



5. The use hereby permitted shall not be open to customers before 8:30am or after 5:00pm on weekdays, before 10:00am or after 4:00pm on Saturdays, or on any Sunday, Bank or Public Holiday.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

6. The method of drop-off and pick-up of clients in connection with the development hereby permitted shall be as set out in the supporting text within Drawing No. 7361\_03 (received 23 November 2012).

Reason: To ensure the proposal is not detrimental to highway safety.

### **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: CS NPPF, CS1, CS5 and CS10.

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

ii) The proposal is acceptable for the following reason(s):

The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal is not considered to be detrimental to highway safety. The proposal accords with council policy and guidance and the application is subsequently recommended for approval

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. In this instance, the Local Planning Authority has negotiated with the applicant / agent where necessary to ensure that the proposed development is in accordance with the relevant adopted policies set out above.

### **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.

#### Local Plan Core Strategy (Adopted September 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). The Core Strategy was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5 and CS10.

#### Local Plan Development Management Policies (Adopted September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. The Development Management Policies DPD was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Development Management Policies: DM01, DM02, DM13 and DM17.

#### Adopted Supplementary Planning Guidance and Documents

The Council has 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.

### Relevant Planning History:

**Application Number:** N04697B  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Proposal:** **Continued use of ground floor as health and fitness centre.**

**Application Number:** N04697C  
**Application Type:** Material Minor Amendment/Vary Condition  
**Decision:** Refuse. Unacceptable noise and disturbance, to the detriment of residential amenities of neighbouring occupants.  
**Decision Date:** 03/08/1993  
**Proposal:** **Variation of condition 2 of planning permission N04697B to permit Sunday opening 10.00 to 18.00 hours of ground floor health and fitness centre.**

**Application Number:** N04697F  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 21/11/1994  
**Proposal:** **Continued use of first floor as creche, sun-beds, office, storage and therapy rooms in conjunction with fitness centre on ground floor.**

**Application Number:** N04697H/01  
**Decision:** Refuse. Unacceptable noise and disturbance, to the detriment of residential amenities of neighbouring occupants.  
**Appeal Decision:** Dismissed  
**Proposal:** **Variation of Condition 1 of Planning Permission Ref No. N04697F dated 21-11-94 to allow use of first floor as gymnasium, creche, office, sunbeds and toilets and variation of condition 2 of Planning Permission Ref No. N04697B dated 12-08-92 to allow premises to open on Sundays and Bank Holidays from 10.00am to 6.00pm.**

**Application Number:** N04697N/05  
**Decision:** Refuse. Proposal would not provide sufficient off-street parking facilities for staff and parents, resulting in a conflict between vehicles and pedestrians  
**Proposal:** **Change of use of gym/fitness centre to a children's day nursery (Class D1) for children aged 0-5 years, open Monday to Friday from 8am to 6pm.**

### Consultations and Views Expressed:

Neighbours Consulted: 70                      Replies: 15  
Neighbours Wishing To Speak: 1

The objections raised may be summarised as follows:

- The site is unsuitable as it has insufficient parking.
- The access to the site is unsuitable.
- Inconsiderate parking in Brunswick Crescent will cause gridlock to streets that are already insufficient to meet parking demand for residents, and will have a knock-on effect to neighbouring streets.
- The site is surrounded by residential properties - any noise will disturb occupants of the residential properties.
- Hours of use are too long for a residential area.

Any comments received relating to the revised details will be reported in the Addendum to accompany the Committee Report.

### Internal /Other Consultations:

Environmental Health: The proposed hours of use of 8:30 to 18:30 Monday to Friday sound reasonable. Saturdays it may be appropriate to finish earlier than 18:30. The

amount of people potentially using the centre is not likely to cause noise levels that would cause detriment to the amenity of neighbouring residents. The use is likely to be quieter than the existing gym, which also has longer hours of use.

Traffic and Development: The proposal is for the conversion of a gym into a learning centre for young adults with learning disabilities. A total of 4 off-street parking spaces will be maintained and will be accessed via existing vehicle access. In addition, a dropping off area is provided within the site. A total of 18 young people supported by 6 or 7 staff members are expected to be on site at one time. Three people-carriers will perform the drop-off and pick-up to and from the site, and these vehicles will be driven by members of staff and parked within the site. The existing gym could generate more vehicle trips and higher parking demand than the proposed use. Taking into consideration the number of expected journeys to the site, the proposed operation of the development and the expected parking demand for the existing use, the parking provision is considered acceptable on highway grounds. The applicant has provided a drawing which includes vehicle swept paths, showing that vehicles can turn within the site.

Date of Site Notice: 13 September 2012

## **2. PLANNING APPRAISAL**

### Site Description and Surroundings:

The application site contains a two storey building, located to the rear of Nos. 87-89 Brunswick Crescent. It is accessed from a vehicular access adjacent to No. 89. The building is surrounded by residential properties to the north, east and south, and the entrance to the North London Business Park to the west.

As briefly noted in the 'Relevant Planning History' section above, there have been a number of planning applications on this site, and an understanding of these is important. Application N04697B related to the continued use of the ground floor as a health and fitness centre. That application was approved subject to conditions in 1992, and included a condition restricting opening hours to not be open before 9:00 or after 22:00 on weekdays, and not at all on Sundays, Bank and Public Holidays. Application N04697C sought to vary the opening hours to allow Sunday opening from 10:00 to 18:00. That application was refused on the grounds that the Sunday opening would result in unacceptable noise and disturbance, to the detriment of the residential amenities of the occupiers of neighbouring properties, and was subsequently dismissed at appeal.

Application N04697F related to the continued use of the first floor of the premises as a creche, sun-beds, office, storage and therapy rooms in conjunction with the ground floor use as a fitness centre. That application was approved subject to condition, including a condition restricting opening hours as above, to not be open before 9:00 or after 22:00 on weekdays, and not at all on Sundays, Bank and Public Holidays. Application N04697H/01 was a request to vary the hours of opening conditions attached to the permissions above, to allow Sunday and Bank Holiday opening from 10:00 to 18:00. The application was refused by the Council and dismissed at appeal, as it was considered the additional opening hours would result in unacceptable noise and disturbance, to the detriment of the residential amenities of neighbouring residential occupants.

Application N04697N/05 proposed the change of use of the building to a children's day nursery (Use Class D1) for children aged 0-5 years, open Monday to Friday 8am

to 6pm. The nursery would have had a capacity for between 50 to 60 children, with 12 full time staff. Three parking spaces were to be provided on site. This application was refused on the grounds that the proposal would not provide sufficient off-street parking facilities for staff and parents, resulting in a conflict between vehicles and pedestrians.

Proposal:

This application proposes a change of use from a gymnasium (Use Class D2) to a Day Care Centre (Use Class D1).

The applicant has provided the following additional information:

- DALO offers services to people who are aged 16-32 years old with learning difficulties and disabilities.
- On a daily basis, DALO works with an average of 10-12 clients per day, with 5 staff to support.
- The Wood Green Centre will move permanently to Tottenham at the beginning of January 2013, and Haringey Clients will continue to access DALO services in Haringey.
- A move to permanent accommodation would allow work with 18 clients per day, with 6 staff plus an administrator. The number of clients on any one day would be no more than 18, with 6 staff and 1 administrator, with a total of 25 people on the site. A staffing ratio of 3:1 is used.
- Support is currently given to 14 Barnet residents, though not all attend the centre in any one day.
- A range of services is offered, from college support to group learning activities, to help individuals develop their independent living skills.
- The programme runs Mondays to Saturdays and offers a range of activities from Arts and Crafts to Travelling Training.
- Start and finish times for clients are Monday to Friday 9:30 to 15:30. Staff arrive between 8:30 and 9:30 (with clients) and leave between 15:30 (with clients) and 17:00.
- Weekend openings would be on Saturdays from 10:00 to 16:00. The number of clients would be approximately 6, with 2 or 3 staff. Staff would arrive and leave with the young people on Saturdays.
- Three people carriers will perform the pick-up and drop-off. These will be parked on site during the day.
- No other vehicles would be expected to drop-off or pick up clients.
- Staff working at the centre would be involved with the pick-up and drop-off, and will arrive at the centre in the vehicles.

The agent has provided the following additional information:

- There will be allocated parking spaces for the pick-up and drop-off as well as reserved spaces for staff.

The applicant has submitted the responses to a survey carried out of 13 parents/carers of young people who attend the programme at Wood Green and live in Barnet, and has advised the following (summarised):

- 11 parents said DALO provides their young people with travel support and day-time learning
- 2 parents said DALO provides their young people with travel support
- 10 parents said the service they receive is excellent.
- 13 out of 13 said they would prefer the service be provided within their local borough.

### Planning Considerations:

Policy DM13 states that new community uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres. It states that new community uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community uses will be expected to protect the amenity of residential properties. The supporting text explains that community and educational uses may be appropriate in residential areas where they do not have a demonstrably harmful impact on the amenities of nearby residential properties.

It is noted that planning application N04697N/05 proposed the change of use of the premises from a gym to a children's day nursery. That application was refused planning permission, but only on the grounds that insufficient off-street parking facilities would be provided. No objections were raised in that application to the change of use from a gym to a day nursery, although it is noted that the current adopted planning policies were not in use at this time.

The existing use of the application site is as a gym. The planning permission for the gym allows its use from 9:00am to 10:00pm on weekdays (which includes Saturdays), and not at all on Sundays, Bank or Public holidays. The number of attendees to the gym is not limited by Planning Condition, and is therefore restricted only by the operational limitations of the gym itself. The use as a gym could result in comings and goings throughout the 11 hours of opening throughout the day. The fitness centre could result in noise and disturbance through the nature of its uses, for example by virtue of the presence of amplified music.

The proposed use as a day care centre would be carried out from 9:30 to 15:30 Mondays to Fridays, and 10:00 to 16:00 Saturdays. Staff would arrive from 8:30 and leave by approximately 17:00 Mondays to Fridays, and at the same time as clients on Saturdays. The Environmental Health Service has raised no objections to the proposal, stating that the proposed hours of use and number of people using the centre are not likely to cause noise levels that would cause detriment to the amenities of neighbouring residents. They have also advised that the proposed use is likely to be quieter than the gym, which has longer hours of use and would attract a greater number of people. The disturbance caused by clients arriving and leaving the proposed centre is reduced as a result of the use of people carriers driven by staff being the primary transportation method. The proposed centre would be open for fewer hours than the existing gym, and would attract fewer visitors during the day. Given its opening hours, the nature of the proposed use including the number of attendees and the method of transportation, it is not considered that the proposal would be detrimental to the amenities of the occupants of the neighbouring residential properties. Furthermore, the information submitted as part of the current application allows the Local Planning Authority to exercise controls over the proposed facility, in terms of limiting the nature of the use and the opening hours by planning condition, that could not be exercised over the use of the building as a gym. These additional controls will allow the Local Planning Authority ensure the proposal does not have the potential to have a significant adverse effect on the amenities of neighbouring occupants.

The applicant's supporting documentation states that on a daily basis the 12 clients would be supported by 6 or 7 staff. It is acknowledged that the submitted plans show only 4 parking spaces within the site, whilst the applicant hopes that clients would be supported by 6 or 7 staff. The parking area is to be accessed from the existing

vehicular access. It is not considered that any additional parking could be reasonably provided within the curtilage of the site. Given that the Traffic and Development team have not raised any objections to the proposal on parking or highway grounds, and given the very small shortfall in off-street parking, it is not considered that objections could be raised to the proposal on the grounds of insufficient parking. Furthermore, it is noted that Policy DM13 requires community uses to be located where they are accessible by public transport. To this end, the application site is located within 200 metres of bus stops. As such, it is considered that the proposal would comply with the requirements of Policy DM13, as the new community use would be located in an accessible area, would not have a significant impact on the free flow of traffic, and would not adversely affect the amenities of the occupants of neighbouring residential properties.

It is noted that a previous application on this site to change the use from a gym to a day nursery was refused planning permission in 2005 on the grounds that insufficient parking space would be provided. It is noted that the day nursery use would have been far more intensive than the use currently proposed, with capacity for 50 to 60 children and 12 staff. In contrast the current proposal would involve far fewer attendees and an organised pick-up and drop-off schedule.

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

The Traffic and Development team have raised no objections with regard to the impact of the proposal on highway safety, and it is stated that the proposed use would result in fewer vehicle movements than the existing use as a gym. The hours of use requested for the proposal would be less than the current hours of use for the gym. All other comments are addressed in the appraisal above.

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

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

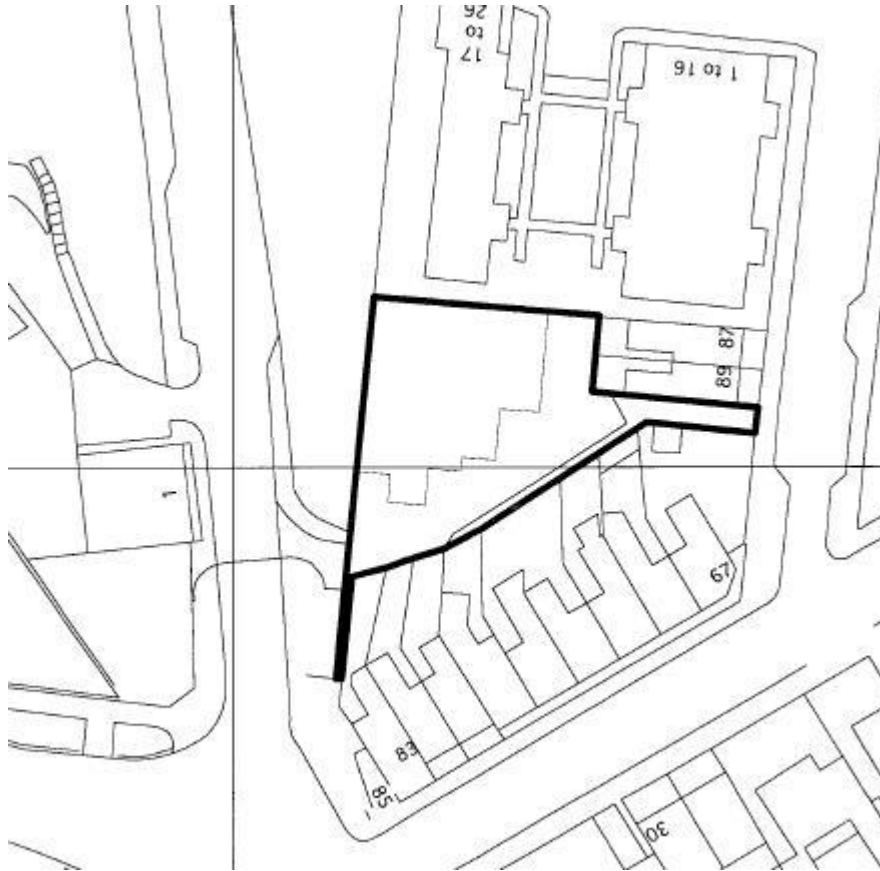
### **5. CONCLUSION**

The proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal is not considered to be detrimental to highway safety. The proposal accords with council policy and guidance and the application is subsequently recommended for approval subject to conditions.



**SITE LOCATION PLAN: 91 Brunswick Crescent, London, N11 1EE**

**REFERENCE: B/03064/12**



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.

