

**LOCATION:** 55 The Burroughs, London, NW4 4AX

**REFERENCE:** H/02616/13

**Received:** 25 June 2013

**Accepted:** 10 July 2013

**WARD(S):** Hendon

**Expiry:** 04 September 2013

**Final Revisions:**

**APPLICANT:** Mr K Ng

**PROPOSAL:** Change of use from A1 to A3. New extractor fan outlets to side elevation and internal alterations. (LISTED BUILDING CONSENT ONLY)

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, 2011/C003/02 Revision B, Design and Access 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 work must be begun not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 No flues, ducting or piping shall be constructed on the exterior of the building without the prior specific written consent of the Local Planning Authority.

Reason: To safeguard the special historic and architectural character of this listed building and the amenities of neighbouring occupiers in accordance with policies DM01, DM04 and DM06 of the Adopted Barnet Development Management Policies 2012

- 4 The use hereby permitted shall not be open to customers before 9am or after 8pm on weekdays and Saturdays or before 10am or after 6pm on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

**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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

### 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, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM06, DM12, DM17

The Burroughs Conservation Area Character Appraisal Statement.

### Supplementary Planning Documents and Guidance

The Council has adopted supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Sustainable Design and Construction SPD is now a material consideration.

Relevant Development Management Policies:

Relevant Planning History:

**Site Address:** 55 The Burroughs LONDON NW4  
**Application Number:** W09477A  
**Application Type:** Listed Building Consent  
**Decision:** Approve with conditions  
**Decision Date:** 18/09/1990  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing single-storey addition and erection of two-storey extension.(LISTED BUILDING CONSENT).**

**Case Officer:**

**Site Address:** 55 The Burroughs LONDON NW4  
**Application Number:** W09477B  
**Application Type:** Details Application  
**Decision:** Approve with conditions  
**Decision Date:** 26/03/1991  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Details of materials and shop front design pursuant to conditions 2 and 3 of planning permission W09477 dated 18.09.90 for erection of a two storey extension.**

**Case Officer:**

**Site Address:** 55 The Burroughs LONDON NW4  
**Application Number:** W09477  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/09/1990  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing single-storey addition and erection of two-storey extension.**

**Case Officer:**

**Site Address:** 55 The Burroughs, London, NW4 4AX  
**Application Number:** H/01474/13  
**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:** **Proposed change of use from A1 to A3 (Snack bar and cafe). Extractor fan outlets to side of building.**

**Case Officer:** Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 4 Replies: 0

Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Extractor fans would detract from the appearance of the building
- Property could become a fast food outlet which is undesirable so near a school
- Premises is in a residential area and use would be detrimental to amenities of neighbouring residents
- Traffic and parking
- Use will add to litter problems

Internal /Other Consultations:

- Urban Design & Heritage - No objection

Date of Site Notice: 01 August 2013

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is no.55 The Burroughs. The premises is currently used as a shop. The building itself is a statutory grade II listed building. The building is two storeys with front gable. The building adjoins a row of terraced properties to the south. The site is located in The Burroughs conservation area.

Proposal:

The proposals are for a change of use to a cafe (A3 use). Listed building consent is sought for the associated extractor fan outlets to the side elevation and internal alterations.

Planning Considerations:

The existing building is statutory listed Grade II.

The interior of the building is of little interest. Externally the building is more noteworthy.

The proposed internal alterations and installation of extract fan openings are considered to be appropriate alterations to this building.

A condition is attached restricting the installation of flues without the consent of the local planning authority as there is concern that the installation of such features could harm the appearance of the building.

It is considered that the proposals would not harm the special architectural and historic character of this heritage asset.

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

Property could become a fast food outlet which is undesirable so near a school - *This permission is for a cafe/restaurant use. In practice the use as a restaurant is likely to be limited by the fact that there is a condition restricting the installation of flues. The use as a fastfood takeaway would need specific permission.*

Traffic and parking - *It is not considered that the proposals would give rise to a harmful impact. Permission would not normally be required for this change of use.*

Use will add to litter problems - *It is not considered that the proposals would significantly increase litter in the locality.*

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

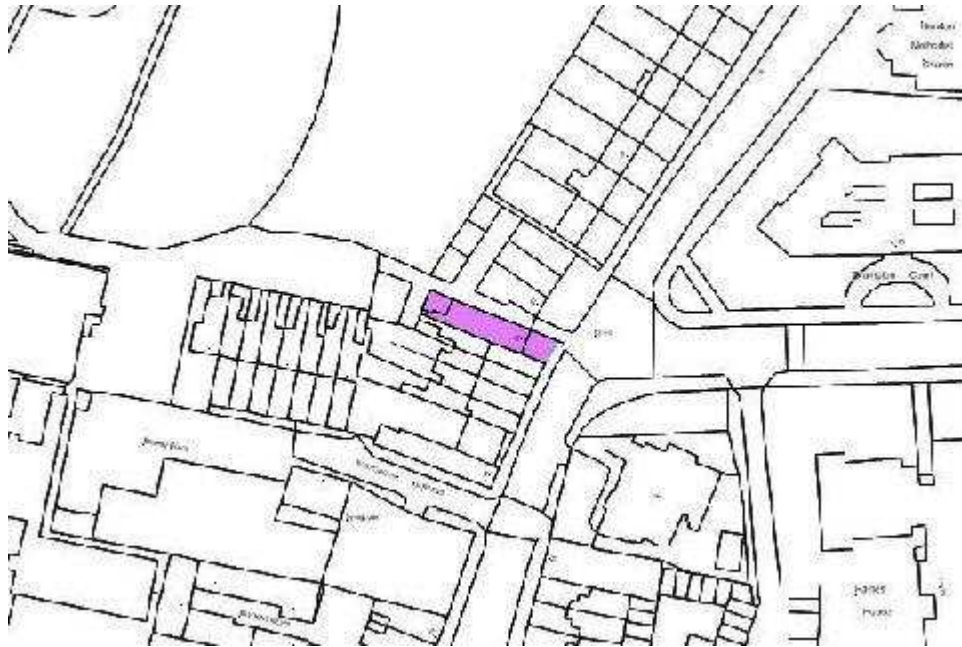
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:** 55 The Burroughs, London, NW4 4AX

**REFERENCE:** H/02616/13



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