

**LOCATION:** 19 Station Road, Edgware, Middx, HA8 7JE  
**REFERENCE:** H/01988/14  
**WARD(S):** Edgware  
**APPLICANT:** Mr A Jabarkhil

**Received:** 16 April 2014  
**Accepted:** 30 April 2014  
**Expiry:** 25 June 2014  
**Final Revisions:**

**PROPOSAL:** Change of use from Class A2 (Financial and Professional) use to Class A3 (Restaurant/Cafe) use.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Site Location Plan; RPA/19/SR/101; RPA/19/SR/102.

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 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 use hereby permitted shall not be open to customers before 9am or after 11pm on weekdays and Saturdays or before 9am or after 10.30pm on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 5 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 neighbouring residential properties at unsocial hours of the day.

- 6 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).

- 7 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.

#### **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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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.

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 11th September 2012

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

Relevant Development Management DPD (2012): Policies DM01, DM04, DM11, DM12.

Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD (April 2013) and Sustainable Design and Construction SPD (April 2013) are now material considerations.

Relevant Planning History:

**Site history for current landparcel :**

15675 - 19 Station Road, Edgware, Middx, HA8 7JE

Case Reference: **H/01988/14**

**Planning applications picked up in spatial search**

<b>Site Address:</b>	19 Station Road Edgware Middlesex HA8 7JE
<b>Application Number:</b>	W01087H/04
<b>Application Type:</b>	Advertisement
<b>Decision:</b>	Approve with conditions
<b>Decision Date:</b>	18/05/2004
<b>Appeal Decision:</b>	No Appeal Decision Applies
<b>Appeal Decision Date:</b>	No Appeal Decision Date exists
<b>Proposal:</b>	<b>Installation of internally illuminated shop fascia and internally illuminated projecting sign.</b>

**Case Officer:**

<b>Site Address:</b>	19 Station Road Edgware Middlesex HA8 7JE
<b>Application Number:</b>	W01087G/03
<b>Application Type:</b>	Advertisement
<b>Decision:</b>	Approve with conditions
<b>Decision Date:</b>	01/12/2003
<b>Appeal Decision:</b>	No Appeal Decision Applies
<b>Appeal Decision Date:</b>	No Appeal Decision Date exists

**Proposal:** Installation of internally illuminated fascia sign.  
**Case Officer:** Sally Fraser

**Site Address:** 19 STATION ROAD EDGWARE MIDDLESEX HA8 7JE  
**Application Number:** W01087F/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 11/10/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** Installation of new shopfront.  
**Case Officer:**

Consultations and Views Expressed:

Neighbours Consulted: 32 Replies: 9 + 1 petition with 35 signatures  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- immense business activity within this part of Station Rd and southern end of Station Rd is the least busy end
- allowing an A3 use immediately next door to an existing A3 will be detrimental to the neighbouring property as there will be two similar businesses competing for trade with each trying to outflank each other resulting in a decline in profits
- narrow alley between No. 17 and No. 19 Station Rd will create problems with refuse storage bin/collections and cleanliness of a shared alley thus creating a health/safety and environmental hazard
- legal action is pending against two of the shops next to the application site in regards to location of waste bins and the volume of food waste and rubbish which is generated by these businesses
- rubbish/waste disposal - the proposed business will generate voluminous waste with no where for additional bins to be accommodated
- air-conditioning/extractor units/noise
- too many food outlets
- traffic/parking
- rear access and rats
- fire
- anti-social behaviour
- this type of development is further destroying the ambience of the area

Internal /Other Consultations: N/A

Date of Site Notice: 08 May 2014

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site property is a retail ground floor unit within a two storey end-of-terrace block located on the south-west of Station Road; which is within the secondary frontage of Edgware Town Centre.

The property is not listed and does not fall within a designated conservation area.

#### Proposal:

The proposal seeks to change the use of the unit from A2 (Financial and Professional) to use class A3 (Restaurant/cafe).

No external alterations are proposed as part of this application.

#### Planning Considerations:

*Whether the proposals would have an acceptable impact on the character and appearance of the surrounding area and the function of the town centre*

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM11 seeks to support the continued vitality and viability of Barnet's town centres. In this case, the property was last in A2 use. As such there will be no loss of an A1 retail unit and no conflict with policy DM11.

Advertisement consent will be required for the display of adverts and planning permission will be required for the installation of a new shopfront. The impact of these on the character and appearance of the streetscene and surrounding area will be considered at the time of deciding these applications and to ensure that the proposals comply with policy DM01 and DM02 as stated above.

Use of premises for A3 purposes is an appropriate use within a town centre and the proposed change of use from A2 into A3 is considered not to undermine the vitality and viability of this section of Station Road. Whilst it is acknowledged that there are other A3 and A5 uses in the vicinity of the host property, the proposed change of use is not considered to unbalance the character of the shopping parade, as there is no loss of a retail A1 unit. Competition between units is not a material consideration.

*Whether the proposals would harm neighbouring amenity*

Information in relation to the location of refuse/recycling storage and extraction/ventilation equipment has not been provided as part of this application, however conditions are proposed to ensure that details of the proposed refuse/recycling provision and the proposed extraction/ventilation equipment are submitted and will not be harmful to the residential amenities of nearby residents. In this case, the property has a service area at the rear that can accommodate refuse

storage and an accessway to the side where a flue could be located.

The proposal is for an A3 restaurant/ cafe use and not a takeaway which would fall within class A5. Some of the concerns raised by residents relate to issues with other takeaway outlets in the town centre. It is considered that the matters raised by residents in relation to potential anti-social behaviour and hygiene problems are not matters that could justify the refusal of an application for a restaurant in this case.

The level of traffic is unlikely to be significantly greater than could be generated by any other town centre use.

Subject to conditions, it is considered that the proposed use is appropriate within a secondary frontage in the town centre and that the use can be accommodated without significant harm to the residential amenities of residential occupiers to the rear.

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

Planning considerations addressed above.

The following are not considered to be material planning considerations:

- competition between units
- any pending civil/legal action between residents/businesses

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

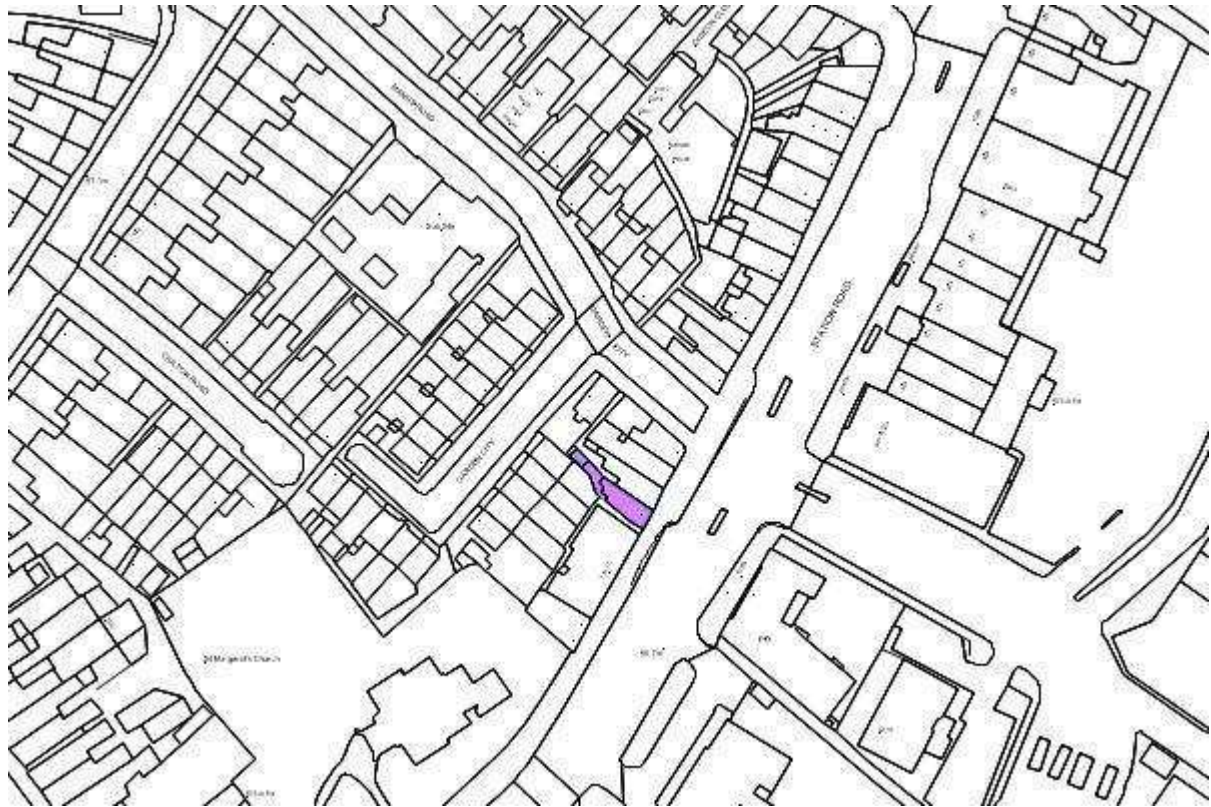
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The application is recommended for **APPROVAL subject to the attached conditions**.

**SITE LOCATION PLAN:** 19 Station Road, Edgware, Middx, HA8 7JE

**REFERENCE:** H/01988/14



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