UK Surveyors Ltd

CAD Drafting, Planning, Building Regulations, Building Surveying, Gambling & Alcohol Licensing

Design and Access Statement

Variation of Condition to Extend the Trading Hours

Sunny Beach Restaurant
8 Westbury Avenue London N22 6BN

Prepared by UK Surveyors Ltd on behalf of:
Mr. Detar

26/02/2016
Project Ref: 2485

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1.0 Introduction

1.1 This report has been prepared by UK Surveyors Ltd on behalf of Mr. Detar to identify design and access issues relevant to the proposed Variation of Condition Application and to provide an assessment of the implications for the accompanying detailed planning application.

1.2 This Design and Access Statement accompanies an application for Variation of Condition Application at:

- **8 Westbury Avenue London N22 6BN**

1.3 As this is a proposal for a Variation of Condition Application, some aspects such as the social and economic context are of limited applicability.

1.4 This design and access statement aims to demonstrate the principles of good design and safe and inclusive access for all have been considered from the outset of the development process.

1.5 This design and access statement has been written in accordance with the CABE document óthis design and access statements: How to write, read and use themô published in 2006 and óGuidance on information requirements and validationôpublished by the Department of Communities and Local Government in March 2010.

1.6 **The CABE 2006 states that:**
óIt is important that the design and access statement are written specifically for the application they accompany and the amount of detail they contain should reflect how complex the application isô

1.7 Furthermore the 2010 guidance states that the level of detail required in a design and access statement depends on the scale and complexity of the application.

2.0 Site Description

2.1 Number 8 Westbury Avenue London N22 6BN is a corner double retail unit arranged over ground and basement.

2.2 The site is situated at 8 Westbury Avenue N22 6BS; the location of the application site has many key attributes.

2.3 The application site is situated on the same street, which benefits from a variety of major and independent retailers, restaurants, cafes, offices and residential accommodation.

2.4 The application site is opposite the Turnpike Lane Tube Station.

3.0 The Proposal

3.1 Due to the changes in customer demand with customers wishing to have the option of ordering food later in the evening the applicant is seeking to meet this demand by the extension of his trading hours.

3.2 The pattern of retailing is changing to reflect this and the applicant is seeking to meet this demand.

3.3 The proposal consists of a Variation of Condition Application to amend the approved trading hours.

3.4 Application Number: HGY/2004/1618 - Condition Number B Date: 15/09/2004

3.5 **Approved Trading Hours Existing:**
The current hours of operation are as follows:
Monday - Saturday: 08.00 - 23.00
Sunday & BH: Closed

3.6 **Proposed Trading Hours Proposed:**
The proposed hours of operation are as follows:
Monday - Saturday: 10.00 - 00.00
Sunday & BH: Closed

4.0 Planning History

4.1 HGY/2004/1618

Change of use from A1 (retail) to A3 (cafe/restaurant) and erection of single storey rear extension.

Permission granted

4.2 HGY/1990/1258

Change of use from retail (Use Class A1)to restaurant (Use Class A3)

Permission refused

4.3 OLD/1986/1720

Continuation of use as light industrial.

Permission granted

5.0 Relevant Planning Policy

5.1 Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how they should be applied to achieve sustainable development, which it sees as consisting of following three dimensions, economic, social and environmental. Although the Framework does not change established planning law and the need for planning applications to be determined in accordance with the statutory development plan unless material considerations indicate otherwise, it is clear that the Framework should be considered a material consideration in planning decisions.

5.3 The NPPF must now be taken into account in the preparation of local and neighborhood plans and is a material consideration in planning decisions.

5.4 The NPPF gives particular encouragement towards job creation and economic growth; provide additional support for the reuse of the premises in the manner suggested in the planning application.

5.5 Within paragraph 14 it is underlined the importance of delivering sustainable development through the planning system. It states that "at the heart of the National Planning Policy Framework is a presumption in favor of sustainable development, which should seen as a golden thread running through both plan-making and decision taking". The NPPF states that for decision making this means:

- Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

5.6 The Framework very clearly underlines the Government's commitment to ensure that the planning system does everything it can to support sustainable economic growth. It states that "significant weight should be placed on the need to support economic growth through the planning system" (paragraph 19).

5.7 In assessing planning applications the advice is clear, that local planning authorities "should apply the presumption in favor of sustainable development". This means that authorities should have regard to paragraphs 18 to 219 of the NPPF, which taken as a whole, constitute the Government's view of what sustainable development in England means in practice. It is therefore important for local planning authorities to make decisions that reflect a balance of economic, social and environmental considerations.

5.8 Planning For Growth

The Minister of State for Decentralization and Planning issued in March 2011 a written statement which highlighted the role planning has to play in helping rebuild Britain's

economy. The Statement recognizes that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth.

5.9 The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. The Government is clear that the expectation is that the answer to development and growth should wherever possible be yes, except where this would compromise the key sustainable development principles set out in national planning policy. The statement makes clear that there is a strong presumption in favor of sustainable development.

5.10 Local Planning Authorities should consider fully the importance of national Planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession. Local Planning authorities should consider the range of likely economic, environmental and social benefits of a proposal such as increased consumer choice and more robust local economies.

5.11 In determining planning applications local authorities should ensure that they give appropriate weight to the need to support economic recovery. The statement makes clear that the Secretary of State for Communities and Local Government will take the principles set out in Planning for Growth into account when determining planning applications that come before him for a decision and in particular he will attach significant weight to the need to secure economic growth and employment.

5.12 **The London Plan**

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 over the next 20-25 years. It forms part of the development plan for Greater London. All Borough plan policies are required to be in general conformity with the London Plan policies

5.13 **The key policies:**

- **Policy 3B.1:** Developing London's economy
- **Policy 3B.11:** Improving employment opportunities for Londoners
- **Policy 4B.3:** Enhancing the quality of the public realm
- **Policy 4B.8:** Respect local context and communities

5.14 **Haringey's Local Plan: Strategic Policies 2013-2026**

6.0 The Process & Assessment

6.1 **Assessment:**
The application property at present is comprised of an existing ground floor area.

6.2 The proposals are to change the existing trading hours to allow the outlet to open later in the evening.

6.3 Due to the changes in customer demand with customers wishing to have the option of ordering food later in the evening the applicant is seeking to meet this demand by the extension of his trading hours.

6.4 The pattern of retailing is changing to reflect this and the applicant is seeking to meet this demand.

6.5 Application Number: HGY/2004/1618 - Condition Number B Date: 15/09/2004

6.6 **Approved Trading Hours Existing:**
The current hours of operation are as follows:
Monday - Saturday: 08.00 - 23.00
Sunday & BH: Closed

6.7 **Proposed Trading Hours Proposed:**
The proposed hours of operation are as follows:
Monday - Saturday: 10.00 - 00.00
Sunday & BH: Closed

6.8 **Layout:**
The main access route to the premises is through the front elevation entrance.

6.9 The application comprises of no internal or external changes to the building or the layout of the application site.

6.10 **Scale:**
The scale of the application site is to remain the same.

6.11 **Landscaping:**
There are no plans to carry out any landscaping works at the site.

6.12 **Appearance:**
There are no plans to carry out any refurbishment works at the site.

6.13 Currently the designs of the premises are in accordance with the relevant districts planning design guidelines and also in accordance to the overall appearance of adjoining buildings appearance.

6.14 The view of the application site is in harmony with the overall appearance of site and the overall view is smart, clean and clinical.

6.15 There are no internal or external changes to take place at the property.

6.16 **Use:**
The application site is to be retained as Class Use A3 (Restaurant & Cafe).

6.17 **Access:**
The applicant has insisted on a high standard of design for the premises.

6.18 Since taking on the lease for the property, the applicant has traded at the approved hours without any material harm or disturbance to the local amenities and it is currently enjoyed by neighboring residents, becoming a valuable retail outlet.

6.19 Trading at the applied hours will positively enhance the character of the urban and social street scene and immediate locality in general. In addition, the council should allow flexibility to respond to the challenging economic circumstances and thus enable the premises to be used for alternative purposes in uncertain economic times.

6.20 It is therefore considered that the proposed Variation of Condition to extend the trading hours is appropriate and would not have a detrimental impact on the surrounding area.

6.21 When assessing the likely impact of the Variation of Condition to extend the trading hours on residential amenity, it is considered that the main concerns will relate to noise, these concerns have been addressed as follows:

6.22 **Noise:**
Although an extension to the trading hours may result in an increase in noise levels, this would be limited to customers walk to and from the site, their conversations and people entering and leaving the property. This slight increase in noise will not be prevalent and will not be a greater than the current level of background noise at this site.

6.23 In addition, the application site is on Westbury Roadf which is a busy thoroughfare with access onto the A(105) which suggests there will be a prevalent level of back ground noise within the hours that purposed As a results there will be very little if any impact upon the neighboring residents as a result of the introduction of Variation of Condition to extend the trading hours.

6.24 This slight increase in noise will not be prevalent and will not be a greater than the level of background noise at this site. In addition it should not be presumed that this would be more detrimental to residential amenity than the existing use.

6.25 **External Facades:**
In order to improve the performance of the external façade over current operational practice, it would be recommended that all windows and doors are kept closed during the hours of operation, this is especially important during the evenings trading.

6.26 It is estimated that this would provide an improvement of the airborne sound reduction of the external building fabric of the property.

7.0 Conclusion

7.1 In summary, the application site has a lawful use for Class Use A3 (Restaurant & Cafe).

7.2 Overall it is considered that the proposed development would make a positive contribution to the character and appearance of the surrounding area.

7.3 It is therefore considered that the proposal to extend the trading hours is appropriate as it accords with both local and national policy; we therefore respectfully request that the council grant planning permission.

7.4 The layout of the unit seeks to maximize the unitôs potential whilst ensuring it respects the neighboring uses. The design also ensures ease of access for all groups of society regardless of age, class or physical disability.

7.5 The scale, design and layout of the proposed development ensure that it represents an appropriate addition to the area and the proposed development reinforces the strong character of the street scene.

7.6 It is considered that the proposed scheme accords with current central, regional and local planning policies and that detailed planning permission should be granted.

7.7 We trust that this application will meet with your approval and we look forward to receiving confirmation of your decision in due course.