

Location 32 - 39 Temple Fortune Parade Finchley Road London NW11 0QS

Reference: 23/0256/FUL Received: 20th January 2023
Accepted: 20th January 2023

Ward: Golders Green Expiry 17th March 2023

Case Officer: Jade Gillespie

Applicant: Mr Keith Bradford

Proposal: Alterations to shopfront and entrance doors. Replacement of existing Fan DAC unit at the rear in existing plant enclosure

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 Chair (or in their absence the Vice-Chair) 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:

174175-FCA-00-ZZ-DR-A-P04 Rev P01
174175-FCA-00-R01-DR-A-P03 Rev P01
174175-FCA-00-00-DR-A-LP01 Rev P01
174175-FCA-XX-00-DR-A-P15 Rev P02
174175-FCA-02-ZZ-DR-A-P14 Rev P02
174175-FCA-00-00-DR-A-P01 Rev P01
174175-FCA-00-00-DR-A-P02 Rev P01
Design and Access Statement dated 17/01/23

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans

as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The 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) and D14 of the London Plan 2021.

- 5 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 2021.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises of a three-storey mid-terrace property at 32-39 Temple Fortune Parade. The host property is located within the Golders Green ward of Barnet and appears to be of mixed use with retail on the ground floor and residential on the upper floors. This application relates to the ground floor retail unit currently in use as Waitrose.

The surrounding area comprises of three-storey terraced and detached properties which serve use for both commercial and residential purposes.

The application site is not located within a conservation area, but lies opposite the Hampstead Garden Suburb conservation area, nor is it statutory or locally listed.

2. Site History

Reference: 17/4100/ADV

Address: 32 - 39 Temple Fortune Parade, Finchley Road, London, NW11 0QS

Decision: Approved subject to conditions

Decision Date: 21 August 2017

Description: 2no internally illuminated fascia letters, 1no internally illuminated projecting sign and other associated signs

Reference: C16147A/07

Address: 32 - 39 Temple Fortune Parade, Finchley Road, London, NW11 0QS

Decision: Approved subject to conditions

Decision Date: 25 April 2007

Description: Installation of new condenser unit and replacement of existing plant units.

3. Proposal

This proposal seeks permission for alterations to the shopfront and entrance doors. This application also wishes to replace the existing Fan DAC unit at the rear in existing plant enclosure.

The proposed alterations to the shopfront and entrance doors are as follows:

-The existing building letters are proposed to be removed from the fascia panels. The fascia is proposed to be made good to ensure there is no ghosting from the previous building letters. Holes from the previous letters are proposed to be capped.

-The existing awning is proposed to be fixed closed.

-A new wall mounted defibrillator is proposed to be implemented on the façade of the building.

-The existing fascia is proposed to be redecorated in white to match the existing.

-The existing entrance door will be closed and replaced with glazing to match the existing.

-A new shopfront entrance/exit with an automatic glazed sliding door is proposed to be implemented.

-The plans also indicate that subject to the approval of this application, an advertisement application will be submitted to the LPA to approve the proposed new signage.

An extension to the trolley bay on the pavement to the front of the shop has been removed from this application.

4. Public Consultation

Consultation letters were sent to 153no neighbouring properties.

8no responses were received during the consultation period.

1no response neither supported nor objected to the proposal.

2no of the responses supported the proposal and can be summarised as follows:

-The proposal will modernise the façade of the property.

-The proposed improvements to the Waitrose will be welcomed however the road is in need of being resurfaced and new lighting implemented.

The remaining 5no responses objected to the proposal and can be summarised as follows:

-The current delivery strategy for Waitrose has resulted in residents' cars being damaged. The road is not suitable for HGVs.

-The proposal should include a transport assessment.

-The proposal should include a waste strategy.

-The shop keeps their bins on the road at the rear of the property. These often overflow and attract people, rats and foxes rummaging through them.

-The Waitrose delivery lorries block access to neighbouring properties and cause disturbance late at night.

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 amended on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London 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 for the next 20-25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It represents Barnet's draft Local Plan.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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

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

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 (all of the Barnet Local Plan), D1 and D4 (both of the London Plan).

As mentioned above, the proposed alterations to the shopfront and entrance doors are as follows:

-The existing building letters are proposed to be removed from the fascia panels. The fascia is proposed to be made good to ensure there is no ghosting from the previous building letters. Holes from the previous letters are proposed to be capped.

-The existing awning is proposed to be fixed closed.

-A new wall mounted defibrillator is proposed to be implemented on the façade of the building.

-The existing fascia is proposed to be redecorated in white to match the existing.

-The existing entrance door will be closed and replaced with glazing to match the existing.

-A new shopfront entrance/exit with an automatic glazed sliding door is proposed to be implemented.

The proposed alterations to the shopfront and entrance are considered to be minimal in

nature. The alterations proposed are not considered to be so substantial that the character of the host property and the surrounding area would be detrimentally impacted. As such, the proposed alterations are found to be acceptable on character grounds, in accordance with policy DM01 of the Development Management Policies DPD.

The existing Fan DAC unit at the rear in existing plant enclosure is also proposed to be replaced within this application. Given that the Fan DAC unit will be located in an existing plant enclosure at the rear of the property, it is not considered to be directly viewable from the street scene. As such, this element of the proposal is not considered to have a detrimental impact on the character of the host property or the wider area.

Given the minor changes proposed, it is considered that there will be no impact on the character or appearance of the neighbouring conservation area and no conflict with policy DM06 of the Development Management Policies DPD.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D1 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 proposed alterations to the shopfront and entrance will be located on the front elevation of the building at ground floor level. There are residential flats above the retail unit and across the road from the site. Given the location and the minimal nature of the alterations, it is not considered that the proposal would have the capacity to harm any neighbouring residential amenity.

To the rear of the site, Yew Tree Court is located which is a purpose-built flat block. The LPA's Environmental Health Team have assessed this element of the proposal and have confirmed that the replacement Fan DAC unit is acceptable subject to conditions. As such, the new Fan DAC unit is found to have an acceptable impact on the amenity of residents in Yew Tree Court and the residents on the upper floors of the host property in regard to causing noise and disturbance.

Highways Impact:

The initial submission of this proposal included the erection of a new trolley bay at the front of the shop. Following review from the LPA's Highways Team, the applicant was requested to retain the existing trolley bay instead as the proposed trolley bay was considered to detrimentally disrupt pedestrian movement on the already narrow footpath. The applicant has made this amendment and the Highways Team have confirmed that the proposal is now acceptable.

5.4 Response to Public Consultation

Consultation letters were sent to 153no neighbouring properties.

8no responses were received during the consultation period.

1no response neither supported nor objected to the proposal.

2no of the responses supported the proposal and can be summarised as follows:

- The proposal will modernise the façade of the property.
- The proposed improvements to the Waitrose will be welcomed however the road is in need of being resurfaced and new lighting implemented.

The remaining 5no responses objected to the proposal and can be summarised as follows:

- The current delivery strategy for Waitrose has resulted in residents' cars being damaged. The road is not suitable for HGVs.
- The proposal should include a transport assessment.
- The proposal should include a waste strategy.
- The shop keeps their bins on the road at the rear of the property. These often overflow and attract people, rats and foxes rummaging through them.
- The Waitrose delivery lorries block access to neighbouring properties and cause disturbance late at night.

Upon review of the received comments, it appears that objections were not made about the proposed alterations including the new Fan DAC unit. Instead, residents have raised concerns regarding delivery lorries, the delivery strategy and waste management. Unfortunately, these matters are not able to be assessed within this application given that the proposal does not relate directly to them. While the LPA do note the issues raised, it is considered that the proposed application will not worsen these existing issues.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal in its entirety has been found to have an acceptable impact on the character of the host property and the surrounding area. The proposal has also been found to have an acceptable impact on the amenity of neighbouring occupiers and the highway. This application is therefore recommended for APPROVAL.



