

Location Units 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Reference: 23/4400/FUL Received: 12th October 2023
Accepted: 26th October 2023

Ward: Friern Barnet Expiry: 21st December 2023

Case Officer: Radhika Bedi

Applicant: Mr Gjoshi

Proposal: Conversion and amalgamation of the existing vacant hair salon and cafe into restaurant. Single Storey Rear Extension. Installation of extraction units. New shopfront. (AMENDED DESCRIPTION)

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:

Drg No L100 - Existing Site Location Plan, Existing Block Plan
Drg No E100 - Existing Ground Floor Plan
Drg No E101 - Existing Shop Front Elevation
Drg No E102 - Existing Side and Rear Elevations
Drg No P100 - Proposed Ground Floor Plan
Drg No P101 - Proposed Rear Elevation
Drg No P102 - Proposed Side Elevations
Drg No P103 - Proposed Extraction System Plan
Drg No P104 - Proposed Extraction System Details 1
Drg No P105 - Proposed Extraction System Details 2
Drg No P106 - Proposed Noise Mitigation Measures
Drg No PSF101 - Proposed Front Elevation Shop Front
Acoustic Insulation (provided by Phonestar, received 12/10/2023)
Acoustic Performance (provided by PlanetInsulation, received 12/10/2023)
Carbon Filter Solutions (provided by PurifiedAir, received 12/10/2023)
Gigabox Centrifugal Fan (provided by Helios, received 12/10/2023)
Gigabox Centrifugal Fans (provided by Helios, received 12/10/2023)
Flanged Circular Attenuator RSD (provided by Helios, received 12/10/2023)

Electrostatic Precipitation (provided by PurifiedAir, received 12/10/2023)
ESP Range (provided by PurifiedAir, received 12/10/2023)

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 specified in the application documents.

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 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 in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 The level of noise emitted from the (kitchen extraction equipment) 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.

- 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 2021.

7 The premises shall be used for Class E - Restaurant/Retail use) and for no other purpose (including any other purpose in Class E 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.

8 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 7am or after 7pm on any other day.

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

9 The use hereby permitted shall not be open to members of the public before 8am or after 10.30pm Monday-Thursday, 8am - 11pm Friday to Saturday, and before 9am or after 10.30pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

10 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, together with a satisfactory point of collection 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 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. 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 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.

- 3 This permission only relates to the Conversion and amalgamation of the existing vacant hair salon and cafe into restaurant, single Storey Rear Extension. Installation of extraction units. New shopfront. (AMENDED DESCRIPTION) and does not convey approval of the advertisement signage which is currently being determined under application ref 23/4401/ADV.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at Units 2 And 3 Halliwick Court Parade, Woodhouse Road, N12 0NB, consisting of 2no. two-storey terraced buildings. The surrounding area is both residential and commercial in character, with a variety of terraced dwellings, apartment blocks as well as various retail shops and services located along the street. The applicant site is located on the ground floor, with residential units at first floor.

The site is not located within a conservation area and is not a listed building. There are no protected trees in or around the site.

2. Relevant Site History

Reference: C02703A

Address: 2 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Approved subject to conditions

Decision Date: 16 January 1990

Description: New shopfront

Reference: B/00572/09

Address: 2 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Refused (appeal dismissed)

Decision Date: 28 April 2009

Description: Change of use from Florist (class A1) to Cafe/Restaurant (class A3). Installation of ventilation/extraction flue on rear elevation.

Reference: 23/4401/ADV

Address: 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Installation of 1no. internally illuminated fascia sign

Reference: B/03596/09

Address: 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Approved

Decision Date: 17 December 2009

Description: Submission of details of Condition 3 (Refuse) pursuant to appeal decision reference APP/N5090/A/04/1171343 dated 19/04/2005.

Reference: 23/1349/FUL

Address: 2 - 3 Halliwick Court Parade, Woodhouse Road, London, N12 0NB

Decision: Refused

Decision Date: 13 July 2023

Description: Conversion of the existing vacant cafe into restaurant including single storey rear extension to provide external seating area to be used as a shisha lounge. Installation of extraction units. New shopfront

3. Proposal

Conversion and amalgamation of the existing vacant hair salon and cafe into restaurant. Single Storey Rear Extension. Installation of extraction units. New shopfront. (AMENDED DESCRIPTION).

The single storey rear extension would have a flush rear building line, with a depth of 5.8m. It would have a width of 12.9m, with an eave and maximum height of 4.3 metres due to the flat roof design.

The proposed rear extract duct would measure 0.4m in width, 0.4m in depth and 8.2m in height. The flue of this element would extend 1.6m above the eaves of the main dwelling.

It is noted that amendments have been provided in the lifetime of this application involving including the single storey rear extension, which has been partially built out.

4. Public Consultation

Consultation letters were sent to 92 neighbouring properties. 8 objections were received, the objections are summarised as follows -

- Late closing times
- Proximity of seating area to neighbouring windows
- Excessive noise and odour
- Increase in pests (foxes, rats)
- Loss of parking
- Security concerns for first floor flats
- Increase in delivery vehicles
- Increase in crime/anti-social behaviour
- Loss of privacy
- Harm to personal health
- Increase in litter
- Overdevelopment of restaurants within the area
- Loss of view
- Works already commenced for the proposal
- Inaccurate drawings, application documents
- No party wall agreements completed
- No fire protection details provided
- Loss of privacy, overlooking
- Effect on surrounding property values
- Proximity of proposal to neighbouring balconies

{\b 4.2 Highways Consultation from 23/1349/FUL}

The Highways department has reviewed the proposal, with the following comments made -

'The Parking survey presents that the parking stress levels is 69% which is below the maximum 90% threshold, hence there will be sufficient parking spaces availability on the street.'

As the proposal is fairly similar in nature, the highways comments can be applied to this

application. As such, the proposed application would not harm the public highway and would be acceptable on this ground.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was updated on 19th December 2023. 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 2021

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.

Barnet's Local Plan (2012)

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

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

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

the highest standards of urban design.

Barnet's Local Plan (Reg 24) 2024

Barnet's Draft Local Plan - Reg 24: The Reg 22 version of the draft new Local Plan was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission, the Local Plan underwent an Examination in Public (Reg 24). The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites.

As part of this stage (Reg 24), the Inspector in his Interim Findings and Next Steps letter of August 17th has set out how the Council can through making Main Modifications to the Local Plan address issues of legal compliance and deficiencies in soundness. These interim findings are a clear indication of what the Local Plan and the policies and site proposals within will look like at adoption, subject to making the Inspector's suggested Main Modifications. Whilst the Council moves forward to formal consultation on the Main Modifications (expected to commence in January 2024) the Interim Findings and Next Steps letter of August 17th shall be considered, in the interim, a relevant material consideration in the Council's decision making on planning applications.

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

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. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Both units 2 and 3 Halliwick Court Parade have been occupied for a variety of uses over the years, with no clear planning records indicating past and present usage. However, the applicant has stated that No.2 has been used as a café and No. 3 as a hair salon; a review of historic aerial imagery confirms such usages. As such, the change of use to restaurant in respect of the café would still fall within Class E. In respect of the hair salon, a variety of commercial and retail buildings are illustrated across Woodhouse Road, with several restaurants developed across the street. Thus, the conversion of No.3, and the properties in general, would fit well within the street scene, with the variety of retail, commercial and residential usages still maintained within the street. Consequently, the proposal would be acceptable in principle, subject to character, amenity and environmental health assessments, as elaborated upon below.

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 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The Residential Design Guidance SPD advises that a depth of up to 3m is normally considered acceptable for terraced properties. The proposed rear depth of up to 5.9m would therefore exceed this guidance. However, it is noted that 1 Woodhouse Road has developed a rear extension of the same depth. Given the lack of architectural significance to the rear of the site, as well as careful consideration for neighbouring property rear building lines, the rear extension would be considered acceptable in character.

The proposed rear extract duct would measure 0.4m in width, 0.4m in depth and 8.2m in height, whilst extending by 1.6m above the main ridge height. The rear section of these buildings reveals a number of ducts of similar design, with its overall dimensions appearing subordinate to the main dwelling.

The proposed shopfront would be composed of black aluminium folding doors across much of the front elevation. A black fascia with illuminated writing would be placed above the doors. The overall design, with an excessive amount of glass doors, would be counter to the more traditional frontages seen across much of the street. Notwithstanding this fact, these elements would not in themselves warrant a refusal of this application and would be acceptable in this instance. The signage along the front elevation will be addressed within the planning application 23/4401/ADV.

Overall, the proposal is considered acceptable in terms of character.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 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.

No. 1 Woodhouse Road currently benefits from a rear extension of even greater depth than the proposed rear extension. Thus, the massing of the rear extension would be acceptable from the vantage point of this neighbour. Similarly, the rear extension would extend by 5.9m past the rear building line of No.4 Woodhouse Road. To the rear of the site lies a car service, with no habitable rooms thus affected by the proposal.

This proposal differs from the previously refused application, 23/1349/FUL, in that it does not include a shisha lounge to the rear of the site. As such, Environmental Health Officers found acceptability in the application, recommending approval subject to planning conditions regarding noise and ventilation. Therefore, the odour issues from the previous application have been rectified, with the shisha element being removed alongside the inclusion of pre-commencement planning conditions regarding noise and ventilation.

A condition will also be attached to the permission ensuring restaurant/retail use to ensure residential protection in this respect.

Regarding noise, conditions have also been attached to the permission which restrict hours of deliveries, alongside opening hours. This is considered to mitigate the impact of the proposed development.

A refuse/recycling condition has been attached to the permission, further details of which can be confirmed in a planning condition application at a later date.

The proposed number of seating at 50 is considered to be reasonable and not overstretch the existing infrastructure. The PTAL rating of the site is 3, considered as above average and would be able to accommodate this change. In addition, the previous use as a cafe and hair salon would have similar levels of occupancy combined, as such, the impact of the change of use regarding policy DM17 is considered to be acceptable. As for the noise levels, the pre-commencement conditions are considered to mitigate the impact of the proposed development with the provision of 50 seats.

Overall, the proposal would be acceptable in terms of neighbouring amenity.

5.4 Response to Public Consultation

Key points have been addressed within the report, in respect to issues relating to the party wall, please contact the Faculty of Party Wall Surveyors on 01424883300 or at <http://fpws.org.uk>.

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, 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.

8. Site Location Plan



