

Location **2 Bruce Road Barnet EN5 4LS**

Reference: **19/2590/FUL** Received: 7th May 2019
Accepted: 8th May 2019

Ward: High Barnet Expiry 3rd July 2019

Applicant: Mornworth Ltd

Proposal: Change of use to ground and first floor to form 8 HMO rooms and ancillary facilities, retaining retail use at ground floor comprising two retail units with revised window and door openings to all elevations. Changes to shopfront

Recommendation: Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

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. Alteration to Traffic Regulation Order - £2,072.55

The alteration will relate to the schedule of addresses for the Controlled Parking Zone where the site is located in order to restrict future occupiers from obtaining resident parking permits.

Monitoring of the Agreement - £100

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of

the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

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

Site Location Plan

Drawing No: 900/18/01 - Existing Plans & Section

Drawing No: 900/18/02 - Existing Elevations

Drawing No: 900/18/03 Rev A - Proposed Plans

Drawing No: 900/18/04 Rev A - Proposed Elevations

Planning and Design and Access Statement

Odour Impact Assessment, Accon UK, 25.04.2019

Environmental Noise Impact Assessment, Sound Advice Acoustics Ltd, SA - 5868 rev 2, 1st February 2019.

Sustainability Statement

Flood Map

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 No development shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Details shall include:

Details of the new shop fronts including the fascia and pilaster features at 1:20 scale

Details of windows to be submitted for approval at 1:20 scale. (New windows shall be timber, double-hung, vertical sliding sashes. Cills to match those of the existing windows).

Details of doors to be submitted for approval at 1:20 scale.

All new external rainwater goods and soil pipes shall be of cast iron, painted black. No new plumbing, pipes, soilstacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the

drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 No unit within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of promoting cycling as a mode of transport 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 Anti-vibration mounts shall be installed on the flue serving Dory's Café, prior to the first occupation of the development and retained as such thereafter. Details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the amenities of occupiers are not prejudiced by noise from the flue, in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016) and 7.15 of the London Plan 2016.

- 6 The mitigation measures outlined in the report by Sound Advice Acoustics Ltd, ref SA-5868 rev 2, dated 01/01/19 shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016), and 7.15 of The London Plan 2016.

- 7 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).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed by 3 November 2019, unless otherwise agreed in writing, the Service Director - Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution to the associated costs to mitigate the on-street parking impacts in the vicinity of the site, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (adopted 2016).

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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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.

- 3 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 4 The developer is required apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway.
Advice on projection licence can be obtained from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant

shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

- 7 The applicant is advised that this permission does not grant consent for any advertisement for which advertisement consent may be required.

Officer's Assessment

1. Site Description

The application site comprises a two-storey Victorian building, with a Café within the ground floor unit fronting St Albans Road and two retail units fronting Bruce Road.

The building is located on the corner of St Albans Road and is highly visible in a variety of public views, including from the adjoining Barnet market site. The building has a shallow-pitched slate roof which is typical of a number of traditional buildings of this type in the area and makes a characterful contribution to the local streetscene.

The surrounding streets are mixed use (commercial & residential). The subject building is not listed, however the site falls within the Monken Hadley Conservation Area.

The site also falls within the defined Chipping Barnet Town Centre and the retained Café unit falls within the Primary Shopping Frontage. The two retained retail units fronting Bruce Road are within the Chipping Barnet Town Centre but not within the Primary or Secondary Shopping Frontages.

2. Site History

Reference: 18/4801/FUL

Address: 2 Bruce Road, Barnet, EN5 4LS

Decision: Withdrawn

Decision Date: 25.09.2018

Description: Change of use to ground and first floor to form 9 HMO rooms and ancillary facilities, retaining retail use at ground floor comprising two retail units with revised window and door openings to all elevations. Changes to shopfront. [Amended Description]

Reference: N09561A

Proposal: Change of use of part of ground floor from Class B1 (Light Industrial) to Class A1 (retail) to provide two shops and alterations to elevations to provide new shopfronts and new windows at ground and first floor levels.

Decision: Approved subject to conditions

Date of Decision: 06.06.1990

Reference: N09561

Proposal: Provision of windows in southern, western and eastern elevations at first-floor level.

Decision: Approved subject to conditions

Date of Decision: 21.11.1989

3. Proposal

This application seeks planning permission for:

"Change of use to ground and first floor to form 8 HMO rooms and ancillary facilities, retaining retail use at ground floor comprising two retail units with revised window and door openings to all elevations. Changes to shopfront."

The Dory's cafe unit would remain as existing.

8 single occupancy HMO rooms are proposed (2 rooms at Ground Floor and 6 rooms at First floor).

It is proposed to retain two ground floor retail units (16 sq m and 23 sq m) between the existing Dory's Café and the proposed HMO use. The larger retail unit includes a WC within the unit, the smaller unit would share the existing WC with Dory's Café as at present.

Changes to the shopfronts of the two retained retail units are also proposed. The proposal would re-instate the fascia and pilaster features of the shopfronts in order to restore the relationship with the matching shopfront of Dory's Café.

New window and door openings are proposed on all elevations. The new windows would be painted timber sash windows to match the existing.

4. Public Consultation

Consultation letters were sent to 98 neighbouring properties.

13 responses were received comprising 13 objections. The comments received can be summarised as follows:

- Application proposes poor quality accommodation
- No mention of parking or outside space
- Area is already overcrowded, proposal will impact the high street and local businesses
- Proposed entrance/fire exit would be within 1 metre or so of Premier Inn's fire escape - a simultaneous evacuation could compound an already hazardous situation in this cul-de-sac.
- Future residents will be subject to noise impact from neighbouring uses
- Any approval should include an agreement that CPZ permits will not be available to HMO residents
- Overdevelopment
- Will result in parking problems

4.1 Consultees

A summary of consultation responses received is set out below. Further details are included elsewhere in this report.

Highways - No objection subject to legal agreement and conditions.

Environmental Health - No objection subject to condition.

HMO Team - No objection subject to clarifications (now provided).

Urban Design and Heritage - No objection subject to details of materials, windows and shopfront.

CAAC 18th (June 2019 meeting) - "Windows and doors to be confirmed as painted timber".

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2031. 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.

The Draft London Plan 2017

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, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM09, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)
Monken Hadley Conservation Area Character Appraisal Statement (2007)
Chipping Barnet Town Centre Strategy (2013).

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of an HMO is acceptable in this location;
- Retail considerations
- 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 the proposals would provide suitable living conditions for future occupiers of the proposed flats.
- Highways considerations

5.3 Assessment of proposals

Whether the principle of an HMO is acceptable in this location

The proposed development has been the subject of detailed pre-application discussions and a previous withdrawn application (18/4801/FUL).

Policy DM09 of Barnet's Development Management Policies states that 'Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO'.

The applicant has provided evidence which demonstrates that there is an identified need for the HMO use in this location. This includes a map showing existing licenced HMOs in the vicinity the application site and correspondence from Barnet Homes advising that there is an identified demand for HMO places within the vicinity of the site.

The following considerations have been taken into account:

1. The site is located within the defined Chipping Barnet Town Centre boundary and has reasonably good access to public transport.
2. Evidence has been submitted to demonstrate that the proposed HMO use meets an identified need.
3. The site is within an area of mixed character and it would not have a harmful impact on the character and amenities of the surrounding area.
4. The proposal would meet the required HMO standards.

Based on the above, the principle of an HMO use in this location is considered to be acceptable.

Retail considerations

Dory's Café would remain as existing.

Two ground floor retail units (16 sq m and 23 sq m) would be retained between the existing Dory's Café and the proposed HMO use. The larger retail unit includes a WC within the unit, the smaller unit would share the existing WC with Dory's Café as at present.

Whilst there would be a reduction in retail floorspace compared to the existing situation, the site falls outside of the Primary and Secondary shopping frontages and two ground floor retail units would be retained, ensuring an active frontage remains in place.

It is not considered that the proposed development would have a harmful impact on the vitality or viability of Chipping Barnet Town Centre.

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

External alterations are proposed in the form of additional door and window openings and new shopfronts and detailing.

The Urban Design and Heritage team commented on the application, observing that the host building is a 2 storey, Victorian structure which contributes to the character of the Monken Hadley conservation area.

The team advised that if the proposal for a change of use to an HMO is accepted, the proposed external alterations should be respectful of its existing appearance. For example, new windows should match the design and detail of the existing traditional, timber sash windows, including cills and reveals to match the sash window on the north-east elevation. Further details of the proposed shopfront would also be required.

A planning condition is proposed in order to provide details of the proposed windows, door and shopfronts.

Subject to this condition, it is considered that the proposed development would not have a harmful impact on the character and appearance of the host building, street scene and surrounding area and the character and appearance of the conservation area would be preserved.

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

Whilst additional windows are being added to the south-east (front), south-west and north-east elevations, all of these elevations already contain windows and it is not considered that the additional windows will result in any harmful loss of privacy to any neighbouring residential properties.

Whether the proposals would provide suitable living conditions for future occupiers of the proposed development

The proposal complies with the relevant HMO standards and is therefore acceptable in this respect.

No amenity space is proposed. However, as there is public open space within close vicinity of the site and the site is within a town centre location, the lack of amenity space is considered to be acceptable in this case.

Highways

The Highways Department has commented on the proposed development as follows:

"The proposal is for the conversion of the existing ground and first floor units into 8x 1bed HMOs, while retaining part of ground floor retail units, including changes to shop front. The off-street car parking requirement for a proposal such as this is 5 car parking spaces.

However, taking into consideration the following;

- The site is located within a town centre location;
- The site is located within walking distance of local amenities;
- The site has a Public Transport Accessibility (PTAL) score of 3 which considered as good accessibility;
- The site is located within a Control Parking Zone C which operates from Monday to Saturday 8am to 6:30pm.

It is considered that the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located.

Please note that cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

Any proposed signage must be a minimum of 2.7m from the ground above the public footway.

Please note and inform the applicant of the below informative.

Recommendation: The proposal is acceptable on highways grounds subject to either a S106 or Unilateral agreement modify the Traffic Order that regulates the Controlled Parking Zone. A contribution of £2,072.55 is required towards the amendment of the Traffic order."

The proposed development would be acceptable on highway grounds subject to a legal agreement to secure permit exemption for the occupiers of the new development.

The applicant has indicated a willingness to enter into such an agreement.

Environmental Health

The Environmental health department have no objection to the proposal subject to conditions requiring anti-vibration mounts to be installed to the existing flue serving Dory's Café and requiring the Noise mitigation measures outlined in the submitted Noise Report to be implemented before first occupation of the development.

HMO Team

The HMO Team commented on the application, stating that is considered to be acceptable subject to clarifications in relations to floor areas, ceiling heights, kitchen sizes and ventilation and fire doors and partitioning.

The requested clarifications were provided by the applicant's in the form of revised drawings (Drawing No: 900/18/03 Rev A - Proposed Plans and Drawing No: 900/18/04 Rev A - Proposed Elevations).

Refuse and Recycling

A ventilated refuse and recycling storage area is proposed, accessed from the west elevation of the building.

5.4 Response to Public Consultation

Addressed elsewhere in this report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Recommended for APPROVAL, subject to conditions and completion of legal agreement.

