

LOCATION: East Barnet Post Office, 282 East Barnet Road, Barnet, Herts, EN4 8TD
REFERENCE: B/03369/14
WARD(S): East Barnet

Received: 24 June 2014
Accepted: 24 June 2014
Expiry: 19 August 2014

Final Revisions:

APPLICANT: P2M Coffee Ltd

PROPOSAL: Change of use from a retail store to a mixed class coffee shop (A1/A3 use) and new shopfront.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Pln/A.01, Pln/A.02, Pln/A.03, Pln/A.07, Pln/A.05, Marketing Information, Design and Access 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 The layout of the premises shall be implemented in accordance with the details as indicated on approved drawing No. Pln/A.05 before the premises are first occupied and shall be permanently maintained.

Reason:

To ensure that the A1 use class element of the premises is maintained and to safeguard the vitality and viability of the town centre.

- 4 The use hereby permitted shall not be open to customers before 7am or after 7pm on weekdays or before 9am or after 6pm on Sundays.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 5 No flues, ducting, air conditioning units or piping shall be constructed on the exterior of the building without prior specific written consent of the Local Planning Authority.

Reason:

To safeguard the amenities of neighbouring occupiers in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies 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.
- 2 This planning permission relates solely to the change of use from Class A1 (retail) to coffee shop (mixed use Class A1/A3) including a new shop front. The new fascia signs and projecting sign would require separate advertising consent and is subject to a separate application.

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 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". 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 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 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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 September 2012.

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

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

Supplementary Planning Documents and Guidance

The Council has adopted two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations. The Residential Design Guidance SPD and Sustainable Design and Construction SPD are now material considerations.

Relevant Planning History:

Site Address:	282 East Barnet Road NEW BARNET HERTS
Application Number:	N00147D
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	29/10/1987
Proposal:	New shopfront.

Site Address:	East Barnet Post Office, 282 East Barnet Road, Barnet, Herts, EN4 8TD
Application Number:	B/03370/14
Application Type:	Advertisement
Decision:	Not yet decided
Decision Date:	Not yet decided
Proposal:	Installation of 2x internally illuminated fascia signs and 1x internally illuminated projecting sign.

Consultations and Views Expressed:

Neighbours Consulted:	252	Replies:	145 Objectors, 12 in Support
Neighbours Wishing To Speak	3		

A petition of 600 names has also been received. The petition objects to the proposal as it will have huge detrimental consequences to the traders of the village which are already struggling.

The individual objections received can be summarised as follows:-

1. Already too many food, takeaway and restaurant venues in this small village;
2. Currently there are 25 venues to purchase food and drink, this was previously higher at 28 but 3 have closed indicating saturation point/over capacity has been reached. Café businesses struggling with lack of trade without added competition, approval of the application would put other coffee places out of business. Will cause all to fail resulting in job losses and vacant units.
3. Will lead to loss of independent shops and vacant shops and a loss of revenue to the Council.
4. Costa Coffee would be in 10-20 metres of local pub and Church Hill Bakery and opposite Café Fresco which both offer beverages and cake.
5. If keep adding food outlets there will be no reason to shop in East Barnet Village; would not encourage other retailers to the area and need other retail shops to attract wider public and more people to East Barnet Village.
6. Ridiculous, inappropriate idea.
7. The Council should look at their strategy in terms of what kind of premises are redesignated.
8. Café Fresco is a community Hub serving and supporting the community, investing in local charities, providing an independent, local shop, carefully chosen trained staff, friendly welcome, fabulous food and has 5 star rating for food hygiene. It will not survive if application allowed.
9. The unique nature of East Barnet Village is a lovely family friendly place where there are independent shops and businesses run by local people, a real sense of community. Community wish for them and identity of area to remain. Big chain coffee shop would not enhance the village amenities and not wanted by local shop keepers and community. They are all about making money and push small, struggling independent businesses out.
10. Big chain will destroy jeopardise the village, as has been the case in Whetstone, Barnet and Finchley where there is no feel of community. Will result in loss of character and heritage of area, will become an homogenous and anonymous area and spoil village feel.
11. Council should be on side of small business to maintain shops and develop the local community and not just looking for a quick sale to make money.
12. Council should visit the Village and listen to the community.
13. The big chains can cope with direct competition.
14. Other locations more suitable for proposal.
15. Building unsuitable for coffee shop. Very limited parking for residents in the adjoining side road and none on corner. No pavement outside of building for table and chairs. Will make it dangerous and difficult to bypass for the elderly community.
16. Already a rat problem due to number of food outlets. Don't need another fire risk premises in the Village.
17. Only reason Council would approve application is because they want income from the property.
18. A lot of East Barnet residents will be against the Council if allowed.
19. Should support local business allowing them to sell bespoke products and help allure shoppers away from on line shopping.
20. High street has many empty shops through high rents.

21. Will open flood gates for more chains.
22. The post office is part of community; need a post office not coffee shop.
23. Don't let village be taken over by money grabbing tax evading big chains.
24. Will become like Barnet High Street dead.
25. Worried about lengthy opening hours in this residential area.
26. Village has more than enough eateries and a plethora of hairdressers/nail bars, grocery shops need convenience shops.
27. Feel that it is misleading that the information that Costa Coffee is the applicant is missing from the application, as this would affect people's views.
28. Would not object if an independent company and to support local organisations which would keep money in our local area and benefit the local population.
29. Double yellow line outside this shop is not suitable for A3 use.
30. There have been an increase in village sewage problem since 2000 because of numbers of A1/A3 uses granted.
31. Changes to waiting restrictions means that parking is limited and will create more problems with parking for residents of local roads. Strain on parking spaces during peak hours. Previously there was a death in East Barnet road involving a dispute on traffic congestion.
32. Costa spreading throughout the country selling overpriced not of high quality coffee.
33. There are many home based businesses selling bespoke products, that could be helped, rural areas offer 100% discount on business rates and rents why can't London boroughs offer the same, or allow businesses to set up shop in a vacant space of 6 months- 1 year (pop up shops). If they are successful let them then take on the lease. Would generate income for Barnet, through diversity and uniqueness and help businesses grow.
34. More noise and disturbance;
35. Can buy my A3 shop "for a song". There is vicious competition between A3 establishments and oversaturation of market has occurred.
36. Local business will give up and the integrity of good honest personal enterprise will be lost.
37. Need pop up shops/arts and craft shops will help village flourish.
38. Area needs more variety which could be achieved by keeping rates affordable to attract local businesses and provide services for the local community.
39. Independent useful shops are far more sustainable in the long term.

The comments supporting the application can be summarised as follows:

1. Great idea - Costa would bring their own style of coffee shop to the village, just what is needed. Will smarten up dreary village scene, would be an asset.
2. Bringing a branch of a successful chain to East Barnet Village would provide employment opportunities. If not allowed no other applications to make use of the shop so jobs would not be created if application is unsuccessful
3. Would not have an excessively detrimental impact on similar local services. Additional competition good for consumers in terms of price and quality.
4. Increases choice as homemade, personal service, independent already in existence. Proposal would still provide personal service and deliver a consistent product of a successful brand.
5. Healthy competition would not drive anyone out of business, merely provide

greater choice.

6. Could encourage passing trade to stop at a well known brand, and increase footfall in the area and may lead to greater business for other retailers.

7. Good to see a vacant shop reopen. East Barnet needs more good cafes, something more coffee shop than typical cafe.

8. The fact that a major chain shows an interest in the village suggests confidence in its viability as a small shopping/leisure centre.

9. Coffee shop is preferable to a charity shop or an empty unit.

10. Will bring more quality clientele to area and will have positive impact and knock on effect to other local traders.

11. Would encourage me to walk into village a lot more.

12. Few existing venues have outside seating and even fewer have capacity to take away. Especially useful for dog owners walking to park.

13. Be nice to have somewhere to meet people. Currently cafes very busy with young families, with little space for other demographics.

14. Litter can be controlled by bins and levies, won't be worse than the current situation.

15. Currently I walk to Whetstone even though living in East Barnet because there is more choice of coffee shop. Would prefer to stay in East Barnet Village.

16. If a shop is that different then it will survive the trick is to diversify.

17. There are more tattoo parlours than places that sell coffees and lunches. Do not allow more tattoo shops.

18. There is a gap in the market for a coffee shop that opens sensible and consistent times is family friendly and offers a good quality product.

19. Another coffee shop will not lead to closure of three other establishments.

One modest sized coffee shop won't have the capacity to serve the level of business catered for in the other three.

20. If customers stay loyal to existing establishments the new store will build their own customer base. If they desert other cafes will do so for improved quality and better price.

21. Will not lead to increased levels of traffic, beyond the increase that any new shop might generate. Not a destination store that would travel a distance too or offer products that you would need a vehicle to take away.

Internal /Other Consultations:

Traffic & Development –

The proposal is for change of use of existing post office from A1 use to A1/A3 use. No off street parking is provided for the existing use and no off street parking is proposed for the A1/A3 use.

The site is located in close proximity to bus routes and amenities.

The proposed change of use is not expected to result in detrimental impact on the public highway and I have no objections on highways grounds.

Date of Site Notice: 10 July 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site comprises a ground floor retail unit of an end of terrace three storey property located on the western side of East Barnet Road, on the junction with Jackson Road. The property is located in East Barnet Village which is classified as a Local Centre within Barnet's Local Plan. The character of the area is formed by parades of retail units at ground floor with residential or offices above. The application site is currently vacant, formally used as a post office at ground floor with residential above.

Proposal

The application relates to the change of use from retail (Use Class A1) to a Coffee Shop (mixed use Class A1/A3) including replacing the windows and doors as well as redecorating the shopfront. The existing windows and doors of the shop front are timber and aluminium and the proposal is to replace these with aluminium windows of the same size as existing and redecorating the frontage with grey and black paint and tiles. A new fascia and additional signage is also proposed, these alterations are subject to a separate application for advertisement consent and do not form part of this application.

Planning Considerations

The main issues in this case are considered to be covered under three main areas:

- Whether the proposal would adversely impact the retail function of East Barnet Village.
- The living conditions of neighbouring residents;
- Whether the proposed new shop front are in character with surrounding shops and accessible for disabled and less mobile users;

Impact on the East Barnet Village

The property has been identified as falling within a retail frontage of the local centre East Barnet Village. Policy DM12 of the DPD relates to local centres and is therefore relevant to this application. It requires that the Council will protect all retail uses (Class A1) in existing local centres unless it can be demonstrated that:

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

The proposal seeks to change the use of a vacant unit, previously used as a Post Office (Use Class A1) to a mixed use A1/A3 (Costa Coffee Shop). The unit will sell coffee and other hot and cold drinks, snacks and coffee paraphernalia and as such will operate in part as a retail unit for the sale of goods. The proposal also includes a seating area largely located to the rear as well as some tables to the side and front

of the unit, which would form the A3 element of the proposal. No seating is proposed outside of the unit. No cooking facilities other than to heat food, would be installed on site, as the only food items served within the premises are pre-manufactured off-site. Previous applications received in other retail centres within the borough and appeal decisions have accepted that this type of operation falls within a mixed use of A1/A3 unit, as retail goods are sold from the unit.

An important consideration in determining the application is the impact on the vitality and viability of East Barnet Village as a local centre. It is considered that as a range of consumable and non-consumable goods would be sold from the premises that the proposal would maintain an A1 function and that there would be no significant diminution of local shopping facilities. Coffee shops are popular and well used High Street amenities that attract strong customer footfall, the proposal would maintain an active shopfront and would not be detrimental to the vitality and viability of the East Barnet Village local centre. Furthermore these premises have been empty for a year and it is considered preferable for a retail unit to be in partial use than in no use at all.

There is a diverse range of services and uses in this area and it serves a wide community. A Post Office remains in East Barnet Village having been relocated within a newsagent in a parade opposite the application site.

The application site has been actively marketed continuously since July 2013 for rent as a retail unit. Information has been submitted that the premises have been marketed from July 2013 to March 2014 (when the applicant's solicitor was instructed) at a viable rent. The rent was reduced in October and further incentives were introduced. Although some viewings took place in general there was a lack of interest in the premises and although two other offers were received these were not considered viable offers. Although the property has not been marketed for a full year it is considered that the submitted information indicates that there is no demand for the continued use of the unit solely as a Class A1 use.

Policy DM12 also seeks to ensure that a proposal does not create an overconcentration of Class A2, A3, A4 and A5 uses or has a significant adverse effect on the amenity of existing residents. The preamble to the policy states that where a proposed use would create three or more adjacent non retail uses of any class system then this would be resisted. The application site is located on a corner site. A road separates the unit from a Public House (Class A3) and the unit is adjoined by a double frontage A1 use (Pharmacy) to the north. The other uses within this parade also comprise A1 uses. Therefore it is considered that the scheme would not result in the overconcentration of non retail units.

Impact on living conditions of neighbouring residents

Flats are located above the unit. Given the type of food preparation that would take place at the premises no flue or ducting would be required, thereby reducing the impact on residential amenity. It is also considered that the mixed use of the unit would not adversely affect the amenities of existing residents as any increase in noise and disturbance from the use would not be above that which would be expected in a retail local centre.

Traffic and Development have raised no objections to the scheme as it is not expected to result in detrimental impact on the public highway.

Accessibility of shop and impact of shop front on surrounding area

Policy DM01 states that development proposals should be based on an understanding of local characteristics and that proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM03 states that development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.

The proposed shop front is of a similar design that currently exists and it is considered that the proposed alterations are in character with surrounding shops and shopfront. Currently there are steps into the retail unit. To facilitate access to the unit for less mobile users a temporary access ramp would be provided by staff. A doorbell would be fixed externally at the entrance so that staff would be aware of this need. Although this is not an ideal way to gain access to the shop it is an improvement on the existing situation and on balance is considered acceptable.

On balance the proposal is considered to comply with council policies and would result in a vacant unit being brought back into use which will maintain the vitality and viability of East Barnet Local Centre.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of objections have been covered within the main appraisal. Additional comments include:

1. Competition is not a material planning consideration. The Council has no planning powers to control whether a main chain or the premises are occupied independently.
2. The Council does not own the shop. Any revenue generated through rates by the application is not a material planning application.
3. Planning legislation has no control over the leasing and cost of rents of properties.
3. The proposal does not include a seating area outside on the pavement.
4. Whether there would be problems with rats, sewage and whether there would be an increase in a fire hazard falls under separate legislation.
5. Any further change of units to tattoo parlours would be subject to a separate application.
6. The Planning Statement and the plans show that the proposal relates to a Costa Coffee Shop.

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

The application has been recommended for APPROVAL subject to conditions.

SITE LOCATION PLAN:
Barnet, Herts, EN4 8TD

East Barnet Post Office, 282 East Barnet Road,

REFERENCE:

B/03369/14



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