

**Location**                      **Yamor House 285 Golders Green Road London NW11 9JE**

**Reference:**                      **16/5062/FUL**                      Received: 1st August 2016  
Accepted: 1st August 2016  
Ward:                              Golders Green                      Expiry 31st October 2016

**Applicant:**                      AGUDAS ISRAEL HOUSING ASSOC'N LTD

**Proposal:**                      Demolition of existing buildings and construction of part three, part five and part six storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping

**Recommendation: Refuse**

- 1     The proposed development provides insufficient car parking and therefore would likely result in an overspill of parking on the main public highway, contributing to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

**Informative(s):**

- 1     The plans accompanying this application are:

GGR.768.91.A (Floor Plan Level 1)  
GGR.768.92 (Floor Plan Level 2)  
GGR.768.93 (Floor Plan Level 3)  
GGR.768.94 (Floor Plan Level 4)  
GGR.768.95 (Floor Plan Level 5)  
GGR.768.96 (Floor Plan Level 6)  
GGR.768.97 (Roof Plan)  
GGR.768.98 (View from Golders Green Road)  
GGR.768.99 (View from N at Golders Green Rd / N Circular Rd Junction)  
GGR.768.101.B (Proposed North East Elevation)  
GGR.768.102.B (Proposed North West Elevation)  
GGR.768.103 (South West Elevation)  
GGR.768.104 (South East Elevation)  
GGR.768.107 (Section A-A showing relationship with 2-4 Sinclair Grove)  
GGR.768.109.B (Proposed Streetscape to Golders Green Road)  
GGR.768.110.B (Proposed Streetscape to Golders Green Road)  
GGR.768.112 (Section A-A, Section B-B)  
GGR.768.113 (Section 1-1, Section 2-2)

Acoustic Impact Assessment (dated 12/08/2016)

Air Quality Assessment (dates 01/07/2015)  
Archaeological Assessment (dated September 2016)  
Daylight, Sunlight & Overshadowing Report (dated July 2016)  
Design and Access Statement (dated July 2016)  
Noise Assessment (dated 30/06/2015)  
Planning Statement (dated 15/07/2016)  
SuDS Pre-Commencement Planning Condition (dated 21/08/2015)  
Sustainable Design & Construction Statement & Energy Strategy Report (dated October 2015)  
Residential Travel Plan Statement (dated 21/08/2015)  
Transport Statement (dated 21/08/2015)  
Tree Survey, Constraints & Feasibility Study and Arboricultural Impact Assessment with Preliminary Tree Protection Plan (dated 19 May 2015)

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, 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 applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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 can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises a rectangular shaped area, covering approximately 0.11 hectares in size, situated on the north-west end of Golders Green Road, at the junction with North Circular Road.

The site currently contains two, 2 storey dwellings which have been merged together in previous years to form a hotel (use class C1). A vacant plot to the west of the existing buildings is also included within the proposal.

The site is bounded by a three storey flatted building to the east, an under construction two storey development with rooms in the roofspace to the south and a footbridge over the North Circular Road to the north-west. The surrounding area is residential in character, with mainly two storey dwellings on the southern side of the Golders Green Road, and larger flatted blocks of 5/6 stories along the northern side opposite the application site.

### **2. Site History**

Reference: 15/06583/FUL

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 29 February 2016

Description: Demolition of existing buildings and construction of part 5 part 6 storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping

Reference: C11533A/00

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved subject to conditions

Decision Date: 12 September 2000

Description: Two storey rear extension. Part two storey side extension.

Reference: C11533D/02

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved

Decision Date: 3 June 2003

Description: Retention of nine serviced short-term holiday accommodation and landscaped area at front of property.

Reference: C11533B/00

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved subject to conditions

Decision Date: 8 March 2001

Description: Conversion of dwellinghouse into two self-contained flats.

Reference: C11533C/02

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 29 November 2002

Description: Retention of nine bed-sit units, and formation of associated car parking area with access from Sinclair Grove.

### **3. Proposal**

The application seeks consent for the demolition of the existing buildings on the site and the redevelopment of the land comprising the erection of a new building up to 6 storeys in height (plus basement) to provide 16no. self-contained flats (use class C3) including amenity space, car parking spaces and associated landscaping. The proposal also includes the provision of a self-contained synagogue (use class D1) within the basement.

The scheme would provide 10 affordable housing family units and six units for sale on the open market ranging from 1-4 bedroom units. Each flat would have access to a private amenity area and the rear communal garden.

The synagogue would be located to the rear of the lower ground floor and would provide a footprint of approximately 360sq m, with capacity for a maximum of 276 people. The synagogue would have its own separate access along the north-western side of the proposal.

A new vehicular access would be created from one point on Golders Green Road, which would serve 13 parking spaces to serve the residential element of the scheme.

### **4. Public Consultation**

The application has been called-in to the committee by Cllr. Dean Cohen.

Consultation letters were sent to 235 neighbouring properties.  
No responses have been received.

#### Internal Consultations

Environmental Health - No objection  
London Fire Brigade - Amendments required to the fire strategy  
Historic England - No objection  
Traffic and Development - Objection due to lack of parking provision

### **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 published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The 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 2016

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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.

### 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, CS4, CS5, CS9, CS10, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM13, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

- Design of new residential development relates to its setting and local character;
- Proposed density is suited to the site and to the wider context;
- Proposal responds positively to reinforcing or improving local character.

#### Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of development;

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate parking is provided to serve the development.

### **5.3 Assessment of proposals**

#### Principle of development

The site is located in close proximity to an area of mixed use, with smaller retail units located further south-east along Golders Green Road, and a large mixed use retail park (Brent Cross Shopping Centre) located approximately 800/900m south-west. The predominant character surrounding the application site is residential with a mix of single family dwellings and flatted properties.

The Planning Authority considers that in terms of a new residential use on the site, the proposal would be in keeping with the character of the surrounding area. In order to optimise housing potential for different types of location, the London Plan seeks that new residential proposals take into account local context and character, design principles and public transport capacity. Policy 3.4 of the London Plan provides a range of densities. Taking into account that the site has a PTAL rating of 4, it is considered that the site could fall under an 'urban/central' setting. It is considered that the site is probably more Urban rather than Central given that the surrounding area is predominately characterised by medium footprints with the exception of a couple of bigger buildings. It is calculated that the proposal has a density of 564 habitable rooms/hectare and 145 unit/hectare. This would fall within the criteria of Urban setting and therefore the proposed density would be considered acceptable.

In relation to larger residential developments, Policies CS4 and DM10 implement a borough wide target for 40% of all new homes to be affordable, subject to viability, from all new sites providing 10 or more units. The proposal is seeking a total of 16 units, of which 10 are proposed to be affordable. This would exceed the policy expectations.

The proposal seeks to provide a new synagogue within the proposal and Policy DM13 requires that new community uses should be located where they are accessible by transport, walking and cycling, preferably in town centres or local centres. From the above assessment, it was considered that the site is close proximity to the centres of Golders Green and Brent Cross and has a PTAL of 4 which is considered as medium to good accessibility. Overall, the location of application is considered to be appropriate for a new community use.

#### Impact on character and appearance of the existing site and wider locality

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The development is designed to provide a transition in height from the adjacent Michelle House towards North Circular Road, so that the tallest part of the proposal is adjacent to the North Circular Road. In terms of massing and building line, the proposal would be broadly reflective of the adjacent Michelle House. The external appearance includes a variety of features such as multi-faceted elevations, recessed windows and a green wall.

Overall, it is considered the proposal responds positively to its context and would have an acceptable relationship with the neighbouring buildings.

#### Impact on amenities of neighbouring and surrounding occupiers

With regards privacy and overlooking, the distance between directly facing windows to habitable rooms in the proposed accommodation would be approximately 21 metres between the proposed rooms and the windows at 2-4 Sinclair Grove (the properties to the rear). The proposal would comply with the requirement of the Barnet Residential Design Guidance SPD (2016) and would not result in any unacceptable overlooking. There are no windows in the flank elevation of Michelle House and there are not proposed to be any direct facing windows. Taking into account that the proposal is located to the west of the Michelle House and the rear elevation is south facing, there is not considered to be any unacceptable impacts in terms of loss of light or overshadowing.

In order to protect the amenity of the surrounding residential properties, the synagogue has been located below ground level in an attempt to reduce any unacceptable noise emitted from the building.

The submission documents include a daylight, sunlight & overshadowing report relating to the proposed effects of the scheme on the surrounding buildings, particularly the windows of the residential buildings at the rear of 2-4 Sinclair Grove Road and the rear of Michelle House. The report concludes that the proposal would comply with the BRE criteria and on balance the surroundings buildings will not be adversely impacted by the proposed development. The Planning Authority is accepting of the report's conclusion and the proposal would be compliant in this aspect.

#### Standard of accommodation provided and amenities of future occupiers

Local Plan policies require high quality design and in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space. Policy DM04 states that's buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to located noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

With regards the internal space provision, Policy DM02 will require minimum floor space to be provided in accordance with the London Plan standards. The breakdown of the range of flat sizes are as follows:

1 x 1b2p	53sqm
2x 2b3p	61 - 68sqm
3 x 2b4p	71 - 81sqm
3 x 3b5p	87.6 - 92sqm
4 x 3b6p	96 - 103sqm
3 x 4b7p	114 - 120sqm

Each of the proposed units would exceed the required London Plan standards and the proposal is considered to be acceptable in this respect.



The provision of outdoor amenity space is an important consideration for residential development. Each of the flats would have access to a private amenity area; those on the ground floor have defined areas while the upper floor flats have balconies. In addition, the proposal would also provide 220 sq m of communal garden space, which would include areas of vegetation, hard landscaping and play equipment. The design, quality and size of these areas are considered to provide sufficient external amenity space for the whole development and would meet the objectives of the development plan policies.

In conclusion, the proposal is found to be compliant with development plan policies in relation to the provision of suitable amenities for the future occupiers of new residential accommodation.

### Transport, parking and highways matters

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The proposal would provide 13 off-street car parking spaces (including 1 disabled space). The assessment of parking provision for a residential development is based on various criteria including Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of 5/6 a parking requirement at the lower end of the Council's parking policy range would be considered acceptable. However, for a PTAL score at the lower end (1 or 2) parking provision at the high end of the Council's parking policy range would be required. The PTAL score for the site is calculated at 4 which is considered as medium to good accessibility.

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	1.0 to less than 1 parking space per unit
For 2 and 3 bedroom units	1.5 to 1.0 spaces per unit
For 4 or more bedroom units	2.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

1x1b	a range of 0.0 to 1.0	0.0 to 1.0 spaces required
2x2b	a range of 1.0 to 1.5	2.0 to 3.0 spaces required
10x3b	a range of 1.0 to 1.5	10 to 15 spaces required
3x4b	a range of 1.5 to 2.0	4.5 to 6 spaces required

This equates to a range of parking provision of between 16.5 to 25 parking spaces to meet the requirements of Policy DM17. As the PTAL rating for the site is 4, the Council's Traffic and Development team request that approximately 20 parking spaces would be required to meet the parking standards. Therefore the parking provision of 13 parking spaces would fall short by 7 spaces for residential use and the proposal would not be in compliance with Policy DM17.

In addition to the above parking shortfall, no provision has been made for the synagogue. It is understood that worshippers will walk to the Synagogue on the Sabbath and there is no raised concern regarding this, however for any other events that take place during the week and in the evenings, there are no vehicle restrictions. Any vehicles stopping along Golders Green Road, either permanently, or for drop-off/pick up will have serious highways safety concerns.

The scheme proposes facilities for the parking of 32 cycles which would meet the London Plan standards.

Vehicular access is proposed through a single 4.2m wide provision from Golders Green Road which is considered to be acceptable in principle from Highways grounds. The Highways response has raised the issue that the proposed access is in close proximity to a major signalised road junction between Golders Green Road and the A406 North Circular Road. Any sub-standard access provision would have a detrimental impact on the operation and free flow of traffic at the junction as the traffic queues up on Golders Green Road beyond the proposed access. In particular the right turns in and out of the site would have a significant impact on the free flow of traffic and the operation of the signalised junction. In order to assess the feasibility of a right turning lane into the development to ensure that the right turning traffic into the site does not create obstruction of the through traffic, a contribution of £5,000 would be required to secure the feasibility work and a commitment to provide additional contributions to implement the outcome of the feasibility.

In conclusion, it is considered that the insufficient car parking provided is likely to lead to an overspill of parking and contributing to highways safety issues on Golders Green Road and A406 North Circular Road. The proposal is found to conflict with Policy DM17.

#### **5.4 Response to Public Consultation**

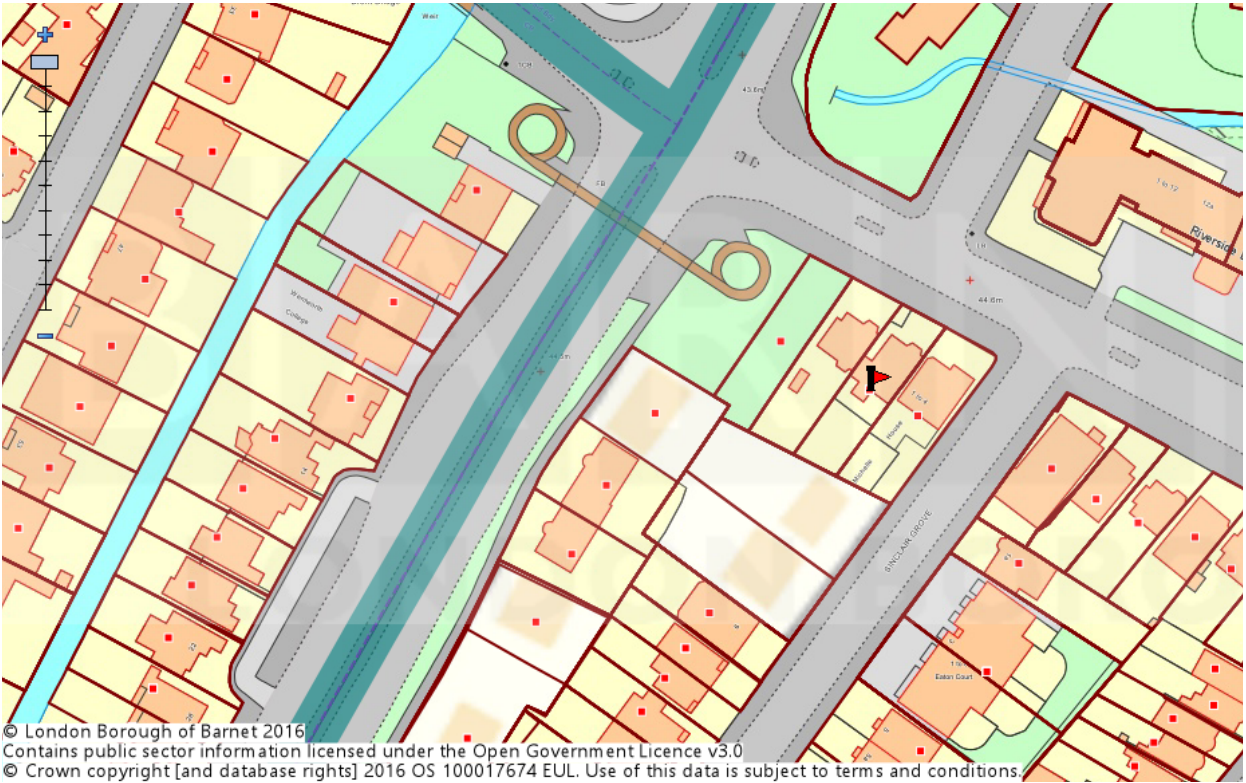
No responses received.

#### **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the 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 the proposed development would have an unacceptable impact from a highways perspective and the application is therefore recommended for refusal.



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