

**LOCATION:** 62-64 Brent Street, London, NW4 2ES  
**REFERENCE:** H/04830/11 **Received:** 01 December 2011  
**WARD(S):** Hendon **Accepted:** 23 January 2012  
**Expiry:** 19 March 2012

**Final Revisions:**

**APPLICANT:** Heichal Leah Charity

**PROPOSAL:** The demolition of buildings at 62-64 Brent Street and construction of a new synagogue and community centre at ground and first floors with residential unit on second floor.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 20B, 21C, 12, Design and Access Statement.  
Reason:  
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 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 character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.
- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site 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 ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core

- Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.
- 5 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 20B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
- Reason:  
To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.
- 6 Before the development hereby permitted commences, 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 and 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).
- 7 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 in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).
- 8 No more than 250 people shall attend the property at any one time.
- Reason: To safeguard neighbouring amenity and highway safety, in accordance with policies DM01 and DM17 of the Adopted Barnet Development Management Policies 2012.
- 9 The premises hereby approved shall not be used for banqueting, functions or public hire.
- Reason: To safeguard highway safety in accordance with policy DM17 of the Adopted Barnet Development Management Policies.
- 10 The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the synagogue as measured within habitable rooms of the development shall be no higher than 35db(A) from 7am to 11pm and 30db(A) in bedrooms from 11pm to 7am.
- Post competition noise monitoring shall be carried out before the use commences and shall be submitted to and approved by the Local Planning Authority in the form of a report. It should include all calculations and baseline data, and be set out so that the Local Planning authority can fully audit the report and critically analyse the contents.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with policy DM02 of the Adopted Development Management Policies 2012..

- 11 Before development commences, a scheme of proposed noise mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and / or road traffic and / or mixed use noise in the immediate surroundings.

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

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

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

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 14 A scheme for acoustic fencing to the entire rear boundary shall be submitted in writing and approved by the Local Planning Authority prior to development. This scheme shall be fully implemented before the development hereby permitted is brought into use.

Reason:

To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their home(s) in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 15 Before the building hereby permitted is occupied the proposed window(s) in the first floor north-east elevation facing Golders Rise shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

- 16 The use of the residential unit hereby permitted shall at all times be ancillary to and occupied in conjunction with the synagogue and shall not at any time be occupied as a separate unit.

Reason:

As the residential unit is not considered to be appropriate for general residential use, in accordance with policy DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 17 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified in the adopted Sustainable Design and Construction Development Planning Document (2013). Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

**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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012:CS5, CS10

Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, DM13, DM17

ii) The proposal is acceptable for the following reason(s): - The proposals would provide a new community and religious facility and would not materially harm neighbouring amenity, highway safety or the character of the area.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

### The Mayor's London Plan July 2011

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

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

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

### Relevant Local Plan (2012) Policies

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

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS10

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM13, DM17

### Supplementary Planning Documents and Guidance

The Council has adopted supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material

considerations. The Residential Design Guidance SPD (2012) and Sustainable Design and Construction SPD (2012) are now material considerations.

Relevant Planning History:

**Site Address:** 62 & 64 Brent Street, London, NW4 2ES  
**Application Number:** H/03856/09  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 10/5/2010  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 10/5/2010  
**Proposal:** **Demolition of existing synagogue and erection of new two storey synagogue plus rooms in the basement and 2No. flats in the roof space. Associated parking.**  
**Case Officer:** Graham Robinson

**Site Address:** 64 Brent Street NW4  
**Application Number:** W02347A  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 19/09/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **first floor rear extension to form bedroom and bathroom**  
**Case Officer:**

**Site Address:** 64 Brent Street NW4  
**Application Number:** W02347B  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 24/04/1974  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Use of ground floor living room for sale of ladies dresses.**  
**Case Officer:**

**Site Address:** 64 Brent Street NW4  
**Application Number:** W02347C  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 05/12/1979  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Garage and car port at side.**  
**Case Officer:**

**Site Address:** 64 Brent Street NW4  
**Application Number:** W02347  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 21/01/1970  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **lounge extension and car port**  
**Case Officer:**

**Site Address:** 62 Brent Street LONDON NW4  
**Application Number:** W10557B  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 04/07/1997  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of front porch.**  
**Case Officer:**

**Site Address:** 62 Brent Street LONDON NW4  
**Application Number:** W10557  
**Application Type:** Full Application  
**Decision:** Approve  
**Decision Date:** 01/03/1995  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Continuation use as prayer hall/study room.**  
**Case Officer:**

**Site Address:** 62 Brent Street LONDON NW4  
**Application Number:** W10557A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 01/11/1995  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Single storey rear extension.**  
**Case Officer:**

**Site Address:** 62 BRENT STREET LONDON NW4 2ES  
**Application Number:** W10557C/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 27/06/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Increase in height of roof of building to give the appearance of an additional floor. Alterations to the front elevation.**  
**Case Officer:**

**Site Address:** 62 Brent Street London NW4 2ES  
**Application Number:** W10557E/03  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 04/06/2003  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing building and erection of new two storey building plus basement with associated changes to parking.**  
**Case Officer:**

**Site Address:** 62 BRENT STREET LONDON NW4 2ES  
**Application Number:** W10557D/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 23/04/2001  
**Appeal Decision:** No Appeal Decision Applies

**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Increase in height of roof of building to give the appearance of an additional floor, single-storey side extension and alterations to front elevation.**  
**Case Officer:** Martin Cowie

**Site Address:** 62 & 64 Brent Street, London, NW4 2ES  
**Application Number:** H/00912/09  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 03/06/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing synagogue and erection of new two storey synagogue plus rooms in the basement and 2No. flats in the roof space. Associated parking.**  
**Case Officer:** Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 48                      Replies: 6  
Neighbours Wishing To Speak 1

6 objections were initially received, three of these residents submitted further objections on the basis of the amended plans.

The objections raised may be summarised as follows:

- Noise levels would affect quality of life
- Size of building would appear overbearing
- Proposals would cause loss of light and overshadowing
- Building would be obtrusive and imposing
- Proposals would result in additional parking and traffic pressures
- Overlooking
- There have been unlawful extensions
- Basement would cause subsidence

Internal /Other Consultations:

Environmental Health: No objection subject to conditions

Traffic and Transportation: No objection



Date of Site Notice: 02 February 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The site is located on the north-east side of Brent Street, a distance of 80m outside the Brent Street District Town Centre. 62 Brent Street is a single storey building currently in use as synagogue. 64 Brent Street is a two storey building in use as a dwelling house. The site covers an area of approximately 880 square metres.

The site fronts onto Brent Street, and opposite the site is Brent Green, a grassed open area. The area around the site is predominantly residential in character with a mixture of dwellings and flats in the vicinity with the notable exceptions of no.62 and the dentist surgery on The Approach. Predominantly these buildings are single storey and two storey.

The rear of the site faces onto residential properties on Golders Rise. The property is located between residential properties.

The site is located close to controlled parking areas, whilst the site itself is close to a roundabout which limits on street parking.

### Proposal:

The proposals are for the demolition of buildings at 62-64 Brent Street and construction of a new synagogue and community centre at ground and first floors with residential unit on second floor.

The proposals have been amended following comments made by the case officer. The building has been reduced in size and the proposed basement removed.

### Planning Considerations:

The application follows the previous refusal of a similar application under reference H/03856/09, and this was subsequently dismissed at appeal. The current proposals attempt to address the previous concerns raised.

The main issues are considered to be:

- Whether the loss of the dwellinghouse at no.64 would be acceptable.
- The impact on the living conditions of neighbouring occupiers in terms of whether the building would appear overbearing and visually obtrusive
- Whether the development would be detrimental to the character and appearance of the general locality.
- Whether the proposals would result in a harmful level of noise and disturbance to neighbouring and future residents.
- Whether the proposals would result in a harmful impact on highway safety.

## *Policy Context*

### Policy DM07: Protecting housing in Barnet

Loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
- b. where need can be demonstrated and;
- c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies

or;

- d. the location is no longer environmentally suitable and viable for residential use or;
- e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units

Policy DM13 states that New community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community or educational uses will be expected to protect the amenity of residential properties.

*Whether the loss of the dwellinghouse at no.64 would be acceptable.*

The loss of the existing dwellinghouse is considered acceptable, given that the proposed use is for a local community facility to meet the needs of an existing local community. A residential unit is proposed though this would be occupied by a member of staff at the premises. The occupiers of the synagogue are understood to have been looking for new premises for some time and the site is located in an accessible location close to a town centre. The loss of the house at no.64 is therefore considered acceptable in these circumstances.

*The impact on the living conditions of neighbouring occupiers in terms of whether the building would appear overbearing and visually obtrusive*

Previous proposals were considered to be overbearing due to the projection beyond the rear wall of no.66. The current proposals are sited further away from the boundary than the existing dwelling at no.64, the existing building extends 2m beyond the rear wall of no.66 adjacent to the boundary. The proposals will extend further (7.5m), however this will be set back between 3.5m and 5m from the boundary. In this way it is considered that the building would no longer appear overbearing. Furthermore, it is not considered that the proposals would appear overbearing as viewed from properties to the rear on Golders Rise.

Overlooking of the back of Golders Rise from the first floor windows of the proposal could be prevented by a condition to require obscure glazing.

The second floor flat would be occupied for ancillary purposes to the synagogue and the level of amenity provided is therefore considered acceptable.

The second floor flat would have habitable room windows looking down towards the backs of dwellings in Golders Rise. The previous appeal inspector commented that

from the approximate position of the windows of this (westernmost) proposed flat, there would be sufficient separation not to cause undue loss of privacy.

It is considered that the proposals would not appear overbearing or visually obtrusive as perceived by neighbouring residential properties.

*Whether the development would be detrimental to the character and appearance of the general locality.*

The previous appeal inspector commented that the bulk and uniformity of the previous proposal would be obtrusive and discordant in the street scene and harm the character and appearance of the area.

The proposals have now been amended to reduce the height and massing of the proposed building and to show levels details. It is now considered that the building respects the heights of neighbouring buildings and its stepped appearance helps break up the massing of the building, preventing it from appearing monotonous.

It is considered that the proposals would have an acceptable impact on the character and appearance of the general locality and streetscene.

*Whether the proposals would result in a harmful level of noise and disturbance to neighbouring and future residents.*

The previous proposals were refused on the grounds that there was inadequate detail of potential noise generation and attenuation within the proposal to be sure that the living conditions of nearby residents and future occupants of the proposed flats would not be unduly harmed.

A noise impact study has now been provided, and a further supplement at the environmental health officers request. It is considered that subject to conditions, the proposals would not have a harmful impact on neighbouring or future residents from noise and disturbance associated with the development.

*Whether the proposals would result in a harmful impact on highway safety.*

The applicant has submitted an attendance and traffic survey. This states that:

- During the week there would be early morning and evening religious services of between 15 and 20 people.
- On Saturdays a large attendance is expected however as this is the Sabbath the premises would only be accessed by pedestrians.
- The statement advises that there would be occasional weekday evening meetings but that these are rarely attended by more than 50 people. The statement does not advise how often these would occur, for example how many times a year this would occur., or of any measures that would be employed to mitigate any harmful impacts that could occur.

- The statement advises that there may be occasional weddings or important meetings. It does not advise how often these are, or how many people would be attending, or of any special measures that could be employed to mitigate any harmful impacts that could occur.

There are 6 parking spaces proposed to the front of the building. Given that at times in excess of 50 people (It is suggested up to 250) will attend the premises it is considered that the proposal has potential to cause increased stress on parking in the locality. Therefore it is considered that the site proposal could only be justified if it could be shown that such an increase to the size of the property could be properly managed to ensure impacts on highway safety were not harmful. In this way significant weight has been placed upon the adequacy of information as uses such as a religious facility have potential to generate significant numbers of trips.

Whilst it is noted that the premises would be accessed by pedestrians on Saturdays, throughout the rest of the week it is entirely possible that a significant part of the congregation could attend by car. As a result the proposal is likely to result in an increase in traffic movements and traffic impact needs to be assessed.

The previous application was refused on the grounds that a more detailed transport statement, including activities management plan would need to be provided for the Council to be able to fully assess the highways impacts of the proposal. An activities management plan has now been submitted and highways officers consider this to be acceptable. It is therefore considered that there is now sufficient information to determine that the proposals would have an acceptable impact on highway safety.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Generally addressed in main report.

Subsidence is principally a matter dealt with under the building regulations. The basement has been removed from the proposals.

The extensions to the building have been investigated by the enforcement team, and it has been considered not expedient to take enforcement action to date.

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

The site includes an existing synagogue, and the proposals are not considered to have any impact in terms of equalities and diversities issues.

### **5. CONCLUSION**

The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 62-64 Brent Street, London, NW4 2ES

**REFERENCE:** H/04830/11



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