

Location **91 Brunswick Park Gardens London N11 1EF**

Reference: **15/02224/FUL** Received: 9th April 2015
Accepted: 9th April 2015

Ward: Brunswick Park Expiry 4th June 2015

Applicant: Mr John Silverman

Proposal: Construction of a two-storey building containing 4No. self-contained assisted living flats (C2)

Recommendation: Approve subject to conditions

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

14/826/Loc01 - location plan
14/826/P01 - proposed site plan
14/826/1P02 - proposed ground floor plan
14/826/P03 - proposed first floor plan
14/826/P04 - proposed roof plan
14/826/P05 - proposed north elevation
14/826/P06 - proposed east elevation
14/826/SUR01 - existing site plan
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 development must be begun within three years from the date of this permission.

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

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 5 a) No development other than demolition work shall take place until details of the location within the development and specification of the ground floor units to be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users shall be submitted to and approved in writing by the Local Planning Authority.

The specification provided for those identified units shall provide sufficient particulars to demonstrate how the units will be constructed to be either wheelchair accessible or easily adaptable for residents who are wheelchair users.

b) The development shall be implemented in full accordance with the details as approved prior to the first occupation of the development and retained as such thereafter.

Reason: To ensure that the development is accessible for all members of the community and to comply with Policy DM02 of the Development Management Policies DPD (adopted September 2012) and Policies 3.8 and 7.2 of the London Plan 2011.

- 6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 7 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 8 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).

- 9 The premises shall be used for assisted living units and for no other purpose (including any other purpose in Class C2 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.

- 10 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 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 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 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5,992.00 payment under Mayoral CIL.

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 are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £23,112.00 payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are 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, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and 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 this grant of planning permission, please email us at: 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 Extensions: 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 <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 4 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

Officer's Assessment

1. Site Description

The application site is located on the northern side of Brunswick Park Gardens and relates to a plot of land adjacent to number 91, currently used as outdoor amenity space. Number 91 Brunswick Park Gardens is a two storey residential building with rooms in the roof-space. The property comprises six bedrooms that are occupied by people recovering from mental health problems. Facilities on the site are communal.

The site shares boundaries with number 89 Brunswick Park Gardens, number 11-17 Pine Road and 193-197 Brunswick Park Road. The site slopes down towards Brunswick Park Road which lies to the east. Properties in the vicinity are predominately residential in character and the properties on Brunswick Park Gardens are all of a similar style and design.

2. Site History

Nil

3. Proposal

The proposal includes the construction of a two storey building containing four self-contained assisted living units. The building is proposed to be 14.8m wide and is between 5m - 8.5m deep and is 4.9m high (measured to bottom of the eaves). The building includes a combination of hipped roofs, with one prominent high hip that is 9.6m high that links to the existing building at number 91 Brunswick Park Gardens. Another hipped roof then steps down over the main part of the building, having a height of 7.8m.

Summary of flats:

Flat A - 1 person unit measuring 38sqm in area

Flat B - 1 person unit measuring 39sqm in area

Flat C - 1 person unit measuring 38sqm in area

Flat D - 1 person unit measuring 39sqm in area

The units will be used as assisted living as defined by the Use Class Order as C2 (Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres). These units will be used by the Councils Adult Services.

Refuse facilities are proposed within the rear yard, within the curtilage of the building, accessible via the entry path to the units. No parking is proposed.

4. Public Consultation

Consultation letters were sent to 57 neighbouring properties.

10 responses have been received, comprising 9 letters of objection, 1 letters of comment.

The objections received can be summarised as follows:

- Excessive noise
- Loss of privacy
- Proximity to nearby dwellings
- Obstruct light into nearby properties

- Impact on the house price of nearby properties
- Management and supervision of the proposed tenants, and concern that no staff are to be employed for the new facility
- The slope of the site results in overlooking
- The boundary fence is inadequate
- The large tree in the rear yard will be impacted
- The surrounding gardens and the proposed build area support slow worms, bats, and newts, all protected and priority species and therefore conservation and biodiversity will be affected
- The main sewer or drain runs between 195 and 197 BPR and is frequently blocked, concern that this will be exacerbated by additional residents who will inhabit the building
- The overall scale and mass of the development is totally out of character with its surroundings
- The development would change the area and have a detrimental effect on surrounding properties and their residents
- Increased numbers of people
- Parking
- Will there be vetting for criminal convictions?
- Security of current residents

Internal Consultation

Strategic Planning and Regeneration - Supported housing is required in the Borough

Site notice date - 30 April 2015

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, CS5, CS9, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

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.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principal of development
- Amenity of future residents
- 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.

5.3 Assessment of proposals

Principal of development

The character of the area is mixed, and contains a variety of single family dwellings and self-contained flats. The principal of assisted living is considered to be acceptable in this location.

Amenity of future residents

The size of the units are considered to meet the requirements residential space standards outlined in Table 2.1 in the councils Sustainable Design and Construction SPD. The minimum room dimensions and floor areas for living rooms are considered to meet the recommended guidelines outlined in Table 2.2 within the abovementioned SPD.

The development results in the loss of part of the existing garden, and in accordance with Table 2.3 in the abovementioned SPD, flats require 5sqm of amenity space per habitable room. (The SPD defines habitable room as 'A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m² will be counted as two.'). The development provides spaces for outdoor amenity within the curtilage of the building. The existing dwelling at number 91 retains 220sqm of outdoor amenity space at the rear of the building providing adequate communal space for normal domestic activities. It is considered that the development aligns with the objectives of councils outdoor amenity space policy.

Part 2.4 in the councils abovementioned SPD advocates that residential units have suitable access to outlook, daylight and privacy. It is considered that the development will provide sufficient aspect and outlook for all habitable rooms, and the proportion of glazing in each room will enable good levels of daylight for future residents. In addition, the siting and position of the building is considered to be distant enough from adjoining dwellings to ensure that overlooking and loss of privacy will not harm the amenity of future residents.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The development's 'L' shape, is situated within 100mm from the northern flank wall of number 91 Brunswick Park Road and measures 14.8m wide, between 5m - 8.5m deep, and is a maximum of 9.6m high (at the ridgeline adjoining number 91) and is 7.8m high (at the lower ridgeline). The overall design of the building, including the hipped roof, siting and fenestration are considered to relate positively to the surrounding buildings. The nearby buildings are characterised by semi-detached and terraced two storey dwellings, with hipped or gable roof forms, and the overall height of the development is proposed to step down from both adjoining neighbours at number 89 and 91, so that the development will appear subservient to its adjacent neighbours. The development retains a good degree of open space within the curtilage of the site. The development will be significantly obscured from the streetscape, due to the location of number 89 and 91, and it is considered that the development will not result in harm to the character and appearance of the existing building, the streetscene and the wider locality.

Whether harm would be caused to the living conditions of neighbouring residents

The development is separated by 1.5m (from the boundary) and 2.5m (from the flank walls) with number 89 Brunswick Park Gardens. The new building will be circa 6m deeper than the rear wall of No 89 Brunswick Park Gardens and owing to the gradient of the land will be located on a lower groundlevel.

In relation to the properties located to the rear of the site, the proposed angled windows are positioned approximately 10-10.5m from the boundary with numbers 15 and 17 Pine Road, and the windows will be more than 21m away from habitable room windows in nearby sites, which complies with councils controls.

On the eastern side of the site, the development is set 10.5m away from the boundary with numbers 193, 195 and 197 Brunswick Park Road, and habitable windows are positioned more than 21m away.

Owing to their splayed nature it is considered that the development's first floor windows will not result in loss of privacy and harm to the living conditions of neighbouring residents.

The siting and position of the development is considered to be distant enough from all neighbouring dwellings to ensure that the proposal will not result in overbearing impacts or loss of light to those dwellings.

Parking

The proposal does not include parking for future residents, and it is advised that the residents, will not require car parking facilities. The development is considered to be acceptable without parking as the units are located within a close proximity to a railway station (Oakleigh Park), the underground (Totteridge and Whetstone) and multiple bus routes (251, 34) which provides public transport options for the residents. The development is not expected to result in a harmful loss of parking within vicinity of the site.

5.4 Response to Public Consultation

In line with standing advice from Natural England and Department for Environment, Food & Rural Affairs dated October 2014, Local Authorities are only required to request species survey when there is a reasonable likelihood of protected species being present on the site, or affected by the development. As the site is a regularly mowed lawn which is not considered to be a suitable habitat for protected species, the proposal is not considered to result in a detrimental impact on protected species

All other matters have been addressed in the formal appraisal.

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 supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

