

Location **5 And 7 Wykeham Road London NW4 2TB**

Reference: **23/5070/FUL** Received: 28th November 2023
Accepted: 28th November 2023

Ward: Hendon Expiry: 23rd January 2024

Case Officer: **Alissa Fawcett**

Applicant: .

Proposal: Change of use from Class C3 (Dwellinghouses) to F1a (Education)
(ADDITIONAL INFORMATION)

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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. Link to Planning application reference 23/5071/FUL at 18-20 Russell Gardens

"This application must be carried out in conjunction with the scheme granted consent under reference 23/5071/FUL at 18-20 Russell Gardens and must be completed (or first brought into use) within 6 months of implementing that grant of consent"

4. Highways (Traffic Management Order): £2,392.01

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

5. Monitoring of the Agreement: £110.10

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

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

LP-00 - Existing Location Plan
ESP-00 - Existing Site Plan
EX-01 - Existing Ground Floor Plan
EX-02 - Existing First Floor Plan
EX-03 - Existing Second Floor Plan
EX-04 - Existing Roof Floor Plan
EX-05 - Existing Front Elevation
EX-06 - Existing Rear Elevation
EX-07 - Existing Side Elevations
EX-08 - Existing Section AA
EX-09 - Existing Section BB
EX-10 - Existing Section CC
PSP-00 - Proposed Site Plan
PA-01 - Proposed Ground Floor Plan
PA-02 - Proposed First Floor Plan
PA-03 - Proposed Second Floor Plan
PA-04 - Proposed Roof Plan
PA-05 - Proposed Front Elevation
PA-06 - Proposed Rear Elevation
PA-07 - Proposed Side Elevations
PA-08 - Proposed Section AA
PA-09 - Proposed Section BB
PA-10 - Proposed Section CC

EAS - Transport Statement
hgh - Planning Statement
Noa - Details of Premises Search

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

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

- 3 The development hereby approved shall be solely used and occupied by Noa Girls, and not for any other purposes including under Class F1 of the Use Classes Order 1987 (as amended) and must revert back to use as 2no residential single dwellinghouses (being No 5 and No 7 Wykeham Road) in the event that their occupation should cease

Reason: To ensure governance over the future use of the site is retained in order to safeguard the character of the host site and surrounding area and to safeguard the residential amenities of neighbouring occupiers

- 4 The maximum number of people onsite shall not exceed the proposed 45 staff and no more than the proposed 130 clients in total per week.

Reason: In the interests of safeguarding the residential amenities of neighbouring occupiers and pedestrian and highway safety and the free flow of traffic in accordance with Policies D14 and T4 of the London Plan (2021), London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM04 and DM17 of Development Management Policies (Adopted) September 2012.

- 5 a) Before the development hereby approved is first brought into use, an Activities Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

b) The development thereafter shall only be operated in accordance with the approved Activities Management Plan

Reason: In the interests of safeguarding the residential amenities of neighbouring occupiers and pedestrian and highway safety and the free flow of traffic in accordance with Policies D14 and T4 of the London Plan (2021), London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM04 and DM17 of Development Management Policies (Adopted) September 2012

- 6 Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, S11 and S12 of the Mayor's London Plan 2021.

- 7 No internal alterations to the existing room layout are permitted without prior consent, in writing from the Local Planning Authority.

Reason: To safeguard the character and appearance of the Locally Listed buildings in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted within 3 months of the date of the resolution by Committee to approve, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to link this application to planning application reference 23/5071/FUL at 18-20 Russell Gardens, London, NW11 9NL and therefore would result in the loss of residential accommodation, to the detriment of the strategic aim to maximise housing choice alongside adequate supply and contrary to Policy H8 of the London Plan (2021), Policy CS4 of the Local Plan Core Strategy DPD (2012) and Policy DM07 of the Local Plan Development Management Policies DPD (2012)

2. The development fails to provide a legal undertaking to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T4 of the London Plan (2021), Policy CS9 of the Local Plan Core Strategy DPD (2012) and Policy DM17 of the Local Plan Development Management Policies DPD (2012)

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is 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 Sustainable Design and Construction Supplementary Planning Document 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(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on 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) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

OFFICER'S ASSESSMENT

This application had been called in to committee if recommended for refusal by Councillor Shooter for the following reasons;

1. This application is of great importance to the local community
2. I believe there are precedents for educational use in Brampton Grove, Raleigh Close, Prothero Gardens and Queens Road
3. I don't believe there will be a negative effect on traffic
4. Given the proposal is on the corner of the street it seems to comply with planning policy, and precedents elsewhere
5. There is no loss of housing given the swap of premises and the other premises in Golders Green being converted back to residential

Nonetheless, the application is recommended for approval, but due to the number of objections received, must be decided by Members at Committee.

The application is also being considered in conjunction with 23/5070/FUL.

1. Site Description

The application site is located on the eastern side of Wykeham Road, close to the junction with Queens Road in the Hendon ward. The site consists of a pair of semi-detached dwelling houses, with accommodation within the roof. The buildings are currently unoccupied.

The application site does not reside within a designated conservation area, nor does it contain statutory listed building. However, both 5 and 7 Wykeham Road, are designated as a locally listed buildings. The Council's Local List (2020) notes their significance to be architectural interest and describes them as follows:

"Semi-detached pair of two storey houses. Mix of styles including arts and crafts, gothic revival and Mock Tudor. Pitched clay tile roof with tall flanking chimney stacks. Full height bay windows with hung tiles. Corner full height fenestrated turrets with polygonal roofs. Gable eaves have faux timber cladding, herringbone and tumbled brick infills."

The surrounding area is characterised by a mix of residential dwellings including two-storey semi-detached and detached residential dwellings. Purpose-built flats, namely Hendon Park Mansions and Wykeham Court are located to the south and southwest of the site at the junction with Queens Road.

There are no Tree Preservation Orders on site.

2. Site History

Nil.

3. Proposal

This application seeks consent for a change of use of the existing pair of locally listed, semi-detached residential dwelling houses from Class C3 (Dwellinghouses) to F1a (Education).

The application is linked to application reference 23/5071/FUL at 18 And 20 Russell Gardens, NW11 9NL for "Change of use from F1 (Learning and non-residential institutions) to C3 (Dwellinghouses)".

The two properties at Wykeham Road would provide accommodation for the Noa Girls charity. This provides emotional, practical and therapeutic counselling services to support adolescent girls from the London Orthodox Jewish community. Noa Girls currently occupies and provides services from Nos 18 and 20 Russell Gardens in Golders Green, NW11 9NL. The charity has occupied No. 20 Russell Gardens, where they have been providing support to local Jewish girls since 2009 and more recently at No.18, since September 2020.

The charity requires more space and better-quality accommodation to provide their existing operations. The requirements include sufficient space so that the girls can enter, exit and wait privately without being seen by other users. The need for privacy of Noa Girls' clients is paramount. It is crucial that girls feel they can receive the required services without anyone in the community (or indeed the wider public) knowing. The charity prefer to operate from an intentionally unassuming "residential property", allowing the girls to feel comfortable as the entrance into a "house" does not raise questions or attention in the same way as a commercial building would in a more central location.

The opportunity to move to Nos 5 and 7 Wykeham Road has come forward. It is therefore proposed that the properties at Nos 5 and 7 Wykeham Road and Nos 18 and 20 Russell Gardens undergo a change of use and in effect a 'use swap'.

Nos 18 and 20 Russell Gardens would revert from the existing Use Class F1 to their former and original Class C3 residential use. The swap would result in no net loss of the community use and no net loss of residential dwellings and would be secured by legal agreement.

4. Public Consultation

Site Notice: 07.12 2023

Consultation letters were sent to 73 neighbouring properties.

96 responses were received, comprising of - 29 Objections and 67 letters of support.

The views of objectors can be summarised as follows;

- supporters either do not live close to the site or work for the charity
- traffic and increased vehicle movements
- numbers of staff and visitors to the site excessive
- impact on parking
- loss of residential use
- precedent for future development on Wykeham Road
- parties and events causing disturbance

- impact on house prices
- premises used in evenings and weekends
- no evidence that the girls need a residential house to enhance their mental health
- impact on quality of residential life
- Separate waste removal will add to traffic pressure
- Alternative local vacant office space could be used instead of this residential location
- Application lacks management plan, noise assessment and traffic impact assessment

A group objection was received from some residents on Wykeham Road, summarised as follows;

- Property opposite was not granted permission to change into flats due to the impact on character of the road
- Number of staff and users of the charity could reach 300 girls and 56 staff
- The proposed educational use would have a greater detrimental impact than flats
- Increased comings and goings
- Loss of residential floor space
- Application property has more than double the floorspace than Nos. 18 & 20 Russell Gardens, it can be anticipated that up to 300 girls and 56 full time staff will use the property.
- Noise disturbance
- Impact on parking
- Disputes use must be held at a residential property
- Disputes justification for a change of use is the dilapidated state of the property, including boarded up windows

An further consultation has been carried out on additional information;

1 comment has been received

A summary of the comment is provided below;

- Concerns about the need for such a large building for the numbers proposed
- The suggested 9pm finishing time is detrimental to residential amenity
- Concerns about large staff meeting and groups
- No details of internal proposed plans
- Does not consider a residential house is necessary for anonymity
- Loss of the residential use
- Everyone will know what the houses are used for so will not provide discretion

Internal / other consultations:

Highways - No objection subject to conditions and legal agreement to remove permits for future occupiers

Environmental Health - No objection subject to conditions

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated on the 19th December 2023. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan (2021)

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 current London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan (LINK). These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM07, DM13, DM17

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Loss of residential use
- Principle of proposed development;
- Impact on the character and appearance of the existing building and the wider locality
- Impact on Locally Listed buildings
- Impact on neighbouring residential amenity
- Highways

5.3 Assessment of proposals

Loss of residential units

Policy H8 of the London Plan stipulates that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. The loss of a residential use would only be acceptable should the alternative land use demonstrably provide a use which can be robustly justified as a significant public benefit. The LPA should balance the potential benefits of loss of a residential use against the wider social and environmental impacts of the alternative use.

Policy DM07 of the Local Plan (2012) states that: "Loss of residential accommodation will not be permitted unless the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity; where need can be demonstrated and the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies."

The proposal would result in the loss of two 6-bedroom semi-detached houses. The applicant has advised that the properties have been vacant for a number of years with no viable use coming forward.

The proposed replacement use falls within Class F1a (Education) in the form of the Noa charity and meets the needs of Policy DM07 in providing an education use. The potential impact on residential amenity is discussed in detail below.

The charity requires a new premises with more usable space to provide better quality accommodation to deliver its services adequately and more efficiently. The current site has shortcomings which has the potential to prevent the charity from delivering the right specialist therapy services to its existing users.

Noa has looked at alternative sites to provide accommodation and a list has been provided with this submission. None of the premises detailed sufficiently met their requirements, which include;

- Good accessibility and close to public transport links including bus, underground and overground
- Area association; the proposed site is located in an area with appropriate shops, synagogues, schools and a park in close proximity which the girls could feasibly be visiting, allowing them to visit the site anonymously.
- Located with residential area; as above the site needs to be somewhere the girls could be passing without drawing attention
- Residential property; this provides the required anonymity and discreteness for visiting girls.

The Wykeham Road site meets these requirements as it is sited with a more accessible area, the Hendon location is within the catchment area for users and therefore visitors could easily access the site without drawing attention to themselves. Furthermore, the proposed host buildings provide an improved, larger space to deliver the services discreetly, with sufficient space to avoid users seeing each other when waiting.

Notwithstanding the above, the proposal is also being brought forward in conjunction with 23/5071/FUL at 18 And 20 Russell Gardens, NW11 9NL for "Change of use from F1 (Learning and non-residential institutions) to C3 (Dwellinghouses)". Whilst - with regard to Policy D8 - these dwellinghouses are smaller in terms of floor space, the swap would result in no net loss of residential dwellings (secured by legal agreement) and the benefits of the proposed use (discussed further below) is considered to outweigh any shortfall. In that respect, the protracted vacancy of these larger units is also a material consideration.

Principle of Proposed Development

Policy S1 and S2 of the London Plan (2021) seek to provide and support high quality; inclusive; social infrastructure to meet local needs and support service delivery strategies. Development proposals that result in the loss of social infrastructure (in an area of identified need) should only be permitted where there are realistic proposals for re-provision that continue to serve the neighbourhood and wider or community.

Core Strategy Policy CS10: Enabling inclusive and integrated community facilities and uses, states that;

"The council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities."

Development Management Policy DM13: Community and education uses, notes under point b:

"New community or educational uses should be located where they are accessible by public transport, walking or cycling, preferably in town centres or local town centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties."

In this instance the new site at Wykeham Road, which has a high PTAL rating of 5, is easily accessible by a range of public transport options including overground and underground, as well as buses. The site is within the expected catchment area for the charity and therefore it is expected that users will be able to either walk or cycle to the site.

Nonetheless, the Local Highway Authority have reviewed the proposed development and raise no objections to the impact on the free flow of traffic or road safety, subject to Noa being restricted from applying for parking permits. Given the intentionally discreet nature of the charity, it is not expected that the relocation of the education use to this site will give rise to any loss of amenity from neighbouring occupiers (this is discussed in further detail below).

Based on the above, the development represents a much-needed opportunity for Noa Girls to relocate their current services and appreciate in particular its very specific value to Jewish girls and women. These community benefits, in conjunction with the proposal under 23/5071/FUL, would outweigh the loss of the existing residential use onsite.

Impact on the character and appearance of the existing building; the streetscene and the wider locality

High quality design underpins the sustainable development imperative of the NPPF and Chapter 3 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The Councils adopted Supplementary Planning Documents Residential Design Guidance SPD (2016) sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority.

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

Any scheme for the site is required to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects.

The existing residential character of nos. 5 and 7 Wykeham Road would be retained, as there are no external alterations or advertisements to either building proposed to facilitate the change of use. The properties would remain in appearance as a pair of semi-detached houses and therefore respect the established character in terms of appearance, scale, mass and height. The development is therefore not considered to have a detrimental impact on the character and appearance of the locally listed host buildings.

The character of Wykeham Road is made up of single family dwelling houses, with purpose built flatted developments found at the junction of Wykeham Road and Queens Road. As noted above, the proposed development would not alter the character and appearance of the existing buildings.

However, it can be argued that this proposed change of use from residential to educational use could have the potential to impact its character.

The flatted blocks at the southern end of Wykeham Road and Queens Road provide a different character to the heart of Wykeham Road. Queens Road which is situated on the eastern end of the Hendon Central Town Centre, also has a mixed character which contains hotels, parks, synagogue, flats and dwellinghouses. Within the context of the deliberately discreet nature of the operation, the application site sits adjacent to this wider environment. Therefore the proposed use - in respect of the pattern and intensity of the associated activity - would not feel unduly out of character in this location.

Impact on Locally Listed building

Policy DM04: Heritage and Conservation requires that "Proposals involving or affecting listed buildings or other heritage assets including Locally Listed Buildings should demonstrate they comply with the principles set out in PPS5: Planning for the Historic Environment policy HE9."

The existing buildings have been vacant for some years with no feasible development or replacement use being presented. As can be seen on site and in the submitted Planning Statement both the exterior and interior of the buildings are in a poor state of repair needing investment to return to a habitable state.

This application offers the reinstatement of the existing buildings with no extensions or external alterations proposed. Following discussion with the Heritage Officer, this is considered the best course of action for the reinstatement of the locally listed buildings and therefore the proposed development is supported in terms of the resulting positive impact on the condition of the locally listed buildings.

Impacts on amenity of neighbouring residential amenity

Policies CS5, DM01, DM02 and DM04 of the Local Plan seeks to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

There are no extensions or external changes (no additional windows) to the elevations, and therefore the proposal would continue to have the same impacts on daylight/sunlight and privacy to neighbouring properties and would not result in additional overshadowing or loss of outlook to neighbouring properties.

To address the concerns raised about increased activities in the form of visitors to the site the applicants have provided some additional information including timetables of typical days and information on the numbers of staff and visitors to the site. The key points to note include that the nature of the charity is such that confidentiality and discretion are key, as a result there would be no parties taking place. The most usual activity would be one-on-one sessions held indoors, there would be no large groups (potentially the largest session would include two members of staff and up to five girls) these would be held once or twice a week. It is of great importance that there are no overlaps of sessions to ensure privacy for girls waiting, arriving and leaving their sessions.

This information is considered to demonstrate that the deliberate absence of intensity in respect of the proposed use would not have a detrimental impact on the residential amenity of neighbouring occupiers. To further ensure that the activities of the charity are appropriately managed, commitment to an Activity Management Plan is also required through condition.

To provide additional governance over the future use of the site, a condition restricting the use for the Noa charity only has been applied to this recommendation, requiring the land to revert back to residential use if and when their occupation should cease.

The Council's Environmental Health department have reviewed the proposals, taking into account the previous permission for educational use on Russell Gardens, and initially raised concern with potential noise disturbance. However, after further clarifications it was determined that noise mitigation in the form of acoustic fencing may not be required and that an Activity Management Plan could address any outstanding concerns, along with standard conditions for air quality and boilers.

Highways

Policies CS9 and DM17 of the Local Plan (2012) and T6 of the London Plan (2021) seek to ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.

LBB Highways team have reviewed the submitted information and make the following comments;

"The existing on-site car parking provides a greater number of car parking spaces than at the existing Russell Gardens site and it is therefore not necessary to provide any additional parking as part of the scheme.

The existing site includes space at the front of the property for off-site parking for 6 vehicles.

The applicant is willing to accept the same type of restriction within the S106 agreement for the change of use of No. 18 Russell Gardens, which prohibits Noa Girls to apply for parking permits.

The provision of 7 cycle parking spaces is acceptable to Highways. The applicant is requested to provide secure cycle parking on site to the rear of the properties, details of which can be secured by a planning condition.

Given the sites proximity to Hendon Central Underground Station (2-minute walk) and many bus services, the above approach is considered acceptable to Highways."

Notwithstanding the above, in order to help mitigate against the development on the local highway, the maximum number of clients would be secured by way of planning conditions to not exceed the proposed 45 staff and no more than 130 clients in total per week.

A Transport Statement was provided after registration, partly to address and rebuff the comments made in the group objection received. The statement sets out locational benefits of the Wykeham Road site and improved accessibility compared with Noa's existing location in Russell Gardens.

Furthermore, it includes details of a parking survey (carried out in accordance with the Lambeth Survey methodology) to address policy requirements and comments by 3rd parties on parking associated with the proposed change of use. The statement concludes that the proposed F1a use of the Wykeham Road properties, which are located in a highly accessible location (PTAL 5) within the catchment of a significant proportion of the girls and staff who will use non-vehicular modes, will have a de minimus impact on local highways and parking, and in accordance with the Framework should be supported accordingly.

The Transport Statement was considered by the Local Highway Authority who raised no further comments and continued their support of the application.

5.4 Response to Public Consultation

The objections and concerns raised from residents, including those set out in the group objection, have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application during the decision-making process.

The concerns raised by objectors that supporters either do not live close to the site or work for the charity are noted.

The Council's Highways group have reviewed the submission including the Transport Statement, submitted after registration, and Highways officers raise no objection to the proposals in terms of their impact on traffic, increased vehicle movements and parking. The applicant must enter into a legal agreement preventing occupants from applying for car parking permits.

A condition is suggested to restrict the numbers of staff and visitors to the site to ensure that they do not exceed the numbers suggested in the submission. The maximum number of clients must not exceed the proposed 45 staff and no more than 130 clients per week, which would be secured by way of planning condition.

The loss of the residential use is considered to be acceptable in this instance for the reasons detailed above.

It is not considered that the proposed development will result in a precedent for future development on Wykeham Road. A condition is suggested restricting the use of the site only for the Noa girls charity and the land must revert back to residential when the proposed educational use ceases.

Concerns raised that parties and events held by the charity will cause disturbance is noted. However, from the additional information submitted it is clear that there is no intention to hold parties and events.

The potential impact on house prices is not a material planning consideration.

Concerns have been raised that premises used in evenings and weekends thereby causing unacceptable disturbance to neighbours. A condition restricting the hours of use has been applied to this permission.

It has been raised that there is no evidence that the girls need a residential house to enhance their mental health. Whilst this is not a material planning consideration, there appears to be some confusion here as the residential location is not considered to help with mental health but helps to ensure that girls using the site appear to be visiting a house which could be friends / family rather than the charity.

It is not considered that the proposed educational use will detrimentally impact on quality of residential life. From the details of the submission and understanding of the existing charity at 18/20 Russell Gardens, the charity wants to appear as a usual house with nothing to indicate its educational use. Therefore, the use is not expected to impact upon the lives of neighbouring occupiers.

If a separate waste removal is required for the proposed educational use, it is not considered that the potential removal which is likely to happen once a week at most will add to the existing traffic pressure.

Additional information relating to alternative sites has been submitted following registration it was not considered that local vacant office space would be appropriate.

Concerns that the application lacks management plan, noise assessment and traffic impact assessment is noted. These details were provided following registration and have been reviewed by necessary officers Highways and Environmental Health who raise no objections to the proposed development.

The agent provided a response to the group objection from residents, which is available on the website.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this planning application, the term "protected characteristic" relates to age; gender; race and religious beliefs, specific to girls and young women within the Jewish Community.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide considerably improved new facilities for an existing community use.

In terms of any potential negative impacts, the application has attempted to address these through the linking of this proposal to the re-provision of 2no dwellinghouses through the conversion of their existing site, through the restriction of access to on-street parking permits and in committing to an Activity Management Plan. It is suggested that these impacts be addressed through conditions and a S106 agreement and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

With the S106 and conditions recommended, the proposal is found to accord with Development Plan policies as they relate to the relevant equalities and diversity matters by providing an inclusive approach which creates an improved environment for the operation of the charity that is accessible and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the development and the approach of the Applicant are acceptable with regard to equalities and diversity matters. 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.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the streetscape and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers, and the local highway.

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for APPROVAL, subject to conditions

