

LOCATION: West Hendon ExServicemans Club, 233-243 West Hendon
Broadway, London, NW9 7DH
REFERENCE: H/01208/13 **Received:** 20 March 2013
Accepted: 23 April 2013
WARD: West Hendon **Expiry:** 18 June 2013

**Final
Revisions:**

APPLICANT: Elyon School

PROPOSAL: Temporary change of use of existing building including internal alterations to facilitate conversion into a boys secondary school. Provision of 8no. car parking spaces; 11no. cycle storage area and refuse and play ground area with a new fencing and access door.

APPROVE SUBJECT TO SUBJECT TO A SECTION 106 AGREEMENT

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Requirement to submit Travel Plan** **£5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/01208/13 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 12-2510-001, 12-2510-002, 12-2510-003, 12-2510-004, 12-2510-005, 12-2510-006, 12-2510-007A, 12-2510-008A, 12-2510-009, 12-2510-010B, 12-2510-011B, 12-2510-012, 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. The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and surrounding area 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).

4. The use hereby permitted shall not be open before 8am or after 10pm on weekdays or before 8am or after 9pm on Saturdays or Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

5. Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 12-2510-007A 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. There shall be no more than 70 children on the school role at any time.

Reason: To safeguard neighbouring amenity and highway safety in accordance with policies DM04 and DM17 of the Adopted Barnet Development Management Policies 2012.

9. The use hereby permitted shall be for a limited period only and shall cease by 17/06/2018.

Reason: To ensure that the proposals do not prejudice road widening works associated with the West Hendon Regeneration Scheme, in accordance with policies CS1 and CS2.

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, DM03, DM13, DM17.

- ii) The proposal is acceptable for the following reason(s): - The proposed school is considered acceptable on a temporary basis given that part of the land is required for the West Hendon Regeneration Scheme. The proposals would have an acceptable impact on neighbouring amenity, and highway and pedestrian safety.

- 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.

RECOMMENDATION III

That if an agreement has not been completed by 17/09/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/01208/13 under delegated powers for the following reason:

In the absence of a planning obligation to monitor the proposed travel plan, the development would harm highway and pedestrian safety, contrary to policy DM17 of the Adopted Barnet Development Management Policies 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 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, DM13, DM17

Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (June 2007), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local 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.

The Council has adopted two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History:

Site Address:	West Hendon Estate, West Hendon, London NW9
Application Number:	W13937/04
Application Type:	Outline Application
Decision:	Migrated Code
Decision Date:	02/07/2008
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Redevelopment of site including the demolition of all existing buildings and construction of 2171 new residential units, approximately 10,000sqm of non-residential floorspace for retail (Class A1), office (Class A2), food and drink (Class A3), business (Class B1) and social/community and leisure (Classes D1 and D2) uses and provision of associated public and private open space, landscaping, car parking, access arrangements and highway/pedestrian improvements.
Case Officer:	Martin Cowie
Site Address:	WEST HENDON ESTATE, WEST HENDON, LONDON NW9
Application Number:	H/03620/08
Application Type:	Conditions Application
Decision:	Approve
Decision Date:	18/03/2011
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Partial submission of details of Condition 38 (Design Codes) for Character Areas D and F pursuant to planning permission reference W13937/04 dated 01/07/2008.
Case Officer:	Thomas Wyld

Consultations and Views Expressed:

Neighbours Consulted: 257 Replies: 4
Neighbours Wishing To Speak 0

One comment was received advising that there was no objection in principle but the school should ensure that the site is well maintained, and should consult with community representatives to ensure that there is not disruption to residents.

One letter of support was received.

The two objections raised may be summarised as follows:

- Increase in noise
- Additional traffic and pressure on parking
- Area suffers from fly tipping and littering
- Site is located on a main road.
- Works are ongoing at the property and flats are being built.

Internal /Other Consultations:

- Traffic & Development - Further comments will be reported to the committee in the addendum.

Date of Site Notice: 02 May 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is the former West Hendon Ex-Servicemans Club on West Hendon Broadway.

The building is two stories with roof level.

At the time of site visit it appeared that works were taking place on site, including a rear extension and the insertion of rooflights.

Proposal:

The proposals are for change of use of existing building including internal alterations to facilitate conversion into a boys secondary school. Provision of 8no. car parking spaces; 11no. cycle storage area and refuse and play ground area with a new fencing and access door.

Planning Considerations:

The main issues are considered to be:

- Whether the loss of the existing premises is acceptable
- Whether the proposals would provide an acceptable environment for a school
- Whether the proposals would harm neighbouring amenity
- Whether the proposals would harm the character of the area

- Whether the proposals would harm highway or pedestrian safety

Policy context

Policy DM13: Community and education uses

New community or educational use

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 existing premises is acceptable

The existing premises has been used a social club. It is not considered that the loss of this would cause any sort of material harm in policy terms.

It should be noted that no.233 is required for road widening as part of the West Hendon Regeneration scheme. (Initially established under planning approval reference W13937/04, subject to current application H/01053/13)

Therefore, permission could only be granted for a temporary period, it is suggested that 5 years would be appropriate if the scheme is acceptable in other respects.

Whether the proposals would provide an acceptable environment for a school

The proposals largely involve changes to the internal layout to convert the existing building to classrooms.

Rooflights would be inserted to provide staff room and offices at loft level.

There would be a rear parking area and one way access.

It is acknowledged that the school would have limited playground space. (Though the site is located close to York Park.)

The site is located within a busy environment close to a town centre.

The proposed school would have 16 members of staff and 70 students from 2014.

The proposals include nine classrooms, staff room, offices, computer room and school hall.

It is considered that the proposals would have provided an acceptable environment for a new school on a temporary basis.

Whether the proposals would harm neighbouring amenity

The site is located approximately 20m forward of blocks of flats on Marsh Drive.

The applicant has indicated that they want hours of use from 9am-12am Mon-Fri and Sun. It is noted that the school has a hall and there is concern that use after school hours could result in undue noise and disturbance to neighbouring amenities if not controlled, given that vehicles in particular are likely to access the building from the rear. Therefore it is suggested that this is limited to 9pm at weekends.

A condition is also attached suggesting that the number of pupils does not exceed the 70 suggested, to prevent harm to neighbouring amenity and to ensure that the highway impact is acceptable..

It is not considered that the proposals would harm neighbouring residential amenity.

Whether the proposals would harm the character of the area

The proposed use is considered to be acceptable given the mixed character of the surrounding area.

Whether the proposals would harm highway or pedestrian safety

The site is located close to Hendon mainline railway station and a number of bus routes on the A5. The area is subject to a Controlling Parking Zone which runs from 7am-7pm. Further away there are 10am-11am restrictions closer to the blocks of flats on Marsh Drive.

Highway officers have expressed concern regarding the access layout and an amended plan has been received showing an improved vehicular circulation route.

A planning obligation is sought to provide monitoring of the travel plan.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Area suffers from fly tipping and littering - *Noted. This is not reason to withhold permission.*

Works are ongoing at the property and flats are being built. - At the time of site visit there was no evidence that flats have been built. Any further complaints that the property has been converted to flats should be referred to the Council's enforcement team.

4. EQUALITIES AND DIVERSITY ISSUES

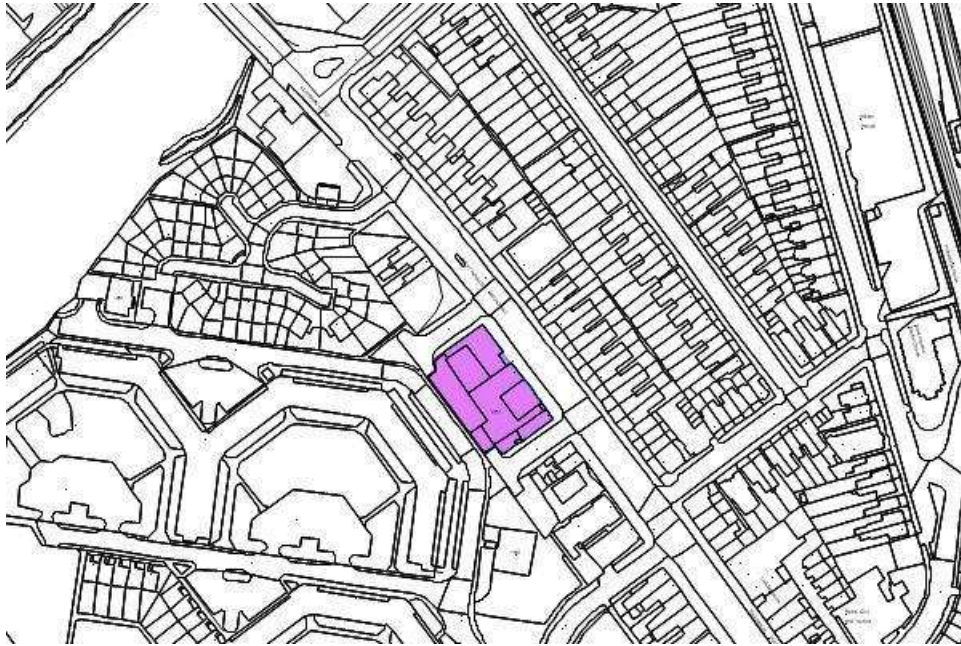
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: West Hendon ExServicemans Club, 233-243
West Hendon Broadway, London, NW9 7DH

REFERENCE: H/01208/13



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