

Location **Talmud Torah Tiferes Shlomo Independent School (Ttts) Danescroft Avenue London NW4 2NB**

Reference: **20/3591/FUL** Received: 5th August 2020
Accepted: 5th August 2020

Ward: Hendon Expiry 30th September 2020

Applicant: Mr H Bondi

Proposal: Installation of new front entrance door. 2no air conditioning units to the rear.
New external fire escape door to the Assembly hall.

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their 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: P01 Rev A, P02, P03 Rev A, P21, P22, Noise Impact Assessment Technical Report by Sound Solution Consultants, Technical leaflet by Daikin Air-Conditioning Uk Ltd, Excel spreadsheet specifications.

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 a) Notwithstanding the approved plans, prior to the first use of the air conditioning units, details of 10 kg/m² timber screening fully covering line-of-sight between condenser units and receptor locations on the north elevation - in accordance with the mitigation measures set out in the Noise Impact Assessment by Sound Solution Consultants dated, 24/08/2020 - shall be submitted to and approved in writing by the Local Planning Authority.

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

c) The proposed units/operating system shall be fitted with equipment timers configured to exclude operation beyond 7pm on any day

Reason: To ensure that the proposed development does not prejudice the character and appearance of the host property and surrounding area, or the amenities of occupiers of neighbouring properties in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 7.4, 7.6 and 7.15 of the London Plan 2015.

- 4 The level of noise emitted from the air conditioning units hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises of a building, built in the 1960's that houses a school and is located to the south east of Danescroft Avenue in Hendon. The school building is in three parts, incorporating a part three, part four storey block parallel to Danescroft Avenue, together with a return wing and a pitched roof assembly hall to the rear. The site is located in a primarily residential area and is situated in a cul des sac comprising of two roads, Danescroft Gardens and Danescroft Avenue.

To the north of the site is a three storey residential development known as Brentwood Lodge which wraps around into Holmesdale Gardens; to the south is a two storey with accommodation in roofspace plus basement detached residential development (no 9 Danescroft Avenue). The western side of Danescroft Avenue contains mainly three storey (including roofspace accommodation) 1930's residential properties.

Danescroft Gardens is located to the rear (east) of the site and largely contains detached two and three storey residential properties. The complex of flats at the southern end of Danescroft Avenue with its main access from Brent Street is a dominant group of buildings at the end of the road rising to a full four storeys plus shallow pitched roof.

The site has a Public Transport Accessibility Level (PTAL) rating of 1a, which means it has very poor access to Public Transport (on a scale of 1- 6b 1a been extremely poor and 6 been extremely high).

The land levels change markedly across the site from west to east (front to rear) and also to a lesser extent through the site from north to south. Nevertheless, this results in a significant drop to the rear boundary and also in the context of the immediately adjacent properties.

The site is not listed and does not fall within a Conservation Area. There are no Tree Preservation Order designated trees on the site. However, there is open land between 1 and 16 Danescroft Gardens adjacent to the eastern boundary of the subject site which is occupied by TPO trees.

2. Site History

No relevant planning history.

3. Proposal

Permission is sought for the installation of an additional door in the front elevation, designed to match the existing front door in similar materials. To the rear there will be one new external rear fire escape in the north elevation of the assembly hall following the blocking up of an existing door and 2no. air conditioning units, 1no air conditioning unit on either side of the assembly hall at ground level. Each of the proposed units dimensions will be a 950X990X320.

During the application process, the agent provided a noise report and further details which had been assessed by our environmental health officer. The noise report had been deemed acceptable and approval subject to attached conditions.

4. Public Consultation

Consultation letters were sent to 25 neighbouring properties.

62 contributors; 58 objections, 3 letters of support, 1 null comment had been received.

- Grounds of greater air pollution caused by increased traffic, noise pollution caused by both loud talking and additional car doors slamming late at night. This would also add to general congestion in very narrow streets around the school premises.
- Opening hours, implied change of use has already occurred and the school had not received planning permission.
- Parking, general increase in noise, traffic and disruption, an events venue will bring to the residential area.

Environmental Health:

I have read the Noise Impact Assessment by Sound Solution Consultants dated, 24/08/2020. The report shows that with mitigation, low noise impact is expected from the units. This is acceptable, subject to attached conditions.

School Assembly Hall - If the school hall is to be used for functions as voiced by numerous residents, I would recommend that a noise management is implemented, which should include that all windows and doors are kept closed during use (this could mean that they may want to use the air con units after 7pm).

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 in 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, 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.

The Mayor's Draft London Plan

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.

The London Plan is currently under review. 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 adopted 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 2016.

- Relevant Core Strategy Policies: CS NPPF; CS1, CS5
- Relevant Development Management Policies: DM01; DM04

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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 DM04 states that mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Supplementary Planning Documents

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:

- 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 amenity of neighbouring occupiers.

5.3 Assessment of proposals

Impact on the character and appearance of the existing site, streetscene and wider locality

The NPPF attaches great importance to the design of the built environment, stating 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" (para.124).

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

The proposed front door will complement the existing building and the surrounding character of the area. The proposed siting and scale of two air-conditioning units to the side of the building are considered to respect and relate well to the use of the existing school building and the surrounding area. Given the modest dimensions for both air conditioning units, therefore, officers do not consider this addition to the school building, to be harmful to the local character or streetscene. With regard to the Noise Impact Assessment, it is proposed that timber screening be implemented as part of mitigation measures. Whilst details are reserved by way of condition, the addition of screening is considered to be acceptable in principle.

Overall, the proposal is considered to have an acceptable impact on the character of the area and the street scene. The proposal would therefore comply with the Barnet's Local Plan (2012) including Residential Design Guidance SPD (adopted October 2016) and Sustainable Design and Construction SPD (adopted October 2016).

Impact on the amenities of neighbours

Policy DM01 and DM04 of the Local Plan also demand that any schemes must protect the amenity of neighbouring residents.

The proposed addition of two air conditioning units had been accompanied by a noise report which environmental health officers had reviewed. No concerns were raised however, conditions will be attached to the approval of permission. Therefore, subject to the recommended conditions, officers are satisfied that the proposal will not result in any significant impacts on neighbouring amenity.

5.4 Response to Public Consultation

- Regarding potential noise from the air conditioning units, this aspect is conditioned.
- Notwithstanding the objections in respect of an alleged change of use, no conditions exist to prevent ancillary or incidental uses. No change of use is proposed as part of the development description and any unauthorised material change of use - or additional air conditioning unit(s) - would be liable for enforcement action. The proposed air conditioning units are subject to a condition to limit their operation to no later than 7pm on any day

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 subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. This application is therefore recommended for APPROVAL

