

LOCATION: 48 High Street, Edgware, Middx, HA8 7EQ

REFERENCE: H/03514/12

Received: 17 September 2012

Accepted: 14 September 2012

WARD(S): Edgware

Expiry: 09 November 2012

Final Revisions:

APPLICANT: Edgware Muslim Community Centre

PROPOSAL: Change of use of existing office building (B1) to Muslim Community Centre (D1) including internal alterations.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Sheet 1 of 5, Sheet 2 of 5, Sheet 3 of 5, Sheet 4 of 5, Sheet 5 of 5.

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 premises shall be used for a community centre and no other purpose (including any other purpose 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.

- 4 The use hereby permitted shall not be open before 11am or after 11pm on weekdays and Sundays and Bank Holidays, or before 11am or after 12am on Saturdays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 5 The proposed use shall not be occupied by more than 80 people at any time.

Reason: To safeguard highway safety.

- 6 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan Sheet 4 of 5 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.

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): GBEEnv1, GBEEnv2, D1, D2, CS1, EMP2, EMP7.

Core Strategy (Adopted) 2012: CS5, CS10

Development Management Policies (Adopted) 2012: DM01, DM11, DM13

ii) The proposal is acceptable for the following reason(s): - the proposals would provide a new Muslim Community Centre and would not materially harm highway and pedestrian safety, and neighbouring amenity. In this case, the loss of the employment use on site is considered acceptable.

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: 3.9, 3.16

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, CS1, EMP2, EMP7.

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 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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: CS NPPF, CS1, CS5, CS10

Development Management Policies (Adopted) 2012:

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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, DM02, DM13, DM14.

Relevant Planning History:

Site Address: 48 High Street EDGWARE
Application Number: W00137Q
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 16/01/1998
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Addition of 2 roller-shutter doors to side of building at the rear of the site.**

Case Officer:

Site Address: 48 High Street Edgware
Application Number: W00137A
Application Type: Advertisement
Decision: Refuse
Decision Date: 15/02/1967
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Advert**
Case Officer:

Site Address: 48 High Street Edgware
Application Number: W00137B
Application Type: Full Application
Decision: Refuse
Decision Date: 01/03/1972
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **change of use of showroom to offices**
Case Officer:

Site Address: 48 High Street Edgware
Application Number: W00137C
Application Type: Full Application
Decision: Refuse
Decision Date: 14/06/1972
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **change of use of showroom to office**
Case Officer:

Site Address: 48/48a High Street Edgware
Application Number: W00137D
Application Type: Section 191
Decision: Lawful Development
Decision Date: 16/11/1976
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **use for cash and carry of textiles, toys and soft goods, approximately 50% retail trade.**

Case Officer:

Site Address: 48 High Street Edgware
Application Number: W00137
Application Type: Full Application
Decision: Approve
Decision Date: 20/12/1965
Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists
Proposal: **erection of furniture showroom.**
Case Officer:

Site Address: 48 High Street EDGWARE
Application Number: W00137P
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 28/06/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Variation of condition 1 of Planning ConsentW00137N approved July 1989 for a partfive/part six storey building on frontage andpart three/part four storey building withbasement car park for B1 use namely to**

Case Officer:

Site Address: 48 High Street EDGWARE
Application Number: W00137M
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 12/07/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of part five/part six-storey building on frontage and part three/part four-storey building with basement car park at rear for B1 business use.**

Case Officer:

Site Address: 48 High Street EDGWARE
Application Number: W00137L
Application Type: Full Application
Decision: Withdrawn
Decision Date: 08/11/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of seven-storey building on frontageand three-storey building with basement at rear for B1 business use and associated carparking DUPLICATE APPLICATION**

Case Officer:

Site Address: 48 High Street EDGWARE
Application Number: W00137K
Application Type: Full Application
Decision: Withdrawn
Decision Date: 08/11/1988
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of seven-storey building on frontage and three-storey building with basement at rear for B1 business use and associated carparking**

Case Officer:

Site Address: 48 High Street Edgware
Application Number: W00137J
Application Type: Full Application
Decision: Approve
Decision Date: 11/07/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists

Proposal: New Brick filled facade and roof on front elevation and installation of windows on side and rear elevations

Case Officer:

Site Address: 48 High Street Edgware
Application Number: W00137H
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 02/08/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Erection of car port.
Case Officer:

Site Address: 48 High Street Edgware
Application Number: W00137G
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 18/04/1985
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Howbrick filled facade and roof on front elevation and installation of windows on side and rear elevations.

Case Officer:

Site Address: Rear of 48 High Street Edgware Middlesex HA8 7EQ
Application Number: W00137R/03
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 12/09/2003
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Erection of three-storey office block to provide approx 612 square metre of floorspace and provision of 6no. off-street car parking spaces accessed from High Street.

Case Officer:

Site Address: 48 High Street EDGWARE
Application Number: W00137N
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 12/07/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Erection of part five/part six-storey building on frontage and part three/part four-storey building with basement car park at rear for B1 business use. (DUPLICATE APPLICATION).

Case Officer:

Site Address: 48 High Street, Edgware, Middx, HA8 7EQ
Application Number: H/03514/12
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Change of use of existing office building (B1) to Muslim Community Centre (D1) including internal alterations.

Case Officer: Graham Robinson

Site Address: Rear of 48 High Street, Edgware, Middx, HA8 7EQ
Application Number: 01222/09
Application Type: Conditions Application
Decision: Approve
Decision Date: 26/08/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Submission of details Condition 5 (refuse store) 6 (windows glazing) 7 (contamination) 8 (drainage) pursuant to planning application W00137R/03.**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 141 Replies: 42
Neighbours Wishing To Speak 0

33 Letters of support have been received

9 Letters of objection have been received.

The objections raised may be summarised as follows:

- Site is in a commercial area and next to a school
- There is insufficient parking. The area is already congested with the school and VIP lounge opposite and access is narrow
- Would result in more coming and goings

The letters of support may be summarised as follows

- Would provide a centre for prayers. There is currently nowhere where Muslims can pray.

Internal /Other Consultations:

- Property Services - No comments received at the time of writing report. Any comments will be reported in the addendum.
- Traffic & Development - No objection subject to conditions.

Date of Site Notice: 27 September 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey with rooms in the roofspace office building fronting High Street, close to Edgware town centre. The site is adjacent to Elizabeth House

to the north, a 9 storey office building, and an access road to the south which serves office development to the rear. The area is mixed in character with Edgware Infant and Nursery School further to the south.

Proposal:

The proposals are for the change of use of the existing office building to a Muslim community centre including internal alterations.

Planning Considerations:

The main issues are considered to be:

- *Whether the proposed use is appropriate for the site in terms of its impact on the character of the area*
- *Whether the proposed loss of the office use is acceptable in terms of the impact on the Boroughs supply of employment land*
- *Whether the proposals would have an acceptable impact on highway and pedestrian safety*

Planning Context

Policy DM01: Protecting Barnet's character and amenity

- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.
- d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.
- e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
- f. Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.
- g. Development proposals should retain private garden amenity space having regard to its character.
- h. Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate
- i. Loss of houses in roads predominantly characterised by houses will not normally be considered appropriate
- j. Development proposals will be required to include hard and soft landscaping that:
 - i. Is well laid out in terms of access, car parking and landscaping
 - ii. Considers the impact of hardstandings on character
 - iii. Achieve a suitable visual setting for the building

- iv. Provide an appropriate level of new habitat including tree and shrub planting
- v. Make a positive contribution to the surrounding area
- vi. Contributes to biodiversity including the retention of existing wildlife habitat and trees
- vii. Adequately protects existing trees and their root systems
- k. Trees should be safeguarded. When protected trees are to be felled the Council will require replanting with suitable size and species of tree where appropriate.

Policy DM13: Community and education uses

a: Loss of community / educational use

Loss of community / educational use will only be acceptable in exceptional circumstances where:

- i. New community or education use of at least equivalent quality or quantity are provided on the site or at a suitable alternative location; or
- ii. There is no demand for continued community or education use, and that the site has been marketed effectively for such use.

b: New community or educational use

Where it can be demonstrated that no town centre or local centre site is available, new community or educational uses should be located where they are accessible by public transport, walking and cycling.

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.

Policy DM14: New and existing employment space

a: Existing employment space

- i. Proposals which result in a redevelopment or change of use of a Locally Significant Industrial Site or Industrial Business Location as shown on the Proposals Map to a non B Class use will not be permitted.
- ii. Outside these locations loss of a B Class use 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 active marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.
- iii. Office space (Class B1) should be retained in town centres and edge of centre locations. Loss of office space (Class B1) will only be permitted in town centres and edge of centre locations 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 active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which provides some re-provision of employment use, residential and community use.
- iv. Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.
- v. Where appropriate, loss of employment space will be expected to provide mitigation in the form of contributions to employment training.

Policy DM17: Travel impact and parking standards

a: Road Safety

The Council will ensure that the safety of all road users is taken into account when considering development proposals, and will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

b: Road Hierarchy

The Council will seek to ensure that roads within the borough are used appropriately according to their status in the defined road hierarchy. In taking into account the function of adjacent roads the council may refuse development proposals which would result in inappropriate road use, or adversely affect the operation of roads in an area

c: Development, Location and Accessibility

The Council will expect major development proposals with the potential for significant trip generation to be in locations which are, or will be made, highly accessible by a range of transport modes.

d: Transport Assessment

In considering planning applications for new development, the Council will require developers to submit a full Transport Assessment (as defined by Department for Transport criteria) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. This assessment should include an analysis of accessibility by all modes of transport.

e: Travel Planning

For significant trip generating developments, (defined by Department for Transport criteria), the Council will require the occupier to develop, implement and maintain a satisfactory Travel Plan (or plans) to minimise increases in road traffic and meet mode split targets. In order to ensure that they are delivering this the travel plan will need to contain measurable outputs so that they can be monitored.

f: Local Infrastructure Needs

i. Developments should be located and designed to make the use of public transport more attractive for all users by providing improved access to existing facilities, and if necessary the development of new routes and services, including improved and fully accessible interchange facilities.

ii. The Council will expect development to provide safe and suitable access arrangements for all road users to new developments. Where improvements or changes to the road network are necessary by virtue of an approved development, the Council will secure a Legal Agreement from the developer.

iii. The Council will require appropriate measures to control vehicle movements, servicing and delivery arrangements. Where appropriate the Council will require Construction Management and/or Delivery and Servicing Plans.

iv. Where appropriate, development will be required to improve cycle and pedestrian facilities in the local catchment area by providing facilities on site and/or funding improvements off site

g: Parking management

1. The Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the standards will be:

- i. 2 or more spaces per unit for detached and semi detached houses (4 or more bedrooms)
- ii. 1 or more spaces per unit for terraced houses and flats (1 to 3 bedrooms)

2. Residential development may be acceptable which proposes limited or no parking where either of the following can be demonstrated:

- i. surveys indicate that there is sufficient on-street parking capacity and
- ii. In cases where the proposal is within a Controlled Parking Zone (CPZ) or town centre and surveys indicate there is not sufficient on street parking capacity, the roads outside a CPZ which are in close proximity to the proposal will need to have sufficient on-street parking capacity to accommodate parking from the development and the applicant is willing to enter into a legal agreement which restricts future occupiers from obtaining on street parking permits.

UDP Policy CS1 states that development proposals for community and religious facilities will be permitted where they:

- Are easily accessible by public transport, walking and cycling;
- If in a town centre location, would not be situated within the primary retail frontage;
- Would not have a demonstrably harmful impact on the character of the surrounding area and the amenities of nearby residential properties and other uses; and
- Are designed to be accessible to people with disabilities.

Policy EMP2 states that For other sites apart from those listed in Table 10.2 that are used, or have last been used, for class B1, B2, B8 or similar industrial uses, the council will not grant planning permission to redevelop or change them to non-industrial or non-business uses. Exceptions will only be made where there is no realistic prospect of re-use in the short, medium and long-term, or of redevelopment for industrial purposes. In these cases, the priority for re-use will be a mixture of small business units with residential uses.

Policy EMP7 states that The development of offices for non-employment uses will be granted planning permission only where there is no realistic prospect of their re-use or redevelopment for office purposes. Where this is the case, the priority for re-use would be as a mixed use development.

Whether the proposed loss of the office use is acceptable in terms of the impact on the Boroughs supply of employment land

Some information has been submitted with the application in support of the loss of the existing offices. However this is somewhat limited.

A letter from Dewe Ferrari have been received stating that there is vacant office space at Elizabeth House and Premier House within the locality. However, the site differs from these in that it is a two storey building. This information at the time of writing the report has not been verified by valuation officers. The letter advises that the premises has been marketed since September 2011, though there is limited evidence of this.

In any case, the loss of the office needs to be weighed up against the benefit provided by the community centre. The NPPF states that Local Planning Authorities

'should normally approve planning applications for change of use to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.....'

Whilst ideally there would be a more comprehensive report demonstrating that there is no interest in the property for future employment use, the proposals would provide community benefit. These issues need to be weighed up, and it is considered that the loss of the employment use is outweighed in this instance by the benefits provided.

Whether the proposed use is appropriate for the site in terms of its impact on the character of the area

The surrounding area is mixed in character. The proposals would occupy a two storey building as a community centre. There are not residential properties in the immediate vicinity, so it is not considered that there would be any harmful impact on neighbouring amenity.

The hours of use of the premises could be controlled by condition. The applicant has suggested between 11am-11pm Monday-Friday and Sundays and Bank Holidays, and 11am-12am on Saturdays. There would be no objection to the facility being open earlier in planning terms, therefore it is suggested that any condition attached reflects this.

It is considered that the principle of the use is acceptable.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Highway officers have assessed the proposals and have advised that the proposals are acceptable in terms of their impact on highway safety. Eleven car parking spaces would be retained on site.

The applicant has advised that the premises would be occupied by up to 80 people. Conditions restricting this and hours of use are attached in order to ensure that the proposals do not harm highway safety and neighbouring amenity.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Site is in a commercial area and next to a school - *Noted however this is itself is not reason to refuse the application.*

There is insufficient parking. The area is already congested with the school and VIP lounge opposite and access is narrow - *Noted however the proposal is considered acceptable in terms of its impact on surrounding highway safety and the free flow of traffic.*

Would result in more coming and goings - *Noted however the area is not residential in character. It is not considered that the proposed use would*

4. EQUALITIES AND DIVERSITY ISSUES

The proposals would provide a Muslim Community Centre for which there is known demand. The proposals would result in the loss of office space which is considered justifiable in this instance.

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.

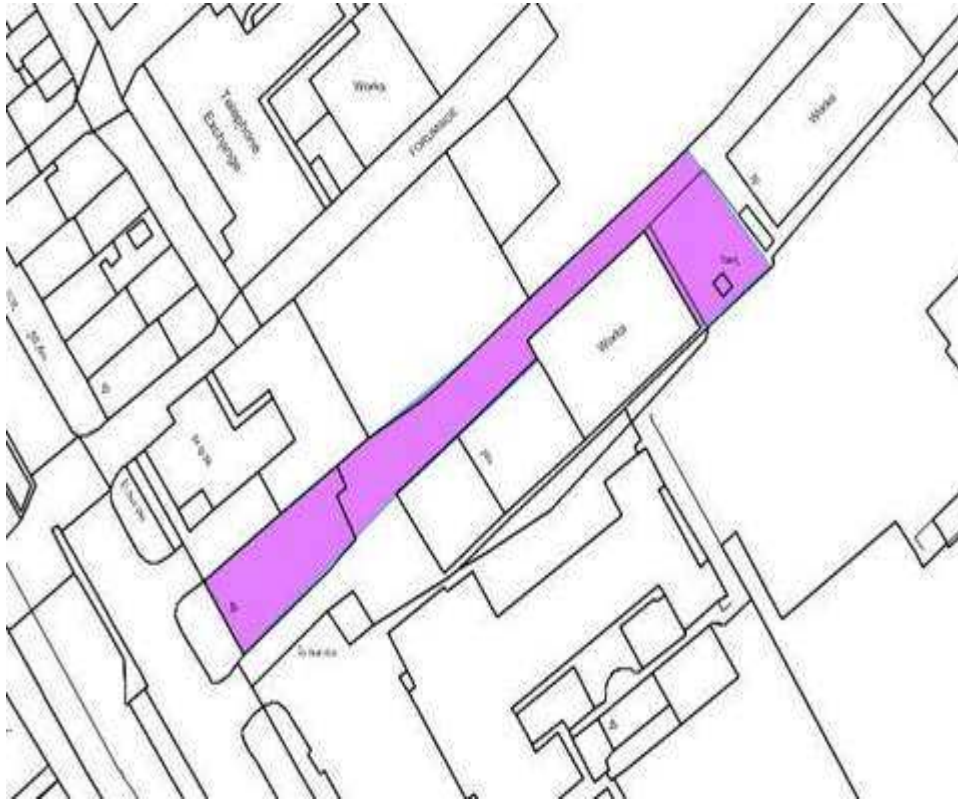
5. CONCLUSION

Taking the above matters into account, it is considered that the loss of the employment use is acceptable given the proposed use as a community centre and information submitted. The proposals would have acceptable impacts on highway safety and neighbouring amenity.

The proposal scheme is recommended for **APPROVAL**.

SITE LOCATION PLAN: 48 High Street, Edgware, Middx, HA8 7EQ

REFERENCE: H/03514/12



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