

**Location** **18 And 20 Russell Gardens London NW11 9NL**

**Reference:** **21/6566/FUL** Received: 15th December 2021  
Accepted: 15th December 2021

Ward: Golders Green Expiry 9th February 2022

**Case Officer:** **Shay Bugler**

Applicant: Noa Girls

Proposal: Change of use from residential to Class F1 use (Learning and non-residential institutions) together with the retention of the existing building at the rear of no.20 Russell Gardens for Class F1 use

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

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

### **RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority
3. "Car Free" Agreement- £2,392.01 contribution towards amending the relevant Traffic Management Order  
Travel Plan- £5,000 contribution towards the Council's costs of monitoring the planning obligation.

### **RECOMMENDATION II:**

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

- 1 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.

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

- Existing drawings: LP-01-Rev P03; EX- 01-Rev P03; EX- 02-Rev P00; EX-03 Rev P00; EX-04-Rev P00; EX-05-Rev 01; PA-01 Rev P03; PA-02-P00
- Planning Statement by SMB Town Planning Limited ( ref: SMB/jb/2020/24) December 2021
- Design and Access Statement by XUL Architecture Rev 02 dated 29 November 2021
- Alpine Bike Sheds specification by Bikedock Solutions
- Transport Statement by December 2021 by ttp Consulting Limited.
- Transport Note from ttp Consulting Limited dated 18th March 2022 (File ref: N01-KM- Transport Note)
- Noise Assessment Report dated 29th October 2021 (project no: 2120739) by Sharp Redmore Acoustic Consultants

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).

- 3 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with 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.

- 4 The maximum number of people onsite shall not exceed the proposed 45 staff and no more than the proposed 110 clients per week.

Reason: 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 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 6 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

- 7 a) Before the development hereby permitted is first occupied or brought into use, a Travel Plan incorporating measures to reduce trips to the site by the private car and encourage non-car modes such as walking, cycling and public transport shall be submitted to and approved by the Local Planning Authority.

The Travel Plan shall include a clear action plan for implementing the measures, and shall be monitored, reviewed and resubmitted in writing annually, for approval by the local planning authority, in accordance with the targets set out in the Plan and the associated S106 agreement.

- b) The measures set out in the Travel Plan approved under this condition shall be implemented and retained until such time as the site is no longer in use or occupied.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM17 of the Development Management Policies DPD (adopted

September 2012).

- 8 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.
- b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policies D13 and D14 of the London Plan 2021.

- 9 (a) Prior to commencement of works onsite, a bespoke Noise Report for Educational and Therapy Use should be carried out by an approved acoustic consultant and submitted to the Local Planning Authority for approval. The report shall assess the likely noise impacts from the development with regards to its use as an Educational and therapy space. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels; 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 contents and recommendations.
- (b) The measures approved under this condition shall be implemented in their entirety before (any of the units are occupied/ the use commences), and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policy D14 of the London Plan 2021.

- 10 The development hereby approved shall be solely used and occupied by Noa Girls, and not for any other purposes under F1 of the Use Classes Order 1987 (as amended).

Reason: To ensure the use hereby approved for Noa Girls Community is retained onsite.

- 11 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).

### **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20th September 2022 unless otherwise agreed in writing, the Service Director for 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 secure a Travel Plan monitoring contribution or secure a "car free" agreement which restricts future occupiers from applying for car parking permits. The proposal would therefore not address the impacts of the development, contrary to Policy DM17 of the Development Management Policies DPD (2012) and the Planning Obligations SPD (adopted April 2013).

### **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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering'

process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

above list.

- 4 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 5 Refuse collection points should be located within 10 meters 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.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

No. 18 Russell Gardens was an unoccupied residential property until June 2021 when the applicants began to use it in conjunction with the use of no. 20. No.20 Russell Gardens together with the building in the rear garden is used as a therapy centre for Jewish girls

and young women (aged between 12-24). The facility is known as "Noa Girls". The applicant advises that the service provides "emotional, practical, and therapeutic support to girls from the London Orthodox Jewish community. Individuals who attend this facility often face complex challenges ranging from mental health, difficult home situations and traumatic life events".

Both properties are set back from the road by front gardens and no.18 has a driveway which provides one off-street parking space.

The building at the rear of no.20 was erected in July 2019 replacing a smaller "garden shed". This building is a single-storey structure divided into two with the larger portion (16.7sqm) used as a therapy room and the smaller section (9.95sqm) as a gym. This building is part of the F1 use at no.20.

The site has a PTAL of 3, which means it has moderate access to public transport (on a scale where 1 is extremely poor and 6b is excellent). The closest bus stop on Golders Green is approximately 140m away. Brent Cross Underground Station is located approximately 640m from the site.

The surrounding area is predominantly characterised by residential development. The site does not lie within a Conservation Area and there are no listed buildings onsite.

## **2. Site History**

### 18 Russell Gardens

Ref no: W09113A

Description of development: Conversion into two self contained flats

Decision: Refused

Decision date: 5 September 1989

Ref no: C07912A

Description of development: One double-sided, internally illuminated advertising panel.

Decision: Approved subject to conditions

Decision date: 13th May 1987

Ref no: C01925

Description of development: Installation of dormer window and formation of room in roof space.

Decision: Approved

Decision date: 18th April 1968

### 20 Russell Gardens

Ref no: 15/03244/FUL

Description of development: Part single part two storey rear extension, two storey side extension, conversion of single dwelling house into 2 no. self-contained flats

Decision: Refused

Decision date: 01.07.2015

Reasons for Refusal:

1. The proposed conversion of this property into self-contained flats would be out-of-



character within an area characterised predominantly by single family dwellings and would be detrimental to the character and appearance of the surrounding area.

2. The proposed side and rear extensions at first floor level by reason of their depth, size, massing and siting would result in an overly-dominant and imposing development which would be detrimental to the residential amenities of the occupiers of the adjoining properties and result in direct overlooking.

3. The cumulative impact of the proposed side and rear extensions by reason of their depth, size, massing and siting would result in an overly-dominant development which would be detrimental to the established character and appearance of the immediate and general area.

Ref no: 16/1781/HSE

Description of development: Single storey side extension following the demolition of the existing sheds

Decision: Approve subject to conditions

Decision date: 01 June 2016

Ref no: 18/7452/191

Description: Certificate of Lawful Development for use as Class D1 (Non residential Institution)

Decision: Lawful

Decision date: 29.03.2019

### **3. Proposal**

The proposal on site comprises of the following:

-Change of use of no.18 Russell Gardens from residential to Class F1 use (Learning and non-residential institutions) to provide specialised counselling; support and therapy for adolescents and young women within the Jewish Community.

-The retention of the outbuilding at the rear of no.20 Russell Gardens for its continued use in connection with the principal F1 use at that property.

-The creation of an internal link on the ground floor between nos. 18 and 20 Russell Gardens.

-The insertion of a gate in the fence in the rear garden between the two properties (this technically does not require planning permission).

-The provision of 7 cycle parking spaces at the rear of no.18 Russell Gardens.

-There will be no physical alterations to the building.

- Vehicular and pedestrian access to the site would remain as per existing, and cycle parking would be provided in line with the London Plan.

- The applicant has advised that the proposal is likely to generate an additional 6 members of staff, and 10 additional girls attending the site on a weekly basis.

### **4. Public Consultation**

Consultation letters were sent to 117 neighbouring properties on 15.12.2021 and advertised onsite (site notice) on 16.12.2021.

The objections received by the Local Planning Authority were as follows:

17 Objection letters were received by the Local Planning Authority, which are summarised as follows:

- Lack of car parking spaces on Russell Gardens, and nearby streets including Sneath Avenue and Leaside Crescent. Noa Girls Facility have obtained parking permits for their staff. Increase in staff as a result of this proposal could mean more on street parking in the Controlled Parking Zone, which would increase pressure for on street car parking spaces and on existing Permit holders; exacerbate problems associated with congestion and highway safety.
- Increase in number of clients at Noa Girls Buildings could compromise safety of residents, particularly in the evening.
- Noise disturbance

8 letters of support were received by the Local Planning Authority, which are summarised as follows:

- Noa Girls is a valuable asset to the Jewish community.
- It is a convenient and establish location for the Community.
- The organisation understands the cultural background, which is of critical importance to the Jewish Community.
- The experience the school has with adolescent girls, as well as ongoing conversations with staff and heads of other schools, makes it clear that there is increasing need for the service which Noa offers, and their current premises are no longer (on their own) able to cater for the extent of the demand there now is for additional facilities. The need and demand to expand the existing facility is high. It is necessary to expand this facility to meet the growing demand of this very specific need for the Local Community. The girls Noa School supports face complex challenges ranging from mental health challenges to traumatic life events, and therefore the proposed expanded provision in Russell Gardens is very much needed.
- Hasmonean High School for Girls regularly refers students to Noa, from whom they receive emotional, practical, and therapeutic support. The service the staff provide is hugely unique in the sense that the team understand the girls from the community and their religious background.
- No 18 Russell Garden is the most suitable location to expand the Noa Girls, as it adjoins no 20 Russell Gardens. Noa Girls is in discreet location (in a building with the appearance of a residential property) means that the students have the confidence and flexibility to access these services when they most need it.

All planning matters raised in the representations received have been considered and addressed as part of the decision-making process; and are available to view on the Councils website. All representations have been summarised in the Officers report.

## **Consultees**

LBB Highways team

LBB Highways raise no objections to the proposal and consider it to be acceptable on highway grounds. The results of the applicants Car Survey submitted to the Council in March 2022 demonstrates there are sufficient car parking spaces available on street, during operating hours of the site, which means that there should not be detrimental impact on the surrounding public highway due to the proposed development. The proposal is therefore deemed acceptable on highways grounds, subject to a planning condition which requires that, prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection

with approved development. This is 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.

A planning condition should be attached which limits the maximum number of clients which must not exceed the proposed 45 staff and no more than 110 clients per week.

The application would be required to submit a Travel Plan to be approved in writing by the Local Planning Authority and monitored thereafter. This is to encourage both staff and visitors to use sustainable modes of transport (ie walking and cycling) to and from the site.

A "car free" Agreement would be required which restricts future staff members from applying for car parking permits on Russell Gardens and nearby streets. This would be secured within a S106 legal Agreement.

LBB Environmental Health team

LBB Environmental Health do not raise any formal objections, subject to noise conditions which requires:

- Details of all acoustic walls, fencing and other acoustic barriers
- A bespoke Noise Report for Educational and Therapy Use. The report shall assess the likely noise impacts from the development with regards to its use as an Educational and therapy space

The above would be secured by way of planning conditions to ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed-use noise in the immediate surroundings.

## **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 20th July 2021. 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 NPPF sets out the Government's key economic, social, and environmental objectives

and the planning policies to deliver them. The social objective includes accessible services "that reflect current and future needs and support communities' health, social and cultural well-being."

The NPPF emphasises that local planning authorities in their decision making should "support healthy lifestyles, especially where this would address identified local health and well-being".

### The Mayor's London Plan 2021

The London Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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 relevant London Plan policies are as follows: D1; D2; D3; D4; D5; D11; D12; D14; H8; SI 7; SI 8; T1; T2; T3; T4; T5; T7; SC1; SC2

### 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; CS5; CS8; CS9; CS10; CS11; CS13; CS14; CS15

Relevant Development Management Policies: DM01; DM02; DM03; DM04; DM13; & DM17

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals

in the draft Local Plan and the stage that it has reached.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of proposed development and land use onsite;
- Design and its' impact on the character and appearance of the existing building and the wider locality
- Impact on neighbouring residential amenity
- Impact on local highway

## **5.3 Assessment of proposals**

### **Principle of the proposed development and land use onsite**

Loss of a residential unit onsite

Policy H8 of the London Plan stipulates that the loss of existing housing should be replaced by new housing at existing. The loss of a residential use would only be acceptable, should the alternative land use, demonstrably provides a use, which can be robustly justified as a significant public benefit. The LPA should balance the potential benefits of loss of a residential use against the wider social and environmental impacts of the alternative use.

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

The proposal would result in the loss of a 4-bedroom semi-detached house. The applicant has advised that the property became vacant in September 2017 and remained unoccupied until June 2021, when "out of desperation for additional floorspace Noa Girls began utilising the accommodation that the trust had purchased for its use for class F1 purposes. As a result of this Noa Girls has supported 202 girls so far in 2021, compared to 180 girls in 2020".

The applicant has provided the following information to demonstrate there is a growing need and demand for this facility, specific to this subject site:

- The applicant has advised that approximately 84% of Noa Girls' clients either reside or attend school within the LB of Barnet and the organisation is well established in Golders Green (at no.20 Russell Gardens)
- The organisation is supporting three times as many girls as they were five years ago. Their plan is to support up to approximately 150 girls and young women.
- The need for privacy of Noa Girls' clients is paramount. It is crucial that girls feel they can receive the required services without anyone in the community (or indeed the wider public) knowing.
- Noa Girls deliberately keep an extremely low public profile so as to maintain the girls' confidentiality and reduce any possible stigma that may dissuade them or their families from seeking help

- Noa Girls operate from an intentionally unassuming "residential property". This means that the girls can feel comfortable coming to Russell Gardens as their entrance into a "house" does not raise questions or attention in the same way as a commercial building would in a more central location.
- The property is located in a relatively discreet location. The entrance is shielded from public view. The girls feel self-conscious when entering and exiting. This is an important factor as 77% of the girls in Noa's remit live in the LB of Barnet and a further 7% go to school in the Borough
- The ability to operate from a residential, rather than institutional, building, allows Noa Girls to create a personalised and non-clinical environment which is conducive to building one-to-one relationships of trust between girls and staff members in a relaxed and nurturing surrounding.
- The premises at no.18 would provide Noa Girls with several additional rooms which will be used to deliver vital key working, mentoring and therapy sessions. The property is also large enough to contain a room for support in a group setting.

Based on the information and justifications provided above, Officers are satisfied that the adjoining premises at no.18 represents a much needed opportunity for Noa Girls to expand their current services and appreciate that this is a special circumstance, and in particular its very specific value to Jewish girls and women. These community benefits would outweigh the loss of the existing residential use onsite.

The principle of expanding the existing Noa Girls facility

Policy S1 & S2 of the London Plan (2021) seeks to provide high quality; inclusive; social infrastructure to meet the local needs and demands. Development proposals that support the provision of high-quality new and enhanced health and social care facilities to meet identified need and new models of care should be supported.

Policy CS5 of the London Plan stipulates that development respects local context and distinctive local character creating places and buildings of high-quality design. The policy states that: "For future provision of youth facilities, the emphasis will be on ensuring services are targeted at those most in need of support and enabling community groups and the voluntary sector to build capacity around providing a range of positive activities across the borough from a wide range of locations."

Policy CS10 of the Core Strategy (2012) supports "the enhancement and inclusive design of community facilities ensuring their efficient use, and the provision of multi-purpose community hubs that can provide a range of services to the community at a single accessible location." Moreover, Policy DM13 of the Core Strategy (2012) states that where new community and education uses are proposed these "should be located where they are accessible by public transport, walking and cycling. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties"

The proposed development would provide Noa Girls with the accommodation they currently require to meet the growing demand for their services. Linking the two properties would enable the organisation to operate in an efficient manner; whilst retaining the character and appearance of the properties as a pair of semi-detached houses within a residential area. The proposal would provide a quality service that addresses an urgent local need which plays an important role in the lives of some members within the Jewish community, in accordance with policy.

## **Design and its' impact on the character and appearance of the existing building; the streetscene and the wider locality**

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

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

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

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

The existing residential character of nos. 18 and 20 Russell Gardens would be retained, as there are no external alterations to either building proposed to facilitate the change of use of no.18 Russell Gardens. The properties would remain in appearance as a pair of semi-detached houses. As such, the proposal would not present any new design considerations, and would continue to have an acceptable impact on the streetscene and local area.

The Residential Design Guidance in relation to outbuildings states:

The same principles apply to the design of back garden buildings as to rear extensions:

- they should not unduly over-shadow neighbouring properties
- they should not be too large or significantly reduce the size of a garden to become out of character with the area
- they should not unduly affect outlook from an adjoining property's habitable rooms or principal garden areas
- their design and materials should be in harmony with the surrounding area."

In relation to the retention of the outbuilding, this is timber clad and does not exceed 2.5m in height. Its size and design are commensurate with a domestic outbuilding and it is considered not to be out of keeping within the domestic garden setting along Russell Gardens.

### **Impacts on amenity of neighbouring residential amenity**

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure

that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings 21m between facing habitable room windows, and 10.5 m to a neighbouring garden. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

The Mayor of London's Housing Design Quality Standards SPD stipulates that "guidance for privacy has been concerned with achieving visual separation between dwellings by setting minimum distances between back-to-back homes (typically 18-21m). However, this is a crude measure, and adhering rigidly to these distances can limit the variety of urban spaces and housing types in the city, and unnecessarily lowers density".

The orientation of the outbuilding is in such a way that it causes no overshadowing to or unduly affect the outlook from neighbouring properties. It is less than 2.5m high and would need the requirements for a domestic outbuilding.

Given the above factors there are no cogent reasons for the Council to object to the proposed retention of the building at the rear of no.20 Russell Gardens.

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

## Noise

Policy D14 of the London Plan (2021); policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) seek to ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surrounding area.

The Noise Assessment submitted by the applicant is considered to be acceptable, subject to the following conditions:

- 1) A bespoke Noise Report for Educational and Therapy Use to assesses the likely noise impacts from the development with regards to its use as an Educational and therapy space. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels; 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 contents and recommendations.
- 2) Full details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to and approved by the Local Planning Authority in writing.

The above would be secured by way of planning conditions to ensure that the amenities of occupiers are not prejudiced by the expansion of this Noa Girls facility.

## **Impact on local highway**

Policies T1; T2 ; T3 & T4 seek to promote highways safety; ensure developments do not have a detrimental impact on the highway and ensure that transport



assessments/statements should be submitted with development proposal to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Travel Plans. The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Policies CS9 and DM17 of the Local Plan (2012) seeks 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.

The applicant has provided the results of a car parking survey carried out on Thursday, 4th November 2021 between the hours of 09:00 - 19:00; on Sunday 27th February 2022 (between 09:30 and 18:00), Monday 28th February 2022 (between 08:00 and 22:00) and Wednesday 2nd March 2022 (between 08:00 and 21:30). The busiest days are Mondays and Thursdays. Clinical staff work around 15% of their hours in the evening. Currently there are 40 members of staff with 4 on maternity, and 3 staff members are due to join in the next few weeks (one on maternity cover for another staff member about to go on maternity). Between 9am-2pm on Monday there were between 20 and 23 staff on-site and between 1 and 9 girls. The evening periods are considered to be significantly quieter. The below table reflects the patterns for 40 members of staff, supporting 120 girls (100 on-site). The parking survey identifies and assesses the impacts of an additional 6 members of staff, and 10 additional girls attending the site on a weekly basis.

LBB Highways team have reviewed the car parking survey details and confirm that the results of the survey demonstrate that there would be sufficient spaces available on street, during operating hours of the site, and therefore should not have an unduly detrimental impact on the surrounding public highway.

Notwithstanding, in order to mitigate against the development on the local highway, the following would be secured by way of planning conditions:

- Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. The parking spaces shall be used as approved and not for any other purpose other than the parking and turning of vehicles in connection with approved development. This is 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.
- Maximum number of clients must not exceed the proposed 45 staff and no more than 110 clients per week.
- The application would be required to submit a Travel Plan to be approved in writing by the Local Planning Authority and monitored thereafter. This is to encourage staff and clients to utilise sustainable modes to transport (ie walking and cycling) whilst visiting the site..

#### Car parking

There are no new onsite car parking spaces proposed, which is supported by LBB Highways team.

The applicant would be required to enter into a legal agreement to secure a "car free"

development, which would restrict future staff of Noa Girls from applying for on street parking on Russell Green Road, and surrounding streets including Sneath Avenue and Leaside Crescent.

### Cycling Parking

Policy T5 Cycling of the London Plan (2021) requires secondary schools provide the following:

- 1 cycle space per 8 FTE staff & 1 space for 8 students (Full time spaces)
- 1 space per 100 students (visitor cycle parking).

The applicant advises that the proposed change of use at no 18 Russell Gardens would likely "generate an additional 6 members of staff, and 10 additional girls attending the site on a weekly basis". The proposal make provision for 7 x no cycle parking spaces to the rear of no 18 Russell Gardens, which is broadly acceptable. The provision of the cycle parking spaces as shown on the proposed drawings must be provided, prior to occupation. This would be secured by way of a planning condition.

### Refuse and Recycling

Policy S1 8 of the London Plan (2021) and policies DM01; DM02 and DM17 of the Development Management Document seek to ensure that all new development makes adequate provision for refuse and recycling facilities in appropriate locations. The applicant has not provided details of refuse and recycling storage facilities onsite.

The applicant would be required to submit the following details to and be approved in writing by the Local Planning Authority prior to the commencement of development onsite:  
:

- Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider;
- Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable,
- Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

This is to ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

## **5.4 Response to Public Consultation**

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

Given that there will be no adverse impacts from the proposed development that would outweigh the benefits, there is no conflict with the general presumption in favour of sustainable development. The prevailing character and setting of the area would be maintained.

The proposal is acceptable on highway safety grounds subject to conditions sets out within the report. The maximum number of clients must not exceed the proposed 45 staff and no more than 110 clients per week, which would be secured by way of planning condition.

The majority of people who visit the site do not drive to their sessions as they are too young and/or lack the funds to do so. The applicant would be required to submit a Travel Plan to be approved in writing by the Local Planning Authority and monitored thereafter. This is to encourage both staff and clients to use sustainable modes of transport (i.e walking and cycling) to and from the site.

Moreover, the applicant would also be required to enter into a legal agreement to secure a "car free" development, which would restrict further staff from applying for on street parking on Russell Green Road, and surrounding streets including Sneath Avenue and Leaside Crescent.

Further, LBB Highways have reviewed the car parking survey and confirm that the results of the survey demonstrate that there appear to be sufficient spaces available on street, during operating hours of the site, which means that there should not a significantly detrimental impact on the surrounding public highway due to the proposed development.

The proposal is considered acceptable on highway and amenity (noise) grounds subject to conditions as recommended by LBB Highways and Environmental Health teams and set out within this report.

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

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

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

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

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

The 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 streetscape and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers, and the local highway.

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for conditional approval, and completion of a legal agreement.

