

LOCATION: Mowbray House, 58-70 Edgware Way, Edgware, Middx, HA8 8DJ

REFERENCE: H/01384/12 **Received:** 06 April 2012
Accepted: 10 July 2012

WARD(S): Edgware **Expiry:** 04 September 2012

Final Revisions:

APPLICANT: KBA

PROPOSAL: Use of part first floor B1 premises as mixed use comprising B1 offices and D1 Talmudical Research Centre with associated public worship

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: EMP/5, location plan, EMP/1B, EMP2B and 'noise assessment' dated 18th March 2012.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The premises shall be used as a Synagogue and Talmudical research centre and for other ancillary uses as indicated on the documents hereby approved and for no other purpose (including a separate school, crèche, nursery, or venue to carry out weddings or Bah mitzvahs) in Class D1 of the Schedule to the Town and Country Planning Use Classes Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).
Reason:
To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.
- 3 The premises shall be used only between the hours of 0700 and 2300, Monday to Sunday, and at no other time.
Reason
To protect the amenities of the neighbouring occupiers
- 4 The development hereby permitted shall be carried out at all times in compliance with the noise mitigation measures outlined in the Noise Assessment dated 18th March 2012.
Reason: To protect the residential amenities of the neighbouring occupiers
- 5 Details of any extraction and ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this notice and shall be implemented in accordance with the agreed details.
Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.
- 6 The synagogue shall be attended by a maximum of 50 people at any one time.
Reason
To protect the residential amenities of the neighbouring occupiers
- 7 Details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The facilities shall be provided at the site in accordance with the approved details before the development is occupied.
Reason: To ensure a satisfactory appearance for the development and

satisfactory accessibility; and to protect the amenities of the area.

- 8 The internal layout of the premises shall remain as indicated on drawing 'site context' unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of the adjoining occupiers.

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 (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D2, GCS1, CS1, CS4, CS5, ENV12, GCH1, GEMP4, EMP2, EMP7, M11 and M14., and:
Core Strategy (Adopted) 2012:
Relevant policies: CS NPPF, CS1, CS5, CS8 and CS10
Development Management Policies (Adopted)2012:
Relevant Policies: DM01, DM13 and DM14
 - ii) The proposal is acceptable for the following reason(s): - the proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and on the character of the area. It complies with all relevant council policy and design guidance.

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:

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, D2, GCS1, CS1, CS4, CS5, ENV12, GCH1, GEMP4, EMP2, EMP7, M11 and M14.

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 (Adopted) 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 (Adopted) 2012: CS NPPF, CS1, CS5, CS8 and CS10

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 (Adopted) 2012: DM01, DM13 and DM14

Consultations and Views Expressed:

Neighbours Consulted: 57 Replies: 14 (including 9 in support)

Neighbours Wishing To Speak 5

The objections raised are summarised as follows:

- the use of the western entrance causes noise and disturbance, safety issues and loss of privacy
- use commenced without planning permission
- impact on parking

Date of Site Notice: 19 July 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is part of the first floor of Mowbray House on Edgware Way.

The lawful use of the premises is B1 offices.

The current use of premises is a Talmudical Centre, comprising a mix of B1 and D1 uses, which commenced in January 2012 without the benefit of planning permission.

Previous to the current use, the premises was vacant from October 2009.

The premises is located at the first floor of a free standing shopping parade. The ground floor is used for commercial uses, with offices at second floor.

At first floor, adjoining Mowbray House, are residential units at 72a- 82a Edgware Way.

There are 2 entrances to the premises, one at the western end which is currently shared with the occupiers of the adjoining flats and one at the eastern end on the corner of Broadfields Avenue.

Proposal:

The application requests permission for the retention of the use of the premises as a Talmudical Centre. The activities that occur at the premises include:

- occasional lectures, for up to 30 people
- Talmudical research carried out by 15 individuals
- arrangement of pamphlets etc by 4 administration staff
- Synagogue activities including lectures and prayer sessions on Friday evenings and Saturdays for up to 50 people.

The hours of use of the centre is 7am to 11pm every day.

Planning Considerations:

Principle of the change of use

DM14 states that loss of office space 'will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken'.

An element of employment use at the site has been retained, with a number of people being employed to carry out research and administration duties. In addition, the building lay vacant for a period of over 2 years before the commencement of the Talmudical Centre use. Information submitted with the application stated that the premises had been marketed during this time at a rate comparable to that of nearby office units. Although several viewings had been carried out no suitable users were found. The evidence includes marketing methods used and concludes that there is little demand for offices in the locality.

The current situation is preferable in employment terms compared to the previously vacant building and it is considered, given the marketing information supplied, that there is no prospect for a purely business use at the site in the short, medium and long term. The proposal complies with policy DM14.

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. The character of the area is mixed and the site is located within a shopping parade which is easily accessed via a number of bus routes and Edgware underground station.

The site is considered an appropriate location for this community/ office use.

Impact of the centre on the amenities of the neighbouring occupiers.

The layout of the centre is such that the main hall, used for lectures and synagogue related activities, is located at the centre of the building, sandwiched between the rooms used as offices. This ensures that the noisier activities are not located on the boundary of the site close to the neighbouring occupiers and as such does not cause

significant noise and disturbance to any neighbouring occupiers.

A concern of neighbouring residents is the use by centre users of the western entrance, in terms of loss of security, privacy and noise and disturbance. This entrance was previously used only by the occupiers of 72a- 82a Edgware Way. This entrance is not the only entrance to the centre however and facilitates separate entry for men and women. There is not a reasonable or appropriate planning reason to prevent use of this access by centre users on the grounds of safety or loss of privacy. The condition relating to hours of use will prevent undue night time noise and disturbance and the condition requiring compliance with the mitigation measures indicated within the noise report will prevent undue noise disturbance to neighbouring residents.

Parking

There are 4 off street parking spaces to the rear of the site. Given the location of the centre close to transport facilities it is not considered that there would be any undue pressure on on-street parking. The number of synagogue users has been conditioned at a maximum of 50 to ensure the intensity of use of the building is not too great.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

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 proposed development complies with council policy and design guidance

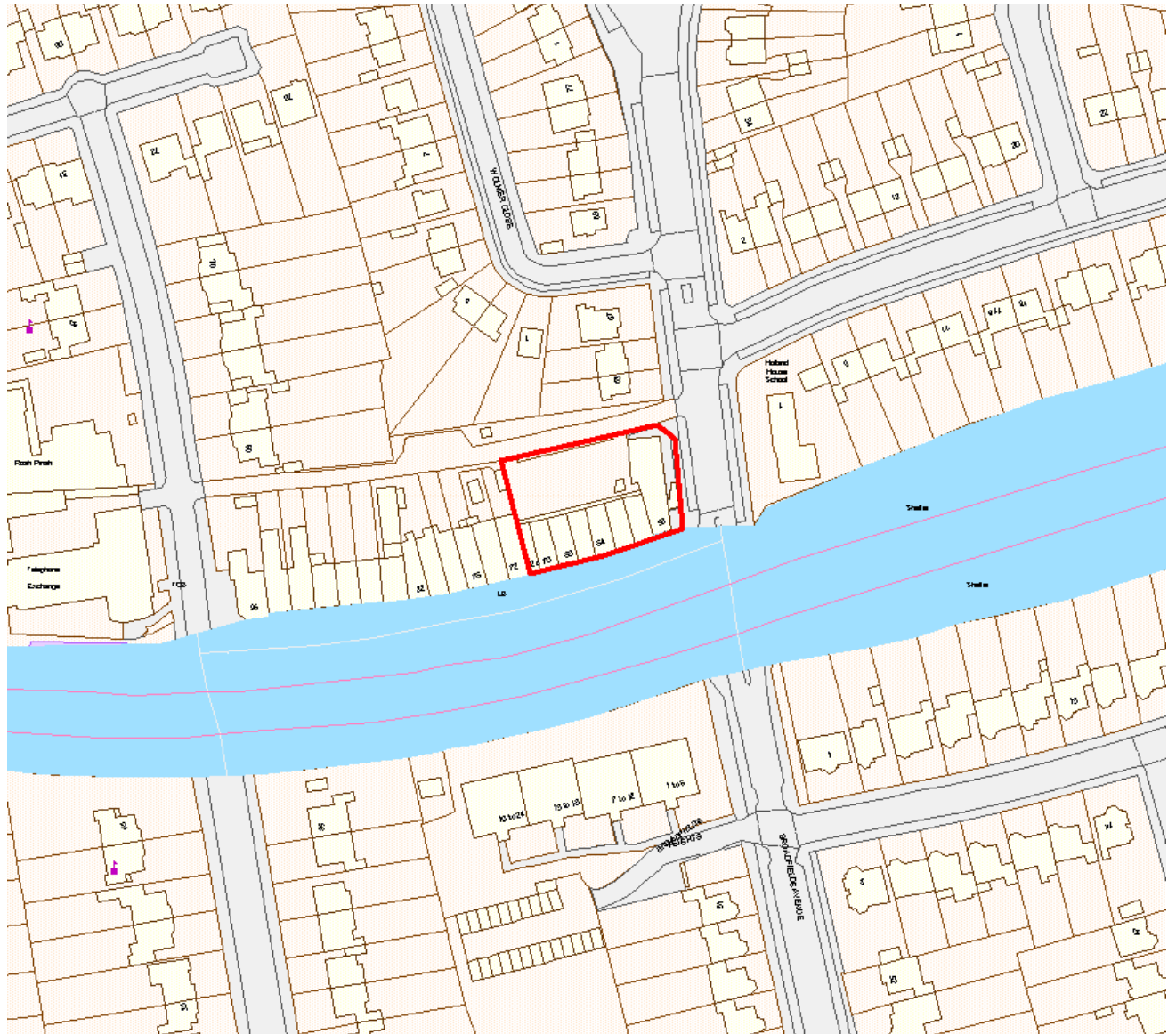
Approval is recommended.

SITE LOCATION PLAN:
Middx, HA8 8DJ

Mowbray House, 58-70 Edgware Way, Edgware,

REFERENCE:

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