



DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012)

- 4 The hours of operation shall be limited to 11am - 10.30pm on the Sabbath day (Saturday) ONLY as a venue for religious events ancillary to the chapel and for no other purpose.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties. Policies DM01, DM02 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012)

- 5 The Marquee associated with each event shall be dismantled within 48 hours of the conclusion of each event and erected no earlier than 36 hours prior to the commencement of each event.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and to ensure that the proposed development does not affect the setting, interest and value of the Grade II listed building. Policies DM01, DM02 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Local Plan Core Strategy (2012)

#### **Informative(s):**

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

## Officer's Assessment

### Officer's Assessment

#### 1. Site Description

The site is the former Pillar of Fire Society, 19 Brent Street within the ward of West Hendon. However, the building is now principally a hotel although a chapel still exists on the site which is separate from the hotel.

The site is located on the south-west side of Brent Street. The site is located approximately 200m south-east of Brent Street District Town Centre.

The general locality of Brent Street is primarily residential with a mixture of dwellings and flats, with a small number of commercial premises. Buildings vary in size and scale but these include two storey dwellings and residential blocks of 3-4 storeys. To the south of the site are two storey dwellings on Elm Close and Elm Park Gardens, similarly to the north-west are two storey dwellings on Goodyers Gardens. Immediately to the west of the site is Acacia Court, a three storey block of flats. To the south-east is Hendon Adath Yisroel Synagogue.

The site has historically been used as a church with associated bible school and home 'for the rehabilitation of fallen women'. In more recent years, rooms were provided by the Society for those in need of short-term accommodation, with some dormitory-style rooms, with the provision of shared facilities including dining facilities. This use was akin to a hostel, as a significant level of care does not seem to have been provided. There are 4 self-contained flats within the building, some of which are currently occupied as dwellings.

The building predominantly features a quadrangle with a central open courtyard and a coach house style building to the north. There are areas to the immediate west and north which are undeveloped and are used as car parking.

The former chapel building is a Grade II listed building and the remainder of the site is listed by association with the chapel. The building dates back to 1893.

Permission was granted to convert part of the site to a 22 bedroom hotel under reference H/02272/10 and the site is now being used to serve this purpose.

#### 2. Site History

Reference: 15/06705/FUL

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Demolition of an existing wooden outbuilding and removal of shipping container to be replaced with a brick built structure of identical dimensions to the wooden outbuilding being demolished

Decision: Approved subject to conditions

Decision date: 25 January 2016

Reference: H/03781/13

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of boundary gates and formation of emergency access

Decision: Refused (Dismissed at appeal)

Decision date: 10 October 2013

Reference: H/01144/12

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Use of land at rear for erection of marquee in connection with the chapel. The marquee would be used for up to 40 events per year. Provision of 20 additional parking spaces

Decision: Refused

Reason: The proposed marquee, by reason of its siting, size, length of time for which it is required and associated general activity, would have a harmful impact on the residential amenities of neighbouring residents. It would be contrary to policies D5 and Env12 of the Adopted Barnet Unitary Development Plan 2006, and policies DM01 and DM04 of the Development Management Policies (Examination in Public Stage 2012).

Decision date: 11 July 2012

Reference: H/03297/11

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of alteration to first floor windows and increase in height and depth of existing windows to match

Decision: Approved subject to conditions

Decision date: 2 November 2011

Reference: H/00273/11

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Retention of gates and alterations to fence to facilitate creation of vehicular access to Elm Park Gardens to enable emergency access

Decision: Refused

Reason: The vehicular access due to its siting at the end of a residential cul-de-sac would result in additional comings and goings, detrimental to the character of the area and the residential amenities of occupiers or neighbouring residential properties, contrary to policies GBEnv1 and D2 of the Barnet Adopted Unitary Development Plan (2006)

Decision date: 19 September 2011

Reference: H/02272/10

Address: Pillar of Fire Society 19 Brent Street London NW4 2EU

Description: Change of use of former hostel areas to C1 hotel, with ancillary parking

Decision: Approved subject to conditions

Decision date: 28 July 2010

### 3. Proposal

The application seeks planning consent for the use of land at rear for the erection of marquee for social gatherings in connection with the existing chapel. The marquee is to be used for the serving of refreshments and receptions on Sabbaths and Festival Days for use of up to 10 events per year and would not be used for any other form of gathering i.e. concerts, school shows, auctions or similar activities.

Noise would be limited to normal levels of conversation and occasional raised voices produced within the marquee. No speech amplification or music would occur. The proposed use of the marquee will be from 11:00am - 22.30pm on Saturdays (Sabbath) with enabling set-up from 08:00am. The marquee will be used ancillary to the chapel on religious days there will be no guest vehicles entering or leaving, however before and after a function within the marquee there would be occasional noise from the movement of delivery vehicles. The marquee would be used by up to 175 people and would be acoustically lined. A sound report accompanies the application.

#### 4. Public Consultation

Consultation letters were sent to 122 neighbouring properties.

17 responses have been received in opposition to the application on the following  
Use would attract 175+ people and result in the increased comings and outgoings of visitors attending the events. This would result in an increased level of noise, disturbance and traffic and parking pressures/ congestion from those attending functions to the detriment of neighbouring residents

Use would result in the accumulation and external storage of refuse in close proximity to the adjoining boundary with neighbouring residential properties

Marquee has previously had television screens and amplified music, disco and consumption of alcohol on the premises. Increase in anti-social behaviour as a result of on-site alcohol consumption by those attending functions in close proximity to neighbouring residential properties

Loss of outlook and privacy to residential neighbouring properties

Impact on Grade II Listed building

Use is not appropriate for the area

Impracticality and/or lack of enforcement in the event of a breach of planning regulations

9 responses of support were received. These are on the grounds that the proposal have improved the appearance of the area and brought additional employment benefits.

Internal /Other Consultations:

Traffic & Development: No objection

Environmental Health: In the past complaints have been received in regards to noise emanating from 19 Brent Street: -

PHCP03/11/05113 - Amplified speech from large marquee resident on Elm Prk Gds - not witnessed - alleged 3no. events that year so far, complaint received in May, reported to planning and EH via VIP complaint.

PHCP03/12/83116 - Loud music - resident lives on Brent Street - afternoon - 12:30 - Stat nuisance witnessed

PHCP03/12/83117 - 2012 11:30 am - noise from setting up bouncy castle, nfa comp dealt with hotel instead.

Although the marquee will not be in use after 22:30 in the past complaints have been made by neighbouring properties during the day so it's not so much the times of use but more the activities that could increase nuisance complaints.

There is no objection to the marquee but no speakers should be in the marquee as it provides no attenuation. I would advise prohibiting music in the marquee or ensure it is controlled to be low level so not heard by surrounding properties.

#### 5. Planning Considerations

##### 5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### 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, DM04

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## 5.3 Assessment of proposals

### Introduction

A similar application was refused following planning application ref H/01144/12. Conversely, the applications sought planning permission for an increased number of 40 events per year and was refused by reason of its siting, size, length of time for which it is required and associated general activity.

This application now proposes a reduction from 40 to 10 events, the dismantling of the marquee after each event, a reduction in floor area of the marquee and confirmation that the marquee and the usage would only take place on weekends.

### Impact on the character and appearance of the area

The application seeks planning consent for the use of land at rear for the erection of marquee for social gatherings in connection with the existing chapel. The area at the rear of the property is an open tarmac area which is currently used as a play area. A standard marquee would be of a conventional canvas construction and would be erected, dismantled and removed from the site on events days. The marquee would have a width of 13.9m and a depth of 21m. It would be 16m from the western boundary with 17 Elm Park Avenue. Its siting relative to the area in which it would occupy in conjunction with its ancillary use confined to events days is not considered to adversely impact the character and appearance of the host property and local area. In addition, given the process of demounting after every event, the impact on the character and appearance of the area and its relationship with the existing buildings on the site would be limited and acceptable.

### Impact on the listed building

The use of the marquee would be limited, intermittent and temporary. It would not be attached to the listed building and would interfere with the fabric of the listed building. The limited frequency of the installation of the marquee would ensure that the setting, interest and value of the listed building would not be harmed and there would not be any impact on this.

### Impact on the amenity of adjoining occupiers

The principal amenity impact arising from the development would be the noise levels that would occur given the location of the marquee close to the boundary with Elm Close and Elm Park Gardens properties. The nearest adjoining property is no 17 Elm Park. The

marquee would be set away a distance of approx. 20m from this neighbouring occupier, approx. 50m from No 1 Acacia Court and approx. 30m from nos. 6 - 10 Goodyers' Gardens. Given these distances it is considered that there would be little or no impact in regards to loss of light, outlook and privacy

The marquee is to be used for receptions associated with Sabbath days on up to 10 events per year. According to the Planning Statement, the marquee would not be used for any other form of gathering i.e. concerts, school shows, auctions or similar activities and would operate between 11.00am - 22.30am with set up from 08.00am. Objections have been received in relation to this application concerning the noise impact. In addition, Environmental Health are in receipt of some occasional noise complaints. Finally, a planning application was refused in 2012 for the erection of a marquee for over 40 events per year because of the likely impact on neighbouring properties. As such, the reduction in the number of events to just 10 per year would constitute a significant improvement on amenity grounds which would limit the impact. It should be noted that The Town and Country Planning (General Permitted Development) Order 2015 at Part 4 Class B permits the temporary uses of land on 28 days per year as well as the erection of any moveable structures associated with the use. In effect, planning permission is deemed to be granted through the Order for the use of the land and the marquee.

Environmental Health has reviewed the application and given the level of past noise and nuisance complaints as a result of events on site, strongly recommended a condition prohibiting amplified sound or music to ensure that noise levels are controlled for the benefit of surrounding residential properties.

Despite the objections received against this application, with the use of conditions set out at the top of this report to limit amplification of speech, music and noise the principal source of noise would be limited to normal levels of conversation and occasional raised voices generated within the marquee. No amplification of speech, sound or music would occur. The applicant has advised that the marquee would be acoustically lined and a sound report accompanies the application.

Although issues have been addressed in the submitted supporting planning statement insofar as noise calculations of unamplified noise emissions from associated general activity given that objections have been submitted on the grounds of noise, disturbance and traffic issues, conditions have been attached to ensure the attenuation of these circumstances. A breach of these conditions would therefore result in the LPA being able to consider whether taking action would be appropriate.

#### Impact on highways

The hotel (and the chapel) is accessed from Brent Street and car parking is provided directly from Bethel Close. The proposed development would benefit from access to car parking. The use of the marquee would be for Sabbath. On the Sabbath, there will be no guest vehicles entering or leaving, however before and after a function within the marquee there would be occasional noise from the movement of delivery vehicles. Attendees benefit from good public transport facilities. The 83, 240, and 183 routes pass the site, which travel between Golders Green Station, Edgware, Pinner, Wembley and Ealing. Within 5 minutes' walk lies Hendon Central Underground Station. However, there would be 20 car parking spaces at the venue. It is therefore considered that there would not be any harmful highways impact.



#### 5.4 Response to Public Consultation

All material planning considerations have been addressed accordingly in the main body of the report.

#### 6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

#### 7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

## APPENDIX

### Site Description:

The site is the former Pillar of Fire Society, 19 Brent Street within the ward of West Hendon. However, the building is now principally a hotel although a chapel still exists on the site which is separate from the hotel. The site is located on the south-west side of Brent Street. The site is located approximately 200m south-east of Brent Street District Town Centre.

The general locality of Brent Street is primarily residential with a mixture of dwellings and flats, with a small number of commercial premises. Buildings vary in size and scale but these include two storey dwellings and residential blocks of 3-4 storeys. To the south of the site are two storey dwellings on Elm Close and Elm Park Gardens, similarly to the north-west are two storey dwellings on Goodyers Gardens. Immediately to the west of the site is Acacia Court, a three storey block of flats. To the south-east is Hendon Adath Yisroel Synagogue.

The site has historically been used as a church with associated bible school and home 'for the rehabilitation of fallen women'. In more recent years, rooms were provided by the Society for those in need of short-term accommodation, with some dormitory-style rooms, with the provision of shared facilities including dining facilities. This use was akin to a hostel, as a significant level of care does not seem to have been provided. There are 4 self-contained flats within the building, two of which are occupied by persons employed by the hotel while two are occupied by Assured Shorthold Tenants. One flat on the western side of the quadrangle and which predominantly overlooks the hard surfaced area to the west and the siting of the proposed marquee is directly affected by the proposal.

The building predominantly features a quadrangle with a central open courtyard and a coach house style building to the north. There are areas to the immediate west and north which are undeveloped and are used as car parking. The former chapel building is a Grade II listed building and the remainder of the site is listed by association with the chapel. The building dates back to 1893. Permission was granted to convert part of the site to a 22 bedroom hotel under reference H/02272/10 and the site is now being used to serve this purpose.

A planning condition was imposed on the planning permission to restrict the permitted development rights associated with temporary uses of land and structures on that land which is now addressed by Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (As amended). The purpose of this condition is not to set out a presumption against the acceptability or otherwise of any marquees (or events) on the site but to allow the decision maker (the local planning authority) to exert control over the nature of events and temporary structures on the site, given that permitted development rights permit 28 days of usage in any given year.

### Reason for this annex report

At the meeting of the Hendon Area Planning Committee on 17 October, it became apparent that the impact on neighbouring residential amenity was erroneously assessed. Where it was reported that the nearest residential neighbour was 16 to 17m away, it was demonstrated at the meeting that the nearest neighbour was less than 2m away with bedroom windows directly overlooking the siting of the proposed marquee. Although the meeting was curtailed and no decision was made on the recommendation on the principal agenda report, it was deemed necessary to undertake a site visit to establish these facts.

Officers met with the three nearest residential neighbours on site to give further consideration of the planning implications of the proposed development. The resulting conclusions are set out in the assessment below.

As the meeting was curtailed mid-item on 17 October 2017, protocol requires that the item must be reconsidered. However, as officers - in light of the new information - intend to bring forward a different recommendation, guidance has been sought as to the required procedure going forward. It has been agreed that the original agenda report with original recommendation (to approve) is presented to the agenda of 30 November 2017, this report should be appended by an additional report which amplifies the officers' revised position with an alternative recommendation and relevant justification. This is put forward for Members' discussion with a view that the new recommendation will also be subject to a vote by Members.

Assessment:

Impact on the amenity of adjoining occupiers:

The proposed marquee would be used in relation to events being hosted by the hotel although the primary connection would be in relation to the chapel. The applicants' documentation states that the marquee would provide capacity to accommodate up to 175 people. It would not be used for any other form of gathering i.e. concerts, school shows, auctions or similar activities and would operate between 11.00am - 22.30am on Saturdays (Sabbath) with enabling set-up from 08:00am for the purpose of religious functions. The marquee would be sited to the south of the site, and is some distance from the Chapel. It would be of limited visibility from any public viewpoint on Brent Street though would be more visible from Elm Park Gardens and Elm Close.

New material introduced at the committee's hearing of the 17th October 2017 revealed the presence of self-contained residential units within the grounds of the Pillar Hotel immediately adjacent to the siting of the proposed marquee. The former report presented at October's committee incorrectly denotes the nearest neighbouring property to be no. 17 Elm Park, which adjoins the application site at the rear on Elm Park Gardens and is set away a distance of approx. 20m. A site visit therefore ensued on the 31st October 2017 and intended to establish the relationship between the on-site dwelling and the marquee proposal, which has been omitted in the former planning assessment, however provides new and significant implications on the amenity of a residential neighbouring property.

It transpires that Flat no.3 is currently occupied by private occupiers whilst other units are occupied by staff members of the Pillar Hotel. Flat no.3 is a 1 bed self-contained residential unit. Each room including the bedroom, living area and study is single aspect. The bedroom overlooks the site of the proposed marquee as does the living room. The opening in the north eastern elevation directly faces onto the open cloister of the Chapel at a distance of approx. 2m and the opening in the south western elevation faces onto the open tarmac area intended for the marquee. This opening would set away approx. 2.5m from the marquee proposal. In addition to this, the bedroom is single aspect and therefore only served by 1no. window opening in the western flank wall and would be obscured from view at a distance of approx. 1.5m from the marquee.

It is considered that the close proximity to habitable room openings of flat no.3 would be insufficient to negate the level of impact upon the occupiers of this unit. The siting, scale and close proximity of the marquee proposal in respect of the aforementioned window

openings would unduly give rise to a loss of light, outlook and an increased sense of enclosure to these occupiers.

In addition, the siting in respect of Flat no.3 and the length of time for which the marquee would be required and associated general activity, although the statement identifies that no amplified sound would occur, would be likely to have a harmful impact on the residential amenities of this neighbouring occupier in terms of considerable noise and disturbance. The proximity of the marquee and the creation of a pedestrian corridor for staff and guests along the perimeter of the marquee would facilitate comings and goings immediately outside of noise sensitive windows. These movements are potentially harmfully noise generating in themselves and could contribute to loss of privacy and loss of security. Despite the no amplified sound or music condition imposed on the original recommendation, it is considered that the proposed development's proximity to these windows would facilitate the transmission of noise that would be fundamentally unacceptable.

The new evidence provides new implications for the development and its impact on the residential amenity in the context of the development plan policies, which are significant issues relevant to the planning decision. Sufficient evidence has been demonstrated to outweigh the former reason for approval on the basis of impact upon the residential amenity of Flat 3.

#### Conclusion

The proposed development would therefore generate an unacceptable level of harm for the existing occupiers of the adjoining residential unit. Although the effect would be to only one residential unit, it is considered that this harm would be so significant as to outweigh the benefits that the erection of the marquee would bring about to the local economy and to the commercial benefit of the hotel.

#### Recommendation

Notwithstanding the consideration of the application in the principal report, the conclusions reached and the recommendation put forward, the proposed development is considered harmful, contrary to policy and therefore is recommended for **REFUSAL**.

#### Reason

The proposed marquee, by reason of its siting in relation to adjoining residential noise sensitive windows, its size, noise and associated general activity would have a harmful impact on the residential amenities of neighbouring residents. It would be contrary to policies DM01 and DM04 of the Development Management Policies (2012).