

LOCATION: 55 The Burroughs, London, NW4 4AX
REFERENCE: H/02927/13 **Received:** 10 July 2013
Accepted: 26 July 2013
WARD(S): Hendon **Expiry:** 20 September 2013
Final Revisions:
APPLICANT: Mr K Ng
PROPOSAL: Change of use from A1 to A3 (Snack Bar and Cafe)
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 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 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.

4 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.

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: 53 The Burroughs, London, NW4 4AX
Application Number: H/02519/12
Application Type: Householder
Decision: Approve with conditions
Decision Date: 17/09/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New front porch extension and extension to roof including rear dormer and 1no. rear roof-light, plus 1no. front roof-lights to facilitate a loft conversion. Erection of single storey rear extension.**

Case Officer: Hassan Ahmed

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

Site Address: 55 The Burroughs, London, NW4 4AX
Application Number: H/02616/13
Application Type: Listed Building Consent
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 A1 to A3. New extractor fan outlets to side elevation and internal alterations. (LISTED BUILDING CONSENT ONLY)**
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 62 Replies: 5
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).

External changes are proposed to enable ventilation to the premises.

Planning Considerations:

Planning permission is required for the change of use as the building is Grade II

listed.

The main issues are considered to be:

Whether the loss of the retail unit is acceptable

The site is located adjacent to a terrace of residential properties on The Burroughs, there is also a small parade of shops (Flower shop at no.57 and Supermarket at 59-61.)

Policy DM12 advises that The council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:

- i. there will be no significant reduction of shopping facilities as a result; and
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use. A proposal that either creates an over concentration of Class A2, A3, A4 and A5 uses or has a significant adverse effect on the amenity of existing residents will be refused. Community uses will be expected to present an active frontage at ground floor and be able to demonstrate a similar weekday footfall to a Class A1 use. Proposals for residential use should not cause a break in a frontage.

Following recent government changes to planning legislation, the only reason planning permission is required is because the premises is a listed building. This safeguard was presumably introduced to protect the historic character of listed buildings rather than to restrict the loss of retail units.

Some limited marketing information has been provided. The Council's valuation officers have been consulted and are of the view that though the unit has been somewhat overpriced it is likely that there would not be good demand for retail use due to its location.

There are alternative shopping facilities available on the neighbouring shopping parade.

The proposed use would be in A3 use class - cafes and restaurants.

It should also be considered that there are relatively few A3 uses in the locality. The proposed use as a daytime cafe could add to the vitality of the area.

Whether the proposals would have an acceptable impact on the special historic/architectural character of the listed building.

The site property is a grade II listed building.

The introduction of flues on the building would have potential to cause harm to the

historic character of the building. The applicant has indicated that the use would be for a cafe and that the only ventilation requirements would be the 2 extractor fan outlets shown on the drawings.

A condition is suggested preventing the installation of flues which could be detrimental to the appearance of the listed building.

Whether the proposals would have an acceptable impact on neighbouring amenity

The site is located close to residential properties, both in terms of the attached terrace and the flat above no.57. This has side windows facing the site.

A condition that no flues be installed has been recommended for other reasons, however this would also serve the purpose of ensuring that there is not undue impact from noise or odour to neighbouring residents.

It should be noted that, whilst the area is a busy arterial road including library, university and commercial uses, there are residential properties nearby and residents would reasonably expect to be able to enjoy a certain level of amenity. Therefore, it is suggested that a condition is attached restricting the hours of operation of the cafe.

Given the above, the proposals are considered to be not unduly harmful to neighbouring amenity.

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 fast food 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

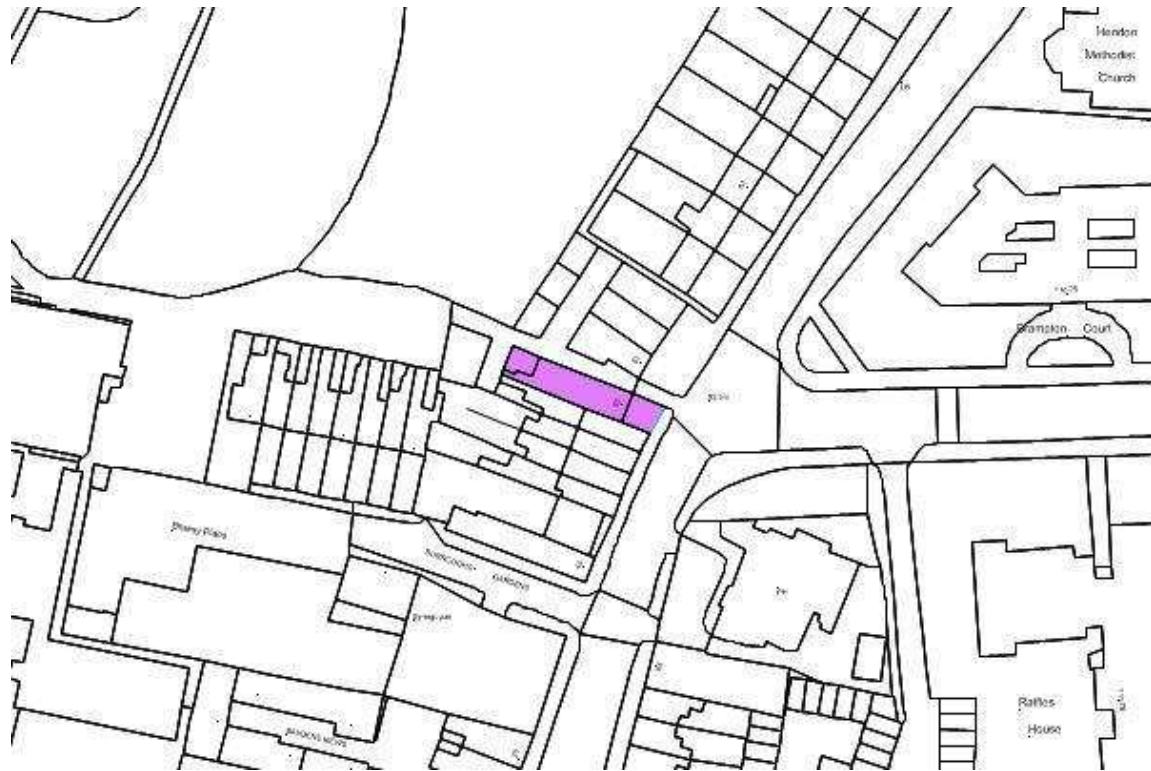
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The application is recommended for **APPROVAL**.

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

REFERENCE: **H/02927/13**



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