

LOCATION: 91 Watling Avenue, Edgware, Middx, HA8 0LA

REFERENCE: H/00541/12

Received: 13 February 2012

Accepted: 27 February 2012

WARD(S): Burnt Oak

Expiry: 23 April 2012

Final Revisions:

APPLICANT: Mrs Amina Al-Hadi

PROPOSAL: Change of use from A1 (shop) to A1 + Minicabs (Hair Dressing Salon & Minicab).

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, PD/001, Design and Access Statement.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The development to which this permission relates must be begun not later than the expiration of one year beginning with the date of the grant of this consent.
Reason:
(i) To comply with Section 91 of the Town and Country Planning Act 1990.
(ii) To maintain the balance of retail vitality and viability in this shopping centre and the proper planning of the area.
- 3 The business shall be radio controlled and the premises shall not be used as a waiting area for drivers at any time.
Reason: To safeguard highway safety.
- 4 The use hereby permitted shall not be open to customers before 8am or after 11pm on weekdays and Saturdays or before 9am or after 10.30pm on Sundays or bank holidays.
Reason:
To safeguard the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1 (Character), D2, TCR10, TCR14 and:

Core Strategy (Adoption version) 2012:

Relevant policies: CS NPPF, CS1, CS5

Development Management Policies (Adoption version)2012:

Relevant Policies: DM01, DM11

- ii) The proposal is acceptable for the following reason(s): - The proposals would have an acceptable impact on neighbouring amenity and highway safety and would not harm the character of the area.
- 2 The applicant should ensure that drivers do not wait on the public highway in the vicinity of the site.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan: July 2011 6.1, 7.4, 7.6

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Unitary Development Plan Policies: GBEEnv1, GBEEnv2, D1, D2, TCR10, TCR14.

Core Strategy (Adoption Stage) 2012

Development Management Policies (Adoption Stage) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in

the determination of planning applications.

Relevant Core Strategy Policies: CS5

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM11

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Planning History:

Application Reference:	H/00843/08 93 Watling Avenue
Case Officer:	Emily Benedek
Proposal:	Erection of a 2m high mast with 3m high antenna on the roof for radio control. Change of use from hairdressers to private hire operating centre (Sui Generis).
Stat Start Date	24/04/2008
Application Type	APF
Decision	APC
Decision Date	19/06/2008

Planning applications picked up in spatial search

Site Address: 89/91 WATLING AVENUE BURNT OAK EDGWARE HA8
Application Number: W04454
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/03/1974
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Reversion of double shop into two shops.**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 10 Replies: 3
Neighbours Wishing To Speak 2

2 Objections were received and a joint letter with 17 signatories

The objections raised may be summarised as follows:

- Competition
- There is already a minicab office in the area
- Impact on neighbouring residents
- There are parking restrictions in the area, the proposals will obstruct traffic
- Noise and pollution to residents
- Proposals will decrease footfall in the town centre
- Would the minicab office comply with health and safety requirements
- London Underground do not support the proposals

1 Letter of support was received.

Internal /Other Consultations:

- Urban Design & Heritage - No objection

Date of Site Notice: 08 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey commercial unit within the Burnt Oak Town Centre and the Watling Estate Conservation Area. The site is located close to Burnt Oak Underground Station.

It is noted that the adjacent property at no.93 is also in use as retail and a mini cab office.

Proposal:

The proposals are to convert the existing retail unit (hairdresser) to a mixed use of

retail and a minicab office.

The proposed minicab office would be open to the public and would include a waiting area. No parking is or can be provided on the site.

Planning Considerations:

The main issues are considered to be:

- *Whether the proposals would be appropriate within Burnt Oak Town Centre in terms of their impact on vitality and viability*
- *Whether the proposals would harm neighbouring amenity*
- *Whether the proposals would have an acceptable impact on highway safety*

Policy context

TCR14 states that the proposals for licensed minicab (PHV) offices will be permitted at transport interchanges, or adjacent to the main and primary retail frontages. In these locations, the council will permit proposals for minicab offices where all of the following criteria are met:

- i. They will not cause undue harm to residential amenity; and
- ii. They will not generate an unacceptable increase in traffic or in on-street parking; and
- iii. They will not prejudice highway safety; and
- iv. They will not disrupt the free flow of road traffic and pedestrians.

Development management policy DM11 states that:

The Council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

a: Town centre uses

i. Significant new retail and other appropriate uses outside the town centres or any expansion of existing out of centre sites will be refused unless they can meet the sequential approach and tests set out in Planning Policy Statement 4 or are identified in an adopted Area Action Plan. Edge of centre proposals will not normally be appropriate and therefore should demonstrate why they are not locating in a town centre site.

ii. The town centre boundaries, primary and secondary retail frontages are shown in the maps in Appendix 2.

b: Primary and secondary frontages

i. 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.

ii. A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the secondary frontage below 65% will not be permitted. The proposal should not create an over-concentration of similar

uses which detract from the retail function of the town centre.

iii. Change from a retail use (Class A1) will be strongly resisted unless it can be demonstrated that there is no viable demand for continued Class A1 use. When it can be demonstrated that the site has been marketed effectively for Class A1 use acceptable alternatives to Class A1 use will be Class A2, A3, A4, A5 or community uses. Conversion of any Class A use to a community use will be expected to present an active frontage at ground floor and be able to demonstrate a similar weekday footfall to Class A1 use. All alternatives to Class A1 use will be subject to amenity impacts.

iv. Any significant new retail development will be expected to provide a mix of unit sizes, avoid an inward looking layout, maintain the street frontage and provide suitable and

convenient linkages for shoppers to access other town centre uses.

v. Evening economy uses will be expected not to have an adverse affect on the amenity of local residents and be in keeping with the scale and character of the surrounding

area. Planning conditions and planning obligations will be used to manage impact from food, drink and entertainment venues.

c: Mixed use development

1. The protection of employment floorspace should meet the requirements set out in DM14: New and Existing Employment Space unless otherwise indicated in the:

i. Site Allocation DPD

ii. Town Centre Frameworks

iii. identified as a Locally Significant Industrial Site or Business Locations.

2 Appropriate mixed use re-development will be expected to provide re-provision of employment use, residential and community use.

3 The Council will consider the location of new and the relocation of existing community, leisure and cultural uses (including arts) to the town centres only where they maintain active frontages.

Whether the proposals would be appropriate within Burnt Oak Town Centre in terms of their impact on vitality and viability

Policy TCR11 is structured in a way that a proposal needs to meet four tests to comply.

The proposals would not result in the loss of a retail unit, only the loss of approximately 7 square metres of retail floorspace. The existing hairdressers would remain and the minicab office would only be accessed internally from within the hairdressers.

The minicab office would be open to the public and would include a waiting area. It is not considered that the proposals would harm the vitality and viability of Burnt Oak Town Centre.

Whether the proposals would harm neighbouring amenity

The applicant initially advised that they seek 24 hour opening hours. There is a waiting room and drivers area shown on the proposed plans.

The site property is in a town centre with a residential flat above. The site is located close to Burnt Oak Underground Station.

There are residential properties in the vicinity including above the site property and residents would reasonably expect to have some quiet during unsociable hours. Therefore it is considered that the premises should not be open to the public outside 8am and 11pm Monday-Saturday and 9am-10.30pm Sunday and Bank Holidays. A condition is attached ensuring that the premises is not open to the public outside these times.

It is not considered that the use of the premises as a radio controlled office would be likely to cause harm to neighbouring amenity outside these hours providing that the premises are not open to the public.

Whether the proposals would have an acceptable impact on highway safety

The applicant has advised that they seek 24 hour opening hours.

There is a waiting area shown on the proposed plans, this shall be used for members of the public between 8am and 11pm Monday-Saturday and 9am-10.30pm Sunday and Bank Holidays. At all other times the premises shall not be open to the public.

The applicant has agreed that drivers will not wait on the premises and will pick up customers from surrounding roads. Council policy states that proposals for licensed minicab offices will be permitted at transport interchanges, or adjacent to the main and primary retail frontages providing that they do not cause harm.

Highway officers have advised that they are satisfied that the proposals would not harm highway safety providing that a condition is attached to any grant of permission preventing drivers from waiting in the vicinity of the site.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Competition - *This is not a planning consideration.*

There is already a minicab office in the area - *This is not grounds to refuse planning permission.*

Noise and pollution to residents - *It is not considered that there would be a materially harmful impact.*

Proposals will decrease footfall in the town centre - *It is not considered that the use would materially impact vitality and viability in the locality.*

Would the minicab office comply with health and safety requirements - *It is not considered that there would be any reason that the proposals could not comply with such requirements*

London Underground do not support the proposals - *No observations have been*

received from London Underground.

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 is recommended for **APPROVAL**.

SITE LOCATION PLAN: 91 Watling Avenue, Edgware, Middx, HA8 0LA

REFERENCE: H/00541/12



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