

LOCATION: 194-198 Broadfields Avenue, Edgware, Middx, HA8 8TF
REFERENCE: H/04720/13 **Received:** 14 October 2013
Accepted: 09 December 2013
WARD: Edgware **Expiry:** 03 February 2014

Final Revisions:

APPLICANT: RCCG Open Heaven
PROPOSAL: Construction of a two-storey multi-purpose hall to the east of the site for use as a nursery following demolition of the existing structure.

**Approve Subject to S106
Subject to a Section 106 Agreement**

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 **Special Site-Specific Obligation** **£0.00**
A deed of variation to planning application reference H/04874/11 previously approved.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/04720/13 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 198BROA/132/01, 198BROA/132/02, 198BROA/132/03B, 198BROA/132/04, 198BROA/132/05 Rev A, 198BROA/132/06 Rev A, Site Plan,
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 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 shall be implemented using the following materials:
West Hoatly Multi Stock Brick
Redland 49 Roof Tile
Permeable Block Paving.
Reason:
To safeguard the visual amenities of the locality in accordance within policy DM01 of the Adopted Barnet Development Management Policies 2012.
- 4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other

days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 5 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 198BROA/132/06 Rev A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area, in accordance within policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 6 The gates as shown on the approved plans shall not open outward onto the public footway.

Reason: To safeguard highway and pedestrian safety in accordance within policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 7 The proposed nursery shall not be occupied by more than 50 children at any one time.

Reason: To safeguard neighbouring amenity and to enable the Council to retain control over the intensity of the use in accordance within policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 8 The use hereby permitted shall not be open before 8am or after 6pm on weekdays or at any time on Saturdays, Sundays or Bank Holidays..

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 9 The outdoor areas shall not be used before 9am or after 5pm between Monday and Friday and not at all on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard neighbouring amenity in accordance within policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 10 Before the building hereby permitted is occupied the proposed window(s) in the east elevation facing 4 Hamonde Close shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance within policy DM01 of the Adopted Barnet Development Management Policies 2012.

- 11 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance within policy DM04 of the Adopted Barnet Development Management Policies 2012.

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

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss,

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance within policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 13 A scheme for acoustic fencing to provide adequate separation of the development from the residential properties shall be submitted in writing and approved by the LPA prior to the development being brought into use. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

Due to a likely increase in use of the development as a whole, and the side gate located in Hamonde Close with its use as car parking facilities and parents waiting/arrival area. To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s) in accordance within policy DM04 of the Adopted Barnet Development Management Policies 2012.

- 14 Prior to the development being brought into use details of the cycle parking shall be submitted and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details and maintained as such thereafter.

Reason:

To ensure adequate provision of cycle parking in accordance within policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 15 3 months before the proposed development is brought into use, the applicant shall

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

RECOMMENDATION III

That if an agreement has not been completed by 06/04/2014, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/04720/13 under delegated powers for the following reasons:

In the absence of a green travel plan, the proposals would have a harmful impact on highway and pedestrian safety, being contrary to policy DM17 of the Barnet Adopted Development Management Policies 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM08, DM17

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD and Sustainable Design and Construction SPD are now material considerations.

Relevant Planning History:

Site Address: R.C. Church Broadfields Avenue EDGWARE MIDDX
Application Number: W01641D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 08/08/1995
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey presbytery attached to existing church.**
Case Officer:

Site Address: ST MATTHIAS R C CHURCH Broadfields Avenue EDGWARE MIDDX
Application Number: W01641C
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 14/08/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Extensions and alterations to Church to provide parish community centre, and Church construction of car park at rear with vehicular access to Hamonde Close**
Case Officer:

Site Address: ST MATTHIAS R C CHURCH Broadfields Avenue EDGWARE MIDDX
Application Number: W01641B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 10/04/1990
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of two-storey building with garage adjoining existing Church to provide Presbytery.**
Case Officer:

Site Address: ST MATTHIAS CHURCH Broadfields Avenue EDGWARE MIDDX
Application Number: W01641A
Application Type: Full Application
Decision: Refuse
Decision Date: 12/09/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two storey building with garage adjoining existing Church to provide presbytery**
Case Officer:

Site Address: ST. Matthias Church Hall Broadfields Avenue EDGWARE Middx HA8
Application Number: W01641
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/04/1968
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Playgroup**
Case Officer:

Site Address: St Matthias Roman Catholic Church, 196-198 Broadfields Avenue, Edgware, Middx, HA8 8TF (NKA Open Heaven Christian Centre)

Application Number: H/04453/10
Application Type: Section 192
Decision: Lawful Development
Decision Date: 18/01/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use of church hall as day care nursery.**
Case Officer: Matthew Corcoran

Site Address: St Matthias Roman Catholic Church, 196-198 Broadfields Avenue, Edgware, Middx, HA8 8TF

Application Number: H/02191/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 10/08/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor extension and formation of first floor to existing multi-use church hall building.**
Case Officer: Matthew Corcoran

Site Address: 194-198 Broadfields Avenue, Edgware, Middx, HA8 8TF

Application Number: H/04874/11
Application Type: Full Application
Decision: Migrated Code
Decision Date: 18/12/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground floor rear, side extension and proposed first floor construction to east of site above existing multi-purpose hall for use as nursery.**
Case Officer: Graham Robinson

Site Address: 194 Broadfields Avenue, Edgware, Middx, HA8 8TF

Application Number: 00549/12
Application Type: Full Application
Decision: Refuse
Decision Date: 14/06/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of the erection of a wooden shed in the rear**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 50 Replies: 8
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Loss of light
- Traffic/Parking Issues
- Road to narrow for vehicles entering leaving premises
- Overlooking
- Noise and disturbance
- Impact of the size of the building
- No need for nursery places

- Congregation is not local
- Existing users are excessively noisy
- Highway safety
- Layout and density of building

Internal /Other Consultations:

N/A

Date of Site Notice: 19 December 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is a church on the corner of Broadfields Avenue and Hamonde Close. The existing building is higher than surrounding buildings.

To the east of the site is a timber clad single storey building currently used as a nursery.

To the south is a smaller scale two storey building housing offices for the church.

To the east are residential properties on Kinross Close and Hamonde Close. The existing gardens have a view of the flank wall of the existing church building to the north and west.

Proposal:

The proposals are for the construction of a two-storey multi-purpose hall to the east of the site for use as a nursery following demolition of the existing structure.

Planning Considerations:

Members will recall that a previous item to extend the existing multi purpose hall was approved by the West Area Sub- Committee on 5th September 2012. The current proposal is identical in size to the previously approved scheme, however involves the demolition and rebuild of the hall, rather than its extension.

The main issues are considered to be:

- *The impact of the proposals on the character and appearance of the general locality and streetscene*
- *The impact the proposals would have on neighbouring amenity*
- *The impact the proposals would have on highway safety*

Policy context

Policy DM01 of the Development Management Policies (Adoption version) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM13 states that New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local 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.

The impact of the proposals on the character and appearance of the general locality and streetscene

Overall the new building is of the same footprint as that approved previously under reference H/04874/11. The building is no larger nor is it any closer to neighbouring properties. The plans show the rear building line of the new building to be in line with the rear wall of the existing Church meeting room.

It should be noted that the original approval was subject to a condition requiring materials to be submitted to the local planning authority, which has not been discharged. At the time of writing the officer's visit the brickwork for the building had been completed and roof timbers constructed. The brickwork is considered to acceptably relate to neighbouring buildings and the surrounding area.

It is not considered that the development would appear unduly obtrusive or out of character within the locality given the distance from the boundary with neighbouring properties.

It is not considered that the proposals would materially harm the character and appearance of the streetscene and general locality.

The impact the proposals would have on neighbouring amenity

The plans show the rear building line of the new building to be in line with the rear wall of the existing Church meeting room as on the previous plans.

The building would be visible from neighbouring residential properties, especially from the south on Kinross Close, and to the east on Hamonde Close. Given the distance away it is not considered that this would appear overbearing or cause harmful loss of outlook from neighbouring windows. It is noted that the property at no.2 Kinross Close has a garden of shallow depth, and its windows have views across the rear of the site. The depth of the building at first floor would prevent the new building from appearing overbearing.

The rooms at first floor level would be lit by high level obscure glazing. It is not considered that this would cause unacceptable overlooking or a perception of overlooking to neighbouring occupiers.

The building at ground floor level is considered to be a sufficient distance from boundaries to prevent undue impact on neighbouring occupiers. The ground floor windows would be high level and should not result in the overlooking of no.2 Kinross Close to the rear, given the presence of existing boundary treatment and levels differences.

The applicant has advised that the premises would be occupied by up to 50 children. In order to ensure that this does not cause harm to the amenities of nearby residents it is considered necessary to limit the number of children on site to 50 to prevent a greater number of children from attending.

It is noted that there have been ongoing noise complaints about activities taking place at unsociable hours at the premises to the Council's Environmental Health team. The applicant has been reminded of the ongoing need to comply with Environmental Health legislation relating to noise and disturbance. However, given that the proposals are for a nursery which would only operate during the day this is of little relevance to the current planning application.

The impact the proposals would have on highway safety

The site is currently used as a nursery for 30 children. The premises are also used by a youth club on Fridays from 7:00pm to 9:00pm and for group meetings at weekends. The hours of operations for the nursery are: 7:00 am to 6:30pm. It is also reported that church group meetings are carried out at weekends.

The existing access to the car parking spaces is via Broadfields Avenue across the dropped kerb. This access is very near to the informal crossing and roundabout. The informal crossing has tactile paving to help and guide disabled users to cross at this point. There are double yellow lines restricting parking in this area.

A gate is proposed to enclose the front parking space to Hamonde Close. The drawings show that sliding gates have been replaced by the ones that open inwards. No gates are allowed to open on to the public highway since this will compromise the safety of other public highway users.

Parking spaces are provided on the existing church site and there would be an additional disabled parking space accessible from Hamonde Close served by an additional access.

A draft travel plan has been submitted and the applicant has provided an obligation to provide £5,000 for five years (or annually £1,000), in order to ensure that any impact from the increased numbers of children attending the nursery is mitigated.

The proposal includes 5 cycle stands. Further details are needed and the spaces should be under cover which will benefit the cyclists accessing the site.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report.

The proposals would provide additional nursery places. Whilst there has not been any study of demand for these places in this location there is known to be wider demand in the borough.

4. EQUALITIES AND DIVERSITY ISSUES

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.

5. CONCLUSION

The application is recommended for **APPROVAL**.

