

Location **37 Church Road London NW4 4EB**

Reference: **17/4534/FUL** Received: 14th July 2017
Accepted: 25th July 2017

Ward: Hendon Expiry 19th September 2017

Applicant: PINDIS DEVELOPMENTS LTD

Proposal: Change of use from class A1 to Class A3 including single storey rear extension and installation of an extraction flue to the rear elevation

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: 10-001, 10-002, 10-003, 11-001, 11-002, 11-003, 11-004, 11-005, Empire Lettings London Report.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers for the storage of food waste where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 The level of noise emitted from the (specify machinery) 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 2011.

- 8 a) Once approval has been granted, a report must be 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.

- 9 a) No development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority
- 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 ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with

- 10 That the hours of operation of the restaurant (A3) use shall be from 12.00pm - 10.30pm daily and no members of the public should be within the premises outside of these times.

Reason: To ensure that the operation does not prejudice the enjoyment of the occupiers of their homes or business premises in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2011.

- 11 Before the permitted development is occupied a full Delivery and Service Management Plan (DSMP) including details of the routing of the service vehicles shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

Informative(s):

- 1 The following submitted plans: 10-001, 10-002, 10-003, 11-001, 11-002, 11-003, 11-004, 11-005, Empire Lettings London Report.
- 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. 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.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2800 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £2800 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You

may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Officer's Assessment

1. Site Description

The application site is a ground floor retail unit location on Church Road; it forms part of the Brent Street Town Centre Secondary Shopping Frontage and lies within the Hendon ward. The first floor 37A Church Road is in use as a self-contained residential flat planning reference H/00495/10. Church Road is a road of mixed character, predominantly comprising of commercial units below with residential units above. There are residential properties opposite and to the rear of the site (on Ravenhurst Avenue).

The application site is a two storey building which is situated within a group of terraced properties (no's 37-47) Church Road. It is sited adjacent to a similar sized two storey building no 39 to the east of the site. During the site inspection, it was verified that the property is currently vacant and the agent claimed the last use to be as an A1 sandwich shop.

No's 41-47 Church Road form single storey commercial premises on Church Road, while the upper residential floors are set back from the front building line. In addition, no's 41-47 Church Road, built single storey rear extensions up to the rear boundaries of their sites. With regard had to the application site, it will accommodate a rear garden and thus, the single storey rear extension is set approximately 7.5m away from the rear boundary of the site.

The property is not a listed building and does not fall within a designated conservation area.

The property is lawfully in use for A1 at the ground floor level. The property has previously been used as an A3 use, which has ceased trading.

2. Site History

Reference: W05354

Address: 37 Church Road London NW4

Decision: Approved subject to conditions

Decision date: 5 November 1976

Description: Garage

Reference: W05354B

Address: 37 Church Road London NW4

Decision: Approved subject to conditions

Decision date: 26 March 1996

Description: Internally illuminated display panel to replace existing panels on side elevation

Reference: H/02387/11

Address: 37 Church Road, London, NW4 4EB

Decision: Refused

Decision Date: 11 August 2011

Description: Proposed covered outdoor area to rear of existing A1 commercial property using permanent structure.

Reference: H/02772/13

Address: 37 Church Road, London, NW4 4EB

Decision: Unlawful
Decision Date: 5 August 2013
Description: Erection of a new marquee to the rear of shop.

Reference: 15/04019/FUL
Address: 37 Church Road, London, NW4 4EB
Decision: Refused
Decision Date: 03.09.2015
Description: Rear extension and change of use from A1 to A3
1 reason for refusal:

Lack of Marketing Evidence

The applicant has failed to provide sufficient evidence to demonstrate that this A1 shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use. In the absence of such marketing information the proposed change of use would detract from the retail function of this frontage and would have a detrimental impact on the vitality and viability of Brent Street town Centre, contrary to policy 4.8 of The London Plan (2015), policy CS6 of the Barnet Adopted Core Strategy (2012) and policy DM11 of the Adopted Development Management Policies DPD (2012).

Reference: 16/6442/PNC
Address: 37 Church Road, London, NW4 4EB
Decision: Prior Approval Required and Refused
Decision Date: 17.11.2016
Description: Change of use from Class A1 (Retail) to Class A3 (restaurant.)
3 reasons for refusal:

Noise

Insufficient information has been provided in relation to noise, in the absence of this information the development does not ensure that the amenities of occupiers are protected from noise contrary to Policy DM04 of the adopted Development Management Policies DPD (2012).

Odour

Insufficient information has been provided in relation to noise, in the absence of this information the development does not ensure that the amenities of occupiers are protected from odour contrary to Policy DM04 of the adopted Development Management Policies DPD (2012).

Impact on vitality and viability

The proposed scheme resulting the loss of a retail unit would be detrimental to the vitality and viability of Brent Street Town Centre. The proposals would be contrary to policy DM11 of the Adopted Barnet Development Management Policies 2012.

3. Proposal

The proposed development is for the change of use from class A1 vacant (sandwich shop) to class A3 (restaurant). The vacancy occurred from 2 July 2017. In addition, the proposal is for the erection of a single storey rear extension measuring 4.5m deep x 7.5m wide x 3m high incorporating a flat roof. The single storey rear extension will provide for a kitchen and one door and three windows in the rear elevation and is sited to the rear of no's 37 and 39 Church Road.

The site area is 190sqm; existing floor area is 60sqm and the proposed floor area is 80sqm. The restaurant will have five full time and 3 part time employees. There is no existing parking on site however, the proposal will provide for three new car parking spaces. No parking arrangement details have been provided with the submission.

Further, the applicant is applying for the installation of an extraction flue to the rear elevation of no 37 at ground level. The flue will be internal and the vent at the rear as a condenser unit. Environmental health officers have provided comments and attached conditions to mitigate the amenities of occupiers of neighbouring properties.

4. Public Consultation

Consultation letters were sent to 171 neighbouring properties. 20 responses have been received, comprising 20 letters of objection.

The objections received can be summarised as follows:

- Concerns regarding opening hours, entertainment, refuse, parking, congestion, noise, nuisance, health, pollution and odour impacts of the proposal
- No fire exit or refuse area left for 39 Church Road with proposed rear extension
- The proposed extension is out of keeping with the surrounding area
- The change of use will result in significant adverse impacts on amenity
- Devalue surrounding properties, area congested and overdeveloped

Consultation-Environmental Health

Environmental health officers had raised three concerns as follows; noise from the plant, impact of noise from ventilation and extraction plant on development and kitchen extraction equipment. The officers had introduced mitigation measures to ensure the proposed development does not impact on the amenities of occupiers of neighbouring properties.

Environmental Health had approved subject to appropriate conditions. This will be discussed in the amenity section of the report.

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, DM02, DM04, DM11, DM12, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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.
- Whether it would impact on highways
- Whether it would impact on the vitality and viability of the town centre
- Whether the visual impact of the flue would impact on the amenity of neighbouring occupiers

5.3 Assessment of proposals

Impact of the extension and flue on the character and appearance of the area

Planning permission is sought for the erection of a single storey rear extension with a depth of 4.5m deep x 7.5m wide x 3m high incorporating a flat roof. The single storey rear extension would be finished in brick to match the existing building. The single storey rear extension is set approximately 7.5m away from the rear boundary of the site and would extend to the rear of no 39 Church Road. The rear garden occupies approximately 53sqm of outdoor and usable amenity space.

With regard to the full width single storey rear extension, it is sited to the rear of the property and is not visible from Church Road. Furthermore, when viewed from the rear of properties on Ravenshurst Avenue and the rear gardens of neighbouring dwellings, the extension appears as a relatively modest and proportionate addition to the existing building. Moreover, the majority of the rear gardens are developed in the form of single storey rear extensions built up to the boundary of sites (27-31 and no's 41-47, Church Road), such that the application site does not appear overly developed.

The single storey rear extension would be built in brick and materials and finishes would match the existing building and as such would appear in keeping with the existing building and surrounding properties within the vicinity of the application site.

The extension would not harm the character or appearance of the area and accords with policies CS1 and CS5 of Barnet's Local Plan Core Strategy Development Plan Document (2012), Policies DM01 of the DMP and the Residential Design Guide, 2016. These policies, taken together, seek to ensure good design and that new development makes a positive contribution to the character and appearance of an area.

Principle of change of use and whether the proposals would have an acceptable impact on the vitality and viability of the town centre

Policy DM11 advises that the Council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability. A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the secondary frontage below 65% will not be permitted. The proposal should not create an over-concentration of similar uses which detract from the retail function of the town centre. Change from a retail use (Class A1) will be strongly resisted unless it can be demonstrated that there is no viable demand for continued Class A1 use. When it can be demonstrated that the site has been marketed effectively for Class A1 use acceptable alternatives to Class A1 use will be Class A2, A3, A4, A5 or community uses. Conversion of any Class A use to a community use will be expected to present an active frontage at ground floor and be able to demonstrate a

similar weekday footfall to Class A1 use. All alternatives to Class A1 use will be subject to amenity impacts.

No retail survey had been provided by the agent. Upon the Case Officer's own retail survey of the secondary frontage of Brent Street Town Centre the proportion of class A1 retail uses within the secondary parade is 59% which is substantially below the 65% as specified under policy DM11.

The previous planning application (reference 15/04019/FUL) had been refused because the applicant failed to provide sufficient evidence to demonstrate that this A1 shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use.

In the absence of such marketing information the proposed change of use would detract from the retail function of this frontage and would have a detrimental impact on the vitality and viability of Brent Street town Centre, contrary to policy 4.8 of The London Plan (2015), policy CS6 of the Barnet Adopted Core Strategy (2012) and policy DM11 of the Adopted Development Management Policies DPD (2012).

However, the agent has provided a marketing report prepared by 'Empire Lettings London'. Background research had been carried out and a number of companies had been contacted however, due to the lack of footfall had not yielded investment. The agent had approached smaller businesses in the local area, who were only interested in A3 use due to its location within close proximity to the Middlesex University and the Claddagh Ring. Since March 2015 extensive marketing had been carried out which involved; onsite board, marketing brochure, email campaign to our database, in-house property particulars were prepared with details of the property were placed on our company website, particulars were distributed via email to our company database of companies, agents, corporations and individuals, erected a large 'To Let' board on site. The outcome of the marketing campaign resulted in two viewings and one offer of £25,000 for ownership of lease was on condition of A3 license being obtained. When the interested party viewed previously refused change of use applications to A3, the interested party had lost interest.

In light of the marketing evidence, there was no interest in the use of property for A1 use and there was a likelihood of the premises being used for A1 in the short to medium term. On balance, the use of the premises as an active A-class frontage within a town centre is preferable to a vacant unit.

Impacts on Residential Amenity

The proposed single storey rear extension is sited adjacent to relatively deeper single storey rear extensions. Given the modest dimensions for the proposed extension at single storey level, it is considered that it would not result in a loss of light or appear overbearing to the detriment of the amenities of neighbouring occupiers.

Moreover, the single storey rear extension is sited approximately 7.5m away from the rear boundary of the site, an extensive distance of approximately 18.5m from the nearest residential property no 2 Ravenshurst Avenue. Given the adequate separation distance and modest addition to the existing property, it is considered that it would not harm the amenities of occupiers at no 2 Ravenshurst Avenue.

The proposed extension will result in a new entrance to the rear of the A3 unit to provide access in and out of the kitchen area to the rear of the property. The new rear access is for commercial use and as such would not result in obstruction to the uses of operation of the neighbouring commercial unit at 35 Church Road, nor would it be considered out of character with the street scene.

The applicant had not suggested opening hours in the application form. However, opening hours will be secured by way of condition to ensure the opening hours are similar to opening hours for other commercial uses along this stretch of Church Road. The opening hours will be 12.00pm - 10.30pm daily and this will ensure that the operation does not prejudice the enjoyment of the occupiers of their homes or business premises in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2011.

The proposed extraction flue is to be sited at the rear of the premises and it would be internal and as such, it would minimise any possible impact on the residential units above. The nearest residential property to the rear is no 2 Ravenshurst, sited approximately 18.5m away from the rear of the application site. However, the extraction flue is likely to give rise to odour and noise and as such, the applicant's information has been assessed by environmental officers who have expressed support for the scheme subject to attached conditions. Once the attached conditions have been discharged this will minimise any potential impacts on neighbouring properties. Upon consideration of the above, the proposed extraction flue will have minimal impact on the amenities of neighbouring properties.

The Councils Environmental Health Department have been consulted and have no objections to the proposal for the replacement of an extraction flue at the site subject to specified conditions which are attached to this decision.

Highways and refuse storage

Parking and car access arrangements will remain unchanged. There are no on site parking spaces. There is in adequate parking on nearby streets however the local passenger transport accessibility will ensure that the private vehicle trip generation and parking demand will be manageable locally. The site is situated within a local centre and clustered with other highly intensive uses such as Middlesex University, Hendon Town Hall and other businesses in the area.

Refuse storage appropriate to a hot food premises will be secured through planning condition.

5.4 Response to Public Consultation

- Concerns regarding opening hours, entertainment, refuse, parking, congestion, noise, nuisance, health, pollution and odour impacts of the proposal

It is considered that the above issues could be addressed through the use of planning conditions.

- No fire exit or refuse area left for 39 Church Road with proposed rear extension

The applicant has confirmed that the curtilage of the site entails the rear of 39 Church Road on the Site Location Plan and has signed Certificate A to confirm it is in the

applicants ownership. Therefore, given this has been in existence it is not a matter for officers to consider as part of this planning application.

- The proposed extension is out of keeping the surrounding area

This concern has been addressed in the assessment above.

- The change of use will result in significant adverse impacts on amenity

This concern has been addressed in the assessment above.

- Devalue surrounding properties

This is not a material planning consideration

- Area congested and overdeveloped

This concern has been addressed in the assessment 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 the proposed development would have an acceptable impact on the vitality and viability of the Town Centre shopping area. The applicant has justified the change of use from an A1 to A3 use in the marketing report prepared by 'Empire Lettings London'. The proposed single storey rear extension would appear subservient to the building and respect the character and appearance of the surrounding area to an acceptable level. The single storey rear extension is not considered to have an adverse impact on the amenities of neighbouring occupiers. Further, the proposed extraction flue would result in noise and odour however, these impacts are considered minimal, secured by way of conditions and as such, would not harm the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.