

LOCATION: 56A Crewys Road, London, NW2 2AD
REFERENCE: F/00272/13 **Received:** 22 January 2013
Accepted: 22 January 2013
WARD(S): Childs Hill **Expiry:** 19 March 2013

Final Revisions:

APPLICANT: Loudwater Trade and Finance Ltd
PROPOSAL: Variation of condition 8 of planning permission F/04036/11 dated 08/11/11 for 'Extension to roof including alteration to roof height and insertion of rooflights to facilitate a loft conversion and create additional office space.' Variation to include the increase in number of employees from 16 to 36,

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Design and Access Statement; Photos; Plan No's 55 2010/1 (date stamped 28 September 2011); 55 2010/2 (date stamped 28 September 2011); Applicants 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 development hereby permitted is occupied existing parking spaces shall be retained in accordance with the proposed planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason:

To ensure that adequate and satisfactory provision is made for parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 4 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).

- 5 No development shall take place until details of the arrangements to meet the obligation for library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS10,

CS11 and CS15 of the Adopted Barnet Core Strategy DPD (2012) and the adopted Supplementary Planning Document "Contributions to Libraries" and "Planning Obligations".

- 6 The use within additional office space hereby permitted shall not be carried out before 9.00am or after 6.00pm on Monday to Saturdays and not at any time on Sundays and Bank Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 7 The premises shall be used for offices and no other purpose (including any other purpose in Class B1 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.

- 8 The premises as extended (including the ground floor of 56A Crewys Road) shall be occupied by a maximum of thirty six employees only unless previously approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of surrounding residential properties.

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

Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM12, DM14

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

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and pro active 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 Development 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 interest of one person against another. the basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected.

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with the development plan without delay.

The Mayor's London Plan: July 2011

The London Plans is the overall strategic development plan for London, 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.

Barnet's Local Plan (Core Strategy) Development Plan Document (2012): CS5

Barnet's local Plan (Development Management Policies) Development Plan Document (2012): DM01, DM02, DM03, DM12 and DM14

Relevant Planning History:

Site history for current landparcel :

181958 - 56A Crewys Road, London, NW2 2AD

Case Reference: **F/00272/13**

Application:	Planning	Number:	F/00272/13
Validated:	22/01/2013	Type:	S73
Status:	PDE	Date:	
Summary:	APC	Case Officer:	Jo Dowling

Description: Variation of condition 8 of planning permission F/04036/11 dated 08/11/11 for 'Extension to roof including alteration to roof height and insertion of rooflights to facilitate a loft conversion and create additional office space.' Variation to include the increase in number of employees from 16 to 36,

Application: Planning
Validated: 18/04/2011
Status: DEC
Summary: REF
Number: F/01557/11
Type: APF
Date: 13/06/2011
Case: Junior C. Moka
Officer:
Description: Roof extension including dormer window and rooflights to create first floor office space.

Application: Planning
Validated: 03/10/2011
Status: DEC
Summary: APC
Number: F/04036/11
Type: APF
Date: 14/11/2011
Case: Junior C. Moka
Officer:
Description: Extension to roof including alteration to roof height and insertion of rooflights to facilitate a loft conversion and create additional office space.

Application: Planning
Validated: 23/12/2008
Status: DEC
Summary: REF
Number: F/04747/08
Type: APF
Date: 10/02/2009
Case: Fabien Gaudin
Officer:
Description: Change of use from Class B1/B8 use to Class A2 use (Financial and Professional).

Consultations and Views Expressed:

Neighbours Consulted: 116 Replies: 28
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Crewys Road is already congested and doubling the amount of employees at 56a will adversely impact on this problem.
- Cars park on the pavement which blocks the way for pedestrians.
- Crewys Road is very narrow and heavily parked which means driving up and down the road is difficult.
- Smokers gather outside the premises leaving butts on the pavement and polluting the air.
- The offices are used at the weekend and late at night in an area which is predominantly residential.
- The expansion of the business use in a predominately residential area is unacceptable and will lead to the erosion of the surrounding community.
- The proposal will lead to more noise, more disruption and more disturbance.
- The condition was put on by the committee at the last meeting to address residents concerns about noise, traffic and parking.
- The visual impact and loss of light to nearby gardens and residences created by such an extension and its scale.

- Overlooking and loss of privacy to adjoining and nearby private gardens, bedrooms and living areas that the building work overlook.
- Noise and disruption from construction traffic

Councillor Jack Cohen has requested that the application be referred to the planning committee for determination in view of the concerns of local residents and in light of the previous committee decision.

Internal /Other Consultations:

Traffic and Development - No objection

Date of Site Notice: 07 February 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site forms part of a small group of businesses located half way down Crewys Road. The surrounding area is predominantly residential, characterised by two storey terraced properties. The site's lawful use is for offices (use class B1).

A residents Controlled Parking Zone (CPZ) operates in Crewys Road for 1 hour a day (11am -12pm, Monday to Friday).

Proposal:

Planning permission was granted (our ref: F/04036/11) on the 8th November 2011 for an extension to the roof of 56A Crewys Road including alteration to roof height and insertion of rooflights to facilitate loft conversion and create additional floorspace. This extension is currently under construction.

Consent was granted subject to a number of conditions. Condition 8 stated:

"The premises as extended (including the ground floor at 56A Crewys Road) shall be occupied by a maximum of sixteen employees only unless previously approved in writing by the local Planning authority.

Reason: To safeguard the amenities of occupiers of surrounding residential properties."

The condition was added by members at the meeting in order to address concerns raised by residents.

The current application is to vary condition 8 to increase the number of employees allowed at the premises to 36.

Planning Considerations:

The main issues to be considered in this case are:

1. Parking, access and vehicle movements;
2. the impact on the amenity of adjoining residents in terms of noise and

disturbance.

When the current consent was considered in November 2011, the application was recommended for approval by officers on an unrestricted basis (ie there was no condition limiting the number of employees at the site). On this basis the Traffic and Development Officers advised:

- 4 spaces are to be retained on the site;
- the site is located within a Controlled Parking Zone; and
- the site is within walking distance of amenities and public transport.

As a result they considered that the proposal would not be likely to have any significant additional impact on the public highway and was therefore considered acceptable on highway grounds.

The Traffic and development section was re-consulted on the current proposals and reiterated their previous response. As a result there are no objections to the current proposal on highways grounds.

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours is unlikely to be supported. Good neighborliness is a yardstick against which proposals can be measured.

Policy DM04 (D) advocates that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Mitigation of noise impacts through design, layout and insulation will be expected where appropriate.

The use of the building is for offices, which are classified as B1 under the Town and Country Planning (Use Classes) order 1987 (as amended). The Use Classes Order defines B1 as follows:

"Use for all or any of the following purposes:—
(a) as an office other than a use within class A2 (financial and professional services),
(b) for research and development of products or processes, or
(c) for any industrial process,
being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."

Therefore it is considered by definition that the use is acceptable in a residential location. The original consent contains a condition restricting the use of the premises to offices only in order to safeguard the amenity of adjoining residents by controlling any further changes of use within this use class.

Adjoining residents have raised concerns about noise and disturbance arising from the hours of operation and from employees smoking and talking on mobile phones in the street. When consent was granted in November a condition restricting the hours

of use of the premises from Monday-Saturday 9.00am to 6.00pm was imposed to address this concern. The behaviour of staff using the building is a management issue that can not be controlled by planning legislation.

Finally it should be noted that the original building has the benefit of an unfettered planning use so there is no restriction on the number of people who could currently be employed at the premises. The applicant has provided floor plans demonstrating that 47 people could be accommodated in the current accommodation without the benefit of the proposed extension. The applicant has also advised that the adjoining businesses (56b and 56c) employ approximately 22 and 25 respectively.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These have been covered in the report. However, the following additional specific responses can be made:

- The impact of the proposed extension in terms of its visual impact; overlooking; loss of light and loss of privacy is not a material consideration to the determination of this application and was considered as part of the previous application (F/04036/11).
- The noise and disturbance from construction traffic is not a material consideration in the determination of this application which is to vary a condition regarding the number of employees allowed on the site.

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

having taken all material considerations into account, it is considered that subject to compliance with the recommended conditions, this proposal complies with the requirements of the NPPF and the adopted Local Plan. It is not considered, for the reasons outlined in the planning appraisal, to have a detrimental impact on the residential amenities of neighbouring occupiers and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 56A Crewys Road, London, NW2 2AD

REFERENCE: F/00272/13



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