

**LOCATION:** 21 Queens Parade, Friern Barnet Road, London, N11 3DA  
**REFERENCE:** B/05995/13 **Received:** 18 December 2013  
**WARD(S):** Coppetts **Accepted:** 22 January 2014  
**Expiry:** 19 March 2014

**Final Revisions:**

**APPLICANT:** Mr M Lee  
**PROPOSAL:** Change of use of vacant ground floor shop from A1 use to D1 (Dental Clinic) with provision of new shop front.

**RECOMMENDATION: Refuse**

- 1 The applicant has failed to provide sufficient evidence to demonstrate that the application shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use, and in the absence of such evidence the loss of this A1 retail unit would detract from the vitality of the local parade, of which this site is part, contrary to policy 4.8 of The London Plan (2011), policy CS6 of the Barnet Core Strategy (2012) and policy DM12 of the Development Management Policies DPD (2012).

**INFORMATIVE(S):**

- 1 The plans accompanying this application are:
  - Planning Statement produced by Stuart Henley & Partners Chartered Surveyors.
  - Ordnance Survey Map showing the Application Site Location 4241\_05 and 4241\_06
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the Council prior to the

submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the Council to discuss possible solutions to the refusal reasons.

Further information was suggested during the processing of the application. Unfortunately it was not submitted. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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 published on 27 March 2012. 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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 July 2011:

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 2031. It forms part of the development plan for Greater London.

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.

Relevant policies:

- 2.7 - Outer London: economy
- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 6.13 - Parking
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.15 - Reducing noise and enhancing soundscapes

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11<sup>th</sup> September 2012

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5, CS6, CS9, CS11 and CS12.

Relevant Development Management DPD (2012) Policies: DM01, DM02, DM03, DM04, DM12 and DM17.

Design Guidance No. 10 Shopfronts (2011).

Relevant Planning History:

**Site history for current landparcel :**

95860 - 21 Queens Parade, Friern Barnet Road, London, N11 3DA

Case Reference: **B/05995/13**

**Planning applications picked up in spatial search**

<b>Site Address:</b>	21 Queens Parade Friern Barnet Lane N11
<b>Application Number:</b>	C03634
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Refuse
<b>Decision Date:</b>	12/04/1972
<b>Appeal Decision:</b>	No Appeal Decision Applies
<b>Appeal Decision Date:</b>	No Appeal Decision Date exists
<b>Proposal:</b>	<b>Change of use to fish and chip shop</b>
<b>Case Officer:</b>	

**Site Address:** 21 QUEENS PARADE FRIERN BARNET ROAD LONDON N11 3DA

**Application Number:** N03634B/02  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 14/11/2002  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing single storey rear extension, erection of new single storey rear extension (storeroom of shop premises).**

**Case Officer:**

**Site Address:** 21 Queens Parade Friern Barnet Road London N11  
**Application Number:** C03634A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 06/09/1972  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **change of use to a fish and chip shop**  
**Case Officer:**

**Site Address:** 21 Queens Parade, Friern Barnet Road, London, N11 3DA  
**Application Number:** 04878/11  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 19/03/2012  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Two storey rear extension to existing shop premises and loft conversion to existing flat involving rear dormer**

**Case Officer:** Lisa Cheung

**Site Address:** 21 Queens Parade, Friern Barnet Road, London, N11 3DA  
**Application Number:** B/04280/13  
**Application Type:** Full Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Conversion of upper floors into 3 self-contained units.**  
**Case Officer:** Mumtaz Shaikh

#### Consultations and Views Expressed:

**Neighbours Consulted:** 109 **Replies:** 15 representation in support of the application has been received. This includes support from local Councillor.

**Neighbours Wishing To Speak** 0

#### Internal /Other Consultations:

Transportation -The proposal is for conversion of existing A1 use store into a D1 Dental Practice with 3 consulting rooms. No off street parking is provided for the existing premises and no off street parking is proposed for the new use. The site is located at Friern Barnet Local Shopping frontage in close proximity to several bus routes and amenities.

Taking into consideration the site's location and that the existing A1 use could generate similar or higher level of trips than the proposed D1 use, the proposal with no off street parking provision is considered acceptable on highways grounds.

Environmental Health - No objection subject to sound insulation condition between proposed ground floor dental clinic and residential above.

Date of Site Notice: 30 January 2014

## **2. PLANNING APPRAISAL**

Application referred to committee at the request of Councillor Rawlings & Councillor Coakley Webb for the following reason:

"The premises have been vacant for some 18 months with an agent's board displayed on site. It is considered that the proposal addresses parts i, ii and iii of policy DM12 and the use of the premises as a dental surgery would not detract from the vitality / viability of the parade".

### Site Description and Surroundings:

The application site comprises a three-storey, mid-terrace property with two-storey rear extension and rear dormer window located on the southern side of Friern Barnet Road, which is located close to the junction with Hollyfield Avenue on the east side and on the west side it is also located within close proximity to the junction where Friern Barnet Road meets Friern Barnet Lane, Woodhouse Road and Colney Hatch Lane.

The property on the ground floor comprises a vacant shop unit which is located within a parade of shops known as Queens Parade and it is also a part of protected Friern Barnet Local Shopping Frontage. Part of the existing first floor provides storage area for the ground floor shop. However, part first, second and third floor of the building is being used as 1 x 3-bedroom flat.

The area surrounding the application site is mixed commercial and residential in nature comprising terraced, semi-detached and detached properties.

The property is not listed and is not located within conservation area.

Proposal:

The application is for change of use of existing ground floor vacant shop from A1 to D1 (Dental Clinic) with provision of new glazed shop front which comprises a central door with 2 large equal size windows on either side.

Planning Considerations:

1) Principal of change of use / Impact upon the vitality and viability of a local shopping parade

Development Management Policy DM12 is relevant to the issue of the principal of the loss of shops in local centres and parades. It states that,

*DM12: Maintaining Local Centres and Parades*

*The Council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:*

- i. there will be no significant reduction of shopping facilities as a result; and*
- ii. alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and*
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and*
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use*

*A proposal that either creates an over concentration of Class A2, A3, A4, and A5 uses or has a significant adverse effect on the amenity of existing residents will be refused. Community uses will be expected to present an active frontage at ground floor and be able to demonstrate a similar weekday footfall to a Class A1 Use. Proposals for residential use should not cause a break in a frontage.*

Assessment of the Proposal

The proposed shop at present is vacant. The previous use of the shop unit was retail (Glass Merchant and Glaziers). The proposal would result in a loss of a retail unit.

The recent shopping survey (carried out in February 2014) of Queens Parade which is part of Friern Barnet Local Centre confirms the existing uses of the shop units in the parades as follows:

<b>Use Class</b>	<b>Number</b>	<b>Percentage</b>
A1	9	50%
A2	1	5.56%
A3	3	16.66%

A4	0	0%
A5	2	11.11%
D1	1	5.56%
Sui generis	1	5.56%
Vacant	1	5.56%
<b>Total</b>	<b>18</b>	<b>100%</b>

Queens Parade at present comprise 50% of shops in retail use (Use Class A1), 33.33% within non-retail use (Use Class A2, A3, A4 and A5), 5.56% within (Use Class D1), 5.56% (as Sui Generis) and 5.56% as vacant.

- The proposed change of use from retail to Dental Clinic (Use Class D1) in respect of the above policy DM12 would result in a loss of 1 retail unit (i.e. the application shop unit which is currently vacant but was used Glass Merchant and Glazier (Use Class A1)).
- There is also no information provided with this application to demonstrate that there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use.
- The proposed use does not fall within Use Class A1, A3, A4 and A5 or there is no evidence to identify that the proposed use would meet an identified local need. The applicant currently has a Dental Clinic at No. 28 Queens Parade and would now like to occupy ground floor shop unit at No. 21 Queens Parade as Dental Clinic. The reason given for this is that it would be a bigger premises and would be able to provide disabled/wheelchair facilities. The applicant is supported by 15 representations which are largely from Queens Parade, 1 from adjacent Hollyfield Avenue, 1 from Ashmore Court and local Councillors.

The application therefore fails to comply with the above Council policy DM12 and is considered to be unacceptable as it would affect the vitality and viability of the existing Local Shopping Centre and it would set precedent for others to follow.

#### Residential Amenity

The upper floors of the existing application site has an established residential use comprising flat(s) above the ground floor shop. The proposed Dental Clinic comprising 3 surgery rooms is likely to result in some drilling noise associated with the dental practice and equipments used. The current application does not indicate any sound insulation measures between the proposed ground floor use and residential above and therefore if the proposal was recommended for approval a condition requiring sound insulation details between ground and first floor of the premises would be attached to minimise its impact on the upper floor residential use.

### Transportation

The proposal is for conversion of existing A1 use store into a D1 Dental Practice with 3 consulting rooms. No off street parking is provided for the existing premises and no off street parking is proposed for the new use. The site is located within Friern Barnet Local Shopping frontage in close proximity to several bus routes and amenities.

Taking into consideration the site's location and that the existing A1 use could generate similar or higher level of trips than the proposed D1 use, the proposal with no off street parking provision is considered acceptable on highways grounds.

### New Shopfront

The application is proposing installation of a new glazed shopfront to the existing ground floor shop. The proposed new shopfront replaces the more traditional style timber framed glazed shopfront comprising stall risers with a modern style shopfront comprises no stall riser. The proposed shopfront design appears to be more in keeping with the neighbouring shopfront at No. 20 Queens Parade and therefore in principle is considered to be acceptable. However, if the application was to be recommended for approval stall riser of height similar to that exist at No. 20 Queens Parade would have been requested. The door to the proposed new shopfront is set against the ground level and therefore would provide reasonable level access for disabled and less mobile users. The new shopfront subject to the above is considered to be in keeping with the character and appearance with the shopfronts of the surrounding shops in the parade and the area and would not be detrimental to the amenities of the occupiers of neighbouring properties. This part of the proposals is therefore considered to be acceptable.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

There are no objections received for this application

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

Having taken all material considerations into account, it is considered that this proposal does not comply with the Adopted Barnet Local Plan policies and guidance because the application involves the loss of retail unit within Protected Local Shopping Frontage and that it has not been effectively marketed for continued A1 use. This application is therefore recommended for REFUSAL.



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