

Location **130 Colindale Avenue London NW9 4AX**

Reference: **19/0017/FUL**

Received: 2nd January 2019

Accepted: 17th January 2019

Ward: Colindale

Expiry 14th March 2019

Applicant: The Adil Group

Proposal: New shopfront including relocation of front entrance door. New outdoor seating with barriers. Installation of extraction grills to both elevations

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

"Location Plan";
2018/133/02 RevE;
2018/133/PP2 RevA.

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 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 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).

- 4 The outdoor seating area hereby permitted shall not be open to patrons and diners between the hours of 21:00 and 10:30 on any day.

Reason: To preserve and enhance the character and appearance of the area and to safeguard the amenities of adjoining residents in accordance with Policy DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

- 5 The capacity of the outdoor seating area hereby granted consent must not exceed 20 persons.

Reason: To preserve and enhance the character and appearance of the area and to safeguard the amenities of adjoining residents in accordance with Policy DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

- 6 The seating, tables and barriers hereby granted consent must not be left on the street between the hours of 23:00 and 10:30 on any day.

Reason: To preserve and enhance the character and appearance of the area and to safeguard the amenities of adjoining residents in accordance with Policy DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 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.
- 2 This permission relates to the proposed development as described and detailed in the submitted plans. The applicant is advised that Conditions 12 and 37 pursuant to permission H/05856/13 for the development of the site must be discharged prior to the operation of mechanical plant on the site.

Officer's Assessment

1. Site Description

The application site relates to a commercial unit on the ground floor of a recently constructed and occupied residential flat block at 130 Colindale Avenue. The building is located within the Colindale Redevelopment Area and is situated close to Colindale station.

The adjoining unit is occupied by Costa which is provided with outdoor seating enclosed by moveable barriers.

The building is not listed and is not located within a conservation area.

2. Site History

Reference: 17/5172/ADV

Address: Herald Court, 130 Colindale Avenue, London, NW9 4AX

Decision: Approved subject to conditions

Decision Date: 25 September 2017

Description: Installation of 1 Internally illuminated projector sign, 1 internally illuminated logo, 1 non illuminated wall mounted panel and non illuminated acrylic letters

Reference: 19/0018/ADV

Address: Herald Court, 130 Colindale Avenue, London, NW9 4AX

Decision: Approved subject to conditions

Decision Date: 12/03/2019

Description: Installation of 2no internally illuminated fascia signs, 1no internally illuminated projecting sign, 1no non-illuminated sign behind shop front glazing and 4no fabricated logo signage to outdoor seating barriers

3. Proposal

Planning permission is sought for an alteration to the existing shopfront to provide a new entrance door to the Colindale Avenue elevation, the provision of external seating in front of the Colindale Avenue elevation and extract grilles to the Guardian Avenue elevation in connection with the use of the unit as a restaurant (A3).

4. Public Consultation

Consultation letters were sent to 61 neighbouring properties. A total of 23 responses were received, of which 20 were in objection to the proposed scheme. They can be summarised as follows:

- It is inappropriate to have an outdoor seating area on Guardian Avenue due to its residential nature and the width of the pavement.
- The proposed seating area on Guardian Avenue will cause a loss of privacy to residents' balconies above.
- The proposed seating area will cause increased noise disturbance to neighbouring occupiers.

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 revised National Planning Policy Framework (NPPF) was published in 2018. 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.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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.

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

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

Impact on the character and appearance of the streetscene and the building

Policy DM01 states that development proposals should be based on an understanding of local characteristics and that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.

The proposed development involves a new shopfront to the commercial unit at 130 Colindale Avenue including the relocation of front entrance door; new outdoor seating with barriers; and installation of extraction grills to both elevations. The applicant has been granted advertisement consent for the associated signage under application reference 19/0018/ADV.

The proposed entrance would be relocated from Guardian Avenue to Colindale Avenue. This is considered to be appropriate given the more commercial nature of the street and the proximity to the entrances to nearby commercial units. The new entrance would use materials to match the existing shopfront. It is not considered that this element of the development would harm the local character or the living conditions of neighbouring residents.

The application also proposes a new outdoor seating area. Following comments received during the public consultation, the application has been amended to remove the proposed seating on Guardian Avenue. The application now only proposed outdoor seating on the primary frontage on Colindale Avenue. This would be in line with the existing seating area at the adjacent unit occupied by Costa. The pavement width at Guardian Avenue is much narrower than that at Colindale Avenue and would reduce the space available to pedestrians, thereby reducing pedestrian comfort. The removal from this location would also maintain a clear break between the commercial and residential elements.

The proposed seating would accommodate approximately 20 people and be bounded by barriers black barriers bearing the company logo. It is noted that the public comments objected to the seating area on Guardian Avenue, due to its more residential character and narrower pedestrian access. Given the more commercial character of Colindale Avenue and the existing outdoor seating in the area, it is not found that the proposed seating area would be cause of a material change to the character of the area.

The proposed extraction and ventilation grills to the shopfront facing Colindale Avenue and Guardian Avenue are not found to harm the appearance or character of the area.

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

External seating to a food and drink premises naturally increases the noise levels for adjoining residents and objections were raised in relation to noise pertaining to the Guardian Avenue section. Given that this is a much more exposed location with open balconies the impact would not be suitable.

Concentrating the seating area on Colindale Avenue would be appropriate as it is sited on a main thoroughfare with commercial activity, it would not have any additional harmful impact on the amenity of neighbouring occupiers. Taking into account the location and the uses above, it is considered that the use of planning conditions to limit the hours of use to 2100 daily, the number of external covers to 20 and to ensure the removal of outdoor seating at the end of the trading day would limit the impact for occupiers above the development.

The installation of three vents and grilles will be added to the elevations including a toilet output vent, a kitchen extraction grille and a ventilation grille. The grilles are considered acceptable, however, the application has not been supported by any information concerning the extraction system and approval will need to be sought for this.

The proposed development is found to be in accordance with all relevant planning policy, including Policy DM01 of Barnet's Development Management DPD to protect local character and amenity of local residents.

5.4 Response to Public Consultation

- It is inappropriate to have an outdoor seating area on Guardian Avenue due to its residential nature and the width of the pavement.

- The proposed seating area on Guardian Avenue will cause a loss of privacy to residents' balconies above.

The applicant has removed this outdoor seating on Guardian Avenue from the application in response to residents' concerns. The siting of the proposed seating on Colindale Avenue is more appropriate and found to have an acceptable impact on residential amenity.

- The proposed seating area will cause increased noise disturbance to neighbouring occupiers.

Given the siting of the proposed seating area on Colindale Avenue, it is not considered that the development would cause unacceptable noise disturbance to neighbouring 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

Having taken into account all material considerations, the proposed development is found to be in accordance with Policy DM01 of the Development Management Policies. The scheme is therefore recommended for approval subject to the attached conditions.

