

Location **205 High Road London N2 8AN**

Reference: **16/5409/FUL** Received: 15th August 2016
Accepted: 6th October 2016

Ward: East Finchley Expiry 1st December 2016

Applicant: Mr Alireza Yaraghchi

Proposal: Installation of extraction flue to side (flank) elevation

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan;
Drawing numbers 1, 2 and 3 (all received 8/9/16);
Drawing number 3 (FLOOR PLAN) (dated 1st Oct 2016).

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 a) No development shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 4 a) No development shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 5 The flue shall be finished in the same colour as the existing drain pipe on the exterior of the building on its Leslie Road frontage, and shall be maintained as such.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 6 When the flue is no longer required, it shall be removed and recycled or otherwise disposed of by a licensed waste operator, and the flank wall of the building shall be made good to the reasonable satisfaction of the Local Planning Authority.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (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.

Officer's Assessment

1. Site Description

The application site is an A5 hot takeaway food unit, located in a three-storey parade of shops with flats above, which is divided from the High Road by a separate vehicle access road and car parking. The property is one of the end units in the parade, located on the corner of Leslie Road, and has two flats directly above it. There is a hair dressing salon with flats above on the opposite corner, and adjacent properties on Leslie Road are Victorian or Edwardian terraced houses. East Finchley Library is on the opposite site of the High Road.

2. Site History

There is no relevant planning history for the property.

3. Proposal

The application seeks permission to site an extraction flue on the flank wall of this three storey building on its Leslie Street frontage, passing from the building interior to the outside of the building at a height of 2.8m above ground level and rising to 1.5m above the eaves. Its location is close to the rear of the building on this elevation, which steps in from the rear building line at ground level by the approximately 1.4m, to provide the rear access balcony to the flats at first and second floors level. This results in the proposed location of the flue being 2m in from the rear corner at ground floor level, reducing to 0.5m forward of the rear corners of the flats above.

4. Public Consultation

Consultation letters were sent to 74 neighbouring properties.

One response has been received.

The application has been called in for consideration at Committee by Councillor Mittra.

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 2016

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.

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, DM02, DM04.

The Council's approach to development as set out in Policy DM01 is to minimise impacts 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 the continued amenities of 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. Policy DM04 sets out requirements in regard to noise-generating land uses.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- 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

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The flue would be highly visible on the Leslie Street frontage of the building. While utilitarian in appearance, the visual impacts of the flue would be typical of this type of installation. With a 30cm diameter, it will be more substantial than the existing drainage pipes on this elevation. However, provided that it is finished in the same neutral, recessive grey as these existing pipes it is considered that the appearance of the flue will not harm the character and appearance of the existing building, the street scene and the wider locality. It is recommended that a condition be included in any planning permission to require the flue to be removed and the building made good if and when it becomes redundant for any reason.

- Whether harm would be caused to the living conditions of neighbouring residents

The Council's Scientific Advisor on environmental health issues has advised that the top end of the flue must be 1.5 m above both eaves and any open able windows that are located within 20 metres of the flue, and that the design must include anti-vibration mounts, flexible couplings and silencers. The drawings show that the required height is met by the proposal, and the applicant has advised that the required fittings will be incorporated into the design. The Council's environmental health advisor has also asked for a noise report, which has not been provided, and it is considered that to ensure that there would be no harm to the living conditions of neighbouring residents, that this should also be required by condition. This should stipulate that the flue and associated equipment shall not be installed until a satisfactory noise report has been provided and approved in writing by the Local Planning Authority.

It is noted that the current equipment results in some odour issues for adjacent residents, and it is understood that the flue is being fitted as part of an installation of ventilation equipment within the building that is intended to control this. In order to ensure that odour from the cooking of foods within the premises and vibration from extraction equipment do not cause further problem, a condition is also recommended to require a technical report to be submitted and approved by the Local Planning Authority to ensure that the installation does not result in any detrimental impacts on adjacent neighbours.

Subject to the controls recommended above and in the conditions at the top of this report, the proposals are expected to result in improved living conditions for residents.

- Conclusion

It can be concluded that the proposal is acceptable and in accordance with the development plan, and that it would have an acceptable impact on the application property, neighbouring amenities, current streetscene and character of the area in general. The application is thus recommended for approval, subject to conditions.

5.4 Response to Public Consultation

One neighbouring comments have been received which is summarised as follows:

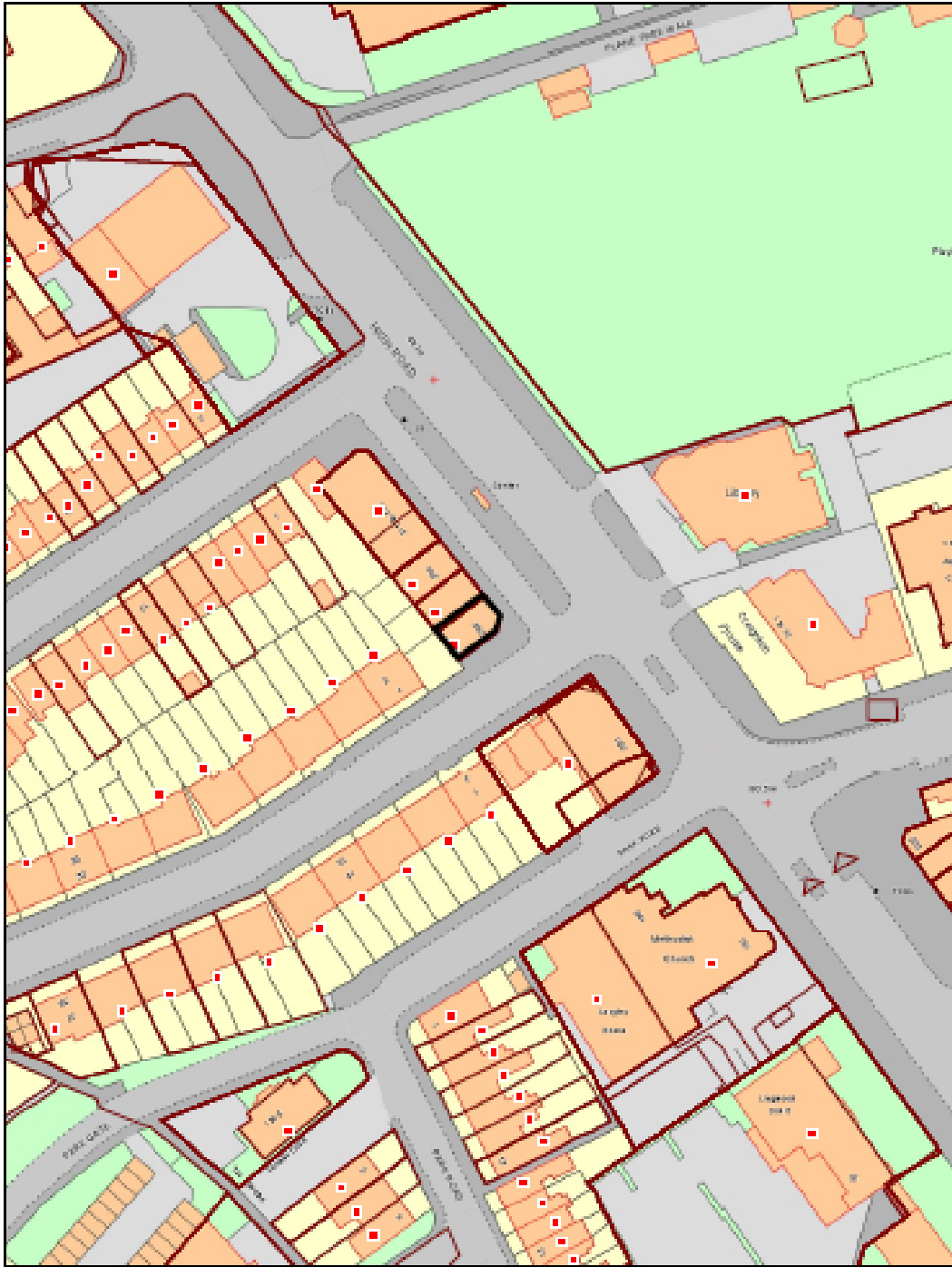
A better specification of extraction system to stop the smoke and vibration issues that currently exists is required. The issues are most apparent after 11pm with the current system audible especially through the structure of the building in the form of vibration and sound until 12pm on weekdays and 1.30am on weekends due to the late night licence to the premises. The current system is attached to the structure of the building at the rear and exits through brickwork without any vibration mounts, and soundproofing between

properties is not great at present. Any consent given by the council must factor in and guarantee to us that we will not be subjected to the continuation of noise and vibration from the new extraction system late at night. If the current specification and installation of the new system does not meet these guarantees then the continuation of a late licence beyond 11pm must cease. By selecting a neutral stance we can clarify that though we understand the need for this planning consent there must be an improvement to the noise and that we are not affected.

Comment: The above issues clearly illustrate the need for new equipment that provides a high standard of protection from noise and vibration for neighbouring residential occupiers. However it is essential that this equipment be properly maintained in the future, as required by the recommended condition. There are however no powers to revoke a license under the planning legalisation, and should any issues with noise and vibration arise in the future it would therefore be for the Environmental Health team to determine the best course of action to be taken, if and when that situation arises.

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 Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for Approval, subject to conditions.



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