

Location 58 Crewys Road London NW2 2AD

Reference: 22/0012/S73 Received: 4th January 2022
Accepted: 4th January 2022

Ward: Childs Hill Expiry 1st March 2022

Case Officer: Sinead Normoyle

Applicant: Mr Roy Graham

Proposal: Variation of condition 2 (Hours of Use) of planning permission reference C01032M/03 dated 03/06/2003 for 'Alterations to front elevation including new entrance doors and windows and conversion of building into 4no. separate B1 units.' Variation to include changes to the wording of the condition to read, 'The use hereby permitted shall only be carried out between the following times, Units 56, 56A and 58 - 9am to 6pm Monday to Saturday, Unit 58A - 8am to 8pm Monday to Friday and 9am to 1pm Saturday. The use shall not be carried out at any time on Sundays or Public Holidays.' The amended hours relate to unit 58A only

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:

Planning statement, Henry Planning
31,
32,
33 Rev A ,

Site location plan

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 only be carried out between the following times, Units 56, 56A and 58 - 9am to 6pm Monday to Saturday, Unit 58A - 8am to 8pm Monday to Friday and 9am to 1pm Saturday. The use shall not be carried out at any time on Sundays or Public Holidays. The units are numbered as shown on Plan No. 33 Rev A).

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

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.

OFFICER'S ASSESSMENT**1. Site Description**

Unit 58A is occupied by a Jewish educational youth charity. The site is situated within the Childs Hill Ward.

The site is not within a conservation area and does not contain any listed buildings.

2. Site History

Reference: 21/1114/S73

Address: 58 Crewys Road, London, NW2 2AD

Decision: Refused

Decision Date: 9 July 2021

Description: Variation of condition 2 (Hours of Use) of planning permission reference C01032M/03 dated 03/06/2003 for 'Alterations to front elevation including new entrance doors and windows and conversion of building into 4no. separate B1 units.' Variation to include changes to the wording of the condition to read; The use hereby permitted shall only be carried out between the following times; Units 56 and 58 - 9am to 6pm Monday to Saturday, and 9am to 1pm Saturday and not at any times on Sundays or public holidays. Unit 58A - 8am to 10pm Monday to Friday, and 9am to 6pm Saturday and Sunday and not at all on public holidays.' To allow changes to hours of use

Reason:

1. The proposed extended hours are considered likely to result in undue noise and disturbance from associated activity which would be detrimental to the residential amenities of neighbouring properties on Crewys Road, contrary to Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 and DM04 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Sustainable design and Construction SPD (2016).

Reference: C01032M/03

Address: 58 Crewys Road, London, NW2 2AD

Decision: Approved subject to conditions

Decision Date: 3 June 2003

Description: Alterations to front elevation including new entrance doors and windows and conversion of building into 4no. separate B1 units

Condition 2 states:

"The use hereby permitted shall only be carried out between the following times:-

Units 56, 56A and 58 - 9am to 6pm Monday to Saturday

Unit 58A 9am to 6pm Monday to Friday

9am to 1pm Saturday

The use shall not be carried out at any time on Sundays or Public Holidays"

Reference: C01032T/06

Address: 58 Crewys Road, London, NW2 2AD

Decision: Approved subject to conditions

Decision Date: 13 July 2006

Description: Alterations to Roof Including Dormers to Both Sides and Other Minor Alterations to Building to Provide Additional Office Space at First Floor Level

Reference: C01032R/05

Address: 58 Crewys Road, London, NW2 2AD

Decision: Withdrawn

Decision Date: 19 December 2005

Description: Alteration to roof including dormer windows to both sides and other minor

alterations.

Reference: C01032S/05

Address: 58 Crewys Road, London, NW2 2AD

Decision: Approved subject to conditions

Decision Date: 9 February 2006

Description: Alterations to roof including dormer windows to both sides and other minor alterations to provide additional office space at first floor level.

Condition 3 states:

"The use hereby permitted shall not be carried out before 9.00am or after 6.00pm on Monday to Saturdays and at any time on Sundays and Bank holidays"

3. Proposal

Variation of condition 2 (Hours of Use) of planning permission reference C01032M/03 dated 03/06/2003 for 'Alterations to front elevation including new entrance doors and windows and conversion of building into 4no. separate B1 units.' Variation to include changes to the wording of the condition to read, 'The use hereby permitted shall only be carried out between the following times, Units 56, 56A and 58 - 9am to 6pm Monday to Saturday, Unit 58A - 8am to 8pm Monday to Friday and 9am to 1pm Saturday. The use shall not be carried out at any time on Sundays or Public Holidays.' The amended hours relate to unit 58A only

4. Public Consultation

Consultation letters were sent to 149 neighbouring properties -

36 objections received. Summaries below:

- o Activities that will disturb the neighbours.
- o Disturbed the neighbouring properties.
- o Proposed hours are unreasonable.
- o Increase in traffic.
- o Increase in traffic nuisance
- o Additional Parking at busy times of day ie school drop off, people returning from work.
- o Light pollution.
- o Climate change.
- o Noise disturbance.
- o Noise from events.
- o Refuse/Rubbish
- o This is a residential area.
- o If granted other business will increase hours of operation.
- o Impact the neighbouring properties enjoyment of their home.

Internal consultation

Environmental health - No objection to the proposal.

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 in July 2021. 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2021

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. 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 Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 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

Officers consider that the main planning considerations are as follows:

- 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

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

No external alterations are proposed as part of this application.

As such, the proposed development is not considered to negatively impact the character of the existing dwelling, streetscene and wider area and is therefore acceptable under Policy DM01.

Potential impacts upon the amenities of neighbouring residents

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 and DM04 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The application is made in respect of application ref: C01032M/03, granted planning permission 3rd June 2003. Condition 2 of that permission states:

"The use hereby permitted shall only be carried out between the following times:
Units 56, 56A and 58 - 9am to 6pm Monday to Saturday
Unit 58A - 9am to 6pm Monday to Friday - 9am to 1pm Saturday. The use shall not be carried out at any time on Sundays or Public Holidays."

The proposal seeks an amendment to allow extended hours to unit 58A.

The proposal seeks an amendment to the condition to read:

'The use hereby permitted shall only be carried out between the following times, Units 56, 56A and 58 - 9am to 6pm Monday to Saturday, Unit 58A - 8am to 8pm Monday to Friday and 9am to 1pm Saturday. The use shall not be carried out at any time on Sundays or Public Holidays.' The amended hours relate to unit 58A only'.

The proposal would see an increase of one hour in the morning and 2 hours in the evening, Monday to Friday only.

A previous application to vary hours was refused and proposed opening till 10pm Monday to Friday and also 9am to 6pm on Sundays.

The applicant states that:

"Unit 58A is owned by Habonim Dror who are a Jewish educational youth charity. The unit is used by the charity for administrative purposes and incidental storage. The offices are also used for meetings with trustees and volunteers which are required to be held in the evening or Sundays because of the work commitments of volunteers. Unit 58A could have up to 12 people working in the offices but it would be rare for all 12 to work in the offices at the same time because not all the workers work full time, and the workers operate on flexible hours.

The extended hours are required for the following reasons:

- o Evening meetings with volunteers are required because volunteers have other work or educational commitments - some volunteers are students.
- o Contact with participants and their parents/guardians is often required in the evening or at the weekend.
- o Much of the educational programming takes place in the evenings and on Sundays.
- o The busiest time is during the summer holidays when the operation has an intensive 2-3 weeks of preparations for summer camps - extended opening hours are especially required for these preparations.
- o The staff work flexible hours which are not possible to accommodate with the existing hours of operation. Since the COVID pandemic flexibility on operating hours is even more important.
- o Cleaners require access to the offices at reasonable times.
- o The operation is an international organisation with colleagues around the world working in different time zones."

It is noted however, that the application no longer proposes opening on Sundays.

An Environmental Health officer has examined the planning statement submitted by the agent on behalf of the applicant for Unit 58A - 'the proposal does not appear to have a particularly noisy (or otherwise polluting) use. The closest receptor is the residential dwelling located adjacent to Gabriel Mews leading towards the back of the site. No windows are located on the residential façade facing Gabriel Mews/58-58A Crewys Road. As such, Environmental Health have no objections to the applicant's proposal'.

Given the more limited opening hours proposed in this application, officers consider that neither opening at 8am or closing at 8pm on weekdays only would generate such noise and disturbance that unacceptable harm to the neighbouring residents would be caused.,

The proposed extended hours under the subject application are not considered to interfere with the use and enjoyment of neighbouring properties. It is also noted that this is a charity and would benefit the community.

Therefore, it is considered that the proposed development would not unreasonably or substantially interfere with the use and enjoyment of neighbouring properties in the surrounding area. As such, the proposed development is considered to be in accordance with the expectations established in Policy DM01.

5.4. Response to Public Consultation

- o Activities that will disturb the neighbours. - Environmental Health have stated the proposal does not appear to have a particularly noisy (or otherwise polluting) use.
- o Disturbed the neighbouring properties. - Environmental Health have stated the proposal does not appear to have a particularly noisy (or otherwise polluting) use.
- o Proposed hours are unreasonable. - Addressed in the report
- o Increase in traffic nuisance - It is not considered that increasing the hours of operation will have a detrimental impact on traffic given the likely numbers of users.
- o Parking - It is not considered that increasing the hour of operation will have a detrimental impact on parking.
- o Light pollution. - It is not considered that increasing the hours of operation will have a detrimental impact on light pollution.
- o Climate change. - It is not considered that increasing the hours of operation will have a detrimental impact on climate change.
- o Disturbance and Noise from events. - Environmental Health have stated the proposal does not appear to have a particularly noisy (or otherwise polluting) use.
- o Refuse/Rubbish - The increase in hours of operation will not have a detrimental impact on Refuse collection or storage.
- o This is a residential area. - This is an existing use on a largely residential road.
- o If granted other businesses will increase hours of operation. - each case must be considered on its merits
- o Impact the neighbouring properties enjoyment of their home. -Addressed in the report.

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

Having taken all material considerations into account this application is therefore recommended for APPROVAL.



