

LOCATION: 321 Regents Park Road, London, N3 1DP

REFERENCE: F/01323/14

Received: 18 March 2014

Accepted: 04 June 2014

WARD(S): Finchley Church End

Expiry: 30 July 2014

Final Revisions:

APPLICANT: Mr Noor Hussain

PROPOSAL: Change of use of existing office at rear of property into minicab office.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. Regents~01; Drawing no. Regents~02; Design and Access Statement; Photographs; Letter from Mr Hussain dated 2nd July 2014; Letter from Mr Hussian dated 1st June 2014; Planning Statement.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 No customers shall be picked up by minicab drivers (associated with the use) on the public highway, within a radius of 100 metres from the office.

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

- 4 No intercom equipment shall be placed outside the premises which would enable customers to contact the office.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 and policy DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 5 No waiting area within 100 metres of the minicab office shall be provided for either minicab drivers or customers.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 and policy DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 6 The hereby approved planning permission shall be occupied by no more than four telecommunication controllers only unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure the development does not prejudice the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

INFORMATIVE(S):

- 1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. 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 Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

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 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 11th September 2012

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5.

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

Relevant Planning History:

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|---------------------|---|----------------------|--------------|
| Application: | Planning | Number: | F/01323/14 |
| Validated: | 04/06/2014 | Type: | APF |
| Status: | REG | Date: | |
| Summary: | DEL | Case Officer: | Denisse Celi |
| Description: | Change of use of existing office at rear of property into minicab office. | | |

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|---------------------|------------|----------------|------------|
| Application: | Planning | Number: | F/01801/09 |
| Validated: | 02/06/2009 | Type: | APF |

Status: DEC
Summary: APC
Description: Change of use of office to rear of shop, from Class B1 (office) to Class Sui Generis (mini-cab hire.)
Date: 28/07/2009
Case Officer: Robert Marchant

Consultations and Views Expressed:

Neighbours Consulted: 99 Replies: 1
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Minicab is entirely different to the current use.
- Use in the evening & at night
- Disturbance and noise
- Use is difficult to enforce
- No parking at the front.

In addition, Councillor Old has requested that the application is decided by the Planning Sub-Committee.

Internal /Other Consultations:

Urban Design & Heritage – No objection.

Finchley Conservation Area Advisory Committee

As per previous application:

‘The proposal is considered an inappropriate change of use in this location, particularly bearing in mind that the mini-cab office would not be self-contained and separated from the shop. There are also concerns about lack of hygiene.’

Date of Site Notice: 12 June 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is situated on the northern side of Regents Park Road within the Finchley Church End Conservation Area. The site is situated close to a large junction with Hendon Lane within a mixed use area with commercial properties to the ground floor and residential properties above. The site currently operates as a Foodstore selling Ethnic and English groceries and is immediately bordered by a café and a public house.

The property does not lie within the primary or secondary retail frontage, however it is recognised by the Development Management Policies DPD as falling within the Church End Finchley Town Centre.

Proposal:

The proposal involves the change of use from an A1 (Foodstore) to a part A1, part

Sui Generis use. The A1 use is to remain the same and a mini-cab office is proposed to be situated in an office to the rear of the premises.

The applicant has provided additional information to support the application as follows:

The proposal does not involve any alterations to the existing shop internally or externally. The proposed use of the space [will be] to operate as a point to receive only telephone communication for arranging minicab supply.

There are to be no taxis parked, the cabs contacted for service and arranged to go directly to the customers from cab drivers coming from elsewhere other than the above shop.

proposed use is to use the existing office space for mini-cab operation. There is access at the rear yard area for the shop during daytime only. There is no need to use the rear entrance at night time. The front entrance of the office will be used for day and night shifts.

All communications with the cab drivers to be by radio-air wave contact... using the latest PDA system. There is no change to access for vehicles or changes to front drive. There are no changes proposed for the pavement or the highway. There is no change to the front or rear elevations.

Planning Considerations:

The main issues are considered to be:

- Whether the proposals would have an acceptable impact on the vitality and viability of the town centre
- Impact on the amenities of neighbouring occupiers.

Policy context

Policy DM12 advises that the Council will protect all retail uses in the existing local centres, parades and isolated shops. The preamble to this policy also states that 'preventing an over concentration of similar non Class A1 uses is important to maintaining the vitality and viability of the local centre or parade. Where a proposed use would create three or more adjacent non retail uses of any class system then this will be resisted.' A proposal that is considered to have an adverse effect on the amenity of neighbouring residents will be refused, and community uses will be expected to present an active frontage at ground floor level.

It is considered that the principal use of the premises will remain as a retail unit having a street frontage display. The Mini-Cab use is to be operated from an area to the rear of the premises which is currently being used as an office. Therefore the proposal would not result in the loss of retail space or would detract from the established retail character of the area.

Although it has been stated within the Design and Access Statement that the drivers

will be working remotely, there is still concern in regards to the collection of customers close to the premises and the suitability of this within its location. A principal consideration is whether the location of the mini-cab office within the Finchley Conservation Area would detract from the residential amenities of those occupiers situated close by, also the potential for a mini-cab office to increase congestion in the area and to create an atmosphere that is not appropriate for a conservation area.

It must be highlighted that an identical scheme was approved in 2009, however the applicant failed to implement the permission. Although, this is no longer a material consideration, it is not considered that the circumstances and Local Plan policies now warrant refusal of the application.

At the time of the previous application, Highways offered no objection to the proposal subject to a condition which requires drivers not to visit the premises for the purpose of waiting or taking orders and instruction, collecting clients from the premises, or any other purpose. Given that this condition is complied with, it is accepted that no harm would be imposed to the amenities of occupiers within the area and that no increase of car congestion or congregation would occur and would damage the viability of the Finchley Church End Conservation Area.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the planning objections have generally been addressed in the report above.

Finchley Conservation committee have considered the proposal as an inappropriate change of use and have addressed concerns in relation to the appropriateness of the proposal as it is not self-contained or separated from the shop, personal hygiene was also a concern that was raised.

The remote operation of the business is however considered to be appropriate to mitigate these concerns; it is considered that with the compliance of the conditions, no significant disruption would be caused to the conservation area. The personal hygiene of the drivers is not a material consideration that can be used in the determination of 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, the change of use from A1 to part A1 part sui-generis (mini-cab office) is considered acceptable and is in line with the Council's town centre policies. It is not considered that the proposal would detrimentally impact on the residential amenity of neighbouring residents. The application is not considered to harm the vitality and viability of this section of

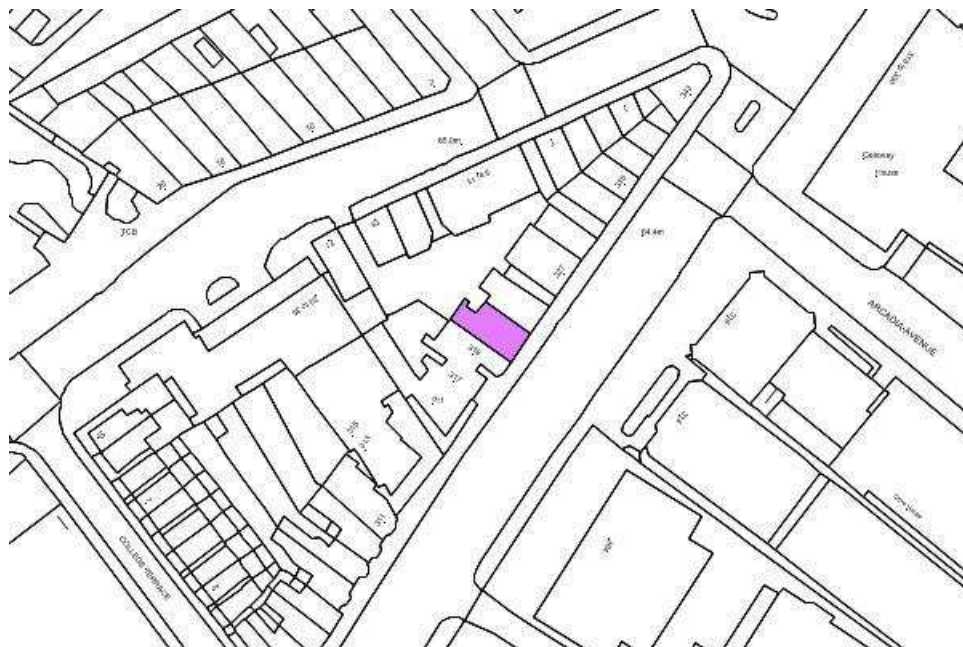
Regents Park Road, which is not considered to be a Town Centre location or a local shopping parade as defined by the Development Plan Document, or of the Conservation Area

The Local Planning Authority has considered this scheme's impact on neighbouring properties' amenities to be acceptable. The change of use is considered to be acceptable on Highways grounds, subject to the compliance of conditions

Therefore it is recommended that the application be **APPROVED** subject to conditions.

SITE LOCATION PLAN: 321 Regents Park Road, London, N3 1DP

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