

Location **59 Brent Street London NW4 2EA**

Reference: **17/3780/FUL**

Received: 13th June 2017

Accepted: 13th June 2017

Ward: Hendon

Expiry 8th August 2017

Applicant:

Proposal: Change of use from existing ground floor estate agents to amusement centre
(adult gaming centre)

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: Site location plan; 0617/GT/01; design and access statement -roger etchells & co.

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.

- 4 The use hereby permitted shall not be open to members of the public before 9am or after 12am on weekdays and Saturdays or before 9am or after 11pm on Sundays and Bank and Public Holidays.

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

- 5 a) No development shall take place until details of the security measures to be incorporated into the proposal in line with secured by design 2015 version 2 have been submitted to and approved in writing by the Local Planning Authority.

b) The security measures as part of this development shall be implemented in accordance with the details approved under this condition before the site is first occupied or the use first commences and retained as such thereafter.

Reason: To ensure a safe form of development and to protect the amenities of the area, in accordance with Policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 a) No development shall take place until details of mitigation measures to show how the development will be adapted so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the gaming centre; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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 mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or 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 the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 7 The level of noise emitted from the air conditioning plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

- 8 a) No development other than demolition works 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 2011.

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 relates to the ground floor of a three storey building located in an existing shopping parade. The site falls outside the primary and secondary retail frontage of Brent Street. The site is flanked by a cafe and access point to the rear car park. The next building is a kosher butchers.

The rear building on the site is occupied as an accountants with a rear car park.

The site does not fall within a conservation area and the building is not listed.

2. Site History

N/A

3. Proposal

The application relates to a change of use from existing ground floor estate agents to amusement centre (adult gaming centre). The proposal will maintain a separate entrance to the upstairs office. The floor layout at ground floor level will remain as existing with an area of 65.84sqm including lobby/kitchen and toilet area.

The adult gaming centre will be prohibited to under 18 year olds.

Any alterations to the shop front and new fascia board will be subject to a separate application.

4. Public Consultation

Consultation letters were sent to 106 neighbouring properties.

15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

- Risk of crime, increased security risk, rise in gambling shops has a correlation to crime as expressed by local Met Office, anti-social behaviour. Less reputable people and would put other families, younger people off from using this area and local restaurants in the evenings.
- Proposal will change the nature of the area.
- Encourage gambling and entertainment which currently doesn't exist.
- Increased traffic and parking problems. No control over parking for use of the site.
- Will not bring any positive impact to the local area.
- Detrimental to the high street.
- Not family friendly.
- Gambling statistically negatively effects communities with money being spent that individuals can ill afford to lose, this will result in the council covering this gap.
- Many children walk to school passed this shop and it would be irresponsible to allow them to view such uses. Negative impact on children. Does not protect the morals of children. Unit is located by a bus stop used by school children.
- Impact on local shops as would discourage people from using this area.
- Under 18s will get into the unit which is illegal.

Highways - No objections to the proposal when taking into account the existing controls and the type of use proposed.

Environmental Health - No objections to the proposal subject to conditions.

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 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, DM02, DM12, 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 October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.
Secured By Design Commercial 2015 version 2 guide.

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

Land use

The site does not fall within a designated retail frontage as specified within Barnet's Development Management Plan Policies, with the primary retail frontage of Brent Street starting at 61 Brent Street to 131 Brent Street. The site therefore falls on the edges of the town centre. The existing lawful use of the unit is A2 having being used as an estate agents and therefore its loss in terms of the vitality and viability of the shopping parade is not considered to be significant. The proposed adult gaming centre is considered to be an appropriate business use within the edge of a town centre location. It is noted that there are a number of different uses within the surrounding area including retail including specialist shops, restaurants and professional services. The introduction of a gaming centre is not considered to be harmful to the way the area functions or introduce a use that is compatible with the established uses.

Impact on the amenities of neighbours

It is noted that the floorspace above is occupied as residential accommodation, the Environmental Health team have considered the proposed use and likely noise generated by the machines and given the location of the unit it is not considered that the proposal will be harmful to surrounding residential occupiers. There is expected to be a level of comings and goings that is in keeping with the established movement pattern.

The applicant has submitted a survey of an existing amusement centre at Wembley High Road to assess the pedestrian flow during day time hours, this survey was conducted between 11am and 2.15pm with a count every 15 minutes. This shows a comparable footfall for the amusement centre and a Specsavers, a greater number of people visited the gaming centre than a ladieswear shop but this difference was not significant to a degree that there would not be a significant increase in movement that would warrant refusal of the application. It is noted that there are limitations to the survey provided, however, it is indicative to the typical comings and goings of such a use.

Environmental Health Matters

The associated footfall and noise generated is not expected to result in a detrimental impact on the amenity of neighbouring occupiers.

The EH team have reviewed the proposal and consider that the proposal with restricted opening hours in line with surrounding restaurant uses and the incorporation of sound insulation that the proposal can be supported. The details of sound insulation are to be secured by way of condition.

Traffic and Parking

There is no vehicle parking standards for a gaming centre use and as such the proposal does not give rise to any parking requirement in policy terms. No changes to the pedestrian access or refuse collection arrangements are being proposed and therefore the

proposal does not give rise to any pedestrian or refuse/servicing requirements that would impact the freeflow of traffic or pedestrian safety. It is noted that the site is located in an area with controlled parking and as such it is not considered necessary to implement any further controls. The users of the site will be obligated to abide with the existing highways controls.

Security and crime

The police have been consulted and given the sites location and the presence of three existing bookmakers consider that the proposal should be designed to incorporate measures to prevent anti-social behaviour, the police have recommended that the premises is built in accordance with the Secured By Design Commercial 2015 version 2 guide. Further points of recommendation include the installation of CCTV, use of intercom system for entry to the building, use of air conditioning to prevent the door from being propped open. There are a number of measures that can be adopted to help prevent any unsocial behaviour. The agent has advised that measures will be incorporated within the proposal and these will be detailed when applying for the license of the property.

5.4 Response to Public Consultation

Concerns are raised in relation to the increased traffic and parking in the street and surrounding streets. The traffic and development team have reviewed the proposal and considered that the application is acceptable. Brent Street falls within a business controlled parking zone and as such any users of the site will be subject to the same traffic and parking controls as other users of Brent Street.

Concerns have been raised in relation the impact of the proposed change of use on the High Street. It is noted that the site falls outside the designated retail frontage of Brent Street and as such the proposal is not considered to be harmful to the vitality and viability of the town centre. It is also noted that the lawful use is an A2 unit and as such the requirement of providing marketing information for the unit is not relevant in this case.

Objections have been raised in regards to the impact the proposed use will have on children and encouraging a type of use that children should not be exposed to. The use of the adult gaming centre by under 18s will be under separate control and would not be a planning matter.

Objections have been raised relating to the security of such a use and whether the gaming centre use will encourage anti-social behaviour, encourage users to loiter in the street and attract activity at unsocial hours. The police have reviewed the proposal and have suggested a number of measures that can be incorporated into the proposal that will mitigate against anti-social behaviour and crime. The agent has confirmed a commitment to building in compliance with the recommendations of secured by design and detailed measures will be incorporated within a licensing application at a later stage.

In regards to concerns raised in relation to noise and disturbance and noise break out from the unit to surrounding street and the residential units has been considered by the Environmental Health team and planning officers, it is noted that the proposal will be subject to sound insulation to prevent noise breakout to the streets from the machines within the building. The upper floors of the unit are currently used as office space and as such there is no direct impact on residential occupiers.

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.

