

**LOCATION:** 2A Rundell Close / 64-66 Vivian Avenue, London, NW4 3XH  
**REFERENCE:** H/03559/12  
**WARD(S):** West Hendon

**Received:** 19 September 2012

**Accepted:** 19 September 2012

**Expiry:** 14 November 2012

**Final Revisions:**

**APPLICANT:** Sainsbury's Supermarkets Limited  
**PROPOSAL:** Single storey rear extension following partial demolition of existing extension and replacement of rear emergency staircase.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, P-3172-100, P-3172-101, P-3172-111A, P-3172-201, P-3172-210B.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 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 the surrounding area.

- 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.

- 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 on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

## **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
  - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006). In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1 and D2.

Core Strategy (Adopted) 2012: CS1.

Development Management Policies (Adopted) 2012: DM01 and DM02.

- ii) The proposal is acceptable for the following reason(s): -

The proposed development would have an acceptable impact on the amenities of the neighbouring occupiers and the appearance of the building and the street scene. It complies with all relevant council policy and design guidance.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for

the development of the capital to 2031. It forms part of the development plan for Greater London.

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.

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction “saving” 183 of the 234 policies within the UDP.

GSD, GBEnv1, GBEnv2, D1 and D2

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

#### Core Strategy (Adopted) 2012

Barnet’s emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

#### Relevant Core Strategy Policies (Adopted) 2012: CS NPPF, CS1, CS2 and CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector’s Report in June 2012. The Inspector endorsed all the Council’s modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National

Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01.

<b>Application:</b>	Planning	<b>Number:</b>	H/03556/12
<b>Validated:</b>	19/09/2012	<b>Type:</b>	APF
<b>Status:</b>	PDE	<b>Date:</b>	
<b>Summary:</b>	APC	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Installation of new shopfronts, atm including anti-ram bollards, new customer entrance door and a new means of escape to Vivian Avenue frontage		

<b>Application:</b>	Planning	<b>Number:</b>	H/03561/12
<b>Validated:</b>	19/09/2012	<b>Type:</b>	ADV
<b>Status:</b>	PDE	<b>Date:</b>	
<b>Summary:</b>	APC	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Installation of 3no. internally-illuminated fascia signs, 1no. internally-illuminated projecting sign and 1no. non-illuminated poster panel sign.		

Consultations and Views Expressed:

Neighbours Consulted: 95                      Replies: 7  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Objections relate to the proposed use of the unit for a Sainsbury's store.  
Objections relate to lack of parking and width of the service road in terms of ability of construction vehicles to reach the site.

Date of Site Notice: 27 September 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a ground floor vacant retail unit on the corner of Vivian Avenue and Rundell Crescent.

There is a service road running along the rear of the site, known as Alderton Way.

Relevant Applications

Two further applications have been submitted relating to the use of the unit as a Sainsbury's store. All 3 applications have been referred for decision at sub committee.

Proposal:

The applicant requests permission for the demolition of an existing rear extension

and the erection of a replacement single storey rear extension, for use as storage ancillary to the retail use.

There would be two sections of extension. The first would be sited adjoining the boundary of the site with Rundell Crescent and would match the existing extension in footprint. The other section of extension would also be sited on land currently occupied by an extension and would involve the relocation of an external staircase. The extensions would be a maximum of 2.5m high.

#### Planning Considerations:

It is not considered that the extensions, given that they are a replacement of existing extensions, would cause undue additional undue harm to the neighbouring occupiers. A condition would be placed on the application to ensure that the external materials used in the construction of the extension would match existing materials.

The proposed extension would be acceptable in size and design and would not be detrimental to the appearance of the host building or to the street scene.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The use of the unit as a Sainsbury's store does not require planning permission. Issues of feasibility of construction is not a material planning consideration.

### **4. EQUALITIES AND DIVERSITY ISSUES**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposed extension complies with all relevant council policy and design guidance.

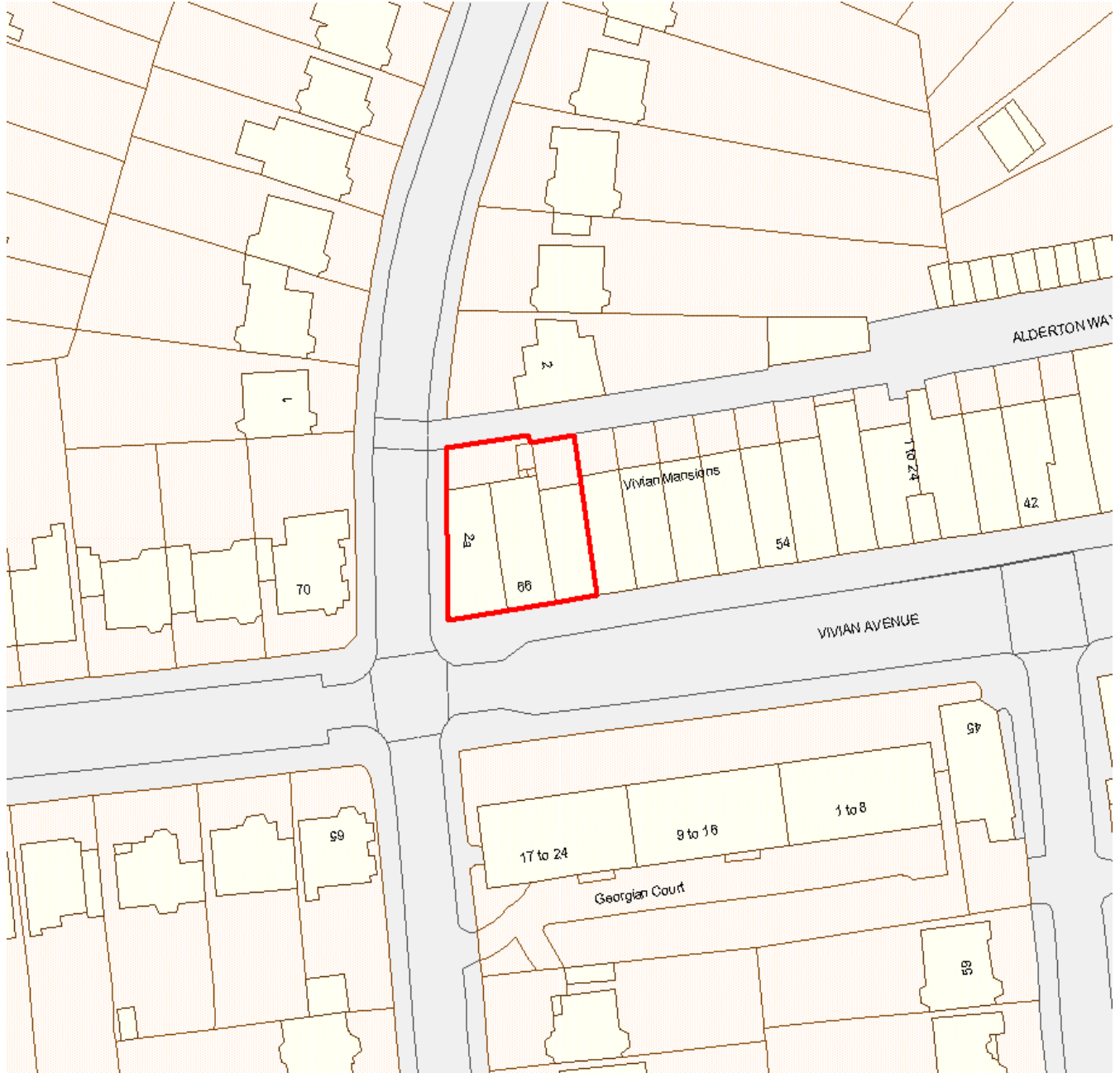
**Approval** is recommended.

**SITE LOCATION PLAN:**  
**NW4 3XH**

**2A Rundell Close / 64-66 Vivian Avenue, London,**

**REFERENCE:**

**H/03559/12**



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