

Location **145 Station Road Edgware HA8 7JS**

Reference: **16/2101/FUL** Received: 1st April 2016
Accepted: 1st April 2016

Ward: Edgware Expiry 27th May 2016

Applicant: Mr John Sneddon

Proposal: Change of use of beauty salon (sui generis) to estate agents on ground floor with ancillary uses on part first floor

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
P1 - Proposed Floor Plans

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 this permission.

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

- 3 The premises shall be used for A2 (financial and professional services) and for no other purpose 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 and 187 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. 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.

Officer's Assessment

1. Site Description

The application site is located at 145 Station Road, Edgware HA8 7JS.

The application site comprises the bottom two storeys of a three storey terrace building, which contains an existing vacant beauty salon (sui generis) and associated offices at ground floor, and further ancillary offices and residential flat situated at first floor.

The property is situated within the Primary Retail Frontage Area. It is not situated within a conservation area or subject to any other planning restrictions.

2. Site History

Reference: 15/07540/PNO

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Prior Approval Process not Applicable

Decision Date: 4 February 2016

Description: Change of use from office (Class B1) to residential (Class C3) to provide 1 residential unit.

Reference: C02636B/03

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approved, Subject to conditions

Decision Date: 27/11/2013

Description: Part single, part two-storey rear extension.

Reference: C02636A/03

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Refuse

Decision Date: 30.06.2003

Description: Two storey rear extension.

Reference: W07799E/00

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 11.09.2000

Description: Illuminated fascia and projecting signs.

Reference: W07799D/00

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 08.09.2000

Description: Installation of new shopfront.

Reference: W07799C/99

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 24.01.2000

Description: Change of use from retail shop (A1) to financial and professional services (A2).

Reference: W07799B

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 26/01/1994

Description: Change of use of ground floor, mezzanine floor and part of first floor from retail shop to combined use of sale of beauty products and beauty salon.

Reference: W07799A

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 1987

Description: New Shopfront.

3. Proposal

The application seeks approval to replace the existing Beauty Salon (sui generis use) with an estate agents (A2 use) occupying the ground and first floors.

4. Public Consultation

Consultation letters were sent to 110 neighbouring properties.

6 objections were received during the public consultation period. A summary of the concerns raised is as follows:

- There are too many estate agents in the immediate area;
- There should be a range of offerings on the main street to attract people into the area;
- There needs to be more retail shops in the area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 2015

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 2050. 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.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM11, DM12.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. Policies DM11 and DM12 outline that council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability, and will generally protect all retail uses (Class A1) in the existing local centres, parades and isolated shops.

Supplementary Planning Documents

Design Guidance Note 10: Shopfronts 1996

- This guidance sets down a number of principles of good design to ensure the quality of the shopping parade or centre generally.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the change of use would harm the vitality or viability of the Edgware Town Centre.
- Whether the change of use would harm neighbouring amenity.

5.3 Assessment of proposals

1. Whether the change of use would harm the vitality or viability of the Edgware Town Centre.

Whilst the subject premises is currently vacant, its previously existing and approved use was as a Beauty Salon and associated offices at ground floor, with further ancillary offices and a separate residential flat situated at first floor. The previous primary use as a beauty salon is considered in the view of the officer to be lawful on the basis of the previous approval granted in 1994, application reference W07799B, for a 'Change of use of ground floor, mezzanine floor and part of first floor from retail shop to combined use of sale of beauty products and beauty salon'. Ongoing use of the premises primarily as a beauty salon since its initial approval in 1994 has been confirmed through photographic evidence

provided by the applicant showing the application site in use for this purpose in 2015. Further photographic evidence exists in Council's files for application reference W07799D/00, showing the premises occupied by a beauty salon during a site visit undertaken in September 2000.

A beauty salon is a Sui Generis use, as it is not assigned to a specific use class under the Town and Country Planning (Use Classes) Order 1987 (as amended).

In determining the appropriateness of the proposed change of use with respect to the viability and vitality of the Edgware Town Centre, consideration must be given to Policy DM11 of the Development Management Policies, which states:

'A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the primary frontage below 75% will not be permitted. The proposal should not create an over-concentration of similar uses which detracts from the retail function of the town centre.'

With respect to these policies, it is not considered that the proposed change of land use from beauty salon (sui generis) to an estate agents (A2) will result in any reduction or alteration to the proportion of A1 uses which are present in the Edgware Primary Retail Frontage. This is due to the fact that the existing use is not an A1 use.

With respect to the prevalence of A2 uses within the primary retail frontage, it is noted that the most recently available use survey data, notes that A2 uses comprised approximately 16% of the total mix of uses within the Edgware Primary Retail Frontage at that time, as compared with 66% of premises that were classed as A1 use and 2% which were Sui Generis use. On this basis, it is not considered that there is an overabundance of A2 uses within the primary retail frontage. Furthermore, the proposed change of land use from Sui Generis to A2 will have no impact on the number of existing A1 tenancies which remain in the area, and will not result in any significant increase in the prevalence of A2 tenancies within the primary retail frontage. The application site is surrounded by a mixture of uses including opticians, print works, phone repair store and Nando's restaurant, subsequently it is considered that there remains an appropriate mix of commercial uses in the immediate area and the proposed change of use will not result in a clustering or overcrowding of A2 land uses in the immediate vicinity.

It is acknowledged that the existing use of the premises as a beauty salon did incorporate a minor retail use though the ancillary sale of beauty products. However, such use represented only a minor and ancillary element to the approved primary sui generis use of the premises as a beauty salon. Subsequently the loss of this minor retail element is considered to be inconsequential.

On this basis, it is not considered that the proposed change of land use would not harm the vitality or viability of the Edgware Town Centre, or undermine the existing mix of land uses. An A2 use is considered a generally appropriate use within the Primary Retail Frontage.

2. Whether the change of use would harm neighbouring amenity.

The proposed use of the premises as an estate agent (A2 use) is not considered to result in undue harm to the amenity of neighbouring occupiers, when consideration is given to the commercial nature of adjoining ground floor tenancies fronting Station Road which is an identified Primary Retail Frontage. The nature of an estate agents is primarily office based work, and does not involve activities which are likely to result in undue noise, vibration, fumes, traffic generation or unsociable hours of operation. It is therefore not considered that there will be any adverse impact on the living conditions of residents within the residential flat situated on the upper floors of the building in which the tenancy is located, or to surrounding retail and commercial tenancies.

There is not considered to be any resulting highways impact from the proposed development.

Subsequent to the above, it is not considered that the proposed change of land use would harm neighbouring amenity, it is therefore recommended for approval on this basis.

5.4 Response to Public Consultation

The following concerns were raised during the public consultation process:

- There are too many estate agents in the immediate area;
- There should be a range of offerings on the main street to attract people into the area;
- There needs to be more retail shops in the area.

These concerns relate to land use mix within the Primary Retail Frontage of Station Road, are addressed within the body of this report. It is noted that commercial competition is not a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would not harm the vitality or viability of the Edgware Town Centre. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

