

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

Reference: **15/02830/S73** Received: 7th May 2015

Accepted: 8th May 2015

Ward: Childs Hill Expiry 3rd July 2015

McDonald's Restaurants Ltd

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

Proposal: 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."

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 6043_3040_0001.

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 Unless otherwise agreed by the Local Planning Authority in writing, the use hereby permitted shall only be open to customers during the following times for a period no greater than 12 months from the date of this decision notice:

- o 06:00-00:00 Mondays to Thursdays
- o 06:00-01:00 Fridays and Saturdays
- o 07:00-00:00 Sundays

Reason: To safeguard the amenities of occupiers of adjoining residential properties and to allow the LPA to monitor any impacts arising from the extended opening hours..

- 3 The fire escape doors located on the rear elevation facing 2 Yew Grove shall be kept shut at all times (except during emergency evacuation).

Reason: To safeguard the residential amenities of the occupiers of the neighbouring properties.

Informative(s):

- 1 The applicant is advised that should you wish to extend this period to greater than 12 months this should be done no greater than 11 months from the date of this decision notice.
- 2 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.

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: 15/02886/ADV

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

Decision: Pending Consideration

Decision Date: No Decision Made.

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

Reference: 15/02890/FUL

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

Decision: Pending Consideration

Decision Date: No Decision Made.

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

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: 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 is for the variation of condition 4 (opening times) pursuant to planning permission C03896J, dated 27 May 1997 for the change of use from A1 (retail) to Class A3 (restaurant). Amendments to extend the opening hours of between 06:00 and 00:00 on Mondays to Thursdays, 06:00 and 01:00 on Fridays and Saturdays and 07:00 to 00:00 on Sundays.

4. Public Consultation

Consultation letters were sent to 123 neighbouring properties.

8 responses have been received.

The objections received can be summarised as follows:

- o Increased noise
- o Breach of planning condition
- o Litter
- o Anti-social behaviour
- o Proximity to sensitive residential uses

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, CS8, CS12.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

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.

5.3 Assessment of proposals

It is noted that the premises can lawfully operate as a restaurant from 07.00 up until 00:00 on Mondays to Saturdays and 08:00 to 11:00 on Sundays under application reference C03896J for the change of use from Class A1 (retail) to Class A3 (restaurant), dated 27/05/1997.

It should be noted that the premises is currently running outside permitted operating hours being 08:00-00:00 on Sundays. This is a breach of condition, operating for an additional

hour on Sunday evenings. Enforcement has been notified by the case officer of this breach.

The proposed variation of operating hours would extend the hours of use of the premises as a restaurant as follows:

- o 06:00-00:00 Mondays to Thursdays
- o 06:00-01:00 Fridays and Saturdays
- o 07:00-00:00 Sundays

The proposed extended hours are considered to be similar to that of the lawful hours of use of the premises for the restaurant, it is considered that the change in hours of operation would not result in a significant increase in levels of activity and any additional customers attending the premises will not demonstrably impact the amenity of nearby residential neighbours in terms of parking, noise and general disturbance in addition to that which currently exists. The LB Barnet Environmental Health and Enforcement officers have been consulted and advised that there have been no complaints in recent times with regards to the restaurant users. As this is the case it has been recommended to agree to a temporary arrangement for a year for monitoring purposes to test that the extended hours of operation will not have a detrimental impact on the character and appearance of the surrounding area and the living conditions of neighbouring residents. This will be secured by condition.

With regard to the impact of the extended opening times on the amenity of neighbouring residents, it is considered that, in this instance, that the proposed extension to opening times are similar to those which were approved as part of the previous application and current conditions for the restaurant. It is considered that proposed operating hours are typical of a restaurant of this type and it is not considered to harm the character of the area.

The proposed extension of opening hours is not considered to result in a substantial increase in noise and disturbance to that which currently exists and as such this variation is not considered to significantly harm the amenities of the neighbouring occupiers.

5.4 Response to Public Consultation

Given that the premises already benefits from a restaurant use, it is not considered that the change in hours would result in the proliferation of fast food outlets along Cricklewood Broadway.

Environmental Health has raised no objections with regards to any increase in waste and pollution. Therefore, no objections are raised regarding these issues.

Planning Enforcement has raised no objection with regards to the existing conditions on site in terms of increased noise, breach of condition (open times) and impact on neighbouring properties. It is noted that the most recent enforcement complaint was in 2008. This case is now closed.

The promotion of selling different types of food is not a material planning consideration.

The issue of late night noise from the fire escape door being left open is addressed by condition.

The metropolitan police have been consulted and have advised that any additional anti-social behaviour as a result of the increase in operating hours will be assessed in accordance with the Licencing Act by the Barnet Licencing Team (Metropolitan Police).

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 for a temporary period of 12 months.

