

Location **12 Hyde Close Barnet EN5 5TJ**

Reference: **14/07079/S73**

Received: 04.11.2014

Accepted: 14th November 2014

Ward: High Barnet

Expiry 9th January 2015

Applicant: Mr

Proposal: Variation of condition 4 (Hours of Use/Operation) pursuant to planning permission B/01842/14, dated 15/07/2014, for "partial change of use of the existing ground floor (Use Class C2) to day care centre (Use Class D1)"
Variation to include a change in the restricted hours of use/operation to allow the centre to open from 8am -8pm weekdays and 9am - 5pm on weekends

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

13007su1.02 - site location plan, dated March 2014, prepared by Kyle Smart Associates

13007su1.02 - existing ground floor plan, dated March 2014, prepared by Kyle Smart Associates

13007 WD2.02 - proposed ground floor plan, dated March 2014, prepared by Kyle Smart Associates

Planning Statement, submitted for 14/07079/S73 prepared by Kyle Smart Associates

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 15/07/2014.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 The premises shall be used for a day care 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 to clients before 8am or after 7pm on weekdays and before 9am or after 5pm on weekends.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 5 The number of staff working at any one time at the proposed day care centre shall not exceed six.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email: building.control@barnet.gov.uk, telephone: 0208 359 4500, or see our website at www.barnet.gov.uk/building-control.

Officer's Assessment

1. Site Description

The application site is located in the western corner of Hyde Close in the ward of High Barnet. The development that is proposed relates to Unit C in 12 Hyde Close.

The application site currently consists of a detached block providing accommodation for people with physical and learning disabilities. The building houses Sense services. Sense is a national charity that supports and campaigns for children and adults who are deafblind. Sense works with children, young people, adults and older people with a progressive sight and hearing loss, offering a range of housing educational and leisure opportunities.

Adjoining the site, is the Anne Wall Centre, which shares a common driveway and access from Hyde Close. The Anne Wall Centre was opened in 1994 and is purpose built for deafblind people. The centre works with adults of all ages and individuals who have sensory impairments with additional learning and other associated disabilities. (Note: Whilst adjacent to the site, the Anne Wall Centre does not form part of this application).

The site is not listed, and is not within a conservation area.

The area surrounding the site is characterised as residential.

2. Site History

Reference: B/05026/14

Address: 12 Hyde Close, Barnet, EN5 5TJ

Decision: Withdrawn

Decision Date: 31 October 2014

Description: Removal of condition 4(Opening hours) pursuant to planning permission B/01842/14 dated 15/7/14.

Reference: B/01842/14

Address: 12 Hyde Close, Barnet, EN5 5TJ

Decision: Approved subject to conditions

Decision Date: 15 July 2014

Description: Partial change of use of the existing ground floor (Use Class C2) to day care centre (Use Class D1).

Reference: N02773N/04

Address: 12 Hyde Close, Barnet, EN5 5TJ

Decision: Approved subject to conditions

Decision Date: 10 March 2004

Description: Insertion of new windows to front and side elevations including new glazed panel to front entrance.

3. Proposal

The development includes the variation to Condition 4 (Hours of use / operation) pursuant to Planning Permission B/01842/14 dated 15/07/2014 for the "Partial change of use of the existing ground floor (Use Class C2) to day care centre (Use Class D1)".

The variation includes a change in the restricted house of use / operation to extend the Centre's operational hours from the current Monday to Friday 9am to 5:30 pm to Monday to Friday 8am to 8pm and Saturday and Sunday 9am to 5 pm.

4. Public Consultation

A site notice was posted on 4 December 2014.

Consultation letters were sent to 67 neighbouring properties.
7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Concern is that the extended opening hours will have a direct impact on traffic, noise levels and parking issues.
- Concern that if the centre has longer hours, they will offer their facilities to outside agencies who have no connection with the area and in turn, have no regard for those who live here.
- Concern regarding access. We already have problems associated with the drop off and collection of day centre users by ambulances and taxis. There is inadequate parking on the site to cater for this and frequently these vehicles park illegally all down Hyde Close in resident's bays.
- Concern regarding the use of residents parking bays in the street
- Concern regarding the increased noise from car engines
- Concern that if the application is approved then there is potential for all sorts of functions to be held at this venue. Concern that the site has a dance hall, restaurant and commercial kitchen, and this would allow all sorts of events to be held.

Internal Consultation

LBB Highways Comments:

The proposal is to extend the Centre's operational hours from the current Monday to Friday 9am to 5:30 pm to Monday to Friday 8am to 8pm and Saturday and Sunday 9am to 5 pm. A maximum of 6 members of staff and 6 users are expected to be on site at one time.

There are four unallocated visitor parking spaces available at 12 Hyde Close. Outside normal working hours (9-5pm) Family Centre users will have priority over these spaces. If Family Centre users drive, outside of normal working hours they will be given priority to use the visitor parking bays at 12 Hyde Close. Staff parking has been removed from the site to allow maximum parking for centre users and Staff use public transport, walk and use car sharing.

The site is located on a Controlled Parking Zone (CPZ) which restricts parking Monday to Saturday between 8:00 am and 6:30 PM.

The proposed variation of operating hours on weekdays to allow opening until 8:00 pm would extend the operating hours beyond the controlled parking times. However this is not expected to result in levels of additional on street parking demand, such as to warrant refusal.

The proposed operation times on Saturdays 9am to 5 pm are within the controlled hours of the CPZ.

It is considered that the proposed extension of the Centre's operation hours will not result in a detrimental impact on the public highways and the proposal is considered acceptable on highways grounds.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

By way of context and background, the site is adjacent to the Ann Wall Centre, which is a purpose-built centre for deafblind people and runs services to assist with raising the quality of life of people with this disability.

Sense offers a specialist service for deafblind and multi-sensory impaired people, as well as those who have a single-sensory impairment with additional needs. The programs that Sense offer are aimed to encourage people to be as independent as possible.

A Children's Centre was previously located in the Anne Wall Centre. A new family centre which runs play activities for for deafblind preschool children, provides assessment for children and young adults, as well as gives support for their families, operates out of Unit C within 12 Hyde Close, and received planning permission for "partial change of use of the existing ground floor (Use Class C2) to day care centre (Use Class D1)" pursuant to B/01842/14 in 15/07/2014. A restriction on the centre's hours of operation, (between 9am and after 5.30pm weekdays), was included in the consent.

The family centre seeks to support services for children outside of school hours, providing play and social opportunities to meet with other children with similar communication needs. The Centre seeks to run some evening and weekend events for children and families, as some families often work, it is often difficult to access the facilities during normal working hours.

The hours are therefore proposed to be:

- * 8am – 8am Monday to Friday
- * 9am – 5pm Weekends

The types of activities provided are related activities which can include music. Flat C is located in a part of the site that is away from nearby residential dwellings, and noise generating activities such as music will be contained within the flat.

The site is located within a Controlled Parking Zone (CPZ) which restricts parking on nearby residential streets from Monday to Saturday between 8:00 am and 6:30 PM.

It is advised that the busiest group will have up to 6 families attending (i.e. a deafblind child and a parent) and there are also up to 6 staff that may be in on the same day, therefore giving a maximum capacity of 18 people. However, it is advised that a more realistic day to day figure would be approximately 8 people (being a mix of staff, children and families).

Staff who work on the site (Monday to Friday) are not permitted to park on the site and the car park has allocated visitor parking and turning circle. It is advised that currently staff who work in the centre travel to work in the following ways: 3 staff members drive and park outside the CPZ and walk to the centre; 1 staff member uses public transport (bus); 1 staff member walks from home; 1 staff member cycles, and occasionally the drivers will use the pay by phone parking that is located nearby.

The extended hours will result in an increase in the patronage to the centre, but it is considered that on balance, and due to the centres proximity to public transport modes, and the limitation of staff not parking on site, the modest number of additional deafblind children and families attending the centre will not demonstrably impact the amenity of nearby residential neighbours in terms of parking, noise and general disturbance.

5.4 Response to Public Consultation

The planning matters of consideration have been addressed in the above appraisal. Should the site propose a use that is contrary to a 'day care centre (Class D1)', the site would be subject to a separate planning application, where the future use would be assessed.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

8. Site Plan

