

LOCATION: 4 Manor Park Crescent, Edgware, Middx, HA8 7NN
REFERENCE: H/04040/11 **Received:** 27 September 2011
Accepted: 09 November 2011
WARD: Edgware **Expiry:** 08 February 2012

Final Revisions:

APPLICANT: BMI International Holdings LTD
PROPOSAL: Change of use from D1 & D2 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.

Approve Subject to Unilateral Undertaking

Subject to a Unilateral Undertaking

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 **Libraries (financial) £1,455.00**
A contribution towards Library Facilities and Resources in the borough
- 4 **Health £13,841.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Highways Improvement (local to the site) £15,000.00**
A contribution towards local highway improvements within the vicinity of the development.
- 6 **Highways (controlled parking) £2,000.00**
A contribution towards the cost of required changes to an existing scheme or creation of a new scheme for controlling parking within the vicinity of the development.
- 7 **Monitoring of the Agreement £2,491.84**
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 8 **Special Site-Specific Obligation £0.00**
Undertaking to provide a community access plan with details of which rooms are available for public use and what uses they are available for, proposed rents and management arrangements
- 9 **Requirement to submit Travel Plan £5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel

Plan.

10 Special Site-Specific Obligation

£0.00

Submission of a management plan to ensure occupation by full time students at this institution and to provide details of management arrangements at the facility.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/04040/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: A-MPC10-PP03-PR D-17 Jun 12, A-MPC10-PP07-PR C-23 Feb 12, A-MPC10-PP04-PR D-27 May 12, A-MPC10-PP05-PR D-27 May 12, A-MPC10-PP02-EX, A-MPC10-PP08-PR C-23 Feb 12.

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 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

- 4 Before the building hereby permitted is occupied the proposed window(s) in the east elevation facing no.6 Manor Park Crescent, and the kitchen and dining room windows in the north elevation, and windows in the north elevation of unit 25 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

Reason:

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

- 5 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

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

- 6 Prior to the commencement of the proposed development a Demolition/Construction Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the affected nearby service road users. The development shall thereafter be implemented in accordance with the approved details. Demolition/Construction Management Plan shall include, but not be limited to, the following information:

- details of the routing of construction vehicles to the site and access and egress arrangements within the site;

- details of how 24 hour access will be kept clear/ maintained, if it is to be used;
- site preparation and construction stages of the development;
- details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site facilities and materials;
- details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining adopted highway;
- the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- details of contractors compound and car parking arrangements;
- Details of interim car parking management arrangements for the duration of construction;

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties or the service road users.

- 7 A noise assessment, by an approved acoustic consultant, shall be carried out that assesses the likely impacts of noise on the development. This report and any measure to be implemented by the developer to address its findings shall be submitted in writing for the approval of the Local Planning Authority before the development commences. The approved measures shall be implemented in their 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 Before development commences, a report shall be carried out by a approved acoustic consultant and submitted to the Local Planning Authority for approval, this shall assess all the likely noise impacts from the educational and student accommodation use of the development, as well as the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

- 9 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it

shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

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

- 10 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan A-MPC10-PP03-PR Revision D 17 JUN 12 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

- 11 Before the development hereby permitted commences, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard highway and pedestrian safety.

- 12 The proposed student flats shall only be occupied by students who are enrolled in full time courses at the college on site.

Reason: To ensure that the development is occupied only by students on a temporary basis as the units are not of sufficient amenity to be occupied on a permanent basis.

- 13 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

- 14 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

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

- 15 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development.

- 16 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.

Reason:

To ensure a satisfactory appearance to the development.

- 17 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.

- 18 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 19 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.

- 20 Apart from the proposed community uses, the use hereby permitted shall not be open as a college, before 9am or after 5pm on weekdays, or at any time on Saturdays, Sundays or Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 21 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.

- 22 Before the development hereby permitted commences, an energy statement shall be submitted demonstrating how the scheme will achieve reductions in Target Emission Rate.

Reason: To ensure that the development achieves an acceptable environmental standard.

- 23 Before the development hereby permitted is occupied, a plan showing details of cycle parking shall be submitted to and approved in writing by the local planning authority.

Reason: to ensure that the development has an acceptable impact on highway and pedestrian safety.

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, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M4, M10, M11, M12, M13, M14, CS1, CS2, CS3, CS8, CS13, IMP1, IMP2.

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document: Contributions to Libraries

Supplementary Planning Document: Contributions to Health

Supplementary Planning Document: Planning Obligations

Core Strategy (Adoption version) 2012: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

Development Management Policies (Adoption version)2012: DM01, DM02, DM09, DM13, DM17.

- ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on the character and appearance of the locality, neighbouring amenity, and highway and pedestrian safety. The proposals would make adequate provision to local libraries and health services and would make provision for highway improvements. The proposals would continue to provide community facilities on site and as such the loss of the previous use is considered acceptable. The proposals would provide an additional educational facility with associated student accommodation.
- 2 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location. In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve. The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements. The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants. The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.
- 3 The Highway Authority (HA) has to be contacted once the development proposal

starts. The owner/developer will need to enter into the S278 with HA, for the works to raise the existing dropped kerb on the Manor Park Crescent which is a public highway.

- 4 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 £24,080.

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

RECOMMENDATION III

That if an agreement has not been completed by 05/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/04040/11 under delegated powers for the following reasons:

1). *The proposals would have a harmful impact on highway and pedestrian safety, being contrary to policies M10 and M13 of the Adopted Barnet Unitary Development Plan 2006, and policy DM17 of the Development Management Policies (Adoption Stage) 2012.*

2). *The development does not include a formal undertaking to meet the extra education, libraries, health services costs together with associated monitoring costs arising as a result of the development, contrary to Policies CS2, CS8, CS13 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document - Planning Obligations, Supplementary Planning Document -*

Contributions to Education, Supplementary Planning Document - Contributions to Libraries, Supplementary Planning Document - Contributions to Health, policy DM13 of the Development Management Policies (Adoption Stage) 2012, and Policy CS15 of the Core Strategy (Adoption Stage) 2012

3). *The proposals would result in the loss of a community facility, contrary to policies CS3 of the Adopted Barnet Unitary Development Plan 2006, and policy DM13 of the Development Management Policies (Adoption Stage) 2012.*

4). *The proposals would fail to ensure that the flats are occupied only by students at this institution or to provide facilities management, contrary to policies DM02 and DM09 of the Development Management Policies (Adoption Stage) 2012.*

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011: 5.2, 6.1, 7.4, 7.6

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.

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.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction “saving” 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D11, M3, M10, M11, M12, M13, M14, CS1, CS2, CS3, CS8, CS13, IMP1, IMP2.

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document: Contributions to Libraries

Supplementary Planning Document: Contributions to Health

Supplementary Planning Document: Planning Obligations

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Adoption 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.

The Core Strategy is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. 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.

Relevant Core Strategy Policies (Adoption version) 2012: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

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.

Development Management Policies is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. 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.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM09, DM13, DM17.

Relevant Planning History:

Site Address: 4 Manor Park Crescent, Edgware, Middx, HA8 7NN
Application Number: H/04040/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 07/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from D1 & D2 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 176 Replies: 20
Neighbours Wishing To Speak 3

20 objections have been received

A petition of 106 signatories has been received in objection to the development.

The objections raised may be summarised as follows:

- Occupation of site by students would be detrimental to character of the area and upset tranquility of the neighbourhood
- Proposals result in the loss of parking and there is no provision for additional demand generated
- Building is already overdeveloped will proposals will cause further overshadowing and loss of privacy.
- Use is already taking place and is offering courses on building services and as a hostel
- Previous use was not 24 hours a day. Proposals could cause antisocial behaviour with lots of young people congregating
- Area is overpopulated and infrastructure cannot cope, sewerage cannot cope with population growth
- Loss of community facility
- Developers have no right to use service road or sue this for maintenance.
- Density of development is excessive

- Where are smoking areas
- Dumping of rubbish
- How would the use of the flats for private market purposes be prevented?
- Ground floor windows should be obscured/fixed shut to prevent disturbance
- Permission was only granted for a youth club and therefore this use should not be lost.

Internal /Other Consultations:

- Traffic & Development - Comments contained in main report
- Environmental Health - No objection subject to conditions
- London Borough of Harrow - No objection

Date of Site Notice: 17 November 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a former youth club and community centre. The building is sited with entrances on the north-west side of Manor Park Crescent and south-east side of Grove Road. The building is part two storey and part three storey, though the two storey element is particularly high given that it housed a gym.

An access road serving the rear of shops on High Street runs alongside the south-west of the site. To the south and west is Edgware Town Centre. To the north and east are residential properties.

Proposal:

Planning permission is sought for 'Change of use from D1 & D2 (community centre) to part D1 (education) and C2 (student accommodation) use - Provision of new 30 self contained student rooms with ancillary functions. New main entrance to 3 storey glazed infill. Roof extension to front building with new mansard roof with dormers. New insulated cladding to external wall. Internal alterations, provision of new lift, new escape staircase at rear. Part demolition of 1st and 2nd floor. New privacy screen on North elevation. Excavation of front garden with associated landscaping. Bicycle storage.'

The proposal is for a college offering various A level and university entry level courses.

The proposals include 30 student flats which would be occupied by students attending the premises.

Planning Considerations:

Background

The application follows a previous withdrawn application of a similar nature.

The main issues in this case are considered to be:

- Whether the principal of the use is acceptable, including the loss of the community facility
- The living conditions of neighbouring and future residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.
- Whether the proposals would harm highway and pedestrian safety
- Whether the development would be acceptable in sustainability terms
- Whether the proposals would make satisfactory provision towards local education, health and libraries infrastructure.

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policy Env12 states that Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Policy D3 states that the size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

Policy D4 states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy CS3 states that The council will not grant planning permission for development which results in the loss of an existing community or religious facility. Exceptions may be considered where:

- i. New community or religious facilities of at least equivalent quality or quantity are provided on the site or at an alternative location more accessible to users; or
- ii. Improvements are made to community or religious facilities at other sites; or
- iii. There is an excess of community or religious facilities in the area, and a particular development will not create a shortage of provision.

Policy DM01 of the Development Management Policies (Adoption version) 2012 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 DM09 states that the Council expects proposals for student accommodation to demonstrate that they support educational establishments within Barnet and meet an identified local need. Provision for students should be located in accessible locations.

Policy DM13 advises that the loss of community / educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

Whether the principal of the use is acceptable including the loss of the community facility

The existing building has been used as a youth and community centre. In the view of the case officer, this comprised a mixture of D1 (Non-Residential Institutions) and D2 (Assembly & Leisure) uses. It should be noted that whilst there was a youth club element, the proposals were not solely a leisure use, as various religious activities are also understood to have taken place.

The proposals are for a change of use to a educational college (D1 use) with 30 self contained student flats.

The applicant has advised that the proposed flats would only be occupied by students attending the premises. A condition is attached ensuring that students only attending the college occupy the flats, and this is also part of the proposed legal agreement.

The applicant has advised that they are willing to enter into a Section 106 agreement to develop a community access plan for specified rooms on the site. The applicant advises that there are limited opportunities for sports such as football, basketball, badminton in the areas highlighted but had envisaged that there may be a demand from local groups for yoga, tai chi, table tennis, dance classes, chess clubs, bridge etc.

It is considered that this adequately addresses the loss of the community facilities previous on site.

The living conditions of neighbouring and future residents;

The applicant has amended the proposals in an effort to ensure the impact on neighbouring residents is acceptable.

Neighbouring residents are located to the north-east of the site, notably no.1 Grove Road and no.6 and 6A Manor Park Crescent. These properties have rear gardens running alongside the north-east boundary of the site and as a result the flank wall of the building is highly visible.

The proposals would have flank windows in the side facing these properties. The windows would be fixed shut and obscure glazed up to 1.7m height. The building would be sited further back from the boundary than the existing building.

Given that the windows would be obscure glazed and fixed shut, it is not considered that there would be undue overlooking or perception of overlooking as viewed from neighbouring residential properties.

The side window of unit no.25 would also be obscure glazed to prevent overlooking to the side window of unit no.24.

Furthermore given the proposed changes to the massing of the scheme, it is considered that the proposals would be likely to result in less overshadowing and loss of light than the existing building.

The proposals would result in the premises being occupied by 30 students. Given the design of the scheme, opportunities for noise escape from the building would be minimised. Conditions could be attached ensuring that adequate sound insulation is provided to prevent noise escape.

It is also noted that the proposal could generate significant general activity from both residents and students. Given the location close to a town centre it is considered that the proposals would not harm neighbouring amenity through associated general activity. Any noise from the development perceptible from the rear garden areas and dwellings themselves should not be detrimental to neighbouring amenity.

The proposed flats would be approximately 30 square metres in area. The units would have their own bathroom facilities and not kitchen facilities, which would be provided communally. The majority of units with obscure glazed windows would also have opening rooflights. Providing it is ensured that these are not occupied as self-contained flats it is considered that the units would provide an acceptable level of accommodation.

Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The proposals involve substantially altering the existing building. The resulting building would be brick at ground floor with render above. It would have a zinc clad roof with dormers to the Manor Park Crescent elevation.

The existing building is considered to be unsympathetic in relation to the local townscape, its flank elevations particularly lack visual interest. The works would present an opportunity to substantially improve the appearance of the building without harmfully increasing its massing.

It is considered that the proposals would improve the appearance of the building, which would have a positive impact on the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway and pedestrian safety

A Transport Assessment has been submitted in support of the application . This has been amended since originally being submitted, proposing some mitigation measures in the form of a draft Travel Plan.

The PTAL level of the site is 6a. The reason for this is, the positioning of this site which is approximately 430 metres from Edgware underground station. Also, there are 15 bus day routes operating nearby, as well as, two night bus routes.

The proposal reduces the current parking spaces from 10 spaces to six spaces. These spaces are intended for use by staff and visitors only.

Taking into account the above and the current provision of public transport, the parking spaces proposed are considered appropriate for this location.

In order to prevent any parking displacement that may result by this lower parking provision, S106 contribution will be secured to exempt the users of this address—residents and business, from the current Controlled Parking Zone (CPZ) or any other changes to the controlled zone that may occur in the future. This is included within part of the proposed Section 106 agreement.

A condition is proposed requiring a Parking Management Plan.

By taking account of the vicinity to the Edgware Town Centre, public transport accessibility level and local parking stress and the site inclusion in the Controlled Parking Zone, it is considered that the level of the parking of this proposal is sufficient, providing that this address is excluded from purchasing residential and business permits for all its users.

There are two disabled parking spaces proposed as part of this scheme. In comparison with the current situation and the use of parking bays this is considered an improvement.

With regards to cycle parking provision, 'The London Plan' and TfL's cycle parking standards for new developments, to see those standards are met for this proposal. 33 which represents the cycle parking spaces for this proposal.

A draft Travel Plan (TP) has been submitted with this application. Before the development is occupied an agreed Travel Plan will need to be submitted and approved by the Local Planning Authority which will include the appointment of a Travel Plan co-ordinator.

The refuse/recycle associated with this development is to be located to Grove Road.

The application is recommended for approval on highways grounds, subject to the conditions and the S106 contributions.

Whether the development would be acceptable in sustainability terms

Policy 5.2 of the Mayors's London Plan requires that new development achieves 25 per cent reduction in Target Emission Rate.

The entire building would not be demolished. Therefore this could make it difficult to strictly meet the requirements of the policy.

The development makes provision for photovoltaic panels on the roof of the development. A condition is attached requiring that an energy statement is provided to ensure that the potential TER is minimised.

Whether the proposals would make satisfactory provision towards local education, health and libraries infrastructure.

The proposals would necessitate the following planning obligations:

- £1,455.00 towards libraries facilities
- £13,841.00 towards health facilities
- £2,000.00 towards review of CPZ
- £20,000 towards highway improvements (Including £5,000 toward travel plan monitoring)
- £2,491.84 towards associated monitoring costs.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Occupation of site by students would be detrimental to character of the area and upset tranquility of the neighbourhood - *The site is located close to Edgware town centre. The proposed use is considered appropriate for this location if conditions are attached to prevent undue harm to local residents.*

Use is already taking place and is offering courses on building services and as a hostel - *This is noted and is currently being investigated by the Council's Enforcement team.*

Previous use was not 24 hours a day. Proposals could cause antisocial behaviour with lots of young people congregating - *The college itself would operate from 9am-5pm. It is not considered that the proposals would cause a harmful increase in antisocial behaviour in the locality, as students would not remain on site outside this time other than the 30 student living at the premises.*

Area is overpopulated and infrastructure cannot cope, sewerage cannot cope with population growth - *Sewerage is principally dealt with under the building regulations*

Developers have no right to use service road or use this for maintenance. - *This is a civil matter that the Council cannot intervene in.*

Density of development is excessive - *It is not considered that the density of the development warrants refusal.*

Where are smoking areas - *There is no designated smoking area.*

Dumping of rubbish - *Adequate refuse stores would be provided.*

How would the use of the flats for private market purposes be prevented? - *Conditions are attached ensuring that the flats are occupied by students. The flats would not have kitchen facilities. This means that the Council would retain control and could take action against any breach of the conditions.*

Ground floor windows should be obscured/fixed shut to prevent disturbance - *This is noted and a condition requiring this is attached.*

Permission was only granted for a youth club and therefore this use should not be lost. - *Since the time of the previous decision the Use Classes Order has been introduced. In any event, the proposed use is considered acceptable in planning terms..*

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

**SITE LOCATION PLAN:
7NN**

4 Manor Park Crescent, Edgware, Middx, HA8

REFERENCE:

H/04040/11



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