

LOCATION: 19 Highfield Road, London, NW11 9LS
REFERENCE: F/00272/12 **Received:** 24 January 2012
WARD: Golders Green **Accepted:** 24 January 2012
Expiry: 20 March 2012

Final Revisions:

APPLICANT: Countypier Ltd
PROPOSAL: Conversion of existing office building into 9no self-contained residential units. Demolition of existing staircase and boiler enclosure adjoining 17 Highfield Road and erection of new stairs and lift. Provision of refuse facilities, associated minor landscape and access alterations including removal of existing entrance lobby.

**Approve Subject to S106
Subject to a Section 106 Agreement**

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £12,423.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £8,364.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £1,251.00**
A contribution towards Library Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £1,551.90**
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 7 **Open Spaces (ward level) £9,000.00**
A contribution towards the improvement of open spaces in Golders Green ward

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: F/00272/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site & Location Plan; Design & Access Statement; Plan No's: 1123.1; 1123.2; 1123.3; 1123.4; 1123.5; 1123.6; 1123.P1; 1123.P2; 1123.P3; 1123.P4; 1123.P5; 1123.P6.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 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 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 the surrounding area.

- 4 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

- 5 Before the building hereby permitted is occupied all the proposed windows to the external staircase shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 6 Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are protected from the poor air

quality in the vicinity.

- 7 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic and / or mixed use noise in the immediate surroundings.

- 8 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the floor plan layout as shown on the hereby approved plans must not be changed without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 10 Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the proposed planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the flank elevations of the extension hereby approved facing the neighbouring properties, unless agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenities of the occupiers of the adjoining properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv3, GEMP4, EMP2, GLoc, GParking, D2, D3, D5, D8, D9, M11, M13, M14, H5, H13, H16, H17, H18, H21, H24, CS1, CS8, CS13, IMP1, IMP2.

Core Strategy (Submission version) 2011: CS5, CS10.

Development Management Policies (Submission version) 2011: DM01, DM02, DM03, DM04, DM08, DM13, DM17.

ii) The proposal is acceptable for the following reason(s): -

The conversion of the property into 9 self contained flats and proposed extension is considered acceptable, in character with the surrounding area. The proposal would protect the character of this part of Golders Green and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.

- 2 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 Council of 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 email:
street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

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The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £_____.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

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Any alteration to the existing crossover or new crossovers will be subject to detailed survey by the Environment, Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

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Refuse collection points should be located within 10 metres of the Public Highway; alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13th July 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/00272/12 under delegated powers for the following reasons:

- The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies / Standards:

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... "

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states "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".

It is considered that the application complies with the above sections of the NPPF.

The Mayor's London Plan (2011):

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. Policy 3.5 sets out minimum space standards for dwellings of different sizes, it gives minimum standards which developers are encouraged to exceed.

Local Development Plan:

The relevant development plan for the London Borough of Barnet is the Barnet Unitary Development Plan (adopted 18th May 2006) and the Mayor's London Plan (published February 2004).

Relevant Unitary Development Plan Policies:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

Supplementary Planning Guidance:

Supplementary Planning Document on Sustainable Design and Construction (June 2007).

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

Core Strategy (Examination in Public version) 2012

Development Management Policies (Examination in Public version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Policies: DM01, DM02, DM08, DM17.

Relevant Core Strategy Policies:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August /

September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Policies: CS NPPF, CS1, CS5.

Relevant Planning History:

Application: Planning **Number:** C/02076/H/02
Validated: 15/11/2002 **Type:** APF
Status: Decided **Date:** 26/02/2003
Summary: **Refused** **Case Officer:**
Description: Temporary change of use of top floor to part education and part youth group for three years.

Application: Planning **Number:** C/02076/J/03
Validated: 07/03/2003 **Type:** APF
Status: Decided **Date:** 14/12/2004
Summary: **Approved** **Case Officer:** Clive Townsend
Description: Use of part of top floor of office building for educational purposes and youth group for a period of two years.

Application: Planning **Number:** C/02076/K/06
Validated: 27/02/2006 **Type:** S63
Status: Decided **Date:**
Summary: **Approved** **Case Officer:** Fabien Gaudin
Description: Continued use of premises for educational purposes and youth group.

Site Address: Building B 17-19 Highfield Road London NW119LS
Application Number: C02076M/06
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of a structure surrounding existing fire escape stairs and continued use of part of second floor for educational and youth group uses.**

Site Address: Building B 17-19 Highfield Road London NW119LS
Application Number: C02076L/06
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of a structure surrounding existing fire escape stairs and continued use of part of second floor for educational and youth group uses. (TBC)**

Site Address: 17 Highfield Road NW11
Application Number: C02076D
Application Type: Full Application
Decision: Approve with conditions

Decision Date: 11/06/1975
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of boiler house**

Site Address: 17 Highfield Road NW11
Application Number: C02076C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 30/04/1975
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Canopy and entrance foyer.**

Site Address: 17 Highfield Road NW11
Application Number: C02076B
Application Type: Full Application
Decision: Refuse
Decision Date: 30/04/1975
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of office block with clear glazing to replace existing obscured glazing to rear elevation.**

Site Address: 17 Highfield Road
Application Number: C02076A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 23/10/1974
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **erection of external staircase to offices**

Site Address: Block 1, 17 Highfield Road NW11
Application Number: C02076E
Application Type: Full Application
Decision: Not yet decided
Decision Date: 01/07/1986
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use of second floor as training centre.**

Site Address: 17 HIGHFIELD ROAD LONDON NW11 9LS
Application Number: C02076G/00
Application Type: Full Application
Decision: Withdrawn
Decision Date: 13/03/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Change of use of three storey office building (Class B1) to educational use (Class D1).**

Site Address: 17 Highfield Road LONDON NW11
Application Number: C02076F
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 12/11/1991

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Formation of ramped access at front

Consultations and Views Expressed:

Neighbours Consulted: 140 Replies: 10
Neighbours Wishing To 3
Speak

The objections raised may be summarised as follows:

- Concerns about impact of proposals on parking and congestion
- Concerns about impact of construction vehicles
- Loss of light
- Loss of privacy
- Overlooking
- Increased noise, disturbance and pollution resulting from increased use of the site
- Concerns about loss of employment use on site
- Concerns about the maintenance of the fence which backs on to the application site at the rear of Alba Gardens

One letter also stated that the conversion of No. 19 into flats will be a good idea, if efficiently carried out.

The application was deferred from the June West Area Planning Sub-Committee in order for officers to discuss whether the applicant would be willing to enter an agreement to restrict parking permits for future occupiers.

The applicant (via their planning agent) has advised that they are not willing to enter an agreement to prevent future residents from purchasing parking permits.

Officers' advice remains as per the previous recommendation for approval. The application is considered to be acceptable on highway grounds and the proposed five car parking spaces meets the Council's parking standards set out in the UDP 2006. Highways officers have confirmed that their original advice is still applicable.

The request for the restriction of parking permits is not considered to meet the requirements of sections 203 to 206 of the National Planning Policy Framework because it would not be a necessary obligation and would not be fairly related to the type of development.

Date of Site Notice: 02 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

17-19 Highfield Road is made up of two office buildings located on the east side of the road, close to the junction with Brookside Road. Up until recently, half a floor was being used by an educational organisation.

Proposal:

The proposals relate to the change of use of the building from offices to 9 self contained units (1 and 2 bedrooms). There will also be the demolition of existing staircase and boiler enclosure adjoining 17 Highfield Road and erection of new stairs and lift with the provision of refuse facilities, associated minor landscape and access alterations including removal of existing entrance lobby.

Planning Considerations:

The redevelopment of the site would, in principle, respect the established character of the area where residential units prevail. However, the proposed change of use would result in the loss of an office use. Such changes of use are controlled under policies GEMP4, EMP2 and H24 that seek to retain land in employment use unless there is no realistic prospect of re-use for employment purposes or other non-residential uses.

The agent has supplied marketing information in relation to the amount of vacant office space in the area. The application site has also been marketed for a period of time. Using this evidence, it is likely that the office space will not be in demand in the short to medium term. The information has been assessed by the Council's Property Services department as is considered to be sufficient.

The NPPF states that Local Planning Authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

The need for housing in the area is not in question and it is considered that there are no strong economic reason making the development inappropriate as confirmed by the Council's Property Services department

The principle of redevelopment for residential purposes in this location would be in line with national and local policy. The Government is committed to maximizing the re-use of previously developed land and empty properties to promote regeneration and minimize the amount of green field land being taken for development. A new housing development of whatever scale should not be viewed in isolation. Consideration of layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape of the wider locality.

All units meet the minimum residential floor areas set out in Appendix 1 of the SPD on Sustainable Design and Construction. Design Guidance Note 7, relates to the adequate provision of internal space. It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats exceed

Barnet's minimum size of 30m² and the minimum space standards within The London Plan, policy 3.5.

The applicant has not submitted information that shows insulation of acoustic separation for the proposed new units. The system should achieve a sound attenuation in line with Building Control requirements and this is to be enforced through an appropriate condition attached to the decision.

External staircase:

An enclosure has been provided for the external staircase to reduce overlooking to neighbouring properties. The windows for the external staircase are to be of obscured glass and thus this will prevent potential issues of overlooking or loss of privacy for the properties fronting Alba Gardens. It is considered that the enclosure would result in a subordinate addition to the site that would not harm the amenity of neighbouring occupiers.

Parking/Access:

The proposal is for the change of use for part of the building from office/study centre to provide 9 residential flats comprising 6 x 1bedroom units and 3 x 2bedroom units. Part of the office use remains although is not in use. Up to 12 existing parking spaces are available for use.

4.5 to 10.5 parking spaces would be required to meet the parking standards set out in the UDP 2006 for the proposed residential use. The application form states that 5 car parking spaces are allocated for the 9 residential flats and therefore the existing parking provision meets the parking standards. The proposal has been assessed by a Highways officer and is acceptable on highways grounds.

No changes are proposed to existing access arrangement. For any changes to the existing crossovers a separate crossover application must be submitted for approval to the Highways Authority.

Required Planning Contributions:

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

Education

Under Policy CS8 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future education needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the Council's Supplementary Planning Document on Contributions to Education.

Library Services

Policy CS2 of the Adopted UDP (2006) states that the council will seek to enter into

planning obligations, where appropriate, in conjunction with new developments, to secure the provision of community and religious facilities. A contribution will be sought for the provision of library services in the borough in line with the council's Supplementary Planning Document on Contributions to Library Services.

Health

Under Policy CS13 of the Adopted UDP (2006) the council will seek to secure a financial contribution through a Section 106 Agreement for future health needs generated by the development in the Borough. The financial sum is dependant on the number and type of units proposed and is calculated in line with the council's Supplementary Planning Document on Contributions to Health.

Greenspaces

The current scheme does not propose any outdoor space contrary to policy H18. The site, however is not located in an area of deficiency at local park level as identified in the UDP and is within a few minutes walk to Princes Park. This point alone would not warrant refusal of the application. A contribution is sought towards the upkeep of local parks.

Monitoring Contribution

The delivery of the planning obligation from the negotiations stage to implementation can take considerable time and resources. As the Council is party to a large number of planning obligations, significant resources to project manage and implement schemes funded by planning obligation agreements are required. The Council therefore seeks the payment of a financial obligation towards the costs of undertaking the work relating to securing the planning obligations. The amount of contribution being sought would depend upon the final scheme. In February 2006 Cabinet approved a Supplementary Planning Document (SPD) for Planning Obligations details of which are available on the Council's website.

All of the above contributions would be sought under Policies IMP1 and IMP2 of the Adopted UDP (2006).

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal.

4. EQUALITIES AND DIVERSITY ISSUES

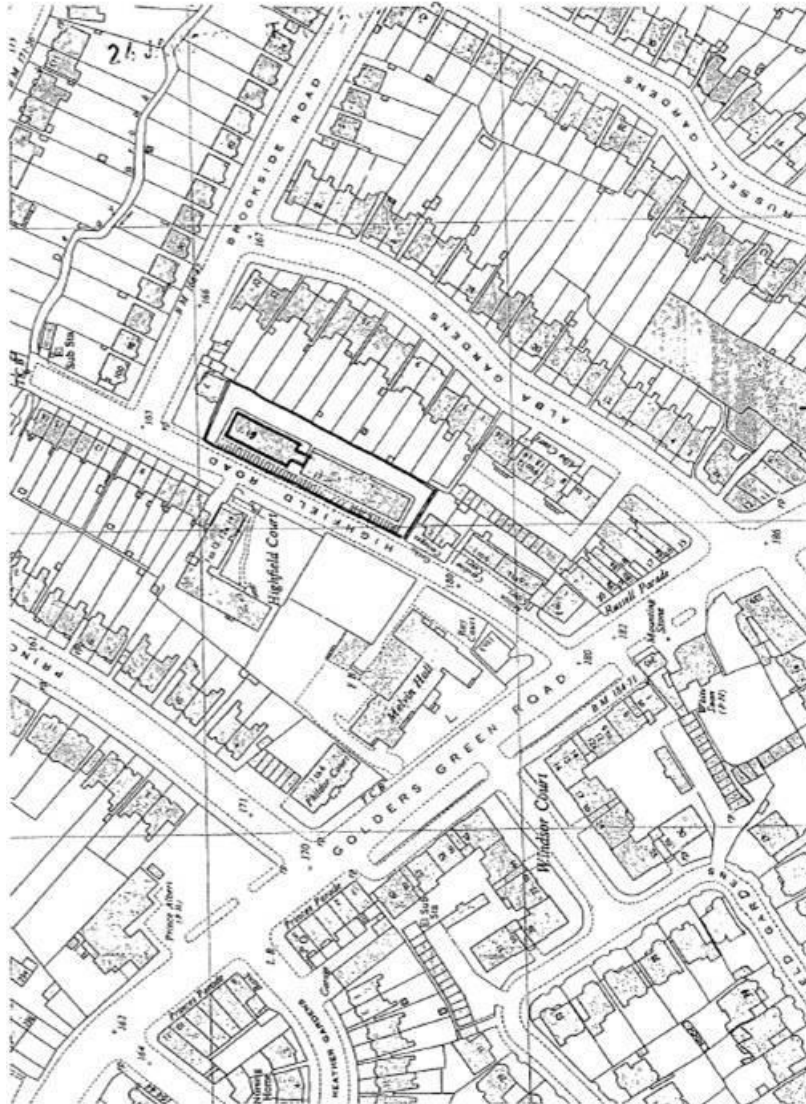
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

As conditioned, the proposal would provide further accommodation without detriment to the residential amenity of neighbouring and future occupiers. The proposal is acceptable on highways grounds. It is recommended the application be **approved** subject to the discharging of attached conditions.

SITE LOCATION PLAN: 19 Highfield Road, London, NW11 9LS

REFERENCE: F/00272/12



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