

MEETING

EAST AREA PLANNING SUB-COMMITTEE

DATE AND TIME

TUESDAY 3 DECEMBER 2013

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, NW4 4BG

TO: MEMBERS OF EAST AREA PLANNING SUB-COMMITTEE (Quorum 3)

Chairman: Councillor Andreas Tambourides
Vice Chairman: Councillor Bridget Perry

Councillors

Alison Cornelius	Alan Schneiderman	Joanna Tambourides
Arjun Mittra	Stephen Sowerby	Jim Tierney
Barry Rawlings	Andrew Strongolou	

Substitute Members

Richard Cornelius	David Longstaff	Lisa Rutter
Rowan Quigley Turner	Kath McGuirk	Brian Salinger
Pauline Coakley Webb	Alison Moore	
Anne Hutton	Robert Rams	

You are requested to attend the above meeting for which an agenda is attached.

Andrew Nathan – Head of Governance

Governance Services contact: Chidilim Agada 020 8359 2037
chidilim.agada@barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	
2.	Absence of Members	
3.	Disclosable Pecuniary interests and Non Pecuniary interests	
4.	Public Question Time (if any)	
5.	Members' Items (if any)	
	Report of the Acting Assistant Director of Planning and Development Management	
	Coppetts Ward	
6.	Unit 1, Pembroke Studios, Pembroke Road, London, N10 2JE - B/04271/13	1 - 6
	East Finchley Ward	
7.	Cherry Tree Park Pavillion, Cherry Tree Wood, Summerlee Avenue, London N2 - F/02410/13	7 - 18
8.	Any Item(s) the Chairman decides are urgent	

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AGENDA ITEM 6

LOCATION: Unit 1, Pembroke Studios, Pembroke Road, London, N10 2JE
REFERENCE: B/04271/13 **Received:** 17 September 2013
WARD(S): Coppetts **Accepted:** 17 September 2013
Expiry: 12 November 2013

Final Revisions:

APPLICANT: Kidzkabin
PROPOSAL: Single storey side extension.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 100, 101, 102, 103 & 104. All received 17/9/2013.

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 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 3 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).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the elevations, of the extension hereby approved.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

- 1 i) 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.

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.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1 and CS5.

Relevant Development Management DPD (2012): Policies DM01, DM03 & DM14.

Supplementary Planning Documents and Guidance

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address: Unit 1, Pembroke Studios, Pembroke Road, London, N10 2JE
Application Number: B/03761/10
Application Type: Full Application

Decision: Approve with conditions
Decision Date: 19/11/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition and rebuild of a single storey part of the commercial unit.**
Case Officer: Lisa Cheung

Site Address: Unit 1 Pembroke Studios, Pembroke Road, London, N10 2JE (Amended Address)
Application Number: B/01570/12
Application Type: Full Application
Decision: Refuse
Decision Date: 3/5/2013
Appeal Decision: Dismissed
Appeal Decision Date: 3/5/2013
Proposal: **Two-storey side/rear extension.**
Case Officer: Josleen Chug

Consultations and Views Expressed:

Neighbours Consulted: 65 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Increased parking problems in the area.
- Increased road safety issues.
- Noise and disturbance arising from additional parking in the locality.
- Noise from the day nursery and general concerns in respect of the use of these premises & the process by which planning permission was obtained.
- Detrimental to the community.
- plans refer to future outdoor playground at the neighbouring nursery site.
- Increased activity.
- Previous application for two storey extension at the site was refused and appeal dismissed.

Date of Site Notice: 03 October 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site comprises a part single, part two storey building at the rear of 139 Pembroke Road and is on the north eastern side of the access road serving Pembroke Studios which is a small commercial estate at the rear of 121-141 Pembroke Road.

Unit 1 is in B1 office use, unit 3 to the north is a day nursery & unit 4 is in commercial use.

Proposal:

The proposed single storey extension would be built in the northern side of Unit 1 and would abut the rear garden boundary of No. 137 Pembroke Road. It would measure overall 3.5m wide, 3.6m deep (along the rear boundary of No 137) and 3.4m high to a flat roof. The proposed extension would provide a kitchenette & toilet facilities for use in conjunction with Unit 1 together with an electric meter room on the north western side of the extension.

Planning Considerations:

The principal of a single storey extension to provide ancillary accommodation to the building is considered to be acceptable.

The proposed building would effectively be at the end of the rear garden of No. 139 Pembroke Road. The rear garden of the property is some 15m deep, the rear part of the garden is currently occupied by a garden shed which provides screening to the proposed extension when viewed from the rear of no 137. The relationship is such that it is not considered that the proposal would be overbearing or visually obtrusive to the occupiers of this or neighbouring properties. Indeed the proposed extension would occupy part of the site that was previously occupied by a larger, detached single storey building. Given the use of the proposed extension, it is not considered that it would result in an increase in the intensity of use of the site such as to warrant refusal. The proposed is considered to be acceptable & approval is recommended.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mainly addressed earlier in the report.

The comments made in respect of the neighbouring site are not considered relevant to the application.

The previous application referred to in respect of extensions to the property, sought permission for a two storey side/rear extension and was refused permission due to its impact on neighbouring residents. A subsequent appeal was dismissed in July 2012 [ref B/01570/12]. The current application is for a single storey building which is materially different from the refusal and would not adversely affect neighbours amenity.

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

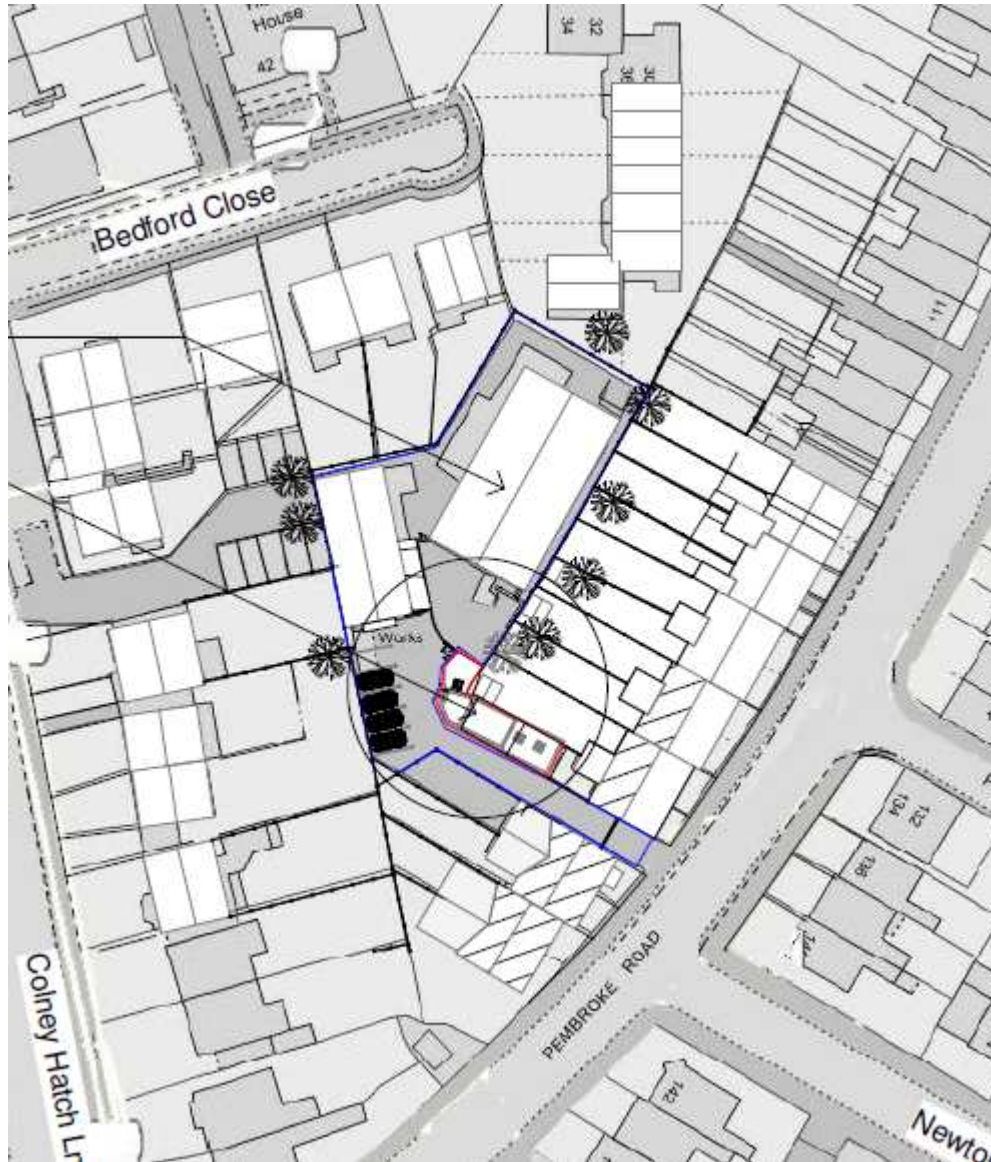
The proposal is considered to be acceptable & approval is recommended.

SITE LOCATION PLAN:
London, N10 2JE

Unit 1, Pembroke Studios, Pembroke Road,

REFERENCE:

B/04271/13



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LOCATION: Cherry Tree Park Pavillion, Cherry Tree Wood, Summerlee Avenue, London N2 **AGENDA ITEM 7**
REFERENCE: F/02410/13 **Received:** 12 June 2013
WARD(S): East Finchley **Accepted:** 12 August 2013
Expiry: 07 October 2013

Final Revisions:

APPLICANT: Mr Sarfaraz Dostezad

PROPOSAL: Change of use from existing Pavilion to A3 (Cafe), including new glazed windows and doors and incorporation of landscaped area for tables and chairs. (AMENDED PLAN)

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 391811 (Amended); Site Location Plan; Bat Roost Assessment and Dusk Emergency Survey by Clive Herbert (2013); email from applicant confirming conversion of landscaped seating area to a grass lawn.

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 the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 4 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 5 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 6 Before the cafe opens the proposed landscaped seating area shall be converted to a grass lawn and shall be reatined as such thereafter and not covered with any form of hardstanding.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 7 No music shall be played at any time from the cafe or from any associated seating areas.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of residential properties in the vicinity in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012)

- 8 The use hereby permitted shall not be open to customers before 9 am or after 6pm.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 9 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 8 am or after 7 pm on any other day.

Reason:

To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 10 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 12 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 13 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers

and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 14 The materials to be used in the external surfaces of the building works shall match those used in the existing building.

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).

- 15 The premises shall be used for a cafe and no other purpose (including any other purpose in Class A3 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.

INFORMATIVE(S):

- 1 The applicant is advised that Brompton Grove is a private road and the council has no jurisdiction over this road.
- 2 i) 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.
- ii) In this case, formal pre-application advice was sought prior to submission of the application.

3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £5,521.82 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £20,169 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing or charitable relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us:

cil@barnet.gov.uk.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2012: CS NPPF; CS 5, CS 7

Development Management Policies DPD (Adopted) 2012: DM01; DM02; DM04; DM15; DM16; DM17

Sustainable Design and Construction SPD (Adopted) 2013

Residential Design Guidance SPD (Adopted) 2013

Relevant Planning History:

Planning applications picked up in spatial search

Site Address: Cherry Tree Woods Cherry Tree Road LONDON N2
Application Number: C06775A
Application Type:
Decision: Approve with conditions
Decision Date: 12/04/1994
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of free standing canopy adjacent to existing cafeteria.**
Case Officer:

Site Address: Cherry Tree Park Pavillion, Cherry Tree Wood, Summerlee Avenue, London N2
Application Number: F/02410/13
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from existing Pavilion to A3 (Cafe), including new glazed windows and doors and incorporation of landscaped area for tables and chairs. (AMENDED PLAN)**
Case Officer: James Stone

Consultations and Views Expressed:

Neighbours Consulted: 67
against (3 speakers who are against)
Neighbours Wishing To Speak 3

Replies: 4 letters of support and 24

The objections raised may be summarised as follows:

- inappropriate use; the building would not be suitable as a cafe and the applicant would have to diversify into other areas; the scheme would lead to further development in the future
- proposal would be an eyesore; roller shutter doors would be unattractive
- inappropriate use close to a children's playground
- scale of the proposal is too large
- would exacerbate vermin problems in the area
- cafe would affect the tranquility of the park
- traffic generation
- opening hours
- no need for a cafe in this location because of other cafes in the area including along the High St and in the park (which could result in another building in the park becoming empty)
- impact on amenity including noise disturbance and air quality; too close to housing
- potential for increase in crime
- impact on woods, especially by the landscaped area
- impact on Metropolitan Open Land (MOL); not in accordance with Barnet's policy on reusing buildings in MOL
- proposed paving is inappropriate
- will be a future requirement for ventilation/flues
- the building proposed for conversion is not iconic
- congestion on roads
- the design and access/planning statement is not accurate because it states that the landscaping area would be 5m² whilst the plans shown a larger area
- proposed hard landscaping would affect the character of the park
- the proposed cafe should be built on the concrete footprint of the old cafe to allow the application site to regenerate
- the nearby toilets should be incorporated in the scheme
- the council allowed the building to fall into disrepair so that it could be passed onto private developers
- conditions would be needed to control:
 - 1) deliveries of building materials to ensure it is through the Summerlee Avenue entrance
 - 2) delivery hours
 - 3) ensure no machinery stationed in Brompton Grove during the works
 - 4) providing foul water sewage without harming trees
 - 5) protection of tree
 - 6) protection of wildlife
 - 7) removal and disposal of asbestos
 - 8) no sale of alcohol or takeaways
 - 9) no music
 - 10) no external lighting
 - 11) cafe to operate within normal park opening hours

- 12) no separate entrance to be constructed
- 13) no parking or motor vehicles in the wood
- 14) veranda area to be kept open
- 15) no hard landscaping / decking in adjacent woodland
- 16) development should not go beyond footprint of original building
- 17) any work carried out should be sympathetic to the existing building
- 18) no encroachment on the public footpath
- 19) waste shouldn't be stored on site
- 20) goods should be delivered by trolley or carried along the footpath
- 21) control parking of lorries by the gates at the end of Summerlee Avenue and a limitation on the size of the lorry
- 22) waste needs to be securely stored

The letters of support may be summarised as follows:

- sensible scheme to ensure that the building is restored
- vacant building leads to unsociable behaviour

Internal /Other Consultations:

- Environmental Health - No objection
- Traffic & Development - No objection
- Trees - No objection providing no decking is constructed close to the existing tree in the seating area

Date of Site Notice: 22 August 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is owned by Barnet Council and is located within Cherry Tree Wood Recreation Ground which is Metropolitan Open Land. (MOL) The existing building is accessed via a footpath at the southern end of Summerlee Avenue. At present the site contains a vacant single storey building that is falling into disrepair and is surrounded by undergrowth. The site is separated from a road called 'Brompton Grove' to the north by mature vegetation whilst to the south, east and west of the site is the Cherry Tree Wood Recreation Ground.

Proposal:

The application seeks permission to convert the existing building to a Cafe (A3). The conversion of the building would not include any extension works but there will be changes to the existing fenestration of the building including new doors and windows. The existing covered veranda will be used as a seating area. Further seating will be provided on a landscaped seating area to the south and east of the building. It should be noted that the landscaped seating area will not include any hardstanding or decking and will be converted to a grassy lawn. The plans were

amended to ensure that the area set aside for landscaped seating correlates between the site location plan and the floor plan. Neighbours were reconsulted on the amended plan.

Planning Considerations:

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character.'

Policy DM15 states that 'Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness'. This policy also explains that 'The replacement or re-use of buildings will not be permitted where they would have an adverse impact on the openness of the area or the purposes of including land in Green Belt or MOL'.

Policy CS 7 of the Core Strategy makes particular reference to open spaces and explains that

'We will create a greener Barnet by:

- protecting open spaces, including Green Belt and Metropolitan Open Land
- enhancing open spaces, ensuring positive management of Green Belt and Metropolitan Open Land to provide improvements in overall quality and accessibility'.

Policy 7.17 of The London Plan states that 'Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL'. The supporting text to this policy explains that ' Appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of the MOL.

The scheme would help to restore a vacant building that is falling into disrepair and would therefore enhance the appearance of this part of the MOL. The proposal does not include any extension works and only includes relatively minor fenestration alterations and so is considered to be sympathetic to the appearance of the existing building. The applicant has agreed to turn the outside landscaped area into a grass lawn. Given that a lot of the proposed outside landscaped area is currently hardstanding a conversion to a grassy lawn would be an improvement to the area and would maintain the openness of the MOL. Additionally, existing undergrowth would have to be removed next to the pavillion and this would open up this part of the MOL. All building works for the conversion will be in materials to match those used on the existing building. Finally, the use of the building as a cafe is considered compatible with the use of the MOL park, especially when it is taken into account that there are cafes in numerous parks in Barnet.

By restricting the landscaped seating area to a grass lawn the scheme will ensure the protection of mature trees in and around the site. A planning condition will ensure the provision of tree protection fencing during construction and that services do not affect any root protection areas. There are no trees covered by a Tree Protection Order (TPO) close to the site.

With regard to amenity Policy DM01 explains that 'Development proposal should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.' The proposed conversion will all be at ground floor level and there will be no extensions and so overlooking and loss of sunlight/daylight will not be an issue. Policy DM04 adds that 'Proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted'. The cafe and associated seating areas would not be located in close proximity to any residential dwellings given that there are no properties on the southern side of Brompton Grove. Planning conditions will ensure that music is not played from the cafe and will restrict opening hours to daytime hours. Hours of delivery will also be restricted to reduce the possibility of any disturbance to neighbours. Furthermore, a planning condition controls the installation of any flues or ventilation equipment at the site. The council's environmental health officer has no objection to the proposal.

In terms of development standards and Policy DM02 the proposal will include on site toilets, including a toilet for disabled users.

Policy DM16 states that 'When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity'.

A bat survey has been carried out on the site and did not record any bats leaving a roost site in the building. The bat survey concluded that there are no active roosts present and that further consideration of bats is not required. The report also concluded that no other species, other than bats had any potential to occur on site.

Policy DM17 of the adopted Local Plan refers to highway safety and parking provision. The highways consultant acting on behalf of the council has no objection in principle to the change of use of the building to a cafe. All of the roads to the north of Cherry Tree Wood are within an All Day Controlled Parking Zone (CPZ) which is in place from Monday to Saturday (10 am to 6.30pm). There are also waiting restrictions in place at the entrance to the park from Brompton Grove from Monday to Saturday (8am to 6.30pm) and so it is unlikely that there would be any significant impact on the roads in the vicinity of the site.

3. COMMENTS ON GROUNDS OF OBJECTIONS

- if the owner needs to diversify in future this will be assessed by further planning applications
- the proposal would restore a vacant, derelict building that is currently an eyesore
- a cafe is not considered an incompatible use with a children's playground
- the proposal would not extend the existing building and so is not considered excessive in scale
- a planning condition will ensure adequate refuse provision
- no music will be allowed at the cafe to ensure that it does not harm tranquility
- the highways consultant does not object with regard to traffic generation and it is expected that many people will walk to the cafe
- opening hours will be restricted by condition
- market forces will determine whether or not there is a need for the cafe, it is not upto the planning system to determine this
- the environmental health consultant has not objected to the proposal
- it is not considered that the change of use of the building to a cafe would result in

an increase in crime, especially as the building will not be opening after 6pm in the evening

- the proposal would not result in the loss of any mature trees and the landscaped area will not be hard surfaced in order to protect trees
- the proposal would open up an area of the park and so would enhance the MOL
- the applicant has agreed in writing to have no paving
- a planning condition will control ventilation/flues
- whilst the building does not have statutory protection it is considered that it would make a positive addition to the park if restored
- the highways officer has stated that existing CPZ controls will ensure that there is no issue with congestion
- the landscaping area would have to be constructed in accordance with the approved plans
- there would be no hard landscaping at the site
- the erection of a new building on a concrete footprint would impact upon the park more than the restoration of an existing building
- the plans show that toilets will be provided within the building
- the conversion of the building to a cafe will provide the necessary funds for restoration
- it is considered that the conditions outlined to be attached to any approval would control all necessary matters outlined by objectors

4. EQUALITIES AND DIVERSITY ISSUES

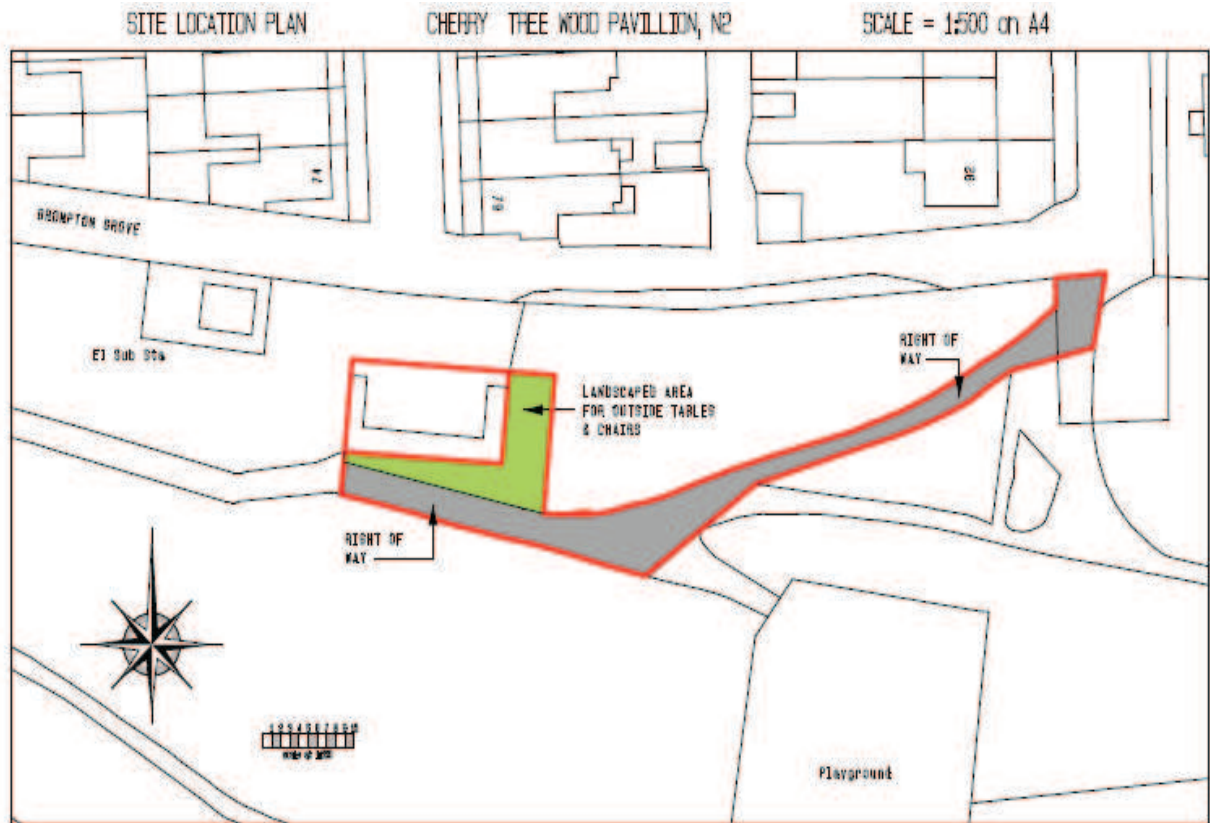
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers and would not detract from the Metropolitan Open Land. This application is therefore recommended for APPROVAL.

SITE LOCATION PLAN: Cherry Tree Park Pavillion, Cherry Tree Wood, Summerlee Avenue, London N2

REFERENCE: F/02410/13



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