

**Location**                    **136 - 140 Cricklewood Broadway London NW2 3EE**

**Reference:**                **15/02890/FUL**                    Received: 11th May 2015  
Accepted: 11th May 2015

Ward:                        Childs Hill                                Expiry 6th July 2015

McDonald's Restaurants Ltd

Applicant:                11-59 High Road  
East Finchley  
London  
N2 8AW  
United Kingdom

Proposal:                Use of pavement at front for external seating area with associated screening

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 6043\_AEW\_0340\_0007, 6043\_AEW\_0340\_0009, 6043\_AEW\_0340\_0010, Design and Access Statement dated May 2015 (MCND store 340), details of stackable exterior freestanding chairs and tables.

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     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 external seating hereby approved shall be removed and shall at all times be stored within the existing retail building except for during store opening hours.

Reason: To safeguard the amenities of the occupants of neighbouring properties and to reduce opportunities for anti-social behaviour, in accordance with Policies

DM01 and DM02 of the Local Plan Development Management Policies DPD (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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.
- 2 The applicant is advised to contact the Highways Authority prior to the commencement of the development hereby approved. Any public or private land fronting the development used by the public for access will require to be stopped up under Section 247 of the Town and Country Planning Act to facilitate the development.

## **Officer's Assessment**

### **1. Site Description**

The application site is McDonalds Restaurant which is located on Cricklewood Broadway on the corner with Yew Grove within Cricklewood town centre.

### **2. Site History**

Reference: 15/02830/S73

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Variation of Condition 4 (opening times) for planning permission C03896J dated 13/05/1997. Variation to include "To vary Condition 4 to permit the restaurant to be able to serve hot food and beverages for extended timings. To permit the premises to be open to customers for the sale of hot food and beverages for the following timings: Sunday 07:00 - 00:00, Mondays to Thursdays 06:00 - 00:00 (no change), Friday and Saturdays 06:00 - 01:00. To permit staff to be on the premises outside of these timings to allow for cleaning and administrative duties."

Reference: 15/02886/ADV

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Refused

Decision Date: 2 July 2015

Description: Installation of 1no. high level internally illuminated banner sign

Reference: 15/02891/ADV

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Installation of 2no. canvas awnings

Reference: 15/03007/NMA

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Approved

Decision Date: 29 May 2015

Description: Non-material minor amendments to planning permission reference F/03234/14 dated 05/08/14, for 'Single storey front extension to create new shopfront.' Amendments include installation of a new entrance door

Reference: 15/04152/NMA

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Application Received

Decision Date: No Decision Made.

Description:

Reference: F/03234/14

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Approved subject to conditions

Decision Date: 5 August 2014

Description: Single storey front extension to create new shopfront.

Reference: F/03235/14

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Approved subject to conditions

Decision Date: 15 August 2014

Description: Installation of 2 no internally illuminated fascia signs and retraction of 1 no int illum projecting sign

Reference: F/02904/08

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Approved subject to conditions

Decision Date: 16 September 2008

Description: New automated entrance doors. Internal alterations.

Reference: H/02908/08

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Approved subject to conditions

Decision Date: 16 September 2008

Description: Installation of 2 No. externally illuminated fascia signs and 1 No. internally illuminated projecting sign.

Reference: C03896L/05

Address: 136 - 140 Cricklewood Broadway, London, NW2 3EE

Decision: Refused

Decision Date: 6 April 2005

Description: Variation of planning permission C03896J dated 13.05.97 to allow the restaurant to open from 06:00 to midnight from Monday to Sunday.

### **3. Proposal**

This application proposes the installation of tables (each seating four people) including removable low level screens and awnings.

### **4. Public Consultation**

Consultation letters were sent to 194 neighbouring properties. Seven objections have been received, raising the following comments:

- Additional seating will attract unnecessary and inappropriate pedestrian traffic in the vicinity of the premises, and attract antisocial behaviour.
- There will be nuisance out of hours.
- The proposal would make the street unattractive as this would be a visually intrusive addition
- Use would result in anti-social behaviour
- Use would result in noise and disturbance to neighbours.

Highways officer: The proposed seating area is within a private forecourt not maintained by highways and is therefore acceptable on highways grounds. The land fronting the development is currently used as a footway. This may need to be stopped up under s247 of the Town and Country Planning Act 1990 before commencement of the development.

### **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 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 2015

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 2050. 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 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.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 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 DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- 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**

The main issues for consideration in this case are:

- 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.
- Impact on the public highway

### **5.3 Assessment of proposals**

The proposed installations would be small in size and scale, subordinate to the overall scale and use of the main building on the site. As a result they would not adversely affect the character or appearance of the locality.

The proposed seating would be set at least 30 metres from the nearest neighbouring residential buildings, located towards the front of the property facing the high street. Neighbours have raised concerns regarding possible disturbance arising from the use of the seating. It is noted within the design and access statement submitted in support of this application that the proposed seating area will be removed outside of trading hours. During trading hours, the natural surveillance that would result from the use of the store would reduce any likelihood of anti-social behaviour, whilst the background noise by vehicular movements and the day to day operations would be greater than any noise generated by the use of this equipment. As a result, it is not considered that the proposal would be detrimental to the amenities of neighbours.

### **5.4 Response to Public Consultation**

The objections raised have been addressed above.

### **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**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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