

**LOCATION:** Former St Marthas Junior School, 5B Union Street, Barnet, Herts, EN5 4HY  
**REFERENCE:** B/02303/12 **Received:** 19 June 2012  
**WARD:** High Barnet **Accepted:** 25 June 2012  
**Expiry:** 24 September 2012

**Final Revisions:**

**APPLICANT:** Hanover

**PROPOSAL:** Demolition of vacant convent school buildings and erection of part single, part two, part three storey building containing 25 residential dwellings (Use Class C3) for over 50's; single storey summerhouse for communal use, external communal space, 9 car parking spaces and associated landscaping, single storey laundry/plant room.

**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 **Affordable Housing (units) £0.00**  
Provision of 8 affordable housing units on the site, split up into the following types:  
i) Social Rented Accommodation:  
8 x 1 bedroom (2 person)
- 4 **Libraries (financial) £3,755.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £24,139.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Highways (traffic order) £2,000.00**  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

**7 Monitoring of the Agreement**

**£1,494.70**

Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/02303/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 277\_PL\_001; 002; 003; 004; 005; 006 Rev L; 007 Rev L; 008 Rev L; 009 Rev L; 010 Rev I; 011 Rev I; 012 Rev I; 013 Rev G; 014; 019 Rev H.

And the following additional documents:

Planning Statement (June 2012 prepared by Savills and updated 12 March 2013), Transport Statement (WSP, June 2012 ), Phase I and Phase II GeoEnvironmental Assessment (WSP), Daylight and Sunlight Report (Savills June 2012), Noise Impact Assessment (WSP, June 2012), Air Quality Assessment (WSP, May 2012), Energy Strategy and Sustainability Report (WSP, June 2012), Flood Risk Assessment (WSP, June 2012), Archaeological and Cultural Heritage Assessment (EDP, June 2012), Extended Phase I Habitat Survey (DF Clark Bionomique Ltd, October 2012), Bat Survey (DF Clark Bionomique Ltd, August 2012), Design and Access Statement, Arboricultural Impact Assessment (November 2011 and addendum report January 2012, DF Clark Bionomique Ltd).

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 Before development hereby permitted is occupied, parking spaces, cycle parking and turning spaces shown on drawing number 277\_10PL\_006 Rev L shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. 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 parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site 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 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 DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 5 Before the development hereby permitted commences, details of the materials to be used for all the external surfaces of the buildings and hard surfaced areas, including sample panels of brickwork (to include brick colour, texture, mortar and pointing), samples of slate, details of windows/external doors/chimneys/dormers/rooflights/meeting room frontage/main entrance/bay windows/balconies/railings/rainwater goods/heating and ventilation flues/external lighting 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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 6 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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 Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 7 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason:

To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 8 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 9 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 10 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 12 The dwelling(s) shall achieve a Code Level 4 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 4 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 13 All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

- 14 No development shall take place 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. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 15 No person under the age of 50 years old shall be a resident of the development hereby approved:

Reason:

- 16 Before the development hereby permitted commences, details of the proposed window in the first floor south elevation (Flat 18) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 17 Before the development hereby permitted commences, details of the proposed privacy screens to the proposed balconies shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 18 A) No development shall take place until the applicant has secured the implementation of a programme of archeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.  
B) No development or demolition shall take place other than that in accordance with the Written Scheme of Investigation approved under Part A.  
C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation. approved under Part A, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with recommendations given by the borough and in the NPPF.

- 19 Notwithstanding the plans submitted, before development commences, details of the proposed vehicle access control system shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy DM17 of the Development Management Policies DPD.

20 Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
  - a risk assessment to be undertaken,
  - refinement of the Conceptual Model, and
  - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning

Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

## **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 Core Strategy (2012) and Development Management Policies DPD (2012). In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11, CS12 AND CS15.

Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM13, DM16 and DM17

ii) The proposal is acceptable for the following reason(s): Whilst the proposal would result in the loss of an education site it is nevertheless considered that demand for its continued use has not been demonstrated by the marketing of the site and accordingly its redevelopment for non-education purposes is acceptable in principle. The proposed residential redevelopment of the site would be compatible with the character of the surrounding area and the proposed built form and intensity of use would not adversely impact on the amenities of neighbouring residents. The site falls within the Wood Street Conservation Area and the proposal would enhance the character and appearance of the Conservation Area. The proposal is acceptable on highway grounds.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure



that the proposed development is in accordance with the Council's relevant policies and guidance.

2

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 £72275.

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](http://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](mailto:cil@barnet.gov.uk).

3

Wildlife and Countryside Act 1981 Obligations etc: TIN/TPO

Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

4

If the development is carried out, it will be necessary for a vehicle access to be constructed. The applicant must submit an application under Section 184 of the Highways Act (1980) for construction of a new vehicle access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. The applicant is advised that the proposed vehicular access may involve alterations to the existing on-street parking bays. Alterations to on-street parking bays will be subject to a statutory consultation. The Council cannot prejudge the outcome of the consultation process. Any related costs for consultations or alterations to the public highway layout that may become necessary due to the design of the on-site development will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form, please contact: Traffic and Development Section, London Borough of Barnet, North London Business Park Building 4, Oakleigh Road South, London N11 1NP.

- 5 The applicant is advised that Union Street (the whole length) is a Traffic Sensitive Road. Deliveries during the construction period should not take place between 8:00am to 9:30am and 4:30pm to 6:30pm Monday to Friday. Careful consideration must also be given to the optimum routes for construction traffic and the Environment and Operations Directorate should be consulted in this respect.
- 6 The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage Guidelines.
- 7 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 8 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team (020 8507 4890 or [riskmanagement@thameswater.co.uk](mailto:riskmanagement@thameswater.co.uk)). Application forms should be completed online at [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 29 April 2013, unless otherwise agreed in writing, the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/02303/12 under delegated powers for the following reasons:

1) The development does not include a formal undertaking to meet the extra health and libraries services costs together with the costs for the amendment to a Traffic Regulation Order and associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Health Facilities, Supplementary Planning Document - Contributions to Libraries, and Policies CS10, CS11 and CS15 of the Adopted Barnet Local Plan Core Strategy DPD (2012).

2) The development would require an element of affordable housing provision and no formal undertaking is given to secure this, contrary to Policy CS4 of the Local Plan Core Strategy (adopted September 2012) and Policy DM10 of the Local Plan Development Management Policies DPD (adopted September 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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and 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 by 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.

### 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 following policies are considered relevant:

3.3, 3.5, 3.8, 3.11, 3.13, 4.1, 5.2, 5.7, 6.1, 6.3, 6.13, 7.1, 7.2, 7.4, 7.6 and 7.8.

The Mayor of London has introduced a Community Infrastructure Levy. This applies

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 Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11, CS12 and CS15.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM10, DM13, DM16 and DM17.

Supplementary Planning Documents and Guidance

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.

The Council has adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance and can undermine quality of life. In order to meet standards for internal noise, appropriate levels of acoustic performance of party walls and floors between dwellings should be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

As part of the Local Development Framework, the Council has adopted, following consultation, a Planning Obligations SPD (October 2006). This highlights the legislation and Barnet's approach in requiring contributions from new development.

On 21 February 2008, following public consultation, a 'Contributions to Education' SPD was adopted by the Council. This SPD provides guidance and advice in relation to adopted planning policy to secure contributions towards educational needs generated by new residential development. The contributions were increased on 1 August 2009.

On 21 February 2008, following public consultation, a 'Contributions to Library

Services' SPD was adopted by the Council. This SPD covers the issues relating to the provision by the London Borough of Barnet of library and related cultural/learning facilities and the role of S106 planning obligations in achieving this. The SPD sets out the contributions that will have to be provided by developers for each proposed new unit of residential accommodation.

On 6 July 2009, following public consultation, a 'Contributions to Health Facilities' SPD was adopted by the Council. This provides detailed guidance and sets out the Council's approach to securing contributions for health facilities in order to address additional needs from new developments.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History:

B/02304/12: Demolition of vacant school buildings (Conservation Area Consent).  
Under consideration and reported elsewhere on this agenda.

Consultations and Views Expressed:

Neighbours Consulted: 220                      Replies: 18 (of which 3 in support)  
Speakers: 9

Application advertised on site and in the local press.

The objections raised can be summarised as follows:

- Inadequate pre-application engagement with residents by applicants.
- Inadequate parking provision, should be minimum of 1 space per dwelling.
- Out of character
- Impact on utilities
- Loss of light
- Overlooking and loss of privacy to properties in Wood Street
- Detrimental to character and appearance of conservation area
- Noise and vibration during construction work
- Structural damage during construction work
- Out of scale
- Adversely affect amenities of residents in St Martha's Court
- Loss of light, privacy, overlooking of properties and their amenity area caused by the main building and also the proposed garden pavilion
- Out of scale with existing building and conservation area, replacing relatively low building with a high, dense structure
- Noise and disturbance to surrounding residents
- Site should remain in educational use
- Increase traffic in the area
- Overshadow and overlook neighbouring house and rear garden, reducing enjoyment of garden
- Alter appearance of the skyline

- Close relationship to neighbouring Grade 2 Listed Building is unacceptable and detrimental to character and appearance of this part of Conservation Area
- Proposal seems larger than that proposed at the pre application consultation
- Front elevation does little to add to the character and appearance of Union Street
- Proposal will dominate the street scene in a modern, incoherent manner, will not harmonise with Union Street
- Overbearing and visually obtrusive
- Out of character with primarily small residences in this part of conservation area
- Whilst sunlight to proposed communal gardens maximised this is at the expense of the amenities of neighbouring residents
- Justification for loss of school are questionable, need for education site remains in High Barnet, could be used in conjunction with other schools or in a social capacity
- Whilst occupants would apply for parking permits does this also preclude visitors for applying for permits
- plans insular or do not benefit the land area in any way
- Too high for size of plot

3 local residents have written in support of the application.

Two letters have been received from The Right Honourable Mrs Theresa Villiers MP who concludes that the proposal would be of benefit to Barnet and hopes that the concerns of local residents one parking matters can be resolved to enable the scheme to go ahead.

The Barnet Society support the proposals but are concerned about the treatment of the street elevation, the various features of which make the elevation incoherent but capable of amendment

The applicants have submitted an "expression of support for our plans" signed by 13 residents of Barnet, 1 none resident and 1 without an address.

The Monken Hadley and Wood Street Conservation Area Advisory Committee consider as follows:

- Elevation to Union Street should be more on a domestic scale and style. Three storey section is too institutional and elevations are stark. We suggest re-use of old bricks. We particularly dislike the box 'bay' windows at the western end, the conflict with the hipped end on the existing building at the eastern end, and the impact which the three storey section at the rear of the site has on the adjoining site. This proposal does nothing to enhance the Conservation Area.

Amended plans have been received and interested parties have been consulted again. Any further replies will be reported at the meeting.

#### Internal/Other Consultations

**Traffic and development** comment that the site falls within the Chipping Barnet CPZ. Whilst the level of off street parking provision proposed falls below standard it is nevertheless considered that provided the Traffic Order is amended to exempt residents from purchasing residential permits, then given the sites town centre location with good public transport accessibility, the development would be acceptable on highway grounds. Approval is recommended subject to conditions, informatives and securing the financial contribution for the amendment of the traffic order through a legal agreement.

**Urban Design and Heritage** - Raised significant concerns in respect of the scheme as originally submitted and following the submission of the amended scheme are now supportive of the scheme and comment as follows:

- Since the initial proposal was originally submitted this development has undergone significant change following comments from officers. The contemporary design is now respectful of its conservation area setting in terms of its design, bulk, height and massing. The facing materials will echo those of the adjoining buildings and the design of individual architectural features will add interest. I consider the development will sit comfortably in Union Street and its wider setting within the Wood Street Conservation Area.
- Recommend approval subject to conditions

**The Director for People** comments: "I am fully supportive of this initiative which is completely in line with our policy of supporting people to help themselves. This project has the potential to release larger social housing units for families and to avert long term care costs for the tenants and owners of the new scheme. I hope that this will lead to the development of more co-housing schemes in Barnet. The project directly links to our Health and Wellbeing Strategy and the Council is proud to support initiatives which build on the core strengths of Barnet where we see residents actively volunteering and supporting each other".

**English Heritage (Archaeology):** The site lies within a designated Area of Special Archaeological Significance as defined by the borough, due to the medieval settlement of Chipping Barnet. Archaeological remains from the 14th and 15th centuries are commonly recovered from the immediate area, particularly on the northern extent of the High Street. The application site appears to lie just outside the extent of the settlement, but it is in close proximity to significant medieval buildings and roads - St John The Baptist church dates from the 15th century as does the standing Tudor Hall on the grounds of Barnet College. It is likely that the land was in use during this period for activities associated with the settlement, such as farming or industrial workings.

In accordance with the recommendations given in NPPF paragraphs 135 and 141 and in the borough's Saved Policy HC17, a record should be made of the heritage assets prior to development, in order to preserve and enhance understanding of the assets.

Subject to conditions and informatives the proposal is considered acceptable.

**Natural England:** Commented on the Extended Phase 1 Habitat Survey that further bat survey work was necessary as identified in the habitat survey. The additional

survey work has been undertaken and no bat roosts were found.

**Thames Water:** No objection subject to informative.

## **2. PLANNING APPRAISAL**

### Site description and Surroundings

The application site is located on the south side of Union Street and has an area of some 0.32ha.

It is some 55m to the west of the junction of Union Street and the High Street. The site is within the Wood Street Conservation Area.

The premises is a former convent junior school. The school was an independent Roman Catholic School for children aged 3-11 and has now been vacant for over 3 years. Originally it was part of a large convent with the Sister's accommodation being located in the Grade 2 Listed Building which fronts Wood Street to the south. The school and Nunnery were sold off separately in 2009 and the former convent has now been converted into 9 flats, the communal garden area of which abuts the southern boundary of the application site. The site is currently occupied by a substantial 2 storey school building which runs along the Union Street frontage and is itself screened from Union Street by a high brick wall running the entire length of the frontage. There are a number of outbuildings located within the site. The majority of the remainder of the site is hard surfaced.

The surrounding buildings comprise 2 and 3 storey buildings with a mix of traditional Victorian terraces directly fronting the street and some larger terraced and semi detached Victorian houses with small front gardens. In part, the eastern boundary of the site is formed by the rear of High Street properties.

Union Street is a one way street in an east to west direction and is within a controlled parking zone.

### Proposal

It is proposed to demolish all the existing buildings on site and replace with a part single, part two, part three storey 'T shape' building containing 25 residential dwellings.

The bar of the 'T' would be some 57m long and extend virtually the whole of the Union Street frontage. The majority of its depth would be some 11m with an additional projection of 4.2m, single storey high, set 5m from the western boundary of the site with No. 7 Union Street. The main element would be 1.5m from the boundary of that property and the building would be set back between 1 & 2m from the back edge of the pavement.

In terms of appearance the building would be broken up at the upper floor level to give five distinct elements, each with its own separate pitched roof and chimney feature. The eastern most element would be three storeys, 19m wide, 7.2m high to



eaves and 10.2m to ridge of pitched roof. It would have accommodation in the roof and a small dormer in the east facing roof slope.

The next element would be 9.2m wide, 7.2m high to the eaves and 10.3m to the ridge and have accommodation in the roof. The remaining three elements would be identical in height, 6.4m to eaves, 9m to ridge, the end element would however be 8.9m wide compared to 7.7m for the other two elements. These would all be two storey.

The accommodation in the block would comprise:

- Ground floor: Vehicular access to site at eastern end, 3.6m wide, 7.4m from east site boundary to serve undercroft parking (5 spaces) and parking at rear (4 spaces), bin store, sub station, communal dining area with kitchen, meeting room, 2x 2 bed flats, 1x 3 bed flats.
- First floor: 4x 1 bed flats, 2x 2 bed flats.
- Second floor: 1x guest room, 1x 1 bed flat, 1x 2 bed flat.

The remaining wing of the building would run north/south, extending virtually the full depth of the eastern part of the site. Overall it would be some 39.2m long, 9m deep although at the southern end of the site it would be 16.5m deep overall. This wing would be predominantly three storeys high, but at its southern end would contain single and two storey elements.

The single storey element would be set back 1.5m from the site's southern boundary with the communal amenity space for the flats in St Martha's Court. This element would be 16.5m deep and 3.5m wide, 3.2m high to the eaves of a monopitch roof and 5.5m high to where the roof joins the flank wall of the main three storey block, and would extend part way over the single storey element. The remainder would be flat roofed and 3m high. The end wall of the three storey block would be 8.2m to the eaves and set back 5m from the sites southern boundary.

A two storey element is proposed to infill the area between the rear of the single storey and the three storey block. This would be 7.7m deep, lining up with the rear wall of the single storey, 6.6m wide and 6.4m high to the eaves and 8m high to the ridge of a pitched roof. It would be 5m from the site's southern boundary, a maximum of 8m from the eastern boundary.

The main habitable room windows of the flats in this block would face onto the site, overlooking the main amenity area. Each of the units at first and second level would have its own balcony overlooking the amenity space. The east elevation would comprise kitchen and bathroom windows. There would also be communal landings and stairs on this elevation serving the units.

The accommodation in this wing would comprise:

- Ground floor: 2x 1 bed, 2x 2 bed, 1x 3 bed
- First floor: 3x 2 bed, 1x 3 bed
- Second floor: 5x 1 bed

A single storey laundry/plant room building measuring 11m wide, 6.2m deep, 3.3m

high to a flat roof is proposed in the eastern part of the site abutting the boundary with No. 65 and yard r/o 67/73 High Street.

The proposed single storey summerhouse would be located in the south west corner of the site, 2m from Leinster Mews, the rear boundary of 7 Union Street, and 3.7m from the flank boundary of Union Street. It would be 'L' shape and measure overall 6.3m wide, 7.4m deep and a maximum of 3.5m high to the ridge of an asymmetric pitched roof.

The scheme would provide in excess of 1400 sq of external amenity area.

Overall the mix of dwellings would be:

- 11x 1 bed
- 11x 2 bed
- 3x 3 bed

It is proposed that 8 of the 1 bed units would be affordable housing for rent.

#### Planning Considerations:

##### Principle of the use of the site for residential purposes.

The lawful use of the site is for education purposes and therefore the principle of the redevelopment of the site for residential purposes must be assessed against DM Policy 13 Community and Education Uses of which part (a) is particularly relevant:

##### ***a: Loss of community/educational use.***

*Loss of community/educational use will only be acceptable in exceptional circumstances where:*

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

The policy and the preamble does nevertheless allow for the loss of such facilities in exceptional circumstances where there is no demand for the facility and the site has been marketed effectively and continuously for 12 months.

The applicant's agents advise that the site was marketed for an eight month period between July 2009 and March 2010 prior to the applicant purchasing the site. Whilst one enquiry was made in respect of the mixed residential/community use of the site, no details were provided and it was not pursued further.

More recently the site has been marketed again for a three month period. Within this process the site has been exposed to the open market and suitable school providers would have been aware of the opportunity. Whilst this did result in a number of viewings and three expressions of interest they were not pursued.

Importantly the site was specifically drawn to the attention of the government's Education Funding Agency who after reviewing potential applications from schools

confirmed that the site would not be suitable.

Whilst the policy and preamble also make reference to the use of such sites for community, it also highlights that care should be taken in locating such uses in residential areas to ensure that they do not have a demonstrably harmful impact on nearby residential properties and other uses in terms of noise and traffic generation or on the character of the surrounding area. The application site has a close relationship with adjoining residential properties and the relatively narrow carriageway in the vicinity of the site and its one-way nature would limit the site's ability to easily accommodate high intensity users.

It is acknowledged that the continuous marketing period falls below the 12 months stated in the policy preamble. It is nevertheless considered that the marketing undertaken, and in particular the decision by the Education Funding Agency that the site is unsuitable for their purposes, is sufficient to justify the loss of education use from the site.

#### Principle of residential Redevelopment of the site

The NPPF has as one of its core land use principles that planning should "proactively drive and support sustainable economic development to deliver the homes, infrastructure and thriving local places that the country needs". Sustainable residential development is encouraged as is the development of housing on Brownfield and sustainable sites. The application site falls into this category and the principle of its redevelopment is supported by national, London Plan and Local policies in the Core Strategy and Development Management Policies.

In addition the character of the surrounding area is such that, being primarily residential opposite and adjoining the site, that the proposed residential development is in principle compatible with the character of the surrounding area and is acceptable.

The proposed development would be a co housing scheme for women only over 50 years old and the applicant advises that it would contain a mix of retired and employed residents. It would not be an extra care scheme and contains no formal care requirements. The applicants advise that the residents would live and share the communal facilities in a co-operative way and thus provide an informal support network for one another.

The NPPF promotes the needs for all types of housing including meeting the needs of different groups within the community. The London Plan encourages the provisions of specialist housing for older people.

At local level Policy DM09 advises that specialist housing, including housing choice for older people should meet an identified need, be within walking distance of shops, facilities and public transport as well as provide adequate communal facilities on site. The site meets the locational criteria and communal facilities are proposed within the building.

#### Conservation Area

The site is within the Wood Street Conservation Area and falls within Area 3 Union

Street (as identified in the Character Appraisal Statement). The area is predominantly residential, Victorian, modest in scale and appearance. The houses are set close to the road with little or no front gardens and there is a strong building line. Interesting chimney stacks are a feature.

The Statement identifies principal negative features which include "At the back of St Martha's Convent high walls create a blank frontage". This is the Union Street frontage of the application site.

Since the initial proposal was originally submitted this development has undergone significant change following comments from Officers. The contemporary design is now respectful of its conservation area setting in terms of its design, bulk, height and massing. The facing materials will echo those of the adjoining buildings and the design of individual architectural features will add interest. It is considered that the development will sit comfortably in Union Street and its wider setting within the Wood Street Conservation Area.

The scale, massing and design of the frontage development reflects that of the semi detached houses at 56-66 Union Street and also picks up on the contribution that the chimneys make to the character and appearance of the area.

It is considered that the proposal will enhance the character and appearance of this part of the Conservation Area.

#### Impact on the amenities of neighbouring residents

The proposed residential use of the site would be compatible with surrounding residential properties and would not result in an intensity of use which would result in levels of noise and disturbance such as to adversely affect the amenities of neighbours.

The frontage block would respect the front boundary line set by No 7 to the west, at the rear the proposal would project some 0.5m behind the rear main wall of No. 7 but given the separation distance of 1.5m this would not have any adverse impact. The proposal would project a further 4m back at single storey level, some 5m from the common boundary, again this relationship is acceptable.

The front of the building would be clearly visible from the houses opposite the site on the north side of Union Street, 11m away. This close relationship is however typical and part of the character of this part of Union Street. Whilst there would be bedroom windows in the ground floor of the block facing the street it is not considered that the privacy of residents opposite would, in the context of the existing established pattern of development in the area, be so demonstrably harmed as to warrant refusal. At first floor level the majority of the windows serve a common landing which would reduce concerns of overlooking/loss of privacy. Whilst there are bedroom windows at both ends of the block it is considered for reasons stated above that this would not result in unacceptable levels of overlooking/loss of privacy.

Given the character of the area it is not considered that the proposal would be overbearing or visually obtrusive in the street scene.

The relationship of this element of the scheme with 1-3 Union Street, where it would be set approximately 1.2m behind its front wall and projecting 1m deeper at the rear, is acceptable.

It is not considered that the rear balconies at first floor level would overlook neighbouring properties to an unacceptable degree.

The rear wing would be a minimum of 25m from the flank boundary of No. 7 Union Street. Whilst it would be visible from the rear garden of this property it is not considered that it would be overbearing, visually obtrusive or result in an unacceptable degree of overlooking/loss of privacy to the occupants of that or neighbouring properties in Union Street. The eastern site boundary with the rear of the premises in the High Street is staggered and the rear of the actual High Street buildings themselves are similarly irregular. Nevertheless the main east facing elevation of this wing would be a minimum of some 49m from the rear upper floors of the High Street premises. At the southern end of the wing this distance would be some 42m. It is not considered that the proposal would be overbearing or visually obtrusive or result in overlooking/loss of privacy to the upper floors of premises in the High Street.

The southern end wall of this block is close to the northern boundary to the communal amenity space for the occupants of St Martha's Court. The proposal has been amended to increase the distance of the main three and two storey elements of the proposed block and the boundary with this amenity space. The distance of 5m now proposed is considered acceptable. Whilst the single storey element would be closer, as previously described, this would not be overbearing or visually obtrusive when seen from that amenity space. The relationship of the block with the rear walls of St Martha's Court is acceptable.

The proposed laundry/plant room and the summer house would not adversely affect the amenities of neighbouring residents.

#### Highway Issues

The proposal will provide 9 off-street parking spaces.

Union Street is a one way (east to west) street and within a Controlled Parking Zone. Whilst the number of parking spaces is below standard it is nevertheless considered that provided a legal agreement is entered into to amend the traffic order to prevent future occupants purchasing parking permits then given the sites good accessibility to public transport and its edge of town centre location, it is acceptable on highway grounds subject to the agreement, conditions and informatives.

#### Amenities of Future Occupants

The proposed units would meet Lifetime Homes requirements and the space requirement under the London Plan. Each unit would have its own terrace/balcony areas as well as access to the large, easily accessible communal outside amenity space which exceeds the required standard.

#### Sustainability and Energy

The proposal is in a sustainable location and involves the redevelopment of

previously developed land.

The scheme seeks to reduce energy consumption through design and carbon reducing technology. High levels of insulation are to be installed, prioritising south facing glazing and controlling ventilation via means of a stack system.

Heating within the development will be centralised and via an air source heat pump, however this will be substituted with solar thermal collectors which will pre-heat the water. The development will also recycle water from the roof to be used in the garden.

The proposed development seeks to achieve Code for Sustainable Homes level 4 for the residential accommodation and for the non-residential floorspace. The proposals will also include sustainability measures including photovoltaic cells to achieve 25% reduction in CO2 emissions.

### Ecology and Trees

Bat surveys have been carried out at the site and the accompanying reports conclude that no roosts were found and it is highly unlikely that bats are roosting on site.

There are a number of trees on site of varying quality, none of the trees are protected by a Tree Preservation Order. It is proposed that the better quality trees be retained, and there are poor quality trees which will need to be removed due to their condition and for safety reasons.

A significant proportion of the site is currently under hard surfacing. The proposal will create a significant area of open space and the opportunity for high quality landscaping to be undertaken which would improve the ecological value of the site.

### Affordable Housing

The proposed development comprising 25 residential units meets the threshold, 10 or more units, for requiring affordable housing as stated in Policy DM10. The policy states:

*Having regard to the borough wide target that 40% of housing provision should be affordable, the maximum reasonable amount of affordable housing will be required on site, subject to viability, from all new sites providing 10 or more units gross or covering an area of 0.4 hectares or more.*

The preamble to the policy advises that the quantum of affordable housing will be considered on a site by site basis and subject to viability.

In this instance the applicants are proposing that 8 one-bed units would be provided for social rented affordable housing. This equates to 26% affordable in terms of floorspace and 24% in terms of habitable rooms. A viability report has been submitted in support of this offer. The report has been independently assessed and concurs with the applicants finding that the proposal cannot support any higher level of affordable housing. Indeed even at the level proposed the value generated by the development remains lower than the viability benchmark. In the circumstances of the application, the level of affordable housing is acceptable and should be secured by

means of a S106 Agreement.

### Ground Conditions

Site investigation works have been undertaken. Chemical testing of selected soil samples has identified potential for risk to human health within the made ground on the site associated with concentrations of heavy end petroleum hydrocarbons and selected polycyclic aromatic hydrocarbon determinands in addition to free fibre asbestos.

The report submitted with the application recommends remedial work together with the implementation of adequate control measures which would ensure the protection and safety of neighbouring residents during the construction process as well as site workers and future occupants of the finished development. Appropriate conditions are recommended in respect of this aspect of the development.

### Other Matters

The proposal would result in a gain in residential accommodation. As such, in accordance with the Planning Obligations SPD, financial contributions are required toward health and library facilities in the borough.

Given the circumstances of this application in that it is solely intended for occupation by women over 50 years of age, and that this will be restricted by planning conditions, education contributions are not considered necessary.

### The Community Infrastructure Levy regulations 2010:

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

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:

Adopted policy indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of health care facilities and library facilities where a residential development creates a need.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 t

paragraph B5 (tests (i), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £3,755 plus a monitoring fee of 5% in respect of library contributions.

#### Contributions to Health facilities:

The proposal would provide additional residential units which would generate an increased demand for health facilities in the area. The calculation of additional demand/method of calculating the required contribution (SPD para's 6.2-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 7.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement/undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £24,139 and a monitoring fee of 5%.

#### Amendment to the Traffic Order

As referred to previously it is necessary for the Traffic Order to be amended to prevent future occupants from purchasing parking permits. This will require a contribution of £2,000 plus a monitoring fee of 5%.

The traffic order, library services, health facilities and monitoring fee of 5% contributions will be secured by unilateral undertaking.

### **3. COMMENTS ON OBJECTIONS**

Dealt with 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**

Whilst the proposal would result in the loss of an education site, it is nevertheless considered that demand for its continued use has not been demonstrated by the marketing of the site and accordingly its redevelopment for non-education purposes is acceptable in principle. The proposed residential redevelopment of the site would be compatible with the character of the surrounding area and the proposed built form and intensity of use would not adversely impact on the amenities of neighbouring residents. The site falls within the Wood Street Conservation Area and the proposal would enhance the character and appearance of the Conservation Area. The proposal is acceptable on highways grounds and approval is recommended.



**SITE LOCATION PLAN: Former St Marthas Junior School, 5B Union Street, Barnet, Herts, EN5 4HY**

**REFERENCE: B/02303/12**



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