

Location **1302 High Road London N20 9HJ**

Reference: **18/7503/FUL**

Received: 19th December 2018

Accepted: 20th December 2018

Ward: Oakleigh

Expiry 14th February 2019

Applicant: Mr Gary Clarke

Proposal: Enlargement of existing first floor facilitated by first floor rear, sides and front extensions, including formation of new hipped roof and second floor accommodation at rear. Change of use from bank (A2) to restaurant (A3 use class) at ground floor and first floor and ancillary office (B1 use class) at second floor. Associated alterations including new rear fire escape staircases and alterations to fenestration. Relocation of entrance door to front (amended description)

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:

Proposed Site and Location Plan Drawing no. A100 Rev B; Drawing no.E101; Drawing no.E102; Drawing no.E103; Drawing no.E201; Drawing no.E202; Drawing no. E204; Drawing no.E301; Drawing no. A101 Rev D; Drawing no. A102 Rev C; Drawing no. A103 Rev C; Drawing no. A104 Rev C; Drawing no. A201 Rev A; Drawing no. A202 Rev C; Drawing no. A203 Rev C; Drawing no. A204; Drawing no. A301 Rev B; Drawing no. A415 Rev A; Drawing no. A620 Rev A; Drawing no. A621; Amended Design and Access Statement and Daylight and Sunlight Assessment by Herrington Consulting Ltd.

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 other than demolition works shall take place until details of sample materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 The proposed A3 use and ancillary office hereby approved shall not be open to members of the public before 8:00am or after 11pm on weekdays, Saturdays, Sundays and Bank and Public Holidays.

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 2016.

- 5 The premises shall be used for A3 use and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 6 No deliveries/servicing of the A3 unit shall occur outside of the hours of operation, as specified under condition 3 of this permission, being 8.00am - 11.00pm.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 7 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 where applicable, 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).

- 8 The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information including details of the waste collection strategy of collection from the High Road as indicated in the hereby approved drawing no. A620 Rev A. The development shall be managed in accordance with the information approved under this application in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 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 policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

- 10 The level of noise emitted from any plant (including kitchen extraction 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 2016.

- 11 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 2016.

- 12 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 13 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing no.1300 and no. 1304 High Road.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 14 The restaurant and ancillary office shall only be accessed from the front of the site.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. 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 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 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 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](http://www.legislation.gov.uk)

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

- 3 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 4 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 5 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
 - Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 6 The footway and carriageway must not be blocked during the development. All vehicles associated with the development must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.

Officer's Assessment

1. Site Description

The application site located on the eastern side of High Road within the Oakleigh ward.

The building is not within a Conservation Area nor is it listed, and the area is not within an area covered by an Article 4 direction. The building lies within the Primary Retail Frontage of the Whetstone Town Centre, as defined by the Council's Local Plan.

The site is within an area of Special Archaeological Interest.

The existing building sits along a row of terraced shops. The building immediately to the north of the site is three storeys in height and the property to the south is two storeys with accommodation within the roof space.

The existing building is accessed from the High Road. At the time of writing, the building was vacant, but previously occupied by Natwest Bank (Use Class A2).

The main existing building is single storey at the front and two storeys at the rear, with the rear element significantly recessed from the front façade. To the south a section of the site falls within the two storey building abutting the main Natwest building.

As part of application 18/2076/PNC, which was granted prior approval to convert into an A3 restaurant, the host building was subdivided, with the northern section of the building being approved use as an A3 unit. The southern section of the building, was granted consent for a new shop front under reference 18/2708/FUL and is known as 1300A High Road; works to alter the shop front have been carried out to this unit

2. Relevant Site History

Reference: 18/4192/ADV

Address: Outside Natwest, 1302 High Road, London, N20 9HJ

Decision: Approved subject to conditions

Decision Date: 24 September 2018

Description: Insertion of two internally illuminated digital LED screens, one on each side of the InLink unit

Reference: 18/4191/PNT

Address: Outside Natwest, 1302 High Road, London, N20 9HJ

Decision: Prior Approval Required and Approved

Decision Date: 18 September 2018

Description: Removal of existing payphones and installation of ground based apparatus comprising of an InLink unit

Reference: 18/2076/PNC

Address: 1302 High Road, London, N20 9HJ

Decision: Prior Approval Required and Approved

Decision Date: 16 May 2018

Description: Change of use from Class A2 (Financial Institution) to Class A3 (Restaurant)

Reference: 18/1203/PNC

Address: 1302 High Road, London, N20 9HJ

Decision: Prior Approval Required and Refused

Decision Date: 16 April 2018

Description: Change of use from Class A2 (Financial Institution) to Class A3 (Restaurant)

Reason for refusal:

1. Development is not permitted by Class C if the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres. The commercial unit subject of this application has a floor space of approximately 151 square metres, therefore, the proposal does not comply with the requirements of Condition C.1(a) of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015.

Reference:17/0817/LIC

Address: 1302 High Road, London, N20 9HJ

Decision: Exempt

Decision Date: 3 March 2017

Description: Removal of existing 2no. external antennas and replacement with 4no new similarly sized antennas painted to match the fascia brickwork, the addition of an external GPS module, and other ancillary work

_djacent Site

Reference: 18/2708/FUL

Address: 1300A High Road, London, N20 9HJ

Decision: Approved subject to conditions

Decision Date: 27 June 2018

Description: New shop front.

3. Proposal

The applicant seeks planning permission for the enlargement of existing first floor facilitated by first floor rear, sides and front extensions, including formation of new hipped roof and second floor accommodation at rear. This would facilitate the change of use from bank (A2) to restaurant (A3 use class) at ground floor and first floor and an ancillary office (B1 use class) at second floor. The extension would infill towards the front of the site, but retain a 1.2m recess from the front façade. At the front, the extension would continue the columns detailing that exists at ground floor recessed behind the existing balcony guarding detail. At the front, the extension would have a hipped roof.

At the rear the extension would maintain the existing distance of between 3.6m and 4.4m to the southern property and would not project any closer to no. 1300 High Road than the existing structure. At second floor, there would be a small flat roof before the new hipped roof is introduced, which provides the office accommodation. On the other side, the extension projects 2m beyond the rear elevation of the neighbouring property. The remaining rearward projection with a depth of 5.5m would be recessed 1.4m away from the outermost northern elevation.

The proposal also seeks associated alterations including a new rear fire escape staircase at the rear and alterations to the fenestration. The front entrance would be relocated in a central location.

4. Public Consultation

Consultation letters were sent to 148 neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Over-development of the area/ this is not central London;
- Closure of shops;
- Insufficient parking;
- Right of way incorrectly drawn; there is no right of way from Athenaeum Road to the rear of the site for the second floor development;
- Land at rear not in ownership of applicant;
- Access at the site of 1 Athenaeum Road is very restricted and limited;
- No consideration given to the bin storage;
- Plans incorrectly show neighbouring properties
- Width of access;
- Terrace area at first floor shouldn't be used as smoking area, this would impact residents at 1300 High Road;
- Refuse collection is not from the rear.

A re-consultation was carried out on the 20th February as amended plans were received and the description was also amended. The following additional comments were received:

- Concern about the manner in which the site accessed (refuse and recycling but also staff).
- A condition should be added to restrict access from the rear;
- Right of access to rear path/ incorrect statement regarding an easement over the alleyway;
- Red line includes the alleyway despite no legal notice to freeholder and leaseholders;
- Alleyway not suitable for large waste bins;
- Drawings don't show entrance to neighbouring buildings

A site notice was erected on the 27th December 2018.

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 updated on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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, CS6, CS8, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM11, DM12, DM14, 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.

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;
- Highways impact.

5.3 Assessment of proposals

Principle of Development and Impact on the character of the area

Use

Policy DM11 of the Development Management Policies DPD seeks to protect the viability and vitality of Town Centres and ensure that there is an appropriate mix of uses within the Borough's Town Centres. The pre-ambles to the policy stipulates that "preventing an over

concentration of similar non class A1 uses is important to maintaining the vitality and viability of a town centre".

The relevant sections of policy DM11 are as follows:

i "b: Primary and secondary frontages

i. A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the primary frontage below 75% will not be permitted. The proposal should not create an over-concentration of similar uses which detracts from the retail function of the town centre.

v. Evening economy uses will be expected not to have an adverse effect on the amenity of local residents and be in keeping with the scale and character of the surrounding area.

c: Mixed use development

i. The protection of employment floorspace should meet the requirements set out in Policy DM14: New and Existing Employment Space unless otherwise indicated in the:

a) Site Allocation DPD

b) Town Centre Frameworks

c) Areas identified as a Locally Significant Industrial Site, Industrial Business Park or Business Locations.

ii. Appropriate mixed use re-development will be expected to provide re-provision of employment use, residential and community use."

Policy DM14 seeks to retain and introduce employment space in appropriate locations. The policy specifies that new employment space should *"follow a sequential approach which considers town centre sites before edge of centre sites"*. In addition, new employment space *"will be expected to provide on-site servicing for the intended use and include space for waiting for goods vehicles."*

The proposal falls within the Primary Retail Frontage of the Whetstone Town Centre. The principle of subdivision of the ground floor unit is considered to be acceptable, given that the proposed use as A3 would be an appropriate use to help maintain the viability of the Town Centre. Furthermore, the previous use was A2 and therefore the change to A3 would not result in a loss of A1 uses and therefore the proposal complies with policy DM11. In addition, it has been noted that the A3 use was granted under the prior notification application, reference 18/2076/PNC.

As part of the amendments, it has been clarified that the proposed office at second floor would be ancillary to the restaurant use. It has been clarified that the office would be accessed from the front of the site.

The proposed use would be considered acceptable given the Town Centre location and associated sustainable benefits.

Design

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The building as existing is perceived as a single storey structure from the front with a taller element set within the building at the rear. There is a considerable variety in the design and heights of buildings along this section of the road. To the north, the neighbouring property

(no. 1304 High Road) is three storeys in height with a flat roof. To the south, the building is two storeys with a pitched roof and front dormers. As existing, the building height is at odds with the taller elements either side and therefore the increase in height is considered acceptable. The hipped roof is considered to reduce the visibility of this front extension.

The eaves height of the extension would match that of the building to the north (no.1304) and the hipped roof would be comparable in height to the building to the south (no.1300). In this regard, the extension at the front is considered to be a complimentary addition to the streetscene. The proposed changes at ground floor would seek to balance the elevation by relocating the entrance in a central location and increasing the height of the windows to match the existing large window.

There is no objection to the proposed fenestration at first floor level which would include large glazed doors. However, this along with the proposed materials will be conditioned.

At the rear, officers have worked with the developer to reduce the bulk and massing of the extensions. Along the boundary with no. 1300 High Road there would be a modest infill up to the rear elevation of no.1300 which would have a flat roof.

The rear and side extensions are relatively modest in size and scale and the introduction of the hipped roof would not be considered out of character. The side dormer located on the northern elevation although larger than what would normally be considered acceptable, does not dominate its respective roofslope and on balance is acceptable.

Due to the site constraints of neighbouring properties (discussed in more detail below), amendments to the design and scale of the extensions have been sought during the course of discussions with the applicant. The extensions are on balance considered to have an acceptable impact on the character of this area and would not be harmful to the appearance of the area.

Impact on the amenities of neighbours

Any scheme will be required to address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden.

There is no objection to the front extension and changes in regards to the impact on neighbouring amenity. The recess of the first floor is modest and would not be large enough for the area to be used as a balcony.

With regards to the rear extension, it was noted at the site visit that the neighbouring flat above 1300A (known as 1298) is accessed from the rear and there are windows directly fronting the side of the application site. These windows appear to serve habitable rooms and the entrance to the flat is located on the flank elevation fronting the site. The application is supported by a Daylight and Sunlight report which concludes that the extensions would not have a material impact on the daylight and sunlight received by neighbouring habitable windows.

The extension adjacent to no. 1300 High Road has been reduced so that the perceived height, bulk and massing is comparable to the existing structure. On balance, it is not considered that the extension would have an prominent or obtrusive impact on this neighbouring or that the presence of the pitched roof would be such that it would appear overbearing on this neighbour (the roof splays away from the neighbour and as such it would not appear overbearing). Windows are proposed on this side, however these are high level and would not facilitate overlooking.

On the other side, the extensions have responded sympathetically to the location of neighbouring windows and the small patio of no. 1304 High Road by recessing the bulk away and including recesses which provide visual relief. On balance, it is not considered that the extension, albeit closer to the windows of no.1304 would have an unacceptable or overbearing presence. There would be no windows on the side elevation facing this property.

At the rear, the distance to neighbouring buildings is such that the extensions would not be viewed as overbearing.

The proposed flue has been located in the least sensitive location, away from neighbouring windows and would be at a height above 1.5m. Environmental Health colleagues have been consulted and consider that subject to conditions with regards to noise and extraction equipment, the use would not have an unacceptable impact on neighbouring amenity.

The proposal has been found to have an acceptable impact on neighbouring amenities subject to recommended conditions.

Highways

The site benefits from a PTAL 3, which is considered to be average, with only bus and train available within the PTAL calculation area. The site falls within a Town Centre location and therefore considered to be a sustainable location.

The development is not located in a controlled parking zone nor is there likely to be one in place by the time the proposed development is occupied.

Highways officers have been consulted on the scheme and do not raise objection to the proposal. Highways officers have commented that the total daily trip generation by the proposed use will not be significantly different to the existing use, the peak times of use will shift toward the evening in association with the restaurant use.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported.

Amendments have been sought with regards to the refuse and recycling management which has been detailed on Drawing no. A620 Rev A. The refuse will be collected from the front of the site by a private collection company at least three times a week between 7-10am and 4-7pm when single yellow line restrictions apply. It will be conditioned that waste collection is managed as per the details on this drawing.

The bins will be stored within a fully lockable timber refuse store; these details will be sought by a suitably worded condition.

Transport for London have also been consulted as High Road forms part of the Strategic Road Network (SRN) for which TfL is the traffic authority. TfL confirmed that they have no comments to make on this planning application regarding strategic transport issues, however have requested an informative is added to prevent blockage of the road.

In conclusion, the proposal is considered to have an acceptable impact on highways grounds.

5.4 Response to Public Consultation

It is considered that the planning related objections have been addressed in the report above. With regards to the right of access this is not a planning consideration. The revised plans have resulted in the omission of the independent office which was proposed to be accessed from the rear; the office would now be accessed from the front and would be ancillary to the restaurant use.

The amended scheme clarifies that the refuse collection would be from the front of the site only and the alleyway has not been included within the curtilage of the site/ red line (the agent has also clarified that the ancillary office and restaurant would be accessed from the front of the site).

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.

