

Development Management & Building Control Service
Barnet House, 1255 High Road, Whetstone, N20 0EJ
Contact Number: 0208 359 6235

Mr Frixos Kyriacou
FPS
1st Floor Katherine House
Wyllyotts Place
Potters Bar
EN6 2JD

Application Number: **18/0556/S73**
Registered Date: 25 January 2018

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF PLANNING PERMISSION

TAKE NOTICE that the Barnet London Borough Council, in exercise of its powers as Local Planning Authority under the above Act, hereby:

GRANTS PLANNING PERMISSION for:

Variation of condition 3 (Allow preparation of certain foods on the premises) and 4 (Allow opening at 8am on Saturday) of planning permission 17/6807/FUL dated 17/01/2018 for "Use of the premises as a class A1 patisserie with ancillary A3 use. Installation of kitchen extraction, condensers and air condition units at rear on flat roof. Refuse Storage. New Shopfront"

At: 93 High Street, Barnet, EN5 5UR,

as referred to in your application and shown on the accompanying plan(s):
Subject to the following condition(s):

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

1653-E01-00 Rev P1 (Existing Site Plan, Block Plan & Photographs), 1653-E02-00 Rev P1(Existing Ground Floor Plan), 1653-E03-00 Rev P1(Existing Front & Rear Elevation), 1653-P02-00 Rev P1(Proposed Ground Floor Plan), 1653-P02-01 Rev P2(Proposed First Floor Plan), 1653-P03-00 Rev P3(Proposed Front & Rear Elevations), 16293.PCR.01 Rev A (Planning Compliance Review), Planning, Heritage and Access and Design Statement . Letter from IDS Services dated 29/11/2017. Extraction System prepared by IDS Services. Appendix 1 & Appendix 2 of Design and Access statement for 16 Park Road London prepared by Vivendi Architects, Letter dated 25.01.2018 prepared by F>P>S (UK Ltd, Wiltons Kitchen Ventilation Layout v2, ON 100 Purified Air Technical Details.

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 planning permission referenced 17/6807/FUL dated: 17/01/2018.

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

- 3 Only foods specified shall be cooked at the premises as listed in letter to the council dated 25.01.2018 and no other food without the prior written permission of the local planning authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2016.

- 4 The use hereby permitted shall not be open to customers outside the following times: 08:00 to 20.00 Monday to Thursday, Friday and Saturdays 08.00 - 22.00 and 08.00 - 22.00 hours on , Sundays and Public Holidays.

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

- 5 No deliveries shall be taken at or dispatched from the site outside the following times: 07.00 to 18.30 Monday to Friday, 07.30 to 18.00 Saturdays and 08.00 to 17.30 on Sundays and Bank and Public Holidays.

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

- 6 Before development commences, a scheme of proposed mitigation measures for noise from the patisserie shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety prior to the commencement of the use or first occupation of the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016

- 7 The level of noise emitted from the air conditioning condenser units and kitchen extract and air supply systems hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 8 The premises shall be used for A1 purposes with ancillary A3 as set out in the Planning, Heritage and Access and Design Statement and for no other purpose (including any other purpose in Classes A3, A4 or A5 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.

INFORMATIVE(S):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 that ECP's are very dependent on regular maintenance to manufacturers specification and removal of grease to prevent odour nuisance to neighbours should be carried out on a regular basis
- 3 The applicant is advised to consider a less bright colour scheme when applying for advertisement consent for the fascia signs. This would ensure that it would not detract from the appearance of the conservation area.
- 4 The applicant should be made aware that plants and any noise generating equipment have been assessed as per the plans submitted, any changes would require appropriate sound insulation.

Date of Decision: 22 March 2018

Signed:



Fabien Gaudin
Head of Development Management

NOTE(S):

1. Your attention is drawn to the attached Schedule which sets out the rights of an applicant who is aggrieved by a decision of the Local Planning Authority.
2. This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact the Barnet Council Building Control team by email (building.control@barnet.gov.uk), telephone (0208 359 4500), or see our website at www.barnet.gov.uk/building-control

3. For information on Construction Site Guidelines for Householders and Developers, please visit <https://www.barnet.gov.uk/citizen-home/environmental-health/pollution/construction-information.html>
4. For details relating to Street naming and numbering, please visit <https://www.barnet.gov.uk/citizen-home/planning-conservation-and-building-control/building-control/street-naming-and-numbering.html>

APPEAL GUIDANCE:

Should you (an applicant or agent) feel aggrieved by the decision of the Council to either refuse permission or to grant permission subject to conditions, you can appeal to the Secretary of State for the Department of Communities and Local Government – Sections 78 and 195 of the Town and Country Planning Act 1990 / Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any such appeal must be made within the relevant timescale for the application types noted below, beginning with the date of the decision notice (unless an extended period has been agreed in writing with the Council):

- Six months: Full (excluding householder and minor commercial applications), listed building (including Certificate of Lawfulness in relation to a listed building), Section 73 'variation/removal', Section 73 'minor material amendment', extension of time and prior approval applications.
- 12 weeks: Householder planning, householder prior approval and minor commercial applications.
- 8 weeks: Advertisement consent applications
- No timescale: Certificate of lawful development (existing/proposed) applications.

Where an enforcement notice has been issued, the appeal period may be significantly reduced, subject to the following criteria:

- Where the development proposed by your application is the same or substantially the same as development that is the subject of an enforcement notice served within the last two years you must appeal within 28 days of the date of the application decision
- Where an enforcement notice is served on or after the decision date on your application relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision you are

advised to appeal against the Enforcement Notice and to do so before the Effective date stated on the Enforcement Notice.

Appeals must be made using the prescribed form(s) of The Planning Inspectorate (PINS) obtained from www.planning-inspectorate.gov.uk or by contacting 03034445000. A copy of any appeal should be sent both to PINS and the Council.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are exceptional special circumstances. The Secretary of State can refuse to consider an appeal if the Council could not have granted planning permission for the proposed development or could not have granted without the conditions it imposed, having regard to the statutory requirements and provision of the Development Order and to any direction given under the Order. In practice it is uncommon for the Secretary of State to refuse to consider appeals solely because the Council based its decision on a direction given by the Secretary of State.

PURCHASE NOTICES:

If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render that land capable of a reasonable beneficial use by carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a Purchase Notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.