

Location **Harvester Stirling Corner Barnet EN5 3JG**

Reference: **17/5228/FUL** Received: 10th August 2017
Accepted: 11th August 2017

Ward: Underhill Expiry 6th October 2017

Applicant: Mr Mark Jackson

Proposal: Erection of 2no jumbrellas, a bull statue and fences with lights.
Alterations to hard and soft landscaping

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 4188/003 Rev. A, 4188/210, 4188/701, 4188/702, 4188/703 Rev.A and 4188-004

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 materials to be used in the external surfaces of the developments shall match those mentioned in the approved plans.

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 contains a Harvester restaurant, located on the southwest side of Stirling Corner roundabout and next to the junction of Barnet Road and Stirling Corner. The site area is 5,890m² with existing outdoor seating area and car parking spaces. A mobile home site is to the south of the application site. The application property is not listed and is not within a conservation area, however the site is within the Green Belt.

2. Site History

Reference: 17/5672/ADV

Address: Harvester, Stirling Corner, Barnet, EN5 3JG

Decision: Pending Consideration

Description: Installation of 2no internally illuminated Fascia Signs, 3no internally illuminated Post Signs, 1no externally illuminated Post Sign and 1no non-illuminated Welcome Sign,

Reference: B/05673/14

Address: Harvester, Stirling Corner, Barnet, EN5 3JG

Decision: Approved subject to conditions

Decision Date: 22 December 2015

Description: Installation of 3no. internally illuminated post signs to the entrance, 1no. internally illuminated set of letters and 2no. internally illuminated fascia signs to the front elevation.

Reference: B/05192/14

Address: Harvester, Stirling Corner, Barnet, EN5 3JG

Decision: Withdrawn

Decision Date: 6 November 2014

Description: Alterations to external existing seating area including new fixed seating and feature walls. Alterations to boundary. Creation of new landscape picnic area.

Reference: W02066W/02

Address: Harvester, Stirling Corner, Barnet, EN5 3JG

Decision: Approved subject to conditions

Decision Date: 28 May 2002

Description: External alterations and works involving extension of existing patio, erection of a picket fence along northern boundary of car park and landscaping.

3. Proposal

This application proposes the erection of two jumbrellas, one Bull Statue, fences with lights, and alterations to hard and soft landscaping.

The jumberllas are essentially large umbrellas fixed into the ground with a concrete foundation. They would each measure approximately 4 metres in width and depth (when open), and have a maximum height of 3.2 metres.

The bull statue would be to the front of the site adjacent to the main customer entrance, and would have a maximum height of 1.2 metres.

The proposed fence would comprise 1.2 metre high vertical posts, with rope strung between each post. Every other post would be topped by a 0.3m high lantern.

The alterations to the hard and soft landscaping include renewal of existing hard surfacing and the provision of an access ramp.

4. Public Consultation

Consultation letters were sent to 32 neighbouring properties. A site notice was also displayed. 14 objections have been received. The objections can be summarised as follow:

- The outdoor seating area causes an increase in noise and nuisance to the elderly residents in Arkley Park.
- Proposed fences light, jumbrellas and landscape works would lead to more noise and disruption as it would encourage more outside diners with their children, and drinkers.
- No management on noise control.

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 March 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, CS7
- Relevant Development Management Policies: DM01, DM02, DM15

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.

Policy DM15 of the Council's Development Management Policies DPD sets out that development in the Green Belt is required to comply with the National Planning Policy Framework (NPPF).

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the current proposal constitutes inappropriate development in the Green Belt;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality; and
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Whether the current proposal constitutes inappropriate development in the Green Belt

Para.79 of NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Para.90 of NPPF states that certain other forms of development are not inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations. The development subject of this application is considered to constitute engineering operations.

Although the construction of this proposal involves engineering operations, the scale of the development is relatively small and minor. The jumbrellas are relatively small in height, and are generally thin and permeable structures. They would be sited close to, and read against the massing of, the main established building on the site and are not considered to adversely affect the openness of the area.

Other soft and hard landscape works like installation on fences, bull statue, repointing the pavement, planting new hedges, etc are also not considered to cause harms to the Green Belt or its openness.

Overall, it is considered that the proposed development is small in size and scale, minor in nature, and would preserve the openness of Green Belt and would not have a detrimental impact on the visual amenity of the Green Belt. The development would not conflict with the purposes of including land within the Green Belt and is not considered as incompatible

with Green Belt and it does not conflict with Para.80 and 90 of NPPF and Policy DM15 (a) of Barnet's Local Plan.

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

In terms of the design and appearance of the proposed development, the proposed development has not caused an increase on the existing floor area nor the overall height of the development. The proposal is not considered to harm the character or appearance of the locality.

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

It is noted that the application site is adjoining to a mobile home site, but there is a sufficient buffer distance (Approximately 40 to 50 metres) between the outdoor seating area and the mobile home site. Moreover, the existing tall trees and fences sitting along the boundary of the application site could significantly mitigate the impact of the proposal on the amenity of the occupiers in the mobile homes. Furthermore, the area is already used as an outdoor seating area and this proposal simply provides two larger covered areas, along with fencing with lighting to identify the main customer entrance. Taking this into consideration, the proposed development is not considered result in unacceptable levels of harm to the visual or residential amenity of the neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD. This includes impacts in terms of daylight, sunlight and overshadowing, noise, disturbance, light pollution, outlook, overlooking, loss of privacy, visual impacts and overbearing relationships.

5.4 Response to Public Consultation

Addressed in the appraisal 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

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, the street scene and the locality, and would not harm the openness of the Green Belt. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

