

Location **Springdene Nursing Home 55 Oakleigh Park North London N20 9NH**

Reference: **17/1652/FUL** Received: 14th March 2017
Accepted: 23rd March 2017

Ward: Oakleigh Expiry 22nd June 2017

Applicant: Mr Jeremy Balcombe

Proposal: Conversion of existing building from C2 to C3 to provide 27 self contained residential flats. Construction of basement, ground, first and second floor rear (west) and side (south) infill extensions. Alterations and extensions to roof including raising of ridge height and construction of 3 dormer windows to south side (side), 4 dormers windows to east side (front) 4 dormers to side (north) and 5 dormers to rear elevation (west side). 14 lantern rooflights to main roof. External alterations including changes to fenestration and addition of balconies to all sides. Provision of cycle storage and 24 parking spaces at basement level and 4 surfact level parking spaces. Associated hard and soft landscaping, amenity space and refuse storage.

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning 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 Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

054/EX/001, 054/EX/002, 054/EX/100, 054/EX/101, 054/EX/102, 054/EX/103, 054/EX/104, 054/EX/105, 054/EX/120, 054/EX/121, 054/EX/122, 054/EX/123.

054/PL/210 Rev E, 054/PL/211 Rev F, 054/PL/212 Rev G, 054/PL/212 Rev H, 054/PL/213 Rev D, 054/PL/213 Rev E, 054/PL/214 Rev G, 054/PL/215 Rev B, 054/PL/216 Rev H, 054/PL/250 Rev A, 054/PL/261 Rev A, 054/PL/230 Rev E, 054/PL/230 Rev F, 054/PL/231 Rev D, 054/PL/231 Rev E, 054/PL/232 Rev G, 054/PL/232 Rev H, 054/PL/233 Rev C, 054/PL/234 Rev C, 054/PL/235 Rev B, 054/PL/236 Rev E, 054/PI/237 Rev E, 054/PI/038 Rev B. 054/PL/261Rev A.

Daylight and Sunlight Assessment (14 February 2017)
Energy and Sustainability Assessment
Statement of Community Involvement (February 2017)
Transport Assessment (March 2017)

Travel Plan (January 2017)
Drainage Scheme (July 2017)
Sustainable Drainage Review (April 2017)
Design and Access Statement Revision H
Planning Statement
Arbtech: Arboricultural Impact Assessment (October 2017)
Arbtech: Arboricultural Method Statement (October 2017)

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 materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 Before the development hereby permitted is occupied the vehicular parking spaces shown on the approved plans shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: 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 in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 5 Before the development hereby permitted is occupied the Cycle parking spaces shown on the approved basement plan (054/PI/214 Rev G) shall be provided and shall not be used for any purpose other than parking of cycles in connection with the approved development.

Reason: 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 in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 Notwithstanding the plans submitted, before development commences a dimensioned drawing indicating details of the width of the access, ramp gradient for the access ramp to the basement car parking area and the vertical clearances

along the ramps 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 London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8 The electric vehicle charging points shall be provided in accordance with the London Plan Parking. The provision shall not be less than 20% of active and 20% of passive of the approved parking spaces to be provided with electric vehicle charging facilities and implemented prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 9 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 10 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out

so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

11 a) A scheme of hard and soft landscaping, including details of planting for the podium deck, and existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

12 Before the building hereby permitted is first occupied the proposed window in the second floor of the south elevation facing 53a Oakleigh Road North shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

13 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason:

To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 14 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 15 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

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

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

- 18 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105L per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015)

- 19 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

- 20 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).

Reason:

To ensure that the development discharges surface water from the site in a manner that takes into consideration the statutory duties, legislation and regulatory requirements of authority(ies) receiving surface water and ensures that downstream flood risk is mitigated in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, Approved Document Part H of the Building Regulations 2010) and Paragraph 80 of Planning Practice Guidance.

- 21 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan

Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 22 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.

Reason:

To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753.)

- 23 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.

Reason:

To ensure that the surface water drainage system and SuDS are constructed appropriately and are adopted by an Adopting Authority responsible for the safe operation and maintenance of the system throughout the lifetime of the development. Appropriate construction of SuDS should take into consideration S13 of the Non-statutory Technical Standards for Sustainable Drainage Systems. Operation and maintenance of SuDS should take into consideration the Written Ministerial Statement of 18 December 2014 and Planning Practice Guidance Paragraphs 81 and 85.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The planning application has been assessed at this time as liable under Mayoral CIL.

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 are exempt from this charge. The planning application has therefore been assessed at this time as liable for payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are 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, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which is also available from the Planning Portal website.

The CIL 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 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 this grant of planning permission, please email us at: 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.

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

2. Residential Annexes or Extensions: 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

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Officer's Assessment

The application site is occupied by a large detached building which was last used as a nursing home (Spingdene) within use class C2. The nursing home closed in 2015. This was a purpose built structure with useable floorspace over 5 floors including within a basement area and at roof level. The site benefits from a parking area to the front and to the rear there is a garden area/patio. The site rises to the rear to form an embankment and the basement area is exposed, the building is three storeys in appearance to the front. The garden area is enclosed by close boarded fencing to the rear and there is also some mature vegetation on the boundary, some of which is statutorily protected. There is also a recreation ground on the rear boundary (Dame Alice Owen's Grounds).

The site is on the junction of Oakleigh Park South and Mary Rose Way, which is a cul-de-sac with dwellings to the rear of Spingdene. Oakleigh Park South consists predominantly of large detached dwellings set on fairly generous plots. There are some blocks of flats within Athenaeum Road and Oakleigh Park North. The site is within 500m of Oakleigh Park railway station, and just over 1km from Totteridge and Whetstone Tube Station, and local bus routes pass nearby. The High Road is in close proximity with a range of shops and services available.

2. Site History

Reference: B/01485/12

Address: Springdene Nursing Home, 55 Oakleigh Park North, London, N20 9NH

Decision: Refused

Decision Date: 22 August 2012

Description: Erection of a new two-storey single family dwelling with associated car parking and landscaping.

Reference: B/01163/11

Address: Springdene Nursing Home, 55 Oakleigh Park North, London, N20 9NH

Decision: Approved subject to conditions

Decision Date: 10 May 2011

Description: Two-storey side/rear extension at lower and ground floor levels.

Reference: B/00233/11

Address: Springdene Nursing Home, 55 Oakleigh Park North, London, N20 9NH

Decision: Approved subject to conditions

Decision Date: 9 March 2011

Description: Single storey rear conservatory.

Reference: B/01853/09

Address: Springdene Nursing Home, 55 Oakleigh Park North, London, N20 9NH

Decision: Refused

Decision Date: 24 July 2009

Description: Retention of internally illuminated v-shaped board sign.

Reference: N00839X

Address: Springdene, 55 Oakleigh Park North, London, N20 9NH

Decision: Approved with conditions

Decision Date: 18 November 1996

Description: Demolition of existing private hospital and erection of new residential care home (55 beds) on lower ground, ground, first and second floors with ancillary staff areas in third floor roof.

3. Proposal

The proposed development involves the change of use and conversion of the existing redundant care home to provide 27 self-contained residential units which would comprise 7 x 1 bed, 17 x 2 bed and 3 x 2 bed.

The existing basement would be excavated further to create a larger floor area which would be dedicated to an enlarged car parking/cycle parking area and would also result in the partial demolition of an existing rear projection at the lower ground floor level. A new terrace area would also be created.

An extension of up to 4m would be created at the ground floor level on the rear elevation and direct access would be provided to individual private amenity areas for units 1-4. A more useable communal amenity area would be provided to the rear. A refuse storage area would also be provided at the rear and 4 parking spaces would be provided to the front with a ramped access to the basement parking.

An extension of approximately 10.0m along the flank boundary with No. 53 would be created at the first floor level of the building. This would be 1.0m from the boundary at its closest point. This floor of the building would also have a setback from the boundary at a depth of approximately 4.8m (original building line).

At second floor level the extension along the common boundary with No.53 has been reduced from the initial submission to remove the proposed corner of the building at this level. The proposed extension would still move closer to the common boundary than the existing position at a depth of approximately 11.5m. The new section would be approximately 5.5m from the common boundary at its closest point.

The third floor level has also been reduced in depth from the original submission. The side extension at second floor would also still bring development closer to the common boundary with No.53.

The existing roof level would be reconstructed with the ridge level rising by approximately 0.50m. A number of dormers, some with Juliette balconies, would be constructed to all four elevations. The exterior of the building would also be comprehensively changed with new materials proposed.

4. Public Consultation

Consultation letters were sent to 50 neighbouring properties, 56 replies were received. The comments received can be summarised as follows;

- There are already too many flats along the road.
- Further flats will change the character of the road.
- The proposed bulk and scale will be out of character with adjoining dwellings.
- The proposal will lead to parking issues along the road.
- This scheme will lead to overlooking of adjoining residents.
- The road is characterised by mainly residential dwellings.
- Emphasis should be on the provision of single family homes.

- Existing bin storage is shown on plan at the wrong position. Concern that the bin storage area as submitted will cause amenity issues with regards to residential properties on Mary Rose Way.
- Concern about noise during the construction period and potential structural harm to my property.
- The proposal is in conflict with policy which aims to prevent flat developments on residential roads.
- Balconies will result in overlooking of adjoining residents.
- There is the potential for impact on adjoining trees.
- It is not known if any provision has been made for community benefits.
- There is already massive congestion on the road.
- Concern about impacts on road safety.
- This could set a precedent.
- The proposal is a gross over-development of the site.
- Oakleigh Park will be damaged irreparably.
- The proposal will lead to further on street parking along the road.
- The area does not have the infrastructure for flats.
- The proposal will have a detrimental impact on the character of the area.
- The number of units proposed seems too many.

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.

Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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, CS3, CS4, CS5, CS8, CS9, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM14, DM17

Supplementary Planning Documents

Affordable Housing SPD (Adopted 2007)

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of redevelopment;
- Affordable housing provision;
- 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;
- Provision of adequate accommodation for future occupiers;
- Highways issues;
- Any other material considerations.

Principle of redevelopment

Loss of Care Home

The proposal involves the change of use of a pre-existing 55 bed elderly persons' residential care home to 27 self-contained residential units. The existing use in practice consisted of a nursing home where residents occupied the premises in the form of individual bedrooms with access to communal lounges, dining rooms and amenity areas. The existing development was not operated as an extra care facility. Its function was outlined as nursing care for 56 older people, some of whom may also have dementia. A short stay rehabilitation service for people between hospital and home was also provided. The premises were not administered for or on behalf of the Local Authority.

The Core Strategy at Section 16.4 sets out the Council's strategic policy position on the provision and supply of residential care within the Borough. Paragraph 16.4.3 states that the Borough has an oversupply of residential care homes and it is considered that sites should be remodelled as extra care housing, which is seen as a viable alternative to residential care providing independence to residents. There are 102 registered residential homes and 21 registered nursing homes providing for 3000 people with the emphasis on

older people. Although there is a rising demand for dementia care, the Core Strategy advises that there is adequate supply to meet this demand.

Policy CS11 supports the remodelling of existing facilities to other forms of special accommodation in order to widen the housing choice and to reduce the over-supply. The loss of the existing use to residential could, in the context of an over-supply constitute an acceptable change of use.

The former operators of the care home have provided details of why the care home has failed and how conversion to an extra care facility would not be viable. The extra care model requires apartments of varying sizes around communal services and provisions, and enables people to increase the amount of care they received in relation to their needs. It was found that the existing building was of insufficient size to make a financially viable extra-care scheme.

The submission outlines how, while the demand for dementia style units is steady, Springdene was designed to provide for smaller bedrooms and avoid open spaces, which is in conflict with current thinking on how such units should be laid out. Independent advice has stated that should the building be converted to larger individual units it would not be a financially viable venture. The site and planning constraints would hinder any potential to secure a building on site which could provide the level of use needed to be financially viable. Whilst viability appraisals have not been submitted for consideration, it is conceivable that if the existing multi-room unit could not achieve sustainable viability, then a reduced unit scheme would similarly struggle.

It is not considered that policy insists on remodelling of existing facilities. The viability argument appears plausible. When this is balanced along with the ever existing demand for residential dwellings, including smaller units, within London a redevelopment for flats and the loss of the care home site, in the face of an over-supply of such facilities, can be justified.

Flat development at this location

A number of neighbours have raised concern about the general principle of flats at this location and its potentially negative impact on the character of the area. Local policy DM01 outlines that loss of houses on roads characterised by houses will not normally be appropriate. The proposed development would not result in the loss of a single dwelling as the building is a purpose built C2 use. In that respect it does have a differing character to single dwellinghouses. The building's appearance would not significantly alter; it would still have the appearance of a site providing for multiple residents.

Notwithstanding this, the introduction of flats can alter the character of the area by increased activity, vehicle movements, deliveries and the general comings and goings from a multi-unit development. The level of activity would be materially greater than the existing lawful use. However the wider area does contain flatted developments (within 200-300m from the site), with large purpose built units at the corner with Oakleigh Park North. There are other purpose built flats to the south along Oakleigh Park South and into Athenaeum Road. Therefore this use would not result in the introduction of flats or purpose built flats to the area. The locality already contains a strong presence of flatted developments and when this is coupled with the existing lawful use of the site and the fact that this is a large purpose built structure differing in character from its neighbours, it is not considered that conversion to flats would run contrary to the general character of the area.

Density

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 2. 27 residential units are proposed for a site of circa 0.28ha. This would result in a density ratio of 96 units per hectare or 282 habitable rooms per hectare. The London Plan density matrix suggests that a PTAL 2 and suburban location such as this site would deliver a density of 35 - 65 units per hectare or 150 - 200 habitable rooms per hectare. The proposed density is therefore greater than what the guidance advises. However the density matrix is caveated in stating that the density ranges should not be applied mechanically. Material considerations pertinent to a particular site and proposal must come into play. In this case the area does contain denser developments as detailed above. Furthermore this is not a new build scheme and involves the utilisation of an existing structure. If redevelopment for care facilities can be discounted, then subject to adequate unit sizes and an appropriate mix, and suitable living conditions for future occupants of the development and existing neighbouring residents, maximising the sites residential potential can be appropriate. Although a suburban location there is good access to shops and services and alternative modes of sustainable transport. Subject to compliance with the requirements above, it is deemed that this is a site suitable for a greater density than that suggested within the density matrix for suburban sites.

Affordable Housing Provision/S106 Agreement

Policy DM10 requires that: '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.' As this is a C3 proposal of >10 units affordable housing provisions are triggered. The council has concluded on the agreement of a commuted sum of £435,076 to meet affordable housing needs in the district. Any grant of permission should be subject to the securement of agreed affordable housing contributions by way of a Section 106 Agreement.

The council are also of the view that the securement of apprenticeship places should also be agreed under a S106 Agreement. The council are of the view that securing such places in relation to the proposed development meets the tests for a planning obligation as detailed at para. 204 of the NPPF.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

Layout

The footprint of the building would not significantly alter, and not to an extent that would harm the character of the area. A more formalised parking layout would be provided to the front and a communal bin storage area would be located along the rear flank boundary with the access road to Mary Rose Way. Some objections have raised concern with the location of the bin storage area. Decision makers do have to be mindful of the location of such areas and the potential noise and odour impact on nearby residents. The proposed

location retains a reasonable separation distance to the nearest neighbours and will be enclosed within a storage compound. A balance also has to be struck between providing ready access to residents of a development without infringing on their amenity. This balance has been achieved in this case and to the rear of the building is the most suitable location for such a facility. Furthermore storage facilities should be convenient for collection crews and this is achieved here. When all matters are considered the design and positioning of the facility is acceptable.

The rear area of the care home would be remodelled in order to provide a communal amenity area and 4 individual amenity areas for residents on ground floor rear flats. This will be generally enclosed from public views, which are the current position, and raises no concerns. The layout, including the ramped access to the basement parking, would not significantly differ from the layout of a lawful C2 use.

Massing/Scale

The building would be extended, largely to the southern side and the roof would be reconfigured with the introduction of a number of dormer windows on all elevations. The building would increase slightly in height and there would be some increase in mass. It is not considered this increase would impact negatively on the character of the area. The area contains large purpose built flat developments and whilst the area immediately around the site contains single dwellings, this site differs markedly, containing a purpose built care home. Any increase in scale and massing would have no material impact on the character of the area and the building would still sit comfortably on the plot.

External Appearance

The external appearance will alter and the building will assume the appearance of an apartment development. The existing building is in position some 20 years and its brick façade is relatively utilitarian in appearance. Styles change, and if a redevelopment of the site is agreed the opportunity exists for an external refurbishment of the structure. Whilst design and appearance will always be subjective, the introduction of dormers and balconies are a common way of maximising the use of a building. They arguably add interest and break an otherwise large expanse of tile or slate. From an appearance viewpoint the modifications are acceptable which will give the building a more modern exterior but will also retain the character of the wider area.

Landscaping

The application site contains a number of mature trees including some which are statutorily protected. The rear area of the site would be remodelled in order to provide a more useable communal area for future residents. Existing trees would be retained and where suitable augmented with new planting. This has involved negotiation between the application and the council's Trees Officer. The trees to the front of the site in particular make a valued contribution to the overall character of the area and their retention and future health is of importance to the overall character and appearance of the area. Suitable tree protection measures can be agreed by condition.

The ramp down to the car park is confirmed it does not have a significant impact on the root protection area of the protected scots pine tree. If all measures set out in the AMS are followed.

G1, G2, G3 confirmed as having a slight impact into the root protection area. G1, G2 & G3 agreed. The existing basement is close to T4 and therefore the larger basement will not be catastrophic. There is likely to be roots of this trees behind the current wall of the basement. The submitted arboricultural method statement must be followed.

T1 is a veteran oak tree with special ecological and historic values, growing on third party land. The basement is shown to have an incursion of 5m into the root protection area. However, excavations to build the current the building will have had a significant and irrecoverable loss of roots. Therefore, the new proposal will not have any additional impact soil improvements should be a condition of any approval to mitigate this additional disturbance.

No landscaping scheme has been submitted. A scheme will be required that will help the new development settle into the local area and character of sylvan street. Native species such oak and scots pine should form the main structural planting. Other ornamental trees such as western red cedar and wellingtonia can also be included around these primary species.

Whether harm would be caused to the living conditions of neighbouring residents

A number of letters of correspondence have raised concern in relation to potential impact on the amenity of neighbouring residents. As detailed in the development description above, the overall massing on the boundary with No.53A Oakleigh Park North as originally proposed has been reduced. This effectively involved the removal of the rear corner of the building at 2nd and 3rd floor level as detailed above. The proposed building will however increase in bulk on this elevation and will be moved closer to the boundary than the existing scenario. A flank wall at first floor level will extend 10.0m along the boundary. This would be within 1.0m at its closest point. The second floor would retain a gap of approximately 5.5m to the common boundary at the closest point. The rear projection on the third floor has also been reduced from the original submission.

Impact on the amenity of existing residents from a new development will invariably involve a judgement call. It should be noted that under existing circumstances a two storey element of the building is already located in close proximity to the boundary. Whilst the first floor would increase in depth, the increased depth would progressively project away from the boundary. The second and third floor additions would retain a gap of 5.5m to the boundary at the closest point and would also progressively project away. It is noted that some existing screening exists on this common boundary and that the aim is retaining this. No.53A also benefits from a wide and relatively deep rear amenity area. It is not considered that an extension to No.55 of this nature would appear particularly overbearing or create an enclosing feel from the rear garden area. The rear elevation of 53A is west facing and the garden area would receive direct sunlight for a long section of the day. The extension would not appear particularly overbearing when viewed from rear facing windows. It is considered that the reduction in built form, as agreed through amendments, would result in an extended building which would not significantly encroach on the amenity of existing residents at No53a and can be accepted.

The scheme includes balcony areas and proposed windows on this elevation. The balconies are set back from the boundary and would replace in some instances existing windows. The building line would help to screen the garden area from balconies. A window in the southern boundary at second floor level close to the boundary can be reasonably conditioned as obscure glazed. A proposed dormer in the roof on the southern elevation would not give rise to serious overlooking.

New windows and balconies are also proposed in the northern and western elevations facing towards Mary Rose Way. Existing vegetation and the distances involved from the western elevation to dwellings in Mary Rose Way would ensure that there would be no material impact on amenity. New openings would face towards the front of dwellings which are less susceptible to amenity concerns.

Some of the new openings proposed on the northern elevation; overlooking the access roadway to Mary Rose Way, have the potential to cause material impact on the amenity of No.57 Oakleigh Park North. However this elevation of Springdene already contains a large number of existing windows facing towards this property. The majority of the flank boundary of No.55 is also well screened by vegetation. Whilst proposed balcony areas would arguably have greater potential to impact on amenity, on balance, it is not considered that there would be a significant increase in overlooking or impact on amenity.

In conclusion it is not considered adjoining or nearby residents would suffer significant impact through overlooking, loss of light or loss of privacy. All neighbouring properties, including No.53a, would retain adequate outlook and the proposed scheme would not be significantly overbearing or result in a sense of enclosure. Whilst extensions will bring development closer to the flank boundary with 53a it is considered that amendments have reduced future impact to an acceptable level for the reasons detailed above.

Amenity of future occupiers

External Amenity Space

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m² should be provided per habitable room for flats. A large area of communal amenity space would be created to the rear of the site which residents would have direct access to (approximately 600 sq. m useable space). Ground floor apartments would have access to their own private amenity areas. Furthermore upper floor units would be served by small balcony areas. This provision exceeds the standards for private amenity space. The immediate area is also served by public amenity spaces, including to the rear of the site.

Internal Space Standards

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings.

Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard. Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard and every other double (or twin) bedroom is at least 2.55m wide. A minimum ceiling height of 2.5m for at least 75% of the dwelling area is strongly encouraged.

Each of the proposed flats would meet the minimum space requirements.

Highway Issues

Vehicle Parking:

Highways officers have been consulted and have no objections to the proposals. A total of 28 parking spaces including 3 disabled parking spaces are provided in basement level car park, with 3 spaces at ground floor level.

Cycle Parking:

56 cycle parking spaces are being provided which is in accordance with the cycle parking standards set out in London Plan and will be conditioned as such.

Access Arrangement:

A ramped vehicular access to the site is served via drop kerb from Oakleigh Park North to the basement car park. The gradient of the ramp needs to be 1:10 or it needs to be designed in accordance with the Design Recommendations for multi-storey and underground car parks by The Institution of Structural Engineers.

Any modifications to the existing access arrangement of the public highway would require the applicant to enter into an Agreement with the Highway Authority under S278 of the Highways Act.

Servicing/Refuse Arrangements:

A refuse collection point must be provided at ground level on a levelled surface within 10 metres of public highway, otherwise the applicant will be expected to bring the refuse bins to the back of the public highway on collection days.

Construction Management Plan:

A robust construction management plan needs to be provided and careful consideration must be given to the optimum route(s) for construction traffic and the Development Regulatory Services should be consulted in this respect.

5.3 SUDS and drainage

The site is located within Flood Zone 1 and is less than 1ha. As such, a flood risk assessment is not required.

The site is classified as 'More Vulnerable Development' in association with Table 2 of the Planning and Practice Guidance (buildings used for dwelling houses). In accordance with Table 3 of the Planning and Practice Guidance, 'More Vulnerable Development' is permitted in Flood Zone 1. As per the Development Management Procedure Order (2015 update), the proposed development is classified as a 'Major Development'. Major Developments require the use of sustainable drainage systems (SuDS), as per the Department for Communities and Local Government Written Ministerial Statement of 18 December 2014.

The use of SuDS to manage surface water runoff is advised as per policy CS13 of the Local Barnet Plan, and Policies 5.13 and 5.14 of the London Plan. It is advised that Barnet Council issue the General SuDS / drainage strategy comments below to the applicant to inform them of the requirements for SuDS / drainage strategies.

The applicant has specified in the Sustainability Appraisal that "the surface water drainage will be designed to avoid, reduce and delay the discharge of rainfall run-off using SUDS techniques, such as use of permeable paving and small detention basin features aimed at conveying and storing surface water at surface before discharging all surface water to ground via soakaways." The use of detention basin features is considered an appropriate substitute for not meeting the first priority of the SuDS discharge hierarchy - 'store rainwater for later use'. The applicant has since proposed two revised SuDS options:

- a. Option 1 - based upon the possibility of infiltration being used and a soakaway (30m³) being constructed. To drain the remaining area, an overflow attenuation tank (69m³) has been proposed, with surface water flows discharging into the surface water sewer in Maryrose Way at a restricted rate of 5l/s.
- b. Option 2 - based upon infiltration not being possible. This is similar to Option 1, but without the soakaway tank.

The LPA's drainage consultant has been consulted on the application and following the receipt of additional information it is considered that the proposal is adequate in regards to providing adequate drainage. The management of surface water runoff is appropriate and sufficient. The infiltration tests undertaken for the pavement shows that infiltration is suitable.

No objections have been raised subject to conditions being imposed.

5.3 Sustainability/Environmental Issues

The proposals need to comply with the requirements of the Mayor's London Plan. An Energy Statement accompanies the planning application. This states that the proposals would comply with the Code For Sustainable Homes Level 4 (Now withdrawn) and achieve a 35% improvement in emissions over Building Regulations 2013. This would comply with the requirements of policy 5.2 of the Mayor's London Plan.

5.4 Response to Public Consultation

It is considered the majority of issues raised have been addressed in main report.

Character - As detailed above, it is considered a flatted development would not be out of character with the prevailing character of the area and is as such policy compliant. The proposed bulk and scale of the scheme is deemed acceptable.

Trees - Amended Tree Surveys indicate that trees on site could be adequately protected.

Parking/Road Safety - The Highways Officer raises no concerns in relation to these issues.

Density/overdevelopment - While the proposed density of the scheme is high, on balance taking into account the existing building on site and compliance with all relevant policies, the proposal is not considered to be overdevelopment.

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

In light of the above appraisal it is considered that the proposed development, as amended from the original submission, is acceptable in policy terms. It is therefore recommended that consent is granted subject to conditions.

