

LOCATION: Regent Banqueting Suite, 331 Regents Park Road, London, N3 1DP

REFERENCE: F/03198/12

Received: 17 August 2012

Accepted: 17 August 2012

WARD(S): Finchley Church End

Expiry: 12 October 2012

Final Revisions:

APPLICANT: The Regent Banqueting suite

PROPOSAL: Retention and alterations of a new goods lift as replacement for pre-existing manual lift (hoist).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 2012/C003/01; 2012/C003/02; 2012/C003/03; 2012/C003/04; 2012/C003/05 Rev B; 2012/C003/06 Rev A; 2012/C003/07 Rev A; 2012/C003/08 Rev A; 2012/C003/09 Rev B (Date Stamped 18 October 2012); 2012/C003/15 Rev B (Date Stamped 18 October 2012).

Reason:

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

- 2 Details of the design and external appearance of the new goods lift shall be approved by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development does not prejudice the appearance of the listed building, the conservation area or the enjoyment by neighbouring occupiers of their 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, GBEnv2, GBEnv4, D1, D2, D3, D5, HC1 and HC5.

Finchley Church End Conservation Area Character Appraisal (2011)

Core Strategy (Adopted) 2012:

NPPF CS, CS1 and CS5

Development Management Policies (Adopted) 2012:

DM01, DM02 and DM06

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

The proposal would not result in significant harm to the host property, a listed building, the Finchley Church End Conservation Area or the amenity of neighbouring properties.

- 2 Failure to implement this planning permission within three months from the date of this decision may result in an enforcement notice being served on the property.

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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

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

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

Section 12 of the NPPF states that local authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In addition to this the NPPF advises that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

The Mayor's London Plan July 2011:

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.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

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: GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, HC1 and HC5.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5.

Development Management (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: DM01, DM02, DM06.

Relevant Planning History:

Site Address: Regent Banqueting Suite, 331 Regents Park Road, London, N3 1DP
Application Number: F/03200/12
Application Type: Listed Building Consent
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New goods lift as replacement for pre-existing manual lift (hoist).**
(LISTED BUILDING CONSENT)
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 96 Replies: 13
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Lift shaft completely blocks fire escape
- Lift is considerably larger than the previous lift
- Lift causes obstruction and danger to all occupiers and users
- Lift would result in a significant increase in parking of vehicles in a haphazard manner
- There will be a reduction in privacy for occupiers of neighbouring properties by persons operating the new lift
- The new lift would increase noise pollution and disturbance to neighbouring residents

* Please note that since these objections were received, the applicant has submitted amendments in an attempt to address these points of objection.

Internal /Other Consultations:

- The building was originally statutorily listed in the year 2000, at which time it has been stated that the previous yellow hoist had already been insitu for some years. It appears not to have been an impediment to the building being designated as a

heritage asset. It might therefore be considered that in principle, the existence of such machinery is not in itself damaging to the heritage asset.

- It is noted that there is no recognition of the original hoist in either the list description for the building, and neither is it mentioned as a in the August 2011 Finchley Church End Conservation Area Character Appraisal and Management Proposals as being detrimental or a perceived threat to the character of the Conservation Area.
- Following the site visit on the 19th Sept 2012, and the objections raised with regard to the appearance of the existing lift, the applicant has proposed a new glazed and painted appearance which will help to minimise the impact on the heritage asset. It is also noted that the existing lift, by virtue of being tucked away in the rear courtyard of the listed building, has a minimal impact on the character and appearance of the Conservation Area.
- Paragraph 134 of the NPPF states the following: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. As such the lift currently insitu, whilst having a negative impact on a heritage asset, is considered less than substantially harmful and it can be considered that the continuing existence of a lift allows the building to remain occupied and thereby secure its optimum viable use, both now and for the immediate future.

Date of Site Notice: 30 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site consists of a four-storey building in use as a banqueting suite located at the corner where Hendon Lane meets Regents Park Road. The main entrance to the site is off Regents Park Road. This is a grade II listed building located in the Church End Finchley Conservation Area. Neighbouring residential flats are contained within the same building and share the communal courtyard in which the new lift has been installed.

Proposal:

The application relates full planning for the retention and alterations of a new goods lift as a replacement for the pre-existing manual lift (hoist). The proposal includes a new lift shaft with glazed panels to accommodate a new lift measuring 1.55m (w) x 1.28m (d); the lift frame would be painted black to match the existing fire escape (external staircase). The proposal would be located in the communal courtyard area situated centrally within the site.

Planning Considerations:

- The impact on the listed building and conservation area
- The impact on neighbouring residents

The impact on the listed building and conservation area

In the first instance, it is noted that the existence of the original hoist on the building did not affect the building being designated as a heritage asset when it was listed in 2000. On this basis the heritage officer has advised that 'in principle' a proposed lift in itself would not be damaging to the listed building. In addition to this the Finchley Church End Conservation Area Character Appraisal (2011) does not reference the original hoist as being detrimental or as a perceived threat to the Conservation Area. Although some concerns were raised over the appearance of the original scheme, having a metallic appearance, the Heritage Officer, in their comments on the application, notes paragraph 134 of the NPPF which supports the public benefits of the proposal in regard to securing its viable use over any less than substantial harm to the significance of the heritage asset. In this regard, due to its scale and location and given the existing situation, the proposal would not harm the setting or fabric of host listed building and is considered acceptable. In regard to the Conservation Area, the proposal would be located centrally within the site, thereby screened from public views and as such is considered to have a minimal impact on the character and appearance of the Conservation Area.

The impact on neighbouring residents

The key concerns raised by residents as a result of the new lift relate to the impact of the proposal on health and safety including fire safety, a decrease in privacy, an increase in dangerous parking and an overall increase in noise and disturbance from the site. In regard to the health and safety issues, this is not considered a planning matter and in this regard the proposal cannot be found unacceptable. Whilst it is appreciated that the lift is capable of carrying persons due to its increased size and the introduction of a platform, the impact upon privacy of occupiers in the neighbouring flats is not considered to be any worse than that potentially emanating from users of the external staircase and in this regard the proposal is considered acceptable. Finally, in respect of the increase in noise and disturbance from the new lift, this is not considered to be any worse than the existing situation given that the scheme does not involve the operating of machinery or a motor. Additionally the Council's Environmental Protection officer has not raised any objections to the scheme. Overall in terms of its impact on neighbouring properties the proposal is not considered harmful enough to be refused on these grounds.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Since the application was originally submitted, the proposal has been amended. It is considered that have received these amendments they comply with the National, London Plan, and Council Policies and Guidelines. As a result it is considered that the planning related concerns raised on this application relating to design and amenities are not sufficient to constitute a reason for refusal.

Other matters are considered to have been covered in the appraisal section above.

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 the proposal would not result in significant harm to the host property, a listed building, the Finchley Church End Conservation Area or the amenity of neighbouring properties and in this regard is acceptable and complies with the Council's relevant policies and guidance.

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