

Location **Former Site of Public Convenience, Junction of Great North Road, London, EN5 1ET**

Reference:

	Received:	20.05.2022
22/2716/FUL	Accepted:	20.05.2022
Ward: Barnet Vale	Expiry	15.07.2022

Applicant:

CONNECTIONS
LTD

Proposal:

Demolition of the existing single storey building and erection of a two storey building for use as internet cafe/coffee bar with provision of outdoor seating. Associated cycle parking, refuse and recycling store and associated landscaping

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: 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

-Drawing numbers: 1809-E01-00; 1809-E02-00 Rev 1; 1809-E03-00 Rev P1; 1809-E03-00 Rev p1

-Proposed: 1809-P02-00; 1809-P02-01; 1809-P03-03 Rev P3; 1809-P03-01 Rev P4; 1809-P03-02 Rev P3; 1809-P03-00 Rev 4

-Planning and Heritage Statement by Apcar Smith Planning dated May 2022

- Design and Access Statement by Vivendi Architects dated 30 July 2021

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).

3. a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

4. a) No development other than demolition works shall take place until details of the 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 Policy D4 of the London Plan 2021.

5. 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).

6. 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 2016) and Policies D13 and D14 of the London Plan.

7. The level of noise emitted from the 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).

8. Notwithstanding the provisions of Schedule 3 of the Town and Country Planning (Control of Advertisement) Regulations 2007, as amended, no advertisement displays or structures shall be displayed inside the building or on the external elevations of the building without prior consent in writing from the Local Planning Authority.

Reasons: To ensure the proposal would not be harmful to the character and visual amenities of the area, and in the interest of highway safety, in accordance with policies D1, D4 & T4 of the London Plan (2021); and policies DM17 & DM17 of the Development Management Document (2012).

9. The opening hours for the internet café and coffee shop shall not be permitted outside these following hours:

- o 6.30-23.00 Monday-Friday
- o 8.00-22.00 on Saturday, Sunday and Bank holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies D14 of the London Plan (2021) & DM04 of the Development Management Document (2012).

10. 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).

11.a) No development or site works (other than demolition works) shall take place on site until a Delivery and Servicing Management Plan for the proposed use has been submitted to and approved in writing by the Local Planning Authority.

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).

12. Before the building hereby permitted is first occupied the proposed opaque glazing of height of 800mm at first floor levels windows as shown on the elevations drawing no's 1809-P03-00 Rev P4; 1809-P03-01 Rev P4; 1809-P03-02 Rev P3; 1809-P03-03 Rev P3 shall be permanently glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

Reasons: To ensure the proposal would not be harmful to the character and visual amenities of the area, and in the interest of highway safety, in accordance with policies D1, D4 & T4 of the London Plan (2021); and policies DM17 & DM17 of the Development Management Document (2012).

Informatives

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. 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. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
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.

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and->

building/planning/community-infrastructure-levy) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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.

4. Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.
5. The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

6. Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
7. As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

8. If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
9. The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
10. Any gates must open inwards and not out onto the public highway for health and safety reasons.
11. 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 Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
12. 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.

13. The applicant is reminded that this permission is granted based on the existing plans and elevations submitted as part of this application. If any other developments are subsequently carried out at the property, whether by grant of planning permission or as 'permitted development', then the development the subject of this permission may no longer be lawful and a fresh application may be required.

Officers Assessment

Site Description

The site is located on a triangular-shaped traffic island at the junction of Station Road and the Great North Road. The site is accessed from pedestrian crossings from both roads.

The site contains an existing single-storey building formerly in use as public conveniences. It is understood that the building is currently vacant.

The traffic island is at the edge of a commercial area with the Everyman Cinema (Grade II Listed Building) is almost directly opposite to the west and, to the north of that, the Queen's Arms public house and a petrol filling station. To the south/south east are shops on both sides of the Great North Road continuing around the junction with Station Road. These are identified in the Local Plan as local frontages. To the north/northeast is residential development. Barnet fire station is in close proximity on the northern side of Station Road.

The site is not within or in proximity to any Conservation Area.

The site has a PTAL rating of 4 (on a scale of 1 being extremely poor and 6 being excellent) which means it has very good access to public transport.

Site History

Ref: N14408A/05

Description of development: Demolition of existing building and erection of a two-storey building to provide an internet cafe.

Decision: Approved subject to Section 106 Agreement and legal agreement

Decision date: 02 Nov 2005

Ref no: N14408/04

Description of development: Demolition of existing building and erection of two-storey building to provide florist and internet cafe.

Decision: Refused

Decision date: Fri 24 Dec 2004

Proposal

The proposal is for the demolition of the existing single storey building and erection of a two storey building for use as internet cafe/coffee bar with provision of outdoor seating. Associated cycle parking, refuse and recycling store and associated landscaping.

The proposal café falls within use class E of the Use Class Order, and the opening hours would be 6.30-23.00 Monday to Friday; 8.00-22.00 on Saturdays; Sundays and bank holidays.

The application site area is approximately 70sqm. The GIA area of the existing building to be demolished onsite is 14sqm, and the proposed two storey building would be approximately 50sqm GIA.

At ground floor level, the proposal includes a coffee bar; 4 x no cycle Sheffield stands; seating areas; high level planter to boundary wall; and covered and secure refuse and recycling facilities (directly north and west of the site boundary).

The proposal includes an Internet Café on first floor level.

Public Consultation

Consultation letters were sent to 72 neighbouring properties on 23rd May 2022, and re-consultation letters were sent on 09th September 2022.

The Local Planning Authority received 6 letters of objection, which are summarised as follows:

- Overlooking to properties at Homestead Court.
- The proposed land use would encourage anti-social behaviour. crime and present safety concerns
- Loss of daylight to properties at Homestead Court
- The proposed refuse and recycling facilities, to service the café would attract pests to the area and eventually into Homestead Court.
- Congestion
- Increased pressure on car parking.
- Inadequate cycle storage to accommodate the land use.
- The proposed seating area would cause a distraction for vehicles turning from the main road onto East Barnet Road.
- A Heritage Impact Assessment has not been submitted to the Local Planning Authority which considers the impact the proposal would have on the setting and views of the Grade II Listed cinema.
- Arrangements for increased numbers of pedestrians, cyclists and vehicles delivering goods or collecting waste are unclear.
- No provision for an accessible WC or vertical circulation is made for disabled users.
- The proposal does not provide details on environmental standards for energy conservation, ventilation and air quality.
- All the surfaces appear to be hard, thereby losing all the greenery (bar a tiny hedge) and rainwater absorption. This would increase pressure on the drainage network and should be rethought
- The proposed IT cabling, kit and the design of the upper floor has not been discussed within the applicant's submission documents.
- Parts of the exterior of the building may be used for advertising.
- Negative and dominating impact on the setting of the Grade II listed art deco cinema, and aesthetics of rows of traditional town centre buildings with unusually thriving shops on both side of the road that define the area and compliment the Grade II art deco cinema.
- Pedestrian movements would be increased by this proposal, which could compromise highway safety.

- The large expanse of glass and its proximity to the seating areas would make the latter unusable in even moderate sunlight.
- Sustainability - The extent and orientation of glazing would also load the environmental impact and carbon footprint of the structure by relying on excessive heating in winter and cooling in summer in what is already a high energy consumption facility.
- The proposal lacks facilities for staff and users with disabilities in particular with respect to equal access to the primary facilities on the first floor.

All planning matters raised within the representations received from local residents are available to view on the Council's website. These objections have been considered and addressed as part of the decision-making process. All representations have been summarised in the Officers report.

Planning Considerations

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 on 19th February 2019. This is a key part of the Government's 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 2021

The London Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London

Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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 relevant London Plan (2021) policies are as follow:

- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D11 Safety, security and resilience in emergency
- D12 Fire Safety
- D14 Noise
- T2 Healthy Streets
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- M1 Monitoring
- SD6 Town Centres and high streets
- SD7 Town Centres- development principles and development plan documents
- SD8 Town Centre Network
- SD9 Town Centres- local partnership and implementation
- SD10 Strategic and local regeneration

Barnet's Local Plan (2012)}

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development

CS NPPF

- CS1 Barnet's place shaping strategy
- CS5 Protecting and enhancing Barnets character to create high quality places
- CS6 Promoting Barnet's town centre
- CS7 Enhancing and protecting Barnet's open spaces
- CS10 Enhancing inclusive, integrated community facilities
- CS14 Dealing with own waste

Management Policies Development Plan Documents. Both were adopted in September 2012.

- DM01 Protecting Barnet's character and amenity
- DM02 Development Standards
- DM03 Accessibility and Inclusive Design
- DM04 Environment considerations for development

DM06 Barnet's heritage and conservation
DM11 Development principles for Barnet's town centres
DM12 Maintaining our local centres
DM17 Travel impact and parking standards

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.

Main issues for consideration

The main issues for consideration in this case are:

- The principle of the proposed land use onsite
- 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.
- Environmental impacts (noise and air pollution)
- Impact on the local highway
- Energy and Sustainability

The principle of the proposed land use onsite

The proposed development involves the demolition of the existing single-storey building. Given that the existing building is vacant and there is no designation on the building, Officers do not object to its demolition.

Planning permission was previously consented on the site for a two-storey building with a similar internet café use. Although this consent was never implemented, the principle of an internet café and coffee shop has already been established onsite.

The site is not located within a designated Town Centre, and the proposal would not detract from the vitality and vibrancy of the nearby local parades.

The proposal would make provision for 2 full time staff and 4 park time staff, which is welcomed by Officers.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals

should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces, and streets.

The Councils adopted Supplementary Planning Documents Residential Design Guidance SPD (2016) sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority.

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

The proposed height, scale and bulk is considered to be appropriate for the site and would have a positive contribution to the character of the streetscene and the local area. It is considered that the proposed development would be of high quality in terms of design and would greatly improve the existing appearance of the site, by comparison.

The siting of the development and footprint onsite is respectful of the site's constraints and context. The proposed height, scale, bulk and massing and appearance is considered to be acceptable and would improve the appearance of the site; and would be respectful of the character of the streetscene and area.

The proposed contemporary design approach to the site is welcome. The materials to the elevation treatment include powder coated cladding; glazing to the shopfront; sliding glazing entrance doors, railing to the front of the building which adds to the overall design quality and visual interest of the building. Moreover the proposed materials are energy efficient and sustainable.

The proposed high-level planter for screening to soften the visual impact to the front elevation.

Notwithstanding, no development other than demolition works shall take place until full details of the materials (including specifications) 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. This is to safeguard the character and visual amenities of the site and wider area and would be secured by way of a planning condition.

Whether harm would be caused to the setting of the Grade II Listed Everyman Building

Policies DM06 and CS6 of the Local Plan (2012) and HC1 of the London Plan (2021) seek to ensure that development does not compromise the setting of listed buildings; Conservation Areas and other heritage assets.

The NPPF defines "setting" as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance or may be neutral. As such, when assessing any application

for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change".

The Everyman cinema, is a grade II Listed Building, located opposite the site, approximately 45 metres from the proposed building between the listed building and the application site is the Great North Road itself and the service road that runs in front of the parade of shops to the southeast and continues in front of the cinema, the adjacent public house to the northwest and the petrol station beyond that.

As a result of these wide stretches of roadway between the two sites and the cars parked both sides of the service road between the listed building and the application site, it is not considered that there is any visible link between the two sites. The proposed development would be both lower and of smaller footprint than the previous planning permission with that clearly having previously been considered to be acceptable in terms of its impact on the setting of the heritage asset. The current proposal would have even less of an impact. It would not obscure any long views of the heritage asset with it not being considered that it would have any more of an impact on the setting than does the existing building that it would be replacing. The proposal would therefore not lead to or result in substantial development or substantial harm to the listed building or its setting. LBB Conservation Officer has reviewed the application and confirm the proposal would not have a detrimental impact on the setting of the Everyman cinema.

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

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

Given the height, scale and distance of the development to properties on the opposite site of the road, the proposal would not result in the loss of daylight and sunlight to nearby residential properties, including those at Homestead Court.

Privacy

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings 21m between facing habitable room windows, and 10.5m to a neighbouring gardens. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

The Mayor of London's Housing Design Quality Standards SPD stipulates that "guidance for privacy has been concerned with achieving visual separation between dwellings by setting minimum distances between back-to-back homes (typically 18-21m). However, this is a crude measure, and adhering rigidly to these distances can limit the variety of urban spaces and housing types in the city, and unnecessarily lowers density".

The proposed development is located more than 21 metres to the nearest residential development at Homestead Court and would therefore not result in the loss of privacy to these units.

The proposal incorporates opaque glazing for the lower 800mm at first floor level to ensure that there are no views from the ground upwards to beneath the tables/desks at first floor level.

Environmental impacts (noise and air pollution)

Policies D14 of the London Plan (2021) and policy DM04 of the Development Management DPD (adopted September 2012) seeks to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

LBB Environmental Health have reviewed the proposal and confirm they do not raise any objections subject to the following three conditions:

1. Prior to the commencement of development, a Demolition and Construction Management Plan shall be submitted to and approved by the Local Planning Authority in the interest of highway safety, noise, and air quality.
2. An Assessment of the impact of the noise from ventilation and extraction plant on development shall be submitted to and approved in writing prior to the occupation (prior to use) of the development. This is to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.
3. A compliance condition would be attached which requires the level of noise emitted from the 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. This is to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

The full wording of these conditions is included with the conditions.

Impact on the local highway

The site has a PTAL rating of 4, (on a scale of 1-6, 1 being extremely poor and 6 being excellent) which means that it has good access to public transport.

The applicant is not proposing to make provision for any off-street car parking. The site lies within a PTAL 4 zone, which means that there is above average public transport accessibility to and from the site.

Car Parking

There is no policy requirement to make provision for car parking for the proposed development.

The proposal does not make provision for on or off streetcar parking, which is considered acceptable.

Cycle facilities

Policy T5 of the London Plan (2021) stipulates that cycle parking spaces for proposed new development, including café uses. The proposed makes provision for 4 x no cycle storage spaces in a safe and secure location to the northwest within the site boundary, which is considered acceptable to accommodate the development. .

Refuse and recycling storage facilities

Policy S1 8 of the London Plan (2021) and policies DM01; DM02 and DM17 of the Development Management Document seek to ensure that all new development makes adequate provision for refuse and recycling facilities in appropriate locations.

The proposal makes provision for covered and secure refuse and recycling storage within the north eastern corner of the site boundary. The existing refuse/recycling collection will be maintained as existing along Station Road and collected by the local authority's waste management division."

LBB Highways team have advised that the proposed refuse and recycling storage location is deemed acceptable on highways grounds. The refuse collection areas would be located within 10 meters of the Public Highway on collection days, which is acceptable in highways terms.

Response to Public Consultation

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objections and concerns raised from residents and the local community have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application.

The proposal would not result in an over intensification of the use onsite and would not compromise the amenity of local nearby properties.

The proposal is of high design quality and would have a positive impact on the streetscene and character of the area. The proposed powder coated cladding and glazing are both energy efficient and sustainable.

The proposal would not have a negative impact on the setting of the Everyman Cinema, a grade II Listed Building.

It is considered that concerns related to traffic disturbance, noise and air pollution would be sufficiently mitigated against by way of planning conditions as set out within the report.

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations.

The proposal makes provision for an accessible w/c at ground floor level, which is considered sufficient for the proposed use.

The proposal would not result exacerbate existing congestion. Staff and patrons of the internet café and coffee shop would travel either by public transport; cycle or walking, and the proposal would not have a detrimental impact on the highway.

Dust and Air Pollution- The applicant would be required to submit a Demolition, Construction and Logistic Management Plan to be approved in writing by the Local Planning Authority, prior to the commencement of works onsite. This would include details of sustainable and efficient means of suppressing dust, including the adequate containment of stored or accumulated materials so as to prevent it becoming airborne at any time and giving use to nuisance. Moreover, details of all noise mitigation measures from the operational plant and processors during the demolition and Construction process are required for approval, in the interest of high safety, noise and air quality.

Advertisement displays- There are no advertisement displays proposed to the elevations of the building. Notwithstanding, a compliance planning condition would be attached which require that no advertisement displays, or structures shall be added to the elevations of the building at any time. This is to ensure the proposal would not be harmful to the character and visual amenities of the area, and in the interest of highway safety.

Anti social behaviour: There is no evidence to suggest that the proposal would promote or result in instances of anti-social behaviour and crime onsite, or in the local area. The hours of opening would be conditioned. The café would not be open past 11pm on any night. Moreover, given that the site (a traffic island) is highly visible, the proposal has sufficient natural surveillance which should act as a deterrent for anti-social behaviour.

Insufficient information on Delivery and Servicing for the proposed use: Prior to commencement of works (excluding demolition) onsite, the applicant shall submit a Delivery and Servicing Management Plan to be approved by the Local Planning Authority, in consultation with the Local Highway Authority. This will be secured by way of a planning condition, in the interest of highways safety.

Poor sunlight to outdoor seating area: The outdoor seating area would not receive adequate sunlight. It is not considered to be the case, well designed, and given that the development is only 2 stories in height, the outdoor area would not be overshadowed.

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.

Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval, subject to conditions as set out within this report.

Site Location Plan

