

**LOCATION:** 194-198 Broadfields Avenue, Edgware, Middx, HA8 8TF

**REFERENCE:** H/04874/11

**Received:** 05 December 2011

**Accepted:** 05 December 2011

**WARD(S):** Edgware

**Expiry:** 30 January 2012

**Final Revisions:**

**APPLICANT:** RCCG Open Heavens

**PROPOSAL:** Ground floor rear, side extension and proposed first floor construction to east of site above existing multi-purpose hall for use as nursery.

**RECOMMENDATION: Approve Subject to S106**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2011/C182/01, 2011/C182/02, 2011/C182/03, 2011/C182/04, 2011/C182/05, 2011/C182/06 Rev. A, 2011/C182/07, 2011/C182/08, 2011/C182/09 Rev. A, 2011/C182/10.

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 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the visual amenities of the locality.

- 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 2011/C182/06 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.

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

Reason: To safeguard highway and pedestrian safety.

- 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.

- 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.

- 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.

- 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.

- 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.

- 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 development. 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).

- 14 Prior to the commencement of the development 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.

#### **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, ENV12, M3, M10, M11, M12, M13, M14, CS1.

Core Strategy (Adoption version) 2012: CS5

Development Management Policies (Adoption version)2012:

ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on neighbouring amenity and the character and appearance of the general locality. The proposals would have an acceptable impact on highway and pedestrian safety.

### **RECOMMENDATION III**

That if an agreement has not been completed by 05/12/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/04874/11 under delegated powers for the following reason:

In the absence of a travel plan and provisions for monitoring such an agreement, the proposals would have a harmful impact on highway and pedestrian safety, being contrary to policies M3 and M10 of the Adopted Barnet Unitary Development Plan 2006, and policy DM17 of the Development Management Policies (Adoption Stage) 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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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: 6.1, 7.4, 7.6

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.

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.

### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, ENV12, M3, M10, M11, M12, M13, M14.

Supplementary Planning Document: Sustainable Design and Construction  
Supplementary Planning Document: Planning Obligations.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

### Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

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

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM04, DM17.

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

### Consultations and Views Expressed:

Neighbours Consulted: 53                      Replies: 17  
Neighbours Wishing To Speak 7

11 Objections were received and 6 letters of support.

The objections raised may be summarised as follows:

- Overlooking
- Loss of light and overshadowing

- Parking
- Highway Safety
- Traffic
- Noise
- Layout and density of building
- Design and appearance
- Church has expanded and this has caused additional problems in terms of noise and parking.
- Caused additional noise and disturbance through use of play areas etc.

The letters of support can be summarised as follows:

- The project would contribute to the social life of community and youth club facilities, will have a positive impact on young people.

Internal /Other Consultations:

- Traffic & Development - No objection, subject to conditions and legal agreement to provide £5,000 towards travel plan monitoring
- Environmental Health - No objection
- Early Years - No comments received

Date of Site Notice: 15 December 2011

## **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:

Planning permission is sought for ground floor rear and side extensions to the existing nursery building and first floor extension above.

The applicant has advised that the building would support a nursery for up to 50 children.

The plans have been amended following discussion between Council officers and the applicant.

The proposals involve extending the existing building forward at two storey level to align with the front wall of 4 Hamonde Close. The ground floor building would be extended by approximately 1.5m rearwards and 0.5m towards the boundary with no.4 Hamonde Close at ground floor level.

The ground floor of the building would be 4.7m high with a roof hipped from both sides and from the rear.

The first floor part of the building would be 7.7m high with a gable ended roof to the rear.

### Planning Considerations:

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*

General Policy GBEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Policy D3 states that the size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

Policy D4 states that new development should respect the constraints of the site to accommodate development and should not result in over-development.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers.

Policy Env12 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive developments will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted.

Policy M10 states that where it is considered necessary as a consequence of development, the council may introduce measures to reduce the effects of traffic on the environment and the community. Where the need for such measures is directly related to the development and any planning permission, the council will seek to secure a planning obligation from the developer.

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.

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

The proposals have been significantly amended since originally submitted. The first floor element has been reduced substantially in depth so that it would extend 3m beyond the rear wall of the neighbouring property at Hamonde Close, a distance of 2.6m from the boundary, effectively 3.6m from the flank wall of the nearest property.

The revised drawings show a gable ended wall that is rear facing. It is not considered that this would appear unduly obtrusive or out of character within the locality given the distance from the boundary with neighbouring properties. Furthermore, the extension to the front of the building to bring it in line with the neighbouring building at first floor level is considered acceptable.

As amended 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 proposals have been significantly amended since originally submitted. The first floor element has been reduced substantially in depth so that it would extend 3m beyond the rear wall of the neighbouring property at Hamonde Close, a distance of 2.6m from the boundary, effectively 3.6m from the flank wall of the nearest property.

The revised drawings show a gable ended wall that is rear facing. This would be somewhat 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 reduced depth of the first floor extension 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 would also be extended at ground floor level, though it is considered that this is sufficient distance from boundaries to prevent undue impact on neighbouring occupiers.

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.

#### *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.

The proposal is for rear and side ground floor extension as well as first floor construction.

A gate is proposed to enclose the front parking space to Hamonde Close. The amended 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 agreed 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 was amended to include 5 cycle stands whereas previously it had 6 cycle spaces proposed to be provided. 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.

Church has expanded and this has caused additional problems in terms of noise and parking. - *The church has existing unrestricted use and this cannot be controlled if associated with the church.*

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals would provide additional nursery accommodation within the Borough, whilst not having undue impact on existing residents. 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**.

**SITE LOCATION PLAN:  
HA8 8TF**

**194-198 Broadfields Avenue, Edgware, Middx,**

**REFERENCE:**

**H/04874/11**



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