

Location **2A Alverstone Avenue Barnet EN4 8DS**

Reference: **17/6096/FUL** Received: 26th September 2017
Accepted: 27th September 2017

Ward: East Barnet Expiry 22nd November 2017

Applicant: Mr KANESU ATHITHAN

Proposal: Change of use from vacant minicab office (Sui Generis) to A1 (Retail Use)

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Location Plan

033.17/01

Design and Access Statement Rev A dated 4th October 2017.

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 use hereby permitted shall not be open to customers outside the following times: 06.00 to 20.00.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 4 No deliveries shall be taken at or dispatched from the site outside the following times: 06.00 to 20.00.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 7 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise

and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from any plant or machinery as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 8 The level of noise emitted from any plant or machinery hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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. A pre-application advice service is also offered. 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.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £766.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £2956.50 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);

6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

Officer's Assessment

1. Site Description

The site comprises a small (22 sq m GIA) single storey building located on Alverstone Avenue next to the pedestrian entrance to Oakleigh Park Railway Station.

The surrounding area is predominantly residential in character.

The property is not listed nor does it lie within a Conservation Area.

The building was last in use as a minicab office (sui generis), however this use has ceased and the building became vacant in February 2015.

Prior to the minicab office use the building has, in the past, been used as an office and as a retail shop and this is evident in the site history below.

2. Site History

Reference: N05548C/00 (191)

Address: 2A Alverstone Avenue

Decision: Lawful

Decision Date: 6th February 2001.

Description: Continued use of premises as private car hire and mini-cab office.

Reference: N05548B

Address: 2A Alverstone Avenue

Decision: Refused

Decision Date: 17th July 1985

Description: Erection of portakabin for use as mini-cab office and ancillary car park

Reference: N05548

Address: 2A Alverstone Avenue

Decision: Approved subject to conditions

Decision Date: 28th September 1977.

Description: Change of use from retail shop to office.

3. Proposal

This application seeks planning permission for:

Change of use from vacant minicab office (Sui Generis) to A1 (Retail Use)

4. Public Consultation

Consultation letters were sent to 22 neighbouring properties. 9 objections were received. The comments can be summarised as follows:

- What type of retail shop would this be?
- Increased traffic congestion

- There is already a newsagent on the platform of the Station and the proposed development would be duplicating services already provided
- Disturbance to neighbours
- No provision for bins; a use of this nature will produce commercial waste
- There are already 3 newsagents outside the station
- Parking is a massive problem and stopping outside the shop will cause obstruction and danger to pedestrians
- Noise impact
- Shop is too small to not cause an obstruction if it becomes popular; potential for hurried pedestrians to be forced onto the road at what is a busy blind corner
- Concerned about impact upon vulnerable member of the community including those who are blind or have special needs.

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 2016

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.

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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be cause to the Character and Appearance of the area
- Whether harm would be caused to the living conditions of neighbouring residents;
- Retail considerations
- Highways considerations
- Environmental Health considerations

5.3 Assessment of proposals

The application proposes change of use of a small existing building (22 sq m GIA) from vacant minicab office (Sui Generis) to A1 (Retail Use).

No external alterations to the building are proposed. Only internal alterations would be made.

The building has been vacant since February 2015 when the mini cab office use ceased.

Prior to the last mini-cab office use, the building was used as an office and before that a retail shop.

When the application was submitted, the exact nature of the proposed retail use was unclear, however, the applicant has subsequently clarified that the shop would be a small convenience store serving passing commuters; selling newspapers, drinks, confectionery etc.

The proposed opening hours are from 6am to 8pm in order to capture the outgoing and return commuter trade.

Whether harm would be caused to Character and Appearance of the area or to the living conditions of neighbouring residents

It should be noted that the previous use of this small unit was as a mini-cab office.

Due to the nature and size (22 sq m) of the shop, the comings and goings associated with the proposed use will mainly be pedestrians in the form of passing commuters within the proposed opening hours of 6am to 8pm. It is considered unlikely that customers would make a specific trip to a shop of this nature by car.

Within the context of the previous lawful mini-cab office use, which is likely to have involved mini-cabs coming and going from outside the building, it is not considered that the proposed retail convenience store would have an unacceptable impact on the Character of the area or on the living conditions of neighbouring residents; subject to appropriate planning conditions.

The proposed A1 retail use would bring the existing building, which has been vacant since February 2015, back into use and is considered acceptable with minimal adverse impact

on the character and appearance of the area and the amenities of neighbouring residential occupiers.

A planning condition would be attached to any planning permission restricting deliveries to the unit to the same hours as the opening hours, those being 6am to 8pm in order to ensure that no unacceptable impact arises.

Retail considerations

The NPPF and the Council's Planning policies (DM11) usually require significant retail proposals (over 200 sq m gross) to be directed towards a town centre.

However due to the limited floor area of the proposed unit (22 sq m GIA), the specialist nature of the proposed operation which targets passing commuter trade and the historic previous use of the unit for retail it is not considered necessary or appropriate to direct the proposed retail use to a town centre location.

Highways and Refuse

Highways were consulted and responded to say that they have no objection to the proposal.

Planning conditions requiring details of recycling and refuse storage and collection to be submitted and approved would be attached to any planning permission issued.

Environmental Health

Environmental Health were consulted and responded to say that they have no objection to the proposal subject to appropriate planning conditions relating to restriction of noise from plant, ventilation and extraction equipment and insulation against internally generated noise.

5.4 Response to Public Consultation

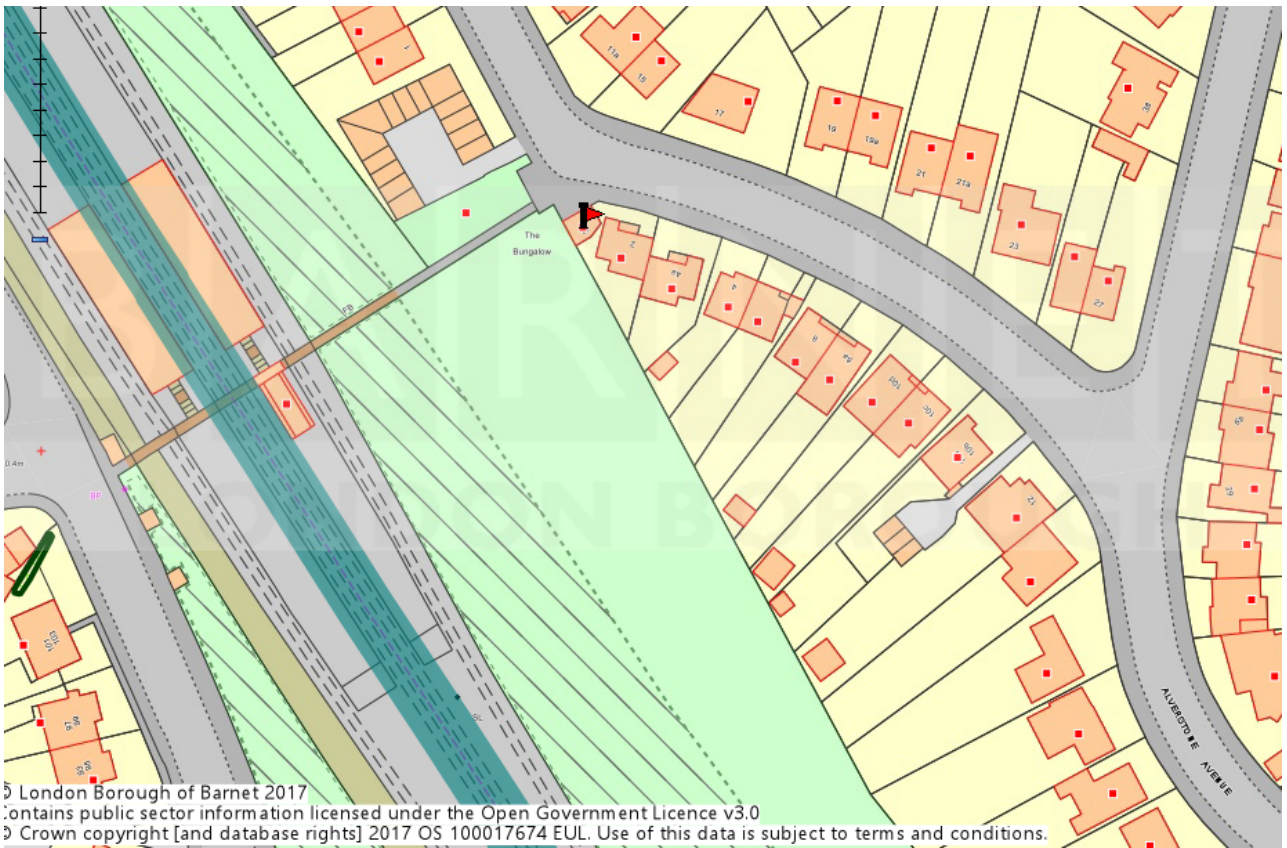
Objections raising material planning considerations are addressed elsewhere in this report. Objections on grounds of competition are not a material planning consideration.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out 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 the proposal would not cause unreasonable harm to the character of the area or to living conditions of neighbouring residents and is acceptable on retail, highways and environmental health grounds, subject to appropriate conditions. The application is therefore recommended for approval.



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