

Location **205 Regents Park Road London N3 3LN**

Reference: **17/5758/FUL** Received: 8th September 2017
Accepted: 12th September 2017

Ward: Finchley Church End Expiry 7th November 2017

Applicant: c/o Agent

Proposal: Change of use from Car Showroom and Workshop (Sui Generis) to a retail store (Class A1) including installation of security bollards to side elevation. Further details of Operational Management Plan submitted.

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: 1417656/P01(Opt) Rev2, 1417656/E01(Opt) Rev1, 1417656/S, 1417656/L, Noise Impact Assessment (Sharps Gaylor, 5th September 2017), Planning and Sequential Assessment (Mango Planning, Ref: RW/170029/R0001v5, Date: September 2017), Transport Assessment (Corun Transport and Highway Engineering, Ref: 17-00502/TN/01, MAY 2017), Management and Operation Plan.

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 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the

submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 4 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 5 Before the permitted development commences a refuse strategy including collection arrangements shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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 the equipment 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 use hereby permitted shall not be open to members of the public before 07.00 or after 21.00 on weekdays and Saturdays or before 10.00 or after 16.00 on Sundays and Bank and Public Holidays.

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

- 9 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 07.00 or after 21.00 on any other day.

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

- 10 a) Any proposed signage scheme shall be submitted and approved in writing by the Local Planning Authority.

b) The work shall be implemented in accordance with the drawings as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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. 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.

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.

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.

Officer's Assessment

1. Site Description

The proposal comprises a 374 sq m corner unit fronting onto Regents Park Road and North Crescent, and consists of the ground floor of 205 Regents Park Road, and the attached single storey workshop building fronting North Crescent. The latter building is set back, with a front area of hard standing for four vehicles.

The application site is within a parade of retail units from 199 to 233 Regents Park Road. It is not a designated frontage. Finchley Church End Town Centre is located 400m to the north. In highway terms, the area has a Public Transport Accessibility Level (PTAL) rating of 3.

The property is not listed not located within a conservation area. The property of Regents Park Road and North Crescent date primarily from the inter war period with commercial buildings of three storeys and residential housing formed of either detached or semi-detached two storey houses, or earlier, late Victorian terraces of the east side of Regent Park Road.

2. Site History

Reference: 17/4002/FUL

Address: 205A Regents Park Road London N3 3LN

Decision: Refused

Decision Date: 22.08.2017

Description: Change of use of the ground floor from car showroom (Sui Generis) to a (Class A1) retail store (374sq m) including installation of security bollards to the side elevation

3. Proposal

Change of use of the ground floor from car showroom (Sui Generis) to a (Class A1) retail store (374sq m) including installation of security bollards to the side elevation. The site was previously occupied by Humming Bird Motors providing a vehicle dealership and workshop. This use served at the site for at least 15 years until it was vacated on 25th May 2017 at the expiry of the lease.

Toolstation specialises in the sale of power tools and accessories, hand tools, screws and fixings, decorating materials, plumbing/heating and electrical supplies, work clothing and other products associated with building/DIY. It serves predominantly the building industry although accept trade from private customers. The demand from private customers has prompted the development of a high street format.

4. Public Consultation

Consultation letters were sent to 78 neighbouring properties. A site notice was published on the 21.09.2017.

15 responses have been received, comprising 13 letters of objection and 2 letters of support.

The objections received can be summarised as follows:

- Traffic, parking and access issues
- Increased noise and fumes

- Increased litter
- Loss of privacy
- Parking congestion
- Inappropriate use for the area
- Opening hours too long
- No sound barrier
- Safety concerns
- The unit should be on an industrial estate

The representations received can be summarised as follows:

- Support the building being occupied again
- Better security

An additional consultation was carried out following receipt of the Management and Operations Plan. 4 additional objections were received from residents who commented on the original proposals.

The following additional comments have been made:

-Doesn't address issues with the scheme

-Deliveries may be made by an articulated HGV with a tailgate, which is up to 16.5m long, plus it needs space for the tail gate to drop and space to manoeuvre. Say 20m as a minimum in total. Apart from the dropped kerb outside the proposed on-site car parking area, the rest of the road is fully parked up nearly all of the time (which can only get worse if the store opens). There is simply nowhere for an HGV to park, without blocking North Crescent for the 15-20 minutes deliveries are expected to take.

-Toolstation's planning consultants have suggested that, instead of articulated HGVs, smaller delivery vehicles may utilise the on-site car. However, the car park is not big enough for a vehicle capable of carrying Toolstation's delivery cages. Nor is the dropped kerb outside the car park long enough for such a vehicle.

-In any case, such a proposal contradicts the MOP, which states "The off street parking spaces will be kept clear for customer use". Blocking customers' vehicles in by parking over the dropped kerb is not consistent with that. (The MOP specifies that deliveries will only be made during opening hours.)

-In short, deliveries cannot be made without blocking the road for long periods and/or obstructing the on-site parking.

- This is a site in a residential area. There is a zebra crossing on the corner which, is already hazardous to cross. The last thing the area needs is a commercial outlet which will greatly increase traffic. Furthermore, the unsociable opening hours will increase noise and light to an unacceptable level.

-Why can't they find premises in an Industrial Park with proper access and parking facilities?

Environmental Health Officer: This revised scheme is not objected to on environmental health grounds subject to compliance with conditions.

Highways Officer: Approval is recommended subject to conditions.

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 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, CS6, CS8, CS9
- Relevant Development Management Policies: DM01, DM02, DM04, DM11, DM12, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the 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.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- 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:

- Suitability of land use;

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways and Parking issues.

5.3 Assessment of proposals

Suitability of land use

The subject site lies 600m south of the southern boundary of the Finchley Church End Town Centre. It is located in a small retail parade of 18 units on the west side of Regents Park Road. The adjacent retail uses form a parade with a variety of retail uses though not within a designated frontage.

The Council seeks to ensure that new retail outside town centres will be strongly resisted unless the sequential test approach can be met. The applicant has carried out and submitted a sequential test to justify why there is no equivalent position within the boundary of the Finchley Church End Town Centre to locate the proposed use. The current level of vacancy within the Finchley Church End Town Centre is low with only nine units vacant out of 265 units, a proportion of 3.4%.

The applicant has examined each of these to determine whether there are any suitable, available and viable in sequentially preferable locations for their proposal. Provided the applicant has considered the scope for providing the scheme in a different form and sequentially assessed preferable locations, the question is whether an alternative site is suitable, not whether the development can be altered to fit an alternative site.

The applicants have referred to the case at 217/219 Regents Park Road ((LPA Ref: 17/0506/FUL) which was refused on a number of grounds, but in terms of the sequential test, considered an acceptable location for A1 retail. The applicants examined the nine vacant sites, and all but one fell below the floorspace parameters, and they were therefore discounted. The larger unit was discounted on the grounds it lacked off street car parking and was for a larger floor area than required. The assessment of the sequential test is that no reasonable site was found in Finchley Church End Town Centre or edge of centre.

The application site is not within a designated retail centre but is within an existing parade of shops. The proposal would create up to eight full time equivalent jobs, and bring the corner unit back into commercial activity. This would be in accordance with Council policies encouraging economic growth.

Impact on the character of the area

The premises are located on the corner of a small retail parade with a side return into a residential street. The principal frontage of the unit is to Regents Park Road and the customer access is from this street. The use is in character with existing businesses along Regents Park Road. The return of the property up North Crescent presents a commercial frontage up to the first residential house. Therefore, up to the first house, the commercial character exists and after this juncture, residential character is acquired. This is reflected on the opposite side of the street up to the same juncture. Subject to the compliance with the proposed management and operational plan, the character will remain as at present in terms of both appearance and how the uses will function.

Impact on the amenities of neighbours

The applicant has a chain or network of established businesses but they are located within business parks or industrial or commercial areas, or within established commercial high streets

The site at Regents Park Road occupies a corner plot and returns up North Crescent. The covered yard which forms the rear building is immediately adjacent to the first house in North Crescent and faces the first house on the eastern side of the road. It is quite a different context to Toolstations existing premises which are located at sites specifically designed for commercial use and away from residential use. It is recognised that the model Toolstation is proposing here is different to the existing style of outlets but that equally the context is quite different, with the proposed use within a traditional retail frontage and the close proximity of residential use.

The previous submission for this proposal in August 2017 was far less informed in regard to a management plan. The operational hours and delivery hours raised concerns with Environmental Health officers given the nature of the business would be different to that of a car showroom that operated under more restricted opening times.

The applicants have recognised the difference between this site and their other locations. Consequently they have developed a Management and Operational Plan which has responded to the earlier concerns of the Council in regard to a range of issues regarding amenity.

The proposed Toolstation opening hours for the unit will be Monday to Saturday from 0700 to 2100, on Sundays and Bank Holidays 1000 to 1600, in accordance with the Environmental Health Officer recommendations.

Toolstation will be responsible for implementing the plan and ensuring that 3rd party logistic operators are notified of the agreed delivery procedure.

Signage will be visible outside and within the premises, requesting noise to be kept to a minimum and for customers to only park on Regents Park Road, where possible, if there are no spaces available in the designated parking area. Signs will also include a contact number for residents to use if they are affected by any unreasonable disturbance.

The challenge in considering the application has been to distinguish between the noises and other disruptions produced by machinery and which can be measured and controlled through conditions; and the forms of noise which are more irregular, unpredictable and less obviously measurable.

No industrial plant or machinery will be operated within the Toolstation unit and no demolition or construction is proposed as a result of the application. All building work will be internal to the unit. Environmental Health Officers have advised a number of conditions and it is considered prudent that they are secured given the sensitivity of the site.

The second set of amenity issues relate to potential nuisance that would harm neighbour amenity. Therefore there is a range of measures proposed to ensure the delivery process is in accordance with the submitted noise report. Measures include for delivery vehicle engines to switch off as soon as the vehicle is parked at the unloading position and not restarted until the vehicle is ready to depart, delivery scheduling undertaken on the basis that no more than one delivery vehicle is proposed to be present at the unit at any one time and goods pallets or cages are wheeled directly into the building via the shortest route available.

The outlet would only sell 'light side' building supplies which includes Power Tools, Screws, Electrical, Plumbing, Hardware, Fixings and Hand tools. There are no 'bulk' or 'heavy side' building supplies which would require a longer loading time or staff assistance.

Customer access into the unit is off Regents Park Road. Deliveries will enter the rear yard and reverse up to the loading bay, moving cages via the shortest route into the Toolstation unit.

Overall, it is acknowledged that the proposed use has some potential to cause harm to neighbouring residential amenity given its proximity to residential properties. Officers have considered the amenity impacts carefully and consider that the mitigation proposed would ensure that any impact is reduced to an acceptable level. The conditions attached to the recommendation would ensure that such measures are carried out.

Highways and Parking

The site currently provides for 4 off street car parking bays accessed from a vehicle crossover on North Crescent. The site has a PTAL rating of 3.

The applicant commissioned a parking beat survey in accordance with Lambeth Methodology which confirmed that at 0800 on the weekday survey the 256 parking spaces were 79% occupied, with 54 available on-street spaces. At 0900 on the weekday survey the 256 parking spaces were 84% occupied, with 42 on-street spaces available.

The parking survey further confirmed that at 0800 on the Saturday survey the 256 parking spaces were 76% occupied, with 61 available on-street spaces. At 0900 on the Saturday survey the 256 parking spaces were 73% occupied, with 68 on-street spaces available.

The applicant has advised that deliveries will enter the rear yard and reverse up to the loading bay, moving cages via the shortest route into the Toolstation unit.

They have advised that during normal operation, deliveries will consist of an 18 tonne rigid lorry (standard spec of this type of lorry = 11m length, 2.55m width and 4m height) or smaller, delivering wheeled cages of goods, directly into the Toolstation Unit. One delivery vehicle is proposed to be present at any one time and these take on average 15-20 minutes from arrival on site and the following procedures apply.

The following measures would also be used:

- Reversing sounders to be silenced where possible;
- Delivery vehicle engine to be switched off once parked at the unloading position;
- Cab radios switched off; and
- Delivery vehicles to be driven in a sensible manner with no unnecessary revving of engines.

The Highway Officer has reviewed the information submitted as described above and has no objections on highway grounds, subject to conditions and informatives. Visitors to the proposed development would use the existing on-street parking provision in the locality but this is not envisaged to have a detrimental impact.

Cycle parking needs to be provided in accordance with the London Plan Cycle Parking Standards.

5.4 Response to Public Consultation

The objections are taken into consideration in the evaluation.

6. Equality and Diversity Issues

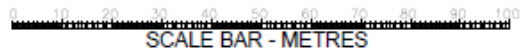
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

The proposal is appropriate as a land use in this location, as the sequential test has been applied and tested. The proposal would occupy vacant premises with no material external alterations proposed. The business is estimated to employ up to eight full time equivalent jobs. Subject to compliance with the recommended conditions it is considered that the operation and function of the proposed use will not be materially harmful to the amenity of the surrounding residential occupiers. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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