

Location	189 Regents Park Road London N3 3PB	
Reference:	21/4636/FUL	Received: 24th August 2021 Accepted: 24th August 2021
Ward:	Finchley Church End	Expiry 19th October 2021
Case Officer:	Sinead Normoyle	
Applicant:	Mrs Azita Akramzadeh	
Proposal:	Temporary use of ground floor as mixed residential and child minding use	

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

GA-100,
Location Plan,
Planning 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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 The use hereby permitted shall be for a limited period only, expiring on 19.10.2023, when the use shall be discontinued.

Reason: To enable the Local Planning Authority to monitor the impact of the use in order to protect the amenities of the area.

- 3 The use hereby permitted shall only be carried out between 8am and 6pm Monday-Friday and at no time on Saturdays, Sundays and public holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 4 The number of children looked after, including the applicant's children, shall not exceed 9.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 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 The applicant is reminded that any advertisement on the site requires advertisement consent.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a two-storey detached dwelling.

The proposal is not located in a conservation area and the site is not located within the setting of any listed buildings or locally listed buildings.

2. Site History

N/A

3. Proposal

Temporary use of ground floor as mixed residential and child-minding use.

4. Public Consultation

Consultation letters were sent to 137 neighbouring properties.

50 responses have been received, comprising 34 letters of support and 16 letters of objection.

16 letters of objections summaries below:

- Traffic,
- Car parking,
- The nursery is already operating,
- Safety,
- Noise and congestion problems,
- The playschool offers multiple sessions throughout the day with parents parking their cars for at least 20 mins (drop off/pick up) from 7.30am-6.30pm on double yellow lines letters of, obstructing entry and exit to driveways for residents throughout the day.
- Many of the letters of support are from people that do not live in the area.

27 supporting statement received can be summarised as follows:

- Good childcare facility,
- Good location.

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 revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Government's 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

T6.1 - Residential Car Parking

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, CS4, CS5,

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM13.

Barnet's Local Plan (Reg 19) 20210

Barnet's Draft Local Plan -Reg 19- Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- 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

Character and appearance/Living conditions of neighbouring residents

The applicant seeks permission to use the ground floor of the property as a child-minding business, Monday - Friday (8am - 6pm). It should be noted that the applicant is currently using the ground floor for childminding for up to 14 children. No planning permission has been granted for this use.

The use of the ground floor reverts back to residential use after the child-minding operation stops after 6pm (Monday - Friday). Children are dropped off between 8am-10am and children are picked up between 4pm-6pm. There is one fulltime childminder and one childminder assistant.

The applicant is applying for childcare for a maximum of 9 children, this number will form a condition of consent. It should be further noted that planning permission is not normally required for the use of a house for childminding where:

1. No more than 6 children (including children of the householder) may be looked after at any time.
2. No sign advertising any activity as a childminder or indicating its nature may be placed on the exterior, or within the curtilage, of the building or otherwise so as to be visible from outside the building.

Currently 3/4 children are currently dropped off and picked up by car and the remaining children arrive and leave by foot.

The applicant is now seeking temporary change of use change of use of a building from use as a dwellinghouse (Use Class C.3) to combined use as a dwellinghouse and by the householder as a childminder for a two-year period.

When assessing such applications, the Council needs to consider what additional harm would be caused by the temporary change of use of the property for childminding.

Given that the house is detached and hours are restricted 8am to 6pm Mondays to Fridays, the continued use of the property is considered not to result in an appreciable level of noise and disturbance that would lead to reasonably refusing the application on this basis.

Councils environmental health team have confirmed they have no objection. As such the continued use of the property for child minding on the ground floor is not considered to be harmful.

Council's Highway team have assessed the application and not raised any objection. Given the proposed hours of use, from 8am to 6pm Mondays to Fridays, the proposal is considered not to significantly increase the pressure for kerb side parking to unacceptable levels

The property remains in residential use and as such the childminding use does not result in the loss of a dwellinghouse in a predominately residential location.

Overall, given the house is detached and its main road location, the proposal is considered

to have an acceptable impact on the residential amenities of neighbouring occupiers, would not create highway conditions prejudicial to the surrounding area and would meet relevant planning policy.

5.4 Response to Public Consultation

Public consultation responses are addressed in the body of the report and through conditions.

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.

