

LOCATION: 1 Alexandra Grove
London
N12 8NU

REFERENCE: 22/3600/FUL Validated: 11.07.2022

WARD: West Finchley Expiry: 05.09.2022

APPLICANT: Barnet Homes

PROPOSAL:

Change of use from a C3 hostel comprising 6 self-contained units to supported accommodation for 16/17 year old children within the Youth Justice System, use class Sui Generis

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:
 - 670101-WSP-YF-01 P01
 - 670101-WSP-YF-02 Rev A

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. Prior to first occupation of the property for the hereby approved secure accommodation unit (C2A) use, a final management plan document shall be submitted to, and agreed in writing by the Local Planning Authority, in consultation with Council's Community Safety Unit and the Metropolitan Police Service. The plan shall include, but not be limited to, details of:
 - Staffing provision, including hierarchy and level of qualification and training of those on site;
 - Service management hierarchy and contact details of those parties;
 - Risk assessments and monitoring and review procedures;
 - Process flow diagrams for how non-compliant tenants will be managed (including intervention measures, exit strategies and termination clauses for children that do not comply);
 - Activity and services information with respect to tenants' daily programmes;
 - Neighbour issue logs and methods for escalation;
 - CCTV surveillancing plan (including illustrated area of coverage)

The use shall thereafter be operated in full accordance with the details approved under this condition, unless otherwise agreed in writing by the Local Planning Authority, in consultation with the Council's Community Safety Unit and the Metropolitan Police Service.

Reason: To ensure the safe and effective operation of the use, in the interest of the amenities and safety of the public and occupiers of the development, in accordance with Policies DM01 and DM04 of Barnet's adopted Local Plan Development Management Plan Policies DPD (2012).

4. The garden shall only be used between the hours of 08:00 and 20:00, Monday to Saturday; and 09:00 to 20:00 on Sundays. Use of the garden during these times are to be supervised by suitably qualified and competent staff.

Reason: To ensure that the amenities of neighbouring occupiers are protected in accordance with Policies DM01 and DM04 of Barnet's Local Plan Development Management Policies DPD (2012).

5. The secure accommodation unit hereby approved must be inhabited by no more than 5 tenants at anytime.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

6. Prior to the first use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The development shall be carried out and retained in accordance with the agreed details.

Reason: To ensure that the development meets Secure By Design principles, protecting the safety of the property and adjacent neighbours in accordance with Metropolitan Police recommendations, and Policy DM01 of Barnet's adopted Local Plan Development Management Policies DPD (2012).

Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is The London Plan and the development plan documents in the Barnet Local Plan. These statutory development plans are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies

of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The London Plan

The London Plan (2021) published 2nd March 2021 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. This document replaced the London Plan 2016.

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012.

Barnet's Local Plan (Reg 22) 2021

The Council is in the process of reviewing and updating the Borough's planning policies in a document, known as the Local Plan. It forms a 15-year strategy which emphasises Barnet's many strengths as a place to live, work and visit. The Local Plan sets out a vision for how the Borough will change as a place over the next 15 years.

Barnet's Draft Local Plan -Reg 22 – Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

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.

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF) (2021).

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in Section 10 of this report.

PLANNING ASSESSMENT

1.0 Site Description

- 1.1 The application site comprises of a two storey semi detached property located on Alexandra Grove. The property is currently subdivided into 6 self-contained residential units which are currently being used as temporary accommodation by the London Borough of Barnet for vulnerable adults with mental health problems in which some have been involved in the criminal justice system.
- 1.2 The building is a semi-detached, double fronted residential property with a driveway providing parking spaces for three cars. The immediate context is residential in nature however there are retail and commercial uses in the wider context on Ballards Lane.
- 1.3 The application site is a locally listed building and adjoins the designated Moss Hall Crescent Conservation Area. There are no other planning constraints associated with this site.

2.0 Proposed Development

- 2.1 Permission is sought for a change of use from a C3 hostel comprising 6 self-contained units to supported accommodation for 16/17 year old children within the Youth Justice System, use class Sui Generis
- 2.2 The development would involve minor internal alterations to provide 6 bedrooms, washroom facilities and communal areas. These works would result in 5 bedrooms, 2 bathrooms and a day room on the First floor and a self-contained suite (existing) for

the use of the manager on the Ground floor. The remaining ground floor areas would provide shared amenities for the boys comprising kitchen, dining room/lounge, laundry, 2 WC's and a therapeutic room to support the children. There would be no external works to the building itself however the rear garden fencing would be replaced with a 2m high timber fence panels set within concrete posts.

2.3 In terms of the nature of the use itself, residents of the supported accommodation for children in the justice system would:

- Be in custody (arrested and awaiting trial) or convicted and sentenced to reside in residential community setting or those leaving a prison service and being resettled after serving a sentence.
- Receive a level of care equivalent to Centrepoin't's specialist approach which offers wraparound provision to residents by providing them psychologically informed framework.
- Receive Employability and Skills offer alongside wider opportunities for self-development.
- Access to some physical activity, group workshops concentrating on their interests, career aspirations and talents. · Access to mental health services, life skills and legal support.

2.4 There would be an on-site management and the property would be staffed by a minimum of two staff at one time 24 hours a day, 365 days a year. Core support services would occur between 0900-1900 on weekdays where staffing numbers would be higher, but a minimum of two staff, including waking night staff, would be present outside of these hours.

3.0 Relevant Planning History

3.1 The following planning history is considered to be relevant to the consideration of the application.

3.2 C10537 – Permission was granted for 6 self-contained flats with 3 car parking spaces at the front (4 January 1990). This forms the current lawful use of the property. The property is currently being used as temporary accommodation by the London Borough of Barnet for vulnerable adults with mental health problems however there is no element of care provided on site so the use aligns with the lawful C3 use.

4.0 Consultations

- 4.1 As part of the consultation exercise, 94 letters were sent to neighbouring residents, site notices were erected adjacent to the site and a notice was published in the Barnet Press. As a result of the initial consultation exercise, a total of 71 responses were received comprising of 69 objections, 1 letter of support and 1 representation.

Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the representations received from neighbouring residents can be summarised as follows:

- Would increase crime in area
- Anti social behaviour risk
- There are several other nurseries, care homes and a hospice in the local area, very near to Alexandra Grove with vulnerable residents.
- Safety and security concerns related to proposed use
- Development would harm locally listed building
- Inappropriate for a residential area
- Already enough similar facilities in the area
- Lack of prior consultation
- Security arrangements for facility inadequate
- The proposed boiler room and sprinkler outbuilding will result in loss of accommodation and garden space accordingly. The proposed facilities, part of the £2 million conversion proposal as per the application form, are of such a scale that they would be appropriate for an industrial plant or a high-rise block, not a small old Victorian semi
- Potential noise disturbance
- Risk of reoffending not assessed
- Privacy and amenity loss
- Loss of residential accommodation
- Incorrect class of use (should be C4A) and lack of pre-application consultation
- Errors and omissions in application

- 4.3 These matters are addressed in the main body of the report.

Responses from External Consultees

Metropolitan Police

- 4.4 With the use of properties such as Houses of Multiple Occupation (HMO's) and residential care accommodation, it is extremely important to have a robust, relevant and proportionate management plan. It is notable that a plan was submitted with the application that includes a 'restorative' and 'proportionate' response to "challenging or concerning behaviours". It is vital that the relevant agencies have the ability to enforce, relocate or evict a resident, because of incident(s) of ASB, crime or disorder (whereby this type of action is agreed as a necessary measure).

- 4.5 With 'short-term' properties such as HMO's, children's care homes and so on, it is recommended that a formal written agreement is understood and signed by a future resident (and parent/legal guardian etc) prior to occupation, accepting the terms of the management strategy and matters such as acceptable behaviour, times of use of outdoor garden, no overnight visitors and so on. This is important, as clear rule setting from the outset will provide the standards that the facility and its residents will operate within, and a resident can then be under no illusion that any deviation from these rules could lead to disciplinary and enforcement matters.
- 4.6 The planning application refers to the provision of staff at the facility on a 24hr basis, 365 days a year. This is important to ensure that there are 'capable guardians' on site to help to assist with any incidents that may occur. It is recommended that this be made a formal planning condition upon any approval, to help ensure that an appropriate level of supervision for the premises is maintained for the duration of this facility.
- 4.7 It is positive that the applicant wishes to introduce access control and CCTV for the premises. It is recommended the applicant installs an 'audio and visual' access control system that allows staff to fully identify whom is requesting access and can remotely release the door-set from the safety of their office if satisfied. This can allow staff to remain in the office for their own personal safety in case of any immediate change in circumstances such as an aggressive or unwanted visitor. The system must also be capable of two-way communication between staff and any visitor/resident. There must be no 'trades button' upon the access control panel, as these are grossly misused throughout London and beyond.
- 4.8 By using SBD guidance and crime prevention methodology, I would recommend the following for the premises:
- Providing a secure external door-set (front, rear) tested and certificated to security rating PAS24:2016. This will help to provide a secure line of physical security at access/egress points. This can also help to protect the facility and its staff/residents in the event of an emergency. It can also help to protect against incidents of intrusion/burglary. To be compliant with fire strategy.
 - Ensuring that 'easily accessible' windows (i.e. ground and those deemed as 'easily accessible') are tested and certificated to security rating PAS24:2016. Rationale as above. To be compliant with fire strategy.
 - Staff office/room – in case of panic/emergency and to incorporate a secure layer where CCTV, safe etc might be present: incorporating a door tested and certificated to PAS24:2016. Any glazing between this room and communal areas to be laminated to BS EN 356:2000 P2A. Staff to be issued with 'panic alarm' to alert others in an emergency.
 - Individual dwelling rooms – it is noted that a number of fire doors (FD30, FD60) have been incorporated within the plans. Recommendations for these should include hinge bolts, spy-hole, London & Birmingham bars (if room permits), two points of locking 1/3 from top and 1/3 from bottom (BS 8621 thumb turn night latch lock and BS 8621 thumb turn mortice deadlock). Staff to also possess keys

to enable external access to individual's room (if locked from within). This level of security can help to protect the resident when inside their room but would still allow access by staff if necessary. This must remain compliant with fire strategy.

- If lightweight framed partition walls, then area between bedrooms and communal areas and 600mm either side of bedroom doors to be reinforced with expanded metal mesh or 9mm plywood panelling to help to protect against potential intrusion from another dwelling or from corridor/landing into room. This must remain compliant with fire strategy.
- Secure external boundary at rear of premises of at least 1.8m+. This can help to protect the premises against intrusion/burglary. Further advice can be provided regarding type etc.
- Electrical cupboard at rear to be locked and secured at all times, with staff only possessing keys.
- CCTV at front and rear of premises and staff office. It is recommended that this be
- installed by a member company of either the National Security Inspectorate (NSI) or Security Systems and Alarms Inspection Board (SSAIB) whom can provide a certificate of compliance ensuring that the system is fit for purpose. CCTV footage to be retained for an acceptable period e.g. 31 days in case of an incident on site.
- Clear management strategy within the premises to help to deter/remove potential future incidents of ASB, crime and disorder. Incidents such as conflict arising from one resident using another's items without permission, another resident's food disappearing from fridge, securing communal items that could potentially be used as weapons e.g. sharp knives etc should be addressed by staff/management of the facility.
- A clear 'signing in/out' policy capturing relevant details to help to ensure that staff are aware of whom is present within the facility, visitors, resident movements and so on. This can also help staff/other agencies if dealing with an incident on site, any missing person enquiries and so on.

- 4.9 I do not have an objection to this application but would recommend that Secured by Design accreditation is achieved by the applicant for the premises, in order to help to protect the premises and staff/residents against potential future issues of crime and disorder.

Responses from Internal Consultees

- 4.10 Environmental Health and Children's Services were consulted on the application however no comments were made.

PLANNING ASSESSMENT

5.0 Land Use / Principle of Development

- 5.1 The proposed use falls outside of the existing C3 or Hostel use as the level of care and support provided falls outside the scope for C3 accommodation and is more

suitable for classification under Sui-Generis as a specialist type of accommodation, in accordance with Part 3 of the Town and Country Planning (Use Classes) Order 1987.

- 5.2 The NPPF states at paragraph 59 that “to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.
- 5.3 There is no specific policy for supported housing at a local level however Core Strategy Policy CS4 supports the delivery of a variety of housing related support options including provision for young people.
- 5.4 The emerging Local Plan does however have a specific policy, HOU4, which addresses specialist housing. The policy states the following in relation to ‘Housing Choice for People with social care and health support needs’:

Proposals for people with social care and health support needs should:

- (a) In meeting an identified need help people to live independently;
 - (b) Deliver older persons housing as guided by the London Plan indicative benchmark of 275 new specialist older persons homes per annum and the tenure priorities set out in Table 8;
 - (c) Demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area;
 - (d) Be within 400m walking distance of local shops and easily accessible by public transport;
 - (e) Provide adequate communal facilities including accommodation for essential staff on site;
 - (f) Deliver affordable and accessible accommodation in accordance with London Plan policies H4, H5 and D7 Support the remodelling of residential care homes to other forms of special accommodation in order to widen housing choice, support healthy and independent lives and to reduce over supply; and
 - (g) ensure that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated.
- 5.5 Given the nature of the proposals, aimed at vulnerable children, and the scale of the development, at 6 bedrooms, criteria (b) and (f) are not directly applicable to the assessment of the scheme.

- 5.6 In respect of criterion (a), the submitted Planning Statement sets out that “in April 2020, London had 211 children, up to and including children aged 18, in custody, out of a total of 749 in England and Wales. There is therefore an overrepresentation of children from London in custody.” The statement goes on to set out that “In the year ending March 2020, the number of children held in youth custody on remand accounted for 31% of all children in youth custody, the largest proportion in the last ten years (Ministry of Justice et al., 2021). This is particularly concerning given two thirds (66%) of children given a remand to youth detention accommodation did not subsequently receive a custodial sentence.”
- 5.7 The purpose of the application is therefore to provide a better alternative to children being accommodated in secure custody while on remand and to address the need for such accommodation. As is set out in the Planning Statement, the form of accommodation proposed in this application would provide deliver health, welfare, social and educational benefits to a vulnerable group and would promote better outcomes for such children. On this basis and cognisant of the identified need, it is considered that the application is in accordance with criterion (a) of HOU4.
- 5.8 Criterion (c) requires that specialist housing does not have a harmful impact on the character and amenities of the local area. In terms of visual character, the application does not propose any external alterations other than a new fence to enclose the rear garden and as such there would be negligible impact on local character.
- 5.9 In terms of amenities, in the absence of any external works with the exception of the new fence, it is considered that there would be no material impact on the amenity of adjacent residents. In terms of impact on wider local amenity in terms of noise and disturbance, and crime; these matters are addressed in subsequent sections of this report. As set out in the relevant section of this report, it is considered that there would not be any significant harm to local amenity as a result of the development. It is therefore considered that the scheme is in compliance with criterion (c).
- 5.10 Criterion (d) requires that such a development be within 400m walking distance of local shops and easily accessible by public transport. In this case the application site is located within 400 metres of local amenities on Ballards Lane, including access the bus routes in accordance with the criterion.
- 5.11 Criterion (e) states that communal facilities including accommodation for essential staff on site should be provided. In accordance with this requirement, appropriate communal and staff facilities would be provided on site to allow for 24 hour a day, 365 days a year staff presence.

- 5.12 Criterion (g) requires that vulnerable residents benefit from housing choice and that additional residential care home provision is only supported when evidence of local need can be demonstrated. It is considered that the scheme accords with the requirements in line with the local need identified in paragraphs 5.6 and 5.7 of this report.
- 5.13 Having regard to the above, it is considered that the scheme accords with emerging Policy HOU4 when taken as a whole. Despite the specificity of the policy and its direct applicability to the scheme, HOU4 is an emerging policy and only limited weight can be afforded. Nevertheless, there is broad, if not specific, support for the scheme provided by current Local Plan Policy CS10 and DM13 which support the provision of community facilities for Barnet's communities, including those that provide health welfare, social, educational, spiritual, recreational and cultural needs of the community. Taking a holistic view of the policy context, it is considered that the principle of development is acceptable.

6.0 Design and Appearance

- 6.1 The application site is a locally listed building and adjoins the Moss Hall Crescent Conservation Area. The local listing is on the basis of architectural interest which is as part of a group of properties from 1-7 (odd) Alexandra Grove. The local listing states the following:

“Late Victorian Villas. Slated pitched roofs, hipped gables, chimney stacks at ends, deep eaves and soffits, terracotta cresting. Sash windows with shallow arches at first floor. Roofed bay windows at ground floor with masonry pilasters. Flemish brick bond, London stock.”

- 6.2 All of the works to the property to facilitate the change of use would be internal and there would be no impact on the architectural quality of the building or the group value. Likewise the lack of external alterations to the property would ensure that there would be no resulting harm to the character and appearance of the conservation area. It is therefore considered that the application is in accordance with Policy DM06 of the Local Plan.

7.0 Amenity Impact

- 7.1 There would be no external alterations to the property which would ensure that there would be no resulting harm to neighbouring residents in terms of sunlight, daylight, privacy or outlook.

7.2 In terms of noise impact, the intensity of the residential use would be broadly similar to that of the existing use of the property as 6 self-contained units. Whilst concerns have been raised in consultation responses that the particular user group may generate additional noise and disturbance, there is no empirical basis for officers to consider as such. There would also be robust management of the premises, including an on-site presence 24 hours a day, 365 days a year and mechanisms and processes to control any excessive noise. A management plan would be secured through condition and the use of the premises would thereafter be subject to the details of the plan.

8.0 Crime Prevention / Community Safety

8.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

8.2 To this end, the Metropolitan Police were consulted on the application and their response is set out fully in Section 4 of this report. The key conclusion of the Metropolitan Police is that they have no objection to the application, subject to an extensive list of security measures being incorporated under Secured by Design. A condition requiring SBD accreditation would therefore be attached accordingly. Given the support of the Metropolitan Police, and subject to the relevant condition, officers must conclude that the proposed development would not result in an unsafe environment for local people.

9.0 Equality and Diversity Issues

9.1 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. The scheme would support a vulnerable group within society.

10.0 Conclusion

10.1 The principle of development is acceptable and the application is acceptable from a conservation, amenity and community safety perspective. It is considered that the scheme is in compliance with the development plan when taken as a whole.

10.2 Based on all of the above, it is considered that the application should be approved subject to conditions listed.

11.0 RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

Appendix: Site Location Plan

