

Location **36 Torrington Park London N12 9TP**

Reference: **15/03762/LBC** Received: 18th June 2015
Accepted: 25th June 2015

Ward: Woodhouse Expiry 20th August 2015

Applicant: Lucia Santi

Proposal: Change of use from class C3 (Residential) to Class D1 (Non-Residential Institution)

Recommendation: Approve subject to conditions

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

01 Site Plan, Location Plan; 02 Existing and Proposed Plans and Elevations; Design and Access Statement

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 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 Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 5 The building shall not be occupied for the purposes of the use hereby permitted before 08:00 or after 18:00 on weekdays and at no time on Saturdays, Sundays and Bank and Public Holidays.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 6 The number of children permitted on the site at any one time should be limited to 20.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 7 a) Prior to occupation details of the proposed ramp hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 8 When the premises cease to be occupied by The Holmwood School, the use hereby permitted shall cease [and all materials and equipment brought on to the premises in connection with the use shall be removed].

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 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 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 and the Applicant engaged with this prior to the submissions of this application. 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.

- 2 Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.

Officer's Assessment

Site Description

The application site is located on the northern side of Torrington Park, in the Woodhouse ward. The road is residential in character with a mix of single family dwelling houses, properties converted into flats and purpose built flatted developments. The site is not located within a Conservation Area.

The application building is a semi-detached residential dwelling house, which was designated as a Grade II listed building in 1973. The list description notes;

“Early C19 with alterations. Each 2 storeys and basement, 3 windows. Arrangement of 2 bay centre block and one bay links to one bay side pavilions. No 38 retains the hipped roof to block and has parapet front to pavilion and link; but No 36 has had roof renewed and now shows a continuous low pitched slated roof hipped at left. Stucco. Moulded architraves to sash windows, some with glazing bars. The link bay to No 36 is set back. Four panel doors, part glazed, under plain fanlights in moulded round architraves.”

Site History

Reference: 14/07074/FUL

Address: 36 Torrington Park, London, N12 9TP

Decision: Approved subject to conditions

Decision Date: 13 January 2015

Description: Conversion of dwelling house to 3 no self-contained units

Reference: 15/01824/LBC

Address: 36 Torrington Park, London, N12 9TP

Decision: Approved subject to conditions

Decision Date: 18 May 2015

Description: Conversion of house into 3no. self-contained flats including two storey side extension and replacement of existing rear entrance with window (LISTED BUILDING CONSENT)

Reference: 15/03762/LBC

Address: 36 Torrington Park, London, N12 9TP

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Change of use from class C3 (Residential) to Class D1 (Non-Residential Institution)

Reference: F/02951/08

Address: 36 Torrington Park, London, N12 9TP

Decision: Withdrawn

Decision Date: 27 October 2008

Description: Change of use to three dwellings and extension at side.

Reference: F/02944/08

Address: 36 Torrington Park, London, N12 9TP

Decision: Withdrawn

Decision Date: 27 January 2009

Description: CONVERSION OF HOUSE INTO 3 DWELLINGS AND ASSOCIATED WORKS INCLUDING A TWO STOREY SIDE EXTENSION AND NEW STEPS TO REAR GARDEN.

Reference: F/04277/08

Address: 36 Torrington Park, London, N12 9TP

Decision: Approved subject to conditions

Decision Date: 7 January 2009

Description: Conversion of house into 3No. dwellings and associated internal and external works including two storey side extension, rear and side extensions at basement level, replacement of kitchen door with window at rear, and new steps to front elevation.

Reference: F/04278/08

Address: 36 Torrington Park, London, N12 9TP

Decision: Approved subject to conditions

Decision Date: 7 January 2009

Description: Conversion of house into 3No. dwellings and associated internal and external works including two storey side extension, rear and side extensions at basement level, replacement of kitchen door with window at rear, and new steps to front elevation., LISTED BUILDING CONSENT

Reference: C14894E/07

Address: 36 Torrington Park, London, N12 9TP

Decision: Approved subject to conditions

Decision Date: 4 January 2008

Description: Amendment to planning permission C14894B/03 dated 17-12-2003 for the erection of a bungalow under construction by resiting of garage on east side.

. Proposal

This application seeks consent for a change of use from class C3 (Residential) to Class D1 (Non-Residential Institution)

4. Public Consultation

A site notice was erected on 16th July 2015

A press notice was published on 9th July 2015

106 consultation letters were sent to neighbouring properties.

11 responses have been received, comprising of 1 comment and 10 objections.

The views of objectors can be summarised as follows;

- Reduces housing stock where there is a shortage
- Sets precedent for the residential building to be used for different occupancy
- Noise disturbance
- Concerns that if we allow this and the school do not use the site the building will be permitted for a non-residential use
- Design and Access statement misleading
- No meaningful consideration given to the application
- Concerns about consultation
- Impact on traffic
- Wants consultation period to be extended

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, CS5, CS9, CS10, CS12, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM07, DM13 and DM17.

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of the change of use is acceptable.
- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and the Statutory Listed building.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

This application seeks consent for the change of use of the Grade II listed application site from C3 (Dwellinghouse) to D1 (School) with some minor alterations.

Change of use

The proposal would result in the loss of a C3 (dwelling house) which is contrary to Policy DM07, this states;

'loss of residential accommodation will not be permitted unless:

- (a) The proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
- (b) Where the need can be demonstrated, and;
- (c) The demand for the proposed use cannot adequately be met elsewhere and is in line with other policies or;
- (d) The location is no longer environmentally suitable and viable for residential use or;
- (e) It involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units'.

As the proposed change of use will result in the loss of a residential unit(s) within an area predominantly comprising residential units, is not located within a designated regeneration area and with planning permission and listed building consent for the conversion into three self-contained units it is considered that the sites compliance with points a), b) and c) must be demonstrated.

The Holmewood School, located at 88 Woodside Park Road, was established in September 2010, as a small independent special school to cater for youngsters who are high functioning and on the autistic spectrum. The school was set up as there was a need identified in the local area for placements for these youngsters. The school opened with only two students and they have grown over the 5 years to be full with 36 students on roll. 6 students attend the school from the LA of Barnet and another 24 students attend from neighbouring boroughs of Camden, Brent, Haringey, Hertfordshire and Enfield. Priority is given to Barnet children whom are referred by their LA. The remaining 6 students travel daily up to one hour and thirty minutes to attend the school as there are no other suitable schools available for them. The school is currently oversubscribed both from Local Authority referrals and parents. With the introduction of the new Education and Health Care Plans, parents will have the right to search for schools of their choice, and the school is receiving high volumes of enquiries from parents whose children are not achieving within the mainstream setting and feel they do not an option of an alternative provision.

Potential students have been lost due the school operating at full capacity and placement demands are often immediate. There are currently six placements on pending offers. The additional space the application site affords would allow these placements to be filled.

The school provided a quote from their January 2015 OFSTED report which stated;

"The school is not yet outstanding because; the sixth form is new and the school has not yet had time to implement the effective plans for its development and expansion.

What does the school need to do to improve further? Develop the provision in the sixth form by: ensuring that the transition plans are accepted by the local college extending vocational awards and building on qualifications gained in English and maths acquiring a sixth form block so that older students can have their own learning environment."

The applicant's comments are as follows;

"The site at Torrington Park is suited to the needs of the school as it is situated locally to the main school site at 88 Woodside Park Road and is therefore easily reached by foot. The internal layout is suited to creating small safe classrooms for up to four students which meets the requirements of a low arousal environment. The position of the building set back from the road creates a calm and quiet environment for the students so they are able to learn. The close proximity to the High Road gives the students access to local facilities, this enables them to practice their independence and life skills programmes and being a ten minute walk from Woodside Park station supports older students who are completing part time course at Barnet College, a partner of the school.

The vision of the school is to meet the needs of their students until they are 19 years old. There are no long term plans to expand the school further as the small size of the school is the heart of its success.

The Holmwood School is part of the Dwight group of schools. In the past few years they have been searching for additional premises within a five miles radius. A bid made to Trent Park unfortunately fell through in 2013. No other sites have been deemed an appropriate setting for the students. Applications made to extend the existing school site have been refused by the Council on two occasions.

The proposed change of use would make available up to 20 placements for students of varying ages from 14 upwards. The philosophy of the school is not to try and create as many places as possible but to retain our normal ratio of 1:2 and improve and provide a more focused environment with more appropriate facilities to extend the older students' life skills learning. For the large majority of students, college placements at local services will be part of their weekly curriculum; this may be vocational courses, academic courses, apprenticeships or work experience. Time spent on these would be offsite at the relevant places and therefore the percentage of students actually using the Torrington Park site at one time will be significantly reduced.

The hours of the school are from 8.45am – 4.30pm. These are the hours that students are likely to be on site. Staff may be on site before and after these times but numbers would be minimal. The use of this site would not be for evening use nor weekend use".

Officers consider the information provided is sufficient to justify the loss of the existing residential unit(s) in line with Policy DM07. The proposed change of use from C3 (dwelling house) to D1 (school) is not considered to result in any detrimental impact to the amenity of existing residential and neighbouring occupiers. Furthermore, it has been shown that there is a need for this type of school within this particular area and the demand for this additional campus cannot adequately be met elsewhere within the borough.

Policy DM13 deals with community and education uses and states new educational use should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. The application site is not located within a Town Centre however; it is within close proximity of the boundary of the North Finchley Town Centre and has good access to public transport. Although the site has a low Transport for London Public Transport Accessibility Level (PTAL) rating of 2 it is considered that students would be able to have adequate access to the site, especially given the proximity of the application site to the main school campus.

Policy DM13 further states, new education uses should ensure that there is no significant impact on the free flow of traffic and road safety. New education issues will be expected to protect the amenity of residential properties.

It is not considered that the proposed change of use will result in any increase in the traffic volume as The Holmewood School as 88 Woodside Park Road will continue to be the main school site. As detailed previously, the new premises would make available up to 20 placements for students of varying ages from 14 upwards. Students will be expected to arrive at the main school for registration and tutorials before moving to the Torrington Park site. Students will walk between sites or, alternatively the 383 bus route runs between the two sites, door to door.

Three car parking spaces have been outlined on the current plans and there would be no further plans to extend this. Staff escorting students by car between sites is not permitted under the school health and safety policy. As such it is considered that impact on the free flow of traffic and road safety would be limited and the proposals would protect the amenity of residential properties in line with the requirements of Policy DM13.

Impact on the character and appearance of the listed building and surrounding area

The proposals show the existing access to the main road will remain unchanged except for the re-instatement of the gates to the front. Level access to the ground floor will be achieved by way of an extension to the existing timber ramp to the rear doors off the kitchen with the addition of further ramp around the flank of the main building. A condition is suggested requiring further details of the proposed ramp to ensure it is not detrimental to the character and appearance of the host listed building.

Very limited alterations are proposed to the listed building, including:

- Remove existing dilapidated staircase to the basement and replace with a new stair
- Re wire, partly replumb
- Strip out existing dilapidated bathroom and 4 no. w/c's
- Re-instate the ceiling to the basement
- Remove the later ground floor middle door and re-instate window
- Repair/ refurbish the timber deck to the rear

These works are similar to those which have been given consent under the previous application to convert the existing building into three self-contained flatted units. It should be noted that the existing plan form of the listed building has been retained. The proposals are considered to retain the significance of the listed building and result in no harm to the character.

The proposals do not detrimentally impact on the qualities of the statutory listed building and protect the character of this part of the Woodhouse ward. The design, size and siting of the alterations are such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, trees of special amenity value and area of special character.

5.4 Response to Public Consultation

The concerns raised are noted. However it is considered that the above report lays out the justification for the acceptability of the change of use of this existing C3 (dwelling house) into D1 (school). It has been demonstrated that there is an identified need for the

additional school building in this particular location. Furthermore the proposals are not considered to give rise to any demonstrable loss of amenity to existing residents.

Conditions are suggested restricting the hours of use and number of students in order to ensure that the residential amenity of neighbouring occupiers is retained.

In regards to the concerns raised about the consultation process it should be noted that 106 addresses were directly consulted, a site notice was erected outside of the application premises and press notice was published in the local paper. This is in line with the Councils normal procedure and exceeds its Statutory requirements.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the host Statutory Listed building and protects the character of this part of the Woodhouse ward. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene and conservation area.

