

Location **5 And 7 Wykeham Road London NW4 2TB**

Reference: **23/5070/FUL** Received: 28th November 2023
Accepted: 28th November 2023

Ward: Hendon Expiry 23rd January 2024

Case Officer: **Alissa Fawcett**

Applicant: .

Proposal: Change of use from Class C3 (Dwellinghouses) to F1a (Education)
(ADDITIONAL INFORMATION)

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. 3. This application should be considered in conjunction with Planning application reference 23/5071/FUL at 18-20 Russell Gardens

The planning permission for the change of use from Class C3 to Class F1 at 5 & 7

Wykeham Road must be carried out in conjunction with the planning permission under reference 23/5071/FUL for the change of use of 18 & 20 Russell Gardens from Class F1 to Class C3.

The renovation works and change of use from Class C3 to Class F1 at 5 & 7 Wykeham Road must be completed (or first brought into use) within 12 months of the implementation of planning permission reference 23/5071/FUL at 18 & 20 Russell Gardens.

4. Highways (Traffic Management Order): £2,392.01

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

5. Monitoring of the Agreement: £110.10

"Contribution towards the Council's costs in monitoring the obligations of the agreement."

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

- LP-00 - Existing Location Plan
- ESP-00 - Existing Site Plan
- EX-01 - Existing Ground Floor Plan
- EX-02 - Existing First Floor Plan
- EX-03 - Existing Second Floor Plan
- EX-04 - Existing Roof Floor Plan
- EX-05 - Existing Front Elevation
- EX-06 - Existing Rear Elevation
- EX-07 - Existing Side Elevations
- EX-08 - Existing Section AA
- EX-09 - Existing Section BB
- EX-10 - Existing Section CC
- PSP-00 - Proposed Site Plan
- PA-01 - Proposed Ground Floor Plan
- PA-02 - Proposed First Floor Plan
- PA-03 - Proposed Second Floor Plan
- PA-04 - Proposed Roof Plan

PA-05 - Proposed Front Elevation
PA-06 - Proposed Rear Elevation
PA-07 - Proposed Side Elevations
PA-08 - Proposed Section AA
PA-09 - Proposed Section BB
PA-10 - Proposed Section CC

EAS - Transport Statement
hgh - Planning Statement
Noa - Details of Premises Search

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby approved shall be solely used and occupied by Noa Girls, and not for any other purposes including under Class F1 of the Use Classes Order 1987 (as amended) and must revert back to use as 2no residential single dwellinghouses (being No 5 and No 7 Wykeham Road) in the event that their occupation should cease.

Reason: To ensure governance over the future use of the site is retained in order to safeguard the character of the host site and surrounding area and to safeguard the residential amenities of neighbouring occupiers

- 4 a) The maximum number of people onsite shall not exceed the proposed 45 staff and no more than the proposed 130 clients in total per week.
b) The charity shall maintain a register of all staff and clients visiting the site. This must be available to view on request by the Local Planning Authority.

Reason: In the interests of safeguarding the residential amenities of neighbouring occupiers and pedestrian and highway safety and the free flow of traffic in accordance with Policies D14 and T4 of the London Plan (2021), London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM04 and DM17 of Development Management Policies (Adopted) September 2012.

- 5 a) Before the development hereby approved is first brought into use, an Activities Management Plan shall be submitted to and approved in writing by the Local

Planning Authority.

b) The development thereafter shall only be operated in accordance with the approved Activities Management Plan

Reason: In the interests of safeguarding the residential amenities of neighbouring occupiers and pedestrian and highway safety and the free flow of traffic in accordance with Policies D14 and T4 of the London Plan (2021), London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM04 and DM17 of Development Management Policies (Adopted) September 2012

- 6 If gas boilers are to be installed, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%), and shall be installed in full accordance with the details approved.

Reason: To reduce and limit NOx emissions to improve air quality and reduce greenhouse gases in accordance with Policies GG3, SI1 and SI2 of the Mayor's London Plan 2021.

- 7 No internal alterations, that would enlarge the existing room layout are permitted without prior consent, in writing from the Local Planning Authority.

Reason: To safeguard the character and appearance of the Locally Listed buildings in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 8 The use hereby permitted shall only be open from 8am - 9pm Sunday - Thursday, and 8am - 5pm on Fridays. The facility will be closed on Saturdays.

Reason: In the interests of safeguarding the residential amenities of neighbouring occupiers and pedestrian and highway safety and the free flow of traffic in accordance with Policies D14 and T4 of the London Plan (2021), London Borough of Barnet's Local Plan Policies CS5 and CS9 of Core Strategy (Adopted) September 2012 and Policies DM04 and DM17 of Development Management Policies (Adopted) September 2012.

- 9 No amplified noise shall be carried out in the rear gardens of the properties at 5 and 7 Wykeham Road.

Reason: To ensure governance over the future use of the site is retained in order to safeguard the character of the host site and surrounding area and to safeguard the residential amenities of neighbouring occupiers

- 10 Throughout the operation of the school, an acoustic report should be carried out twice annually at dates agreed in advance by Local Planning Authority by an

approved acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the noise impacts from the development with regards to its use as a school. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels if these are necessary.

It should 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. The approved measures shall be implemented in their entirety before (any of the units are occupied/ the use commences).

Reason: To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with Policies D13 and D14 of the London Plan 2021.

Or:

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and D13 and D14 of the London Plan 2021.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted within 3 months of the date of the resolution by Committee to approve, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):
 1. The development fails to provide a legal undertaking to link this application to planning application reference 23/5071/FUL at 18-20 Russell Gardens, London, NW11 9NL and therefore would result in the loss of residential accommodation, to the detriment of the strategic aim to maximise housing choice alongside adequate supply and contrary to Policy H8 of the London Plan (2021), Policy CS4 of the Local Plan Core Strategy DPD (2012) and Policy DM07 of the Local Plan Development Management Policies DPD (2012)
 2. The development fails to provide a legal undertaking to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T4 of the London Plan (2021), Policy CS9 of the Local Plan Core Strategy DPD (2012) and Policy DM17 of the Local Plan Development Management Policies DPD (2012)

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.

- 2 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.

OFFICER'S ASSESSMENT

The application is recommended for approval, but due to the number of objections received, must be decided by Members at Committee.

For the record, this application had also been called in to committee if recommended for refusal by Councillor Shooter for the following reasons;

1. This application is of great importance to the local community
2. I believe there are precedents for educational use in Brampton Grove, Raleigh Close, Prothero Gardens and Queens Road
3. I don't believe there will be a negative effect on traffic
4. Given the proposal is on the corner of the street it seems to comply with planning policy, and precedents elsewhere
5. There is no loss of housing given the swap of premises and the other premises in Golders Green being converted back to residential

The application is being considered alongside a separate application to revert the properties at 18 and 20 Russell Gardens back to residential use if this application is successful.

1. Site Description

The application site is located on the eastern side of Wykeham Road, close to the junction with Queens Road in the Hendon ward. The site consists of a pair of semi-detached dwelling houses, with accommodation within the roof. The buildings are currently unoccupied.

The application site does not reside within a designated conservation area, nor does it contain statutory listed building. However, both 5 and 7 Wykeham Road, are designated as locally listed buildings. The Council's Local List (2020) notes their significance to be architectural interest and describes them as follows:

"Semi-detached pair of two storey houses. Mix of styles including arts and crafts, gothic revival and Mock Tudor. Pitched clay tile roof with tall flanking chimney stacks. Full height bay windows with hung tiles. Corner full height fenestrated turrets with polygonal roofs. Gable eaves have faux timber cladding, herringbone and tumbled brick infills."

The surrounding area is characterised by a mix of residential dwellings including two-

storey semi-detached and detached residential dwellings. Purpose-built flats, namely Hendon Park Mansions and Wykeham Court are located to the south and southwest of the site at the junction with Queens Road.

There are no Tree Preservation Orders on site.

2. Site History

Nil.

3. Proposal

This application seeks consent for a change of use of the existing pair of locally listed, semi-detached residential dwelling houses from Class C3 (Dwellinghouses) to F1a (Education).

The two properties at Wykeham Road would provide accommodation for the Noa Girls charity. This provides emotional, practical and therapeutic counselling services to support adolescent girls from the London Orthodox Jewish community. Noa Girls currently occupies and provides services from Nos 18 and 20 Russell Gardens in Golders Green, NW11 9NL. The charity has occupied No. 20 Russell Gardens, where they have been providing support to local Jewish girls since 2009 and more recently at No.18, since September 2020. There is a current application to cease the current use and return the properties to residential.

The charity requires more space and better-quality accommodation to provide their existing operations. 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. The charity prefer to operate from an intentionally unassuming "residential property", allowing the girls to feel comfortable as the entrance into a "house" does not raise questions or attention in the same way as a commercial building would in a more central location. A larger property would help to allow the service to be more discreet ensuring visitors have sufficient space not to be seen waiting, entering or leaving the building.

The opportunity to move to Nos 5 and 7 Wykeham Road has come forward. Both the area around 18 and 20 Russell Gardens and the application site at 5 and 7 Wykeham Road are served by strong Orthodox Jewish communities. Both the sites are within relatively close proximity to each other with good public transport links including being only two tube stations apart on the Edgware branch of the Northern Line. Both areas are heavily populated by the Orthodox Jewish community allowing users of the existing site to easily travel to the application site.

4. Public Consultation

Site Notice: 07.12 2023

Consultation letters were sent to 73 neighbouring properties.
96 responses were received, comprising of 29 Objections and 67 letters of support.

The views of objectors can be summarised as follows;

- supporters either do not live close to the site or work for the charity
- traffic and increased vehicle movements
- numbers of staff and visitors to the site excessive
- impact on parking
- loss of residential use
- precedent for future development on Wykeham Road
- parties and events causing disturbance
- impact on house prices
- premises used in evenings and weekends
- no evidence that the girls need a residential house to enhance their mental health
- impact on quality of residential life
- Separate waste removal will add to traffic pressure
- Alternative local vacant office space could be used instead of this residential location
- Application lacks management plan, noise assessment and traffic impact assessment

A group objection was received from some residents on Wykeham Road, summarised as follows;

- Property opposite was not granted permission to change into flats due to the impact on character of the road
- Number of staff and users of the charity could reach 300 girls and 56 staff
- The proposed educational use would have a greater detrimental impact than flats
- Increased comings and goings
- Loss of residential floor space
- Application property has more than double the floorspace than Nos. 18 & 20 Russell Gardens, it can be anticipated that up to 300 girls and 56 full time staff will use the property.
- Noise disturbance
- Impact on parking
- Disputes use must be held at a residential property
- Disputes justification for a change of use is the dilapidated state of the property, including boarded up windows

Another consultation was carried out in April 2024 on additional information;

2 comments have been received

A summary of the comment is provided below;

- Concerns about the need for such a large building for the numbers proposed
- The suggested 9pm finishing time is detrimental to residential amenity
- Concerns about large staff meeting and groups
- No details of internal proposed plans
- Does not consider a residential house is necessary for anonymity
- Loss of the residential use
- Everyone will know what the houses are used for so will not provide discretion

A further consultation was carried out in May 2024 on additional information including a more detailed assessment of alternative sites and evidence of the properties in Wykeham Road being marketed.

4 consultation responses have been received.

The responses can be summarised as follows;

- The current owners bought the houses as an investment for flats.
- They never wanted to sell the houses for the actual value because they wanted to make a profit.
- As they realised they won't get approval for flats they decided to sell it for a low price to Noa Girls as Noa Girls is run by the owners' sister and wife.
- If they sold the houses at the right value, or even at the value they are willing to sell it to Noa Girls for, the houses would be bought and made into 2 residential houses in a matter of moments.
- The reasoning that the houses should be made into F1a because they are vacant and empty is therefore invalid as they could be filled in moments if they're sold at the right price.
- Let them put the house on the market for a normal price for 3 months and then, if they're not bought, Noa can make the claims they're making. The houses have been taken to auction and were pulled off before anyone could make an offer.
- How can they afford to buy a building worth £3.5million + £1million renovation but not build a basement at Russel Gardens??
- As a psychologist, the argument of girls not having therapy in a basement due to their Mental Health is 100% invalid.
- They have no proof they've considered these other buildings; all they've done is market research on buildings in the area that have been on sale the last couple of years and finding reasons why they wouldn't have been suitable.
- Isn't it ironic how every other mental health Jewish charity whom also require discretion and whom also work with vulnerable people including children, have been able to find buildings without being in a residential area?!
- Additional information does not change previous comments; application should be refused.
- Disagree that proposed site provides required anonymity for clients.
- Concerns about the alternative sites assessment
- Disputes the evidence that demonstrates sites have vacant.
- No planning condition to restrict hours.
- Details of activity plan should be provided.
- No evidence that Noa must operate from a residential dwelling.
- Increase in staff numbers makes no sense.
- Any increase in noise will be significantly harmful to neighbours.
- No internal details provided
- Comparison with planning application at 12 Wykeham Road

Any further responses will be included in the addendum.

Internal / other consultations:

Highways - No objection subject to conditions and legal agreement to remove permits for future occupiers

Environmental Health - No objection subject to conditions

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 updated on the 19th December 2023. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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 (2021)

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 current London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

Barnet's New Local Plan (Reg 24)

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

In order to address issues of legal compliance and deficiencies in soundness the Council has produced Main Modifications to the Local Plan ([LINK](#)). These Main Modifications were approved by Cabinet on March 12th and will now be subject to a period of formal public consultation commencing in May 2024. Whilst the Council moves forward to formal adoption of the Local Plan (subject to the outcome of the public consultation and the Inspectors Report) the Main Modifications shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM07, DM13, DM17

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Loss of residential use
- Principle of proposed development;
- Impact on the character and appearance of the existing building and the wider locality
- Impact on Locally Listed buildings
- Impact on neighbouring residential amenity
- Highways

5.3 Assessment of proposals

Loss of residential units

Policy H8 of the London Plan stipulates that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. The loss of a residential use would only be acceptable should the alternative land use demonstrably provide 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.

It is recognised that the dwellinghouses at Russell Gardens are smaller in terms of floorspace, but if both applications were approved there would result in no net numerical loss of residential dwellings and the benefits of the proposed use are considered to outweigh any shortfall in floorspace. The replacement would be two family sized dwellings for two family sized dwellings so a comparable alternative if not strictly compliant with the floorspace requirement of Policy H8. This is considered to be acceptable with regard to the intention of the policy, ensuring that for example a family sized unit is lost and not replaced with a one bed flat.

Policy DM01 of the Local Plan (2012) states that "[l]oss of houses in roads characterised by houses will not normally be appropriate." It should be noted that the wording of the policy uses the word "normally" and in fact all applications must be assessed on their individual merits and imply that there will be sites and circumstances when loss of houses would be considered acceptable as is the case in this instance. This is because when assessing all elements of the application it is considered that on balance, the benefits of the proposal outweigh any potential harm which is mitigated by the imposition of the suggested planning conditions.

The creation of a personal permission through the imposition of condition 3, which requires the properties to revert to residential use once the Noa operation ceases, further safeguards the longer-term residential character and appearance of the properties and road. This application therefore provides unique circumstances where the loss of the houses is considered appropriate, as there is a public benefit in allowing the change of use in this instance.

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 two 6-bedroom semi-detached houses. The applicant has advised that the properties have been vacant for a number of years and recently provided additional evidence that the property has been continuously vacant, in the form of sales particulars on Allsops Property Auction website from March 2021, three years ago (and most likely for some time before this following the unauthorised occupation of the properties and extensive physical damage and visual graffiti). The details state that the property is for sale on the basis of vacant possession and the photographs of the properties show that in March 2021 the properties were vacant and in a poor state of repair. Further reference is made in the 2021 property auction details to the properties being vacant for at least the previous 2 years - since around 2019.

Notwithstanding the attached evidence, it should be noted that there is no planning policy requirement in the development plan that requires planning applications for a change of use from residential (Class C3) to education (Class F1a) to demonstrate that the site/property has been vacant or marketed for a certain period of time. This is in contrast to Barnet Local Plan Policy DM13 that requires marketing evidence to be provided where the loss of a community use is proposed and where no replacement is provided.

It is not disputed that the existing buildings are potentially viable for residential use as two houses. However, given there is no requirement for a formal sequential test or proof of marketing under Policy DM07, the fact that details of other sites investigated for use has been provided demonstrates that some form of investigation has been conducted. It may not be as comprehensive and detailed a search as in other circumstances, and the weight therefore given to the information is less than it may be for other applications. The key element in this instance is the suitability of the application site for the purposes of the Applicant, such that it might not adequately be met elsewhere (ie: through the conversion of a non-residential property).

The charity requires a new premises with more usable space to provide better quality accommodation to deliver its services adequately and more efficiently. The demand clearly exists and, as detailed in the Planning Statement and supporting evidence from Noa there are no other services in Barnet that provide support for vulnerable girls in this part of the Jewish community and therefore the demand for Noa's services cannot be met elsewhere in the Borough. The parameters provided allow for a reasonable improvement on the quality and accessibility of the premises they currently operate from.

There are five key criteria used by the Applicant to assess the suitability for any new premises:

1. The property needs to have a floorspace of between 500sqm - 700sqm;
2. The property must have a PTAL 5 rating or better;
3. The property must be available to purchase (freehold);
4. The property must be located on a residential street in a 'house-like' property. As explained at length in the Planning Statement this is imperative to ensuring the anonymity of the girls; and
5. Located within 500m of a Jewish School, synagogue or kosher shops / restaurants - providing a realistic reason for the client to be in the area.

Both London Plan Policy S1 Part E and Barnet Local Plan Policy DM013, detailed the accompanying policy text in para. 14.1.5 that the main criteria for the location of community and educational uses is that they should be easily accessible to users by public transport and walking and should serve a local catchment, hence why the Applicant has sought a PTAL 5 plus criteria. Para. 14.1.7 also highlights that community and educational uses may be appropriate in residential areas where they do not have a demonstrable harmful impact on the amenity of nearby residential properties in terms of noise and traffic generation or on the character of the surrounding area.

Only one of the properties detailed that is available has a PTAL 5 or above and is not an existing residential property. This is office space at Bradley House on St Alban's Lane in Golders Green behind Sainsbury's. The premises was discounted by Noa Girls due to the fact there are multiple units within the building which would not be discrete and would compromise the confidentiality of the girls; and that access is via a narrow rear service road which was not considered to be a safe environment for the girls to walk / access the property.

The Wykeham Road site meets all the requirements as it is sited with a more accessible area, the Hendon location is within the catchment area for the Orthodox Jewish community and therefore visitors could easily access the site without drawing attention to themselves. Furthermore, the proposed host buildings provide an improved, larger space to deliver the services discreetly, with sufficient space to avoid users seeing each other when waiting, entering and exiting. Overall, it is considered that the particular benefit of allowing the proposed development in this location, subject to the restrictions suggested through condition, outweighs the potential harm by mitigating against the potential to be used to justify the further loss of housing.

Notwithstanding the above, the proposal is also being brought forward in conjunction with 23/5071/FUL at 18 And 20 Russell Gardens, NW11 9NL for "Change of use from F1 (Learning and non-residential institutions) to C3 (Dwellinghouses)". Whilst - with regard to Policy D8 - these dwellinghouses are smaller in terms of floor space, the "swap" would result in no net loss of residential dwellings and the benefits of the proposed use (discussed further below) is considered to outweigh any shortfall.

Principle of Proposed Development

Policy S1 and S2 of the London Plan (2021) seek to provide and support high quality; inclusive; social infrastructure to meet local needs and support service delivery strategies. Development proposals that result in the loss of social infrastructure (in an area of identified need) should only be permitted where there are realistic proposals for re-provision that continue to serve the neighbourhood and wider or community.

Core Strategy Policy CS10: Enabling inclusive and integrated community facilities and uses, states that;

"The council will work with our partners to ensure that community facilities including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people, are provided for Barnet's communities."

Development Management Policy DM13: Community and education uses, notes under point b:

"New community or educational uses should be located where they are accessible by public transport, walking or cycling, preferably in town centres or local town centres. 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."

In this instance the new site at Wykeham Road, which has a high PTAL rating of 5, is easily accessible by a range of public transport options including overground and underground, as well as buses. The site is within the expected catchment area for the charity and therefore it is expected that users will be able to either walk or cycle to the site.

Nonetheless, the Local Highway Authority have reviewed the proposed development and raise no objections to the impact on the free flow of traffic or road safety, subject to Noa being restricted from applying for parking permits. Given the intentionally discreet nature of the charity, it is not expected that the relocation of the education use to this site will give rise to any loss of amenity from neighbouring occupiers (this is discussed in further detail below).

Furthermore, as detailed above, this application effectively seeks a personal permission for the F1 use, which is required to cease and return to residential use when the Noa charity leaves the site. Therefore, the loss of the residential use is only for the lifetime of the Noa charity operation.

Based on the above, the development represents a much-needed opportunity for Noa Girls to relocate their current services and appreciate in particular its very specific value to Jewish girls and women. These community benefits, in conjunction with the proposal under 23/5071/FUL, would hopefully outweigh the loss of the existing residential use onsite.

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 Chapter 3 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.

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. 5 and 7 Wykeham Road would be retained, as there are no external alterations or advertisements to either building proposed to facilitate the change of use. The properties would remain in appearance as a pair of semi-detached

houses and therefore respect the established character in terms of appearance, scale, mass and height. The development is therefore not considered to have a detrimental impact on the character and appearance of the locally listed host buildings.

The character of Wykeham Road is solely made up of single family dwelling houses, with purpose built flatted developments found at the junction of Wykeham Road and Queens Road. As noted above, the proposed development would not alter the residential character and appearance of the existing buildings. However, it can be argued that this proposed change of use from residential to educational use could have the potential to impact its character.

The flatted blocks at the southern end of Wykeham Road and Queens Road provide a different character to the heart of Wykeham Road. It is next to this that the application site is positioned. Queens Road which is situated on the eastern end of the Hendon Central Town Centre, also has a mixed character which contains hotels, parks, synagogue, flats and dwellinghouses. Within the context of the deliberately discreet nature of the operation, the application site sits adjacent to this wider environment. Therefore, the proposed use - in respect of the pattern and intensity of the associated activity - would not feel unduly out of character in this location, at the end of Wykeham Road, but would still be deemed inappropriate at any point further along the road. Officers and Members have visited the application site to see the context of the proposed development.

Impact on Locally Listed building

Policy DM04: Heritage and Conservation requires that "Proposals involving or affecting listed buildings or other heritage assets including Locally Listed Buildings should demonstrate they comply with the principles set out in PPS5: Planning for the Historic Environment policy HE9."

The existing buildings have been vacant for some years with no feasible development or replacement use being presented. As can be seen on site and in the submitted Planning Statement both the exterior and interior of the buildings are in a poor state of repair needing investment to return to a habitable state. Whilst the condition of the buildings is not a material planning consideration in itself, the repair and reinstatement of the locally listed properties does bring about a positive outcome for these heritage assets, helping to ensure their continued use.

This application offers the reinstatement of the existing buildings with no extensions or external alterations proposed. Following discussion with the Heritage Officer, this is considered the best course of action for the reinstatement of the locally listed buildings and therefore the proposed development is supported in terms of the resulting positive impact on the condition of the locally listed buildings.

Impacts on amenity of neighbouring residential amenity

Policies CS5, DM01, DM02 and DM04 of the Local Plan 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.

There are no extensions or external changes (no additional windows) to the elevations, and therefore the proposal would continue to have the same impacts on daylight/sunlight

and privacy to neighbouring properties and would not result in additional overshadowing or loss of outlook to neighbouring properties.

The existing buildings at 5 and 7 Wykeham Road are large houses providing 6 bedrooms and thus present the potential for a significant amount of unrestricted associated comings and goings with no control on the hours of use or use of the garden. Whilst it is recognised that the proposed development to change the use from residential to education may see an increase in the amount of movement to and from the application sites, appropriate conditions are suggested to help mitigate any disturbance to occupiers of neighbouring properties.

To address the concerns raised about increased activities in the form of visitors to the site the applicants have provided some additional information including timetables of typical days and information on the numbers of staff and visitors to the site. The key points to note include that the nature of the charity is such that confidentiality and discretion are key, as a result there would be no parties taking place. The most usual activity would be one-on-one sessions held indoors, there would be no large groups (potentially the largest session would include two members of staff and up to five girls) these would be held once or twice a week. It is of great importance that there are no overlaps of sessions to ensure privacy for girls waiting, arriving and leaving their sessions. This information is considered to demonstrate that the deliberate absence of intensity in respect of the proposed use would not have a detrimental impact on the residential amenity of neighbouring occupiers. To further ensure that the activities of the charity are appropriately managed, commitment to an Activity Management Plan is also reserved by condition.

To help address the concerns about the numbers of visitors to the site the Activity Management Plan condition is suggested, this could include the requirement for the charity to provide details of the number of visitors to the site quarterly for the first year. This would help demonstrate that there is no intention of exceeding the suggested numbers and that the increase in floor space serves to provide more flexibility for the users ensuring that visitors have the necessary anonymity, which is key to providing the service. There will be no change in the type, nature, number and duration of the activities that currently take place at the Russell Gardens site which are mostly one on one counselling sessions inside the confines of the property.

To provide additional governance over the future use of the site, a condition restricting the use for the Noa charity only has been applied to this recommendation, requiring the land to revert back to residential use if and when their occupation should cease. Given any application must be considered on its individual merits it is not considered that allowing the proposed development gives rise to any potential precedent for future development.

The Council's Environmental Health department have reviewed the proposals, taking into account the previous permission for educational use on Russell Gardens, and initially raised concern with potential noise disturbance. However, after further clarifications it was determined that noise mitigation in the form of acoustic fencing is not be required in this instance and that an Activity Management Plan could address any outstanding concerns, along with standard conditions for air quality and boilers. A noise survey was previously undertaken at No. 20 Russell Gardens which did not note any out-of-character or particularly noisy activities from any part of the Noa Girls facility. As detailed above the vast majority of the activity carried out are one to one sessions within the confines of the building. It is noted in the application submission that Noa has received no noise complaints from any local residents nor Environmental Health. As such, given it is not proposed to use the garden areas for any group sessions and no events or parties will be

held here, it considered that the requirement for any acoustic fencing is not necessary in this instance.

The activity levels are to be the same as those at Russell Gardens but with increased space to improve the service by providing more dedicated office space for staff to allow more individual desks rather than shared space due to overcrowding. Further waiting rooms will be provided both for staff and clients, storage rooms for art supplies for example, as well as new dedicated gym and kitchen area, this differs from the multi-use spaces provided at Russell Gardens which are necessary due to the shortage of space. The current lack of space to provide such facilities negatively impacts the ability of Noa to provide complete confidentiality.

A further condition stating that there would be no amplified noise in the garden areas of the premises at 5 and 7 Wykeham Road is suggested to help satisfy neighbours that the new use at Wykeham Road will not be harmful to neighbouring residential amenity. It should be noted that the use of the properties as a residential dwelling would not have this planning condition attached.

Highways

Policies CS9 and DM17 of the Local Plan (2012) and T6 of the London Plan (2021) seek 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.

LBB Highways team have reviewed the submitted information and make the following comments;

"The existing on-site car parking provides a greater number of car parking spaces than at the existing Russell Gardens site and it is therefore not necessary to provide any additional parking as part of the scheme.

The existing site includes space at the front of the property for off-site parking for 6 vehicles.

The applicant is willing to accept the same type of restriction within the S106 agreement for the change of use of No. 18 Russell Gardens, which prohibits Noa Girls to apply for parking permits.

The provision of 7 cycle parking spaces is acceptable to Highways. The applicant is requested to provide secure cycle parking on site to the rear of the properties, details of which can be secured by a planning condition.

Given the sites proximity to Hendon Central Underground Station (2-minute walk) and many bus services, the above approach is considered acceptable to Highways."

Notwithstanding the above, in order to help mitigate against the development on the local highway, the maximum number of clients would be secured by way of planning conditions to not exceed the proposed 45 staff and no more than 130 clients in total per week. Planning conditions controlling the number of people working / visiting a development are common to community or sporting facilities schemes. It should also be noted that there is a similar planning condition attached to the F1 change of use permission for No. 20 Russell Gardens (planning reference: 21/6566/FUL detailed above). This condition was considered acceptable and that it met the statutory tests for planning conditions. In the applicant's

letter of 5th February 2024, the suggested figure of 130 clients is clarified stating "This accounts for 110 clients and 20 clients who are registered with Noa but their sessions are not necessarily held at Russell Gardens.". It should be noted, that as detailed above there have been no noise complaints to Environmental Health from neighbours at the Russell Gardens premises.

To further protect residential amenity the applicant is willing to accept a planning condition that requires Noa to record the number of staff and clients on a weekly basis and to submit these details to the LPA every quarter for the first year of operation and to ensure that it complies with the number cap set out in draft condition 4. This requirement will be included as part of the Activities Management Plan to be secured via condition 5.

A Transport Statement was provided after registration, partly to address and rebuff the comments made in the group objection received. The statement sets out locational benefits of the Wykeham Road site and improved accessibility compared with Noa's existing location in Russell Gardens. Furthermore, it includes details of a parking survey (carried out in accordance with the Lambeth Survey methodology) to address policy requirements and comments by 3rd parties on parking associated with the proposed change of use. The statement concludes that the proposed F1a use of the Wykeham Road properties, which are located in a highly accessible location (PTAL 5) within the catchment of a significant proportion of the girls and staff who will use non-vehicular modes, will have a de minimus impact on local highways and parking, and in accordance with the Framework should be supported accordingly. This will be addressed in the Travel Plan.

The submitted Transport Statement includes an assessment of the travel mode of staff based on a survey of existing staff who work at Russell Gardens. Based on the findings of this survey (which includes that around half of staff would be able to walk to work), the results of a parking survey and the options for off-street parking in and around Wykeham Road, EAS conclude that "there is clearly sufficient capacity for parking demand by staff to be accommodated in the surrounding streets without unduly impacting on-street parking stress". This was considered by the Local Highway Authority who raised no further comments and continued their support of the application.

The premises at Russell Gardens has a PTAL of 3, whereas the premises at Wykeham Road has much better access to public transport and a PTAL of 5. Furthermore, there is no off-street parking at Russell Gardens and there would be 6 off-street car parking spaces at Wykeham Road. Staff at the Russell Gardens premises do not have access to on-street parking permits and this would be the same at Wykeham Road. The majority of staff reside either close to the existing premises in Golders Green or close to the proposed premises at Wykeham Road and a considerable number of staff live close to an Underground Station on the Northern Line.

In terms of clients, the majority of girls are too young to drive and / or lack the funds to drive and will therefore primarily walk or travel by public transport. The proximity of the site to local schools and synagogues, many of which are closer to the Wykeham Road properties than the Russell Gardens properties means that a number of clients will attend either before or after school or during the school day - demonstrating that a significant proportion of trips will be made by walking or by public transport. EAS concludes that demand for parking by girls attending the facility could comprise perhaps one or two in a given hour which could clearly be accommodated on local streets without a perceptible impact. In terms of traffic impact, EAS further state that even if drop offs/pick-ups would comprise travel by up to perhaps one or two girls in a given hour this would be

imperceptible on Wykeham Road or in the local highway network.

It should be noted that the proposed development is not to provide a more intensive than the use at Russell Gardens. The number of staff and clients is controlled by Planning Condition 4, reflecting the same as applied to Russell Gardens change of use approval. As detailed above, there is more off-street parking (6 spaces) at Wykeham Road compared to none being provided at Russell Gardens and the site has better public transport links (PTAL 5).

5.4 Response to Public Consultation

The objections and concerns raised from residents, including those set out in the group objection, 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.

The concerns raised by objectors that supporters either do not live close to the site or work for the charity are noted.

The Council's Highways group have reviewed the submission including the Transport Statement, submitted after registration, and Highways officers raise no objection to the proposals in terms of their impact on traffic, increased vehicle movements and parking. The applicant must enter into a legal agreement preventing occupants from applying for car parking permits.

A condition is suggested to restrict the numbers of staff and visitors to the site to ensure that they do not exceed the numbers suggested in the submission. The maximum number of clients must not exceed the proposed 45 staff and no more than 130 clients per week, which would be secured by way of planning condition, as detailed above.

The loss of the residential use is considered to be acceptable in this instance for the reasons detailed above.

It is not considered that the proposed development will result in a precedent for future development on Wykeham Road. A condition is suggested restricting the use of the site only for the Noa girls charity and the land must revert back to residential when the proposed educational use ceases.

Concerns raised that parties and events held by the charity will cause disturbance is noted. However, from the additional information submitted it is clear that there is no intention to hold parties and events .

The potential impact on house prices is not a material planning consideration.

Concerns have been raised that premises used in evenings and weekends thereby causing unacceptable disturbance to neighbours. A condition restricting the hours of use has been applied to this permission.

Objectors have challenged the claim there is a need to operate from a residential property, stating that no evidence has been produced that having therapy sessions in what looks like a "house" has any beneficial therapeutic outcomes. Whilst this is not a material

planning consideration, there appears to be a misunderstanding on this point, it is not that a house is necessarily beneficial for therapeutic outcomes, rather the environment that the facility needs to be located within. The charity considers that the services that are provided are unique as they are culturally attuned to the needs of the girls who would not seek assistance from other providers who are not as culturally sensitive. Part of this uniqueness is the fact that girls can go into what would appear to be a house. If the facility is provided in a different more commercial environment, this is likely to prohibit vulnerable girls seeking the assistance that they need.

It is not considered that the proposed educational use will detrimentally impact on quality of residential life. From the details of the submission and understanding of the existing charity at 18/20 Russell Gardens, the charity wants to appear as a usual house with nothing to indicate its educational use. Therefore, the use is not expected to impact upon the lives of neighbouring occupiers.

If a separate waste removal is required for the proposed educational use, it is not considered that the potential removal which is likely to happen once a week at most will add to the existing traffic pressure or have an unacceptable impact on character.

Additional information relating to alternative sites has been submitted following registration it was not considered that local vacant office space would be appropriate.

Concerns that the application lacks a management plan, noise assessment and traffic impact assessment is noted. These details were provided following registration and have been reviewed by necessary officers Highways and Environmental Health who raise no objections to the proposed development. In addition, an Activities Management Plan is required through condition.

Objectors have challenged that the application documents have not provided evidence there is no realistic prospect that the two properties will be used as two separate houses. Therefore, the strict tests required to comply with policy DM07 have not been met. However, this is not considered to be the case as the wording of policy DM07 notes;

"Loss of residential accommodation will not be permitted unless:

a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;

b. where need can be demonstrated and;

c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies

or;

d. the location is no longer environmentally suitable and viable for residential use."

As detailed above the proposed development is considered to be compliant with parts a, b and c of the policy and therefore do not need to meet part (d) of the policy in respect of the location not being viable for residential use. Furthermore, condition 3, creating a personal planning permission that requires the properties to revert back to residential use if Noa girls cease to operate from the site, further ensures the longer term restoration of residential use.

Objectors are concerned that this application for change of use to education is contrary to advice given on other sites previously (including No. 12 Wykeham Road) stating that it would not be appropriate to change the use of the property into flats due to the impact on the character of Wykeham Road, which is characterised solely by single family dwelling houses. Again, it should be noted that each application is considered on its individual

merits. It is not considered that the situation at No. 12 Wykeham Road is comparable to this application, which does not seek consent to convert into flats. Furthermore, the property remains configured as three self-contained areas of accommodation and the owner won the appeal based upon a case of shared family living across the three units, and the Inspector concluded that no such conversion had in fact technically taken place (ref: APP/N5090/C/20/3263099).

Objectors are concerned that the proposed development results in a precedent for future development in Wykeham Road, in particular the potential conversion of properties into flats. However, this is not considered to be the case. Condition 3 which requires the site to be used solely for the Noa girls charity creates a personal permission. This is recognised and accepted in specific circumstances as referenced in paras. 92 and 93 of c.11/95 on Use of Planning Conditions, as detailed in the submitted Planning Statement; "92. Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will normally be irrelevant. Conditions restricting occupancy to a particular occupier or class of occupier should only be used when special planning grounds can be demonstrated, and where the alternative would normally be refusal of permission.

Personal permissions

93. Unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There are occasions, however, where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so. In such a case the permission should normally be made subject to a condition that it shall ensure only for the benefit of a named person-usually the applicant (model condition 35) ..."

Furthermore, the particular circumstances justifying this proposal would not exist in any application for conversion to flats.

The existing premises at Russell Gardens and a proposed premises at Wykeham Road, being within the same Borough, that demonstrates both locational and operational benefits and meeting the specific needs of a vulnerable cohort by relocation of the educational/community facility which is supported by policy (DM13).

Objectors are concerned that the noise report carried out at Russell Gardens related to a lesser number of staff on the site. The charity is happy to have another noise survey condition to be applied potentially with further surveys carried out at agreed regular intervals, with mitigation measures being required as necessary. However, on the basis of the information submitted, officers do not consider there a currently grounds for refusal on that basis.

Objectors raised the lack of internal details as shown on the proposed floor plans as a concern. However, there is no requirement for annotated proposed internal floor plans to be provided. Details of how the charity currently operates and the activities carried out have been provided. The detailed arrangements will be decided if and when the charity is given permission to occupy the site. It is incorrect that all rooms will be used for the clients, as rooms are also required for an administrative office, kitchen(s), bathrooms, therapy rooms and private waiting areas. Any details can be included in the required Activity

Management Plan.

The agent provided a response to the group objection from residents, which is available on the website.

The latest consultation on additional information received four objections at the time of publication. Some of the details have already been addressed above and the rest are not considered to be relevant planning considerations e.g. selling the property at the "right price" or "how can they afford it".

Objectors were concerned that no condition restricting hours had been suggested, however, this is shown on condition 8.

It is not considered to be unusual that an Activities Management Plan be submitted through a condition, rather than included with an initial submission.

Whilst no specific evidence has been provided to demonstrate why the charity must operate from a residential dwelling house, the applicant suggests that it is in their experience that this type of premises works best for their needs, for the reasons provided previously including affording clients a level of discretion that they believe would not be available elsewhere.

To address the concerns raised again with noise disturbance resulting from the proposed use a noise condition is suggested.

In regard to the omission of the internal details, some of the uses of the rooms have been described in the report above. The applicant is uncertain of specific room uses until they are able to occupy the buildings. The larger premises are required to provide more dedicated office space for staff, more waiting rooms to ensure clients do not see each other, better stage space, dedicated space for a kitchen and gym. It is considered that as the application properties do not share Party Walls with the neighbours, there is no acute amenity concern in regard to noise disturbance from particular uses proposed which renders it necessary to provide the internal details at this stage.

In regard to reference being made of the planning application at 12 Wykeham Road, opposite the application sites, where consent was not given to convert the property into flats. It is agreed that the loss of houses to create flats in this location is unacceptable, but this current application is not to create flats, so it is considered that the resultant impact will be different and due to the restrictions imposed on the permission through conditions will have an acceptable impact on the amenity of neighbouring occupiers.

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 proposed development would provide considerably improved new facilities for an existing community use.

In terms of any potential negative impacts, the application has attempted to address these through the linking of this proposal to the re-provision of 2no dwellinghouses through the conversion of their existing site, through the restriction of access to on-street parking permits and in committing to an Activity Management Plan. It is suggested that these impacts be addressed through conditions and a S106 agreement and that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

With the S106 and conditions recommended, the proposal is found to accord with Development Plan policies as they relate to the relevant equalities and diversity matters by providing an inclusive approach which creates an improved environment for the operation of the charity that is accessible and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the development and the approach of the Applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our 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 APPROVAL, subject to conditions

