. (OUTLINE APPLICATION)

Recommendation: Refuse

- 1 The proposed development, by reason of its design, siting, height and scale would result in an excessive, overly prominent form of development and would constitute an overdevelopment of the site. It would not preserve or enhance the character or appearance of the area and would be detrimental to the character and appearance of the streetscene and the locality. The proposal would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted April 2013).
- 2 The proposed development by reason of its design, height and siting would give rise to an unacceptable loss of outlook and sense of enclosure as well as overlooking with subsequent loss of privacy to the neighbouring residential occupiers in Old Rectory Gardens and Station Road. The proposal would be contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 and DM02 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted April 2013).
- 3 The proposed development would, by reason of the design and layout of the ground floor parking area would compromise the functionality and effectiveness of the access, collection and storage of refuse and the access to and storage of cycles. The proposal would be contrary to policies CS NPPF, CS1, CS9 and CS14 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01, DM02, DM03 and DM17 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 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 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 sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are: 12051-15; drg-01; drg-02; drg-03; drg-04; drg-05; scheme-10; scheme-11-1 (proposed elevations 4x4); scheme-11-1 (proposed elevations 1x4); scheme-11-2; scheme-11-3
- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £23380 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £90180 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: 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 Extension: 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 www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Officer's Assessment

1. Site Description

The application site comprises a single storey former industrial building located within Rectory Lane. The building is used for community purposes by the Larches Trust who care for vulnerable and disabled adults in the Borough and assist and develop them towards independent living. Another unit is in similar use on the adjoining site to the east. The site is surrounded by Rectory Lane on its southern and western side. Two storey semi detached dwellings are situated on the northern boundary of the site in Old Rectory Gardens. Rectory Lane running parallel to the southern elevation also functions as the service road for properties in Station Road. Properties in Station Road are retail on ground floor with residential above which would overlook the site. Centurion House, which is located at the junction of Station Road and Manor Park Crescent has seven storeys dominates the immediate setting however it reduces in height towards the rear and the application site.

2. Site History

Reference: H/03317/10

Address: Larches Trust 1 Rectory Lane, Edgware, HA8 7LF

Decision: Pending decision: Approve with conditions: overturn by committee of planning officers' recommendation to refuse.

Decision Date: n/a

Description: Erection of two-storey building with rooms in roofspace to providing six self contained flats. (Outline application for Appearance, Layout and Scale)

Officers had recommended that this application should be refused on the grounds that it would result in the loss of community floorspace which would not be re-provided elsewhere in the Borough. The decision notice has not been issued.

The scheme proposed a two storey building with accommodation in the roof designed to reflect the appearance of neighbouring semi detached dwellings.

Reference: H/03317/10

Address: 1 Rectory Lane, Edgware, HA8 7LF

Decision: Approved subject to conditions

Decision Date: 9 November 2010

Description: Extension to the time limit for implementing planning permission W03404F/07 dated 20/09/07 for "Alterations to front of ground floor and erection of two additional floors on front part of property to form 2no residential units."

Reference: W03404E/07

Address: 1 Rectory Lane, Edgware, HA8 7LF

Decision: Refused

Decision Date: 28 February 2007

Description: Alterations to front of ground floor and erection of two additional floors on front part of property.

Reference: W03404F/07

Address: 1 Rectory Lane, Edgware, HA8 7LF

Decision: Approved subject to conditions

Decision Date: 20 September 2007

Description: Alterations to front of ground floor and erection of two additional floors on front part of property to form 2 No. residential units.

3. Proposal

Planning permission is sought for the demolition of the existing building on the site and the erection of a part seven and part three storey building including basement on the site to be used as community and charity purposes on the basement and ground floor level, assisted living on the first floor part of the shorter section and one flat on each floor from 1st - 5th of the seven storey element.

The building is 11.1m wide and 23.0m long. The height of the two storey (above ground) element to the rear is 7.7m while the private residential tower is 18m in height and 13.5m long. The floorspace attributed to the charity use is approximately 500sq.m.

The assisted living element would consist of three bedrooms accessed from a communal living area. The proposed flats would serve as enabling development for the community space on the ground floor and basement. The flats in the larger building would be arranged as four x two bedroom flats and one x three bed flat. Private flats would have external amenity through balconies as well as access to a roof garden above the assisted living element. The assisted living unit would also have access to this roof garden which would be screened by a built up living wall. Six car parking spaces are provided at ground floor level in an undercroft and one disabled car parking space which would also be off street. Refuse, recyclables and cycle storage as well as landscaping would also be provided on site.

4. Public Consultation

Consultation letters were sent to 93 neighbouring properties.

7 responses have been received, comprising 7 letters of objection, 0 letters of support or comment.

Two people have expressed a wish to speak at the Committee on this application.

The objections received can be summarised as follows:

- The proposed development would give rise to a loss of light to the occupiers of neighbouring properties because of the height of the building.
- The proposed development would overlook and overhang back gardens and would reduce privacy and create noise.
- The proposed development would result in a loss of outlook and harm the visual amenity of adjoining residents.
- This proposal would cause overdevelopment.
- There is insufficient car parking capacity in the locality and this proposed development would exacerbate this problem as well as cause congestion on local roads.
- Demolishing the existing building would reduce access to a community facility.
- The development would exacerbate flooding problems in the area.

The application has been called in by Cllr Brian Gordon on the grounds of public interest in this application and to ensure that the community benefits of the proposal can be fully considered.

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 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 2015

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.

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, CS3, CS4, CS5, CS6, CS8, CS11, CS14
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM11

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

Residential Design Guidance SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan and sets the amenity and design parameters for new housing in the Borough.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The community benefits of the scheme and whether these outweigh the harm that has been identified by officers.
- 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.
- Whether the development would cause harm to existing highway conditions.

5.3 Assessment of proposals

Outline planning permission is sought for the demolition of the existing single storey building and the erection of a part 2 storey and part 7-storey (including basement) development to accommodate community and meeting space, three assisted living bedrooms and five self contained residential units.

It should be noted that the application is in outline with all matters reserved, however, the level of detail is such that a more comprehensive assessment can be made as to the overall acceptability of the scheme.

Land use

The proposed development appears to overcome previous land use objections by retaining the existing community use on the site and then subsequently increasing the level of this community floorspace from 200sq.m to 500sq.m.

The scheme aims to deliver an enhanced service to vulnerable adults in the community. The Larches Trust which has been serving the Community for 20 years works with adults with learning disabilities, enabling them to become more independent within the community. Part of meeting this objective is to provide three independent living apartments based on supported living. The aim of the development is allow the charity to remain on the site within the immediate community that they serve, following the loss of their alternative site.

Community uses are protected and promoted through policy DM13 of the Development Management Policies DPD and as such, the principle of enlarging and enhancing the on-site facilities are supported by the Council. However, policy DM13 advises that community facilities will only be supported if they do not have a harmful impact on neighbouring residential amenity or highway safety. In this case and as discussed below, it is considered that the proposed development would have a harmful impact on the character and appearance of the area and neighbouring residential amenity.

The principle of residential use within the development is considered to be an acceptable land use on this site. However, as with the community use, the development must not harm the character and appearance of the area and residential amenity.

Design and appearance

The 2012 National Planning Policy Framework states that "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council "will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design". In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that "development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should)

demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused".

This application is a resubmission of a previous scheme that was refused on land use grounds. The previous submission which was presented to the Planning and Environment Committee on 29 October 2014 proposed a two storey building with roof accommodation providing six flats. That building was designed to be consistent with its immediate context and surroundings and was acceptable on design and amenity grounds.

The proposed development would be situated to the rear of Station Road in Edgware which generally features three storey buildings with the exception of Centurion House which has a staggered arrangement up to 7 storeys. Immediately adjoining the northern boundary to the site the land use and development character changes to two storey semi-detached properties which forms the predominant urban and spatial character away from the primary frontages.

Given this immediate context of low rise buildings set behind the primary retail frontage of Station Road the erection of a part two storey and part seven storey building would be out of keeping with the form of development in this location. This development would compete visually with Centurion House at the corner of Station Road and Manor Park Crescent, which given its corner location functions as a landmark development defining the streetscene. The proposed development is set behind the Edgware Road frontage would exist as an outlying tall building where there is no previous character to support this height. Instead the character is expressed through two storey detached and semi detached residential development. The building would be visually dominant in views through Rectory Gardens and Rectory Lane and may be visible in views across Station Road.

Given the proximity to semi-detached residential properties in Rectory Lane and the use of the materials proposed, it is considered that the proposed development would form a discordant relationship to these properties and would be visually dominant in this setting. Although the proposed scheme reflects some of the visual characteristics of Century House, it is considered that this is not sufficient justification to outweigh the visual harm that this would cause to the visual amenity of the area.

As such, the proposed development would be contrary to the policies listed above which seek to ensure high quality design.

Amenity of existing neighbouring occupiers

In relation to residential amenity for existing neighbours, the proposed development would have a harmful impact on residential amenity for the occupiers of 23 and 28 Old Rectory Gardens in particular. For 28 Old Rectory Gardens, the two storey section (as well as the living wall forming screening around the roof garden) of the development would extend across most of the rear boundary line of this garden at a height of approximately 7.8m. At this point this development would, because of the irregular plot shape, range from 3.25m to 7.0m distant from the rear elevation of 28 Old Rectory Gardens. It is considered that the proximity of this development to the rear would give rise to a sense of enclosure and a loss of outlook for the occupiers of this property. 27 Old Rectory Gardens has been extended at the rear and it is considered that the development would have a lesser but not harmful impact on the amenity of this property.

23 - 26 Old Rectory Gardens would be situated directly to the north of this development and therefore the rear elevations would directly overlook the site to the south. As such, the

proposed 6 storey element (above ground) would be excessively prominent in views from these gardens from these windows. Although the tallest part of the development would be over 35m away from the rear elevations, it is considered that the proposed development would be visually intrusive from these properties and would harm the outlook currently enjoyed by these properties.

A daylight and sunlight assessment has been provided with this application to establish the likely impact that the development might have on the existing conditions for the occupiers of these properties. This appraisal has followed the methodology set out in the BRE guide: Site layout planning for daylight and sunlight (2011). This assessment has identified 16 windows at the rear of properties in Station Road Edgware as well as 13 windows to the rear of 27 - 28 Old Rectory Gardens and 7 windows to the rear of 25 Old Rectory Gardens for the purposes of assessing daylight impact. In respect of the evaluation of sunlight, only windows located within 90-degrees of due south are considered. As a result, only 10 windows qualify for consideration within the appraisal.

The daylight assessment has used the BRE recommended approach of assessing the impact on the Vertical Sky Component (VSC) of each of the identified windows. For a window to fail, the Vertical Sky Component has to fall below 27 and be less than 0.8 of the previous value (the pre-development baseline). The assessment has established that none of the 36 windows considered would lose daylight below an unacceptable standard. On this basis, the BRE would advise that the impact on daylight would be negligible. In respect of sunlight, windows should retain access to 25% of total available hours (5% of winter hours) and if there is any loss, this loss should not be any less than 80% of its former value. Again in respect of sunlight, there is no loss below the BRE standard.

As such, it can be concluded that there would not be any impact on the quantity and quality of daylight and sunlight reaching the windows of neighbouring residential properties.

Amenity for future occupiers

The assisted living apartments on the second floor of the two storey element would be served by windows overlooking the rear of 23 Old Rectory Gardens. The rear garden would be approximately 10m away and as a result, it is considered that the proposed development would give rise to overlooking with subsequent loss of privacy which would be harmful. All other windows on the elevation facing 28 Old Rectory Gardens would be obscure glazed. The open market flats are dual aspect with flank windows facing towards the rear of Station Road. The upper levels of the buildings on Station Road are residential and overlook towards the application site. The windows on the elevation facing Station Road would therefore be within 21m of the habitable room windows on the facing elevation and would therefore be contrary to the Adopted SPD (Sustainable Design and Construction).

In respect of the amenity for future occupiers of the development it is considered that the proposed development would provide for acceptable levels of internal residential amenity on a unit by unit and room by room basis. External amenity space comprising a roof terrace and private balconies would equate to over 130sq.m which equates to approximately 5sq.m of external space for each habitable room.

Highways and parking

In respect of highways and parking, the site is located within a PTAL 6a area and as a result, benefits from excellent passenger transport accessibility. The site provides seven car parking spaces which would comprise of four spaces for the proposed open market residential, two for use by the Larches Community Trust and one disabled parking space. Policy DM17 states that for flatted developments, one space should be provided per unit which is the indication for this development given the mix of uses.

Cycle parking and refuse storage is provided within the undercroft area, however it is unclear how this would be accessed from the street when the parking area is fully occupied and it would appear that anybody accessing these facilities when the parking area is occupied would need to exit the site and walk around the back of the building to an alleyway adjacent to 28 Old Rectory Gardens. This would constitute poor layout planning and lead to refuse containers being left on the street rather than in the storage area.

5.4 Response to Public Consultation

- The proposed development would give rise to a loss of light to the occupiers of neighbouring properties because of the height of the building.
- The proposed development would overlook and overhang back gardens and would reduce privacy and create noise.
- This proposal would cause overdevelopment.
- There is insufficient car parking capacity in the locality and this proposed development would exacerbate this problem.

The objections raised in relation to the amenity impact on neighbouring occupiers are upheld for the reasons listed above in the appraisal. However, it is considered that the proposed development would be wholly contained within the site and would not overhang the neighbouring properties. The objection on overdevelopment is also upheld.

In respect of noise, it is considered that the use of the roof terrace would be the only noise generating activity which would be similar to the use of a rear garden in the adjoining residential areas and although there is an intensification of the D1 use at the premises, the use could be restricted to residents through condition. The installation of 2.0m high screening would also mitigate the noise generation that could occur.

Finally, it is considered that given the PTAL 6a location, there would be a reduced parking demand for this site, although the parking provided appears to be consistent with the standards set out in policy DM17 of the Barnet Local Plan Development Management Document and the London Plan.

6. Equality and Diversity Issues

The scheme provides assisted living accommodation for vulnerable adults with learning disabilities. The DPD supports the provision, retention and enhancement of facilities for special needs groups, however, this should be balanced with achieving sustainable development that is of the best design possible and which also protects the amenity of existing communities. As a result, a recommendation to refuse this 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 into account all the material considerations associated with this development, including the planning history, representations received and the site and surroundings, it is considered that the proposed development would be unacceptable. The retention and enlargement of the existing community uses as well as supported or assisted living accommodation is acceptable and are supported by policy, as is the provisions of market housing. However, the scale of the increase of the floor space on site and the scale and height of the overall development is considered to be overdevelopment of the site. It results in a development that is incongruous within its context and of excessive size, scale and bulk. Furthermore, the construction of the development would utilise materials which would be alien to the immediate context and would not reinforce local distinctiveness. In addition, it is considered that the proposed development would have a substantial impact on the residential amenity of the adjoining occupiers within Old Rectory Gardens and Station Road.

The scheme has overcome the previous reason for refusal associated with planning application H/04468/14 in re-providing D1 floorspace greater than that which previously existed on site. However, in overcoming that reason, the revised scheme is fundamentally different rather than a minor amendment thereby allowing the Council to recommend the introduction of new reasons for refusal.

Although the application has been made in outline (with all matters reserved), sufficient detail has been provided to allow the Council to make a detailed assessment of the proposed development. The application as submitted is unacceptable, contrary to the policies listed above and should therefore be refused.