

LOCATION: 42 Church Lane, London, N2 8DT
REFERENCE: F/02942/12 **Received:** 30 July 2012
Accepted: 01 August 2012
WARD(S): East Finchley **Expiry:** 26 September 2012

Final Revisions:

APPLICANT: Gallery Zadah Pension Fund
PROPOSAL: Change of Use from Class A2 to Class A1 Retail Shop.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, Drawings 1014-BA-100, 1014-BA-101, 1014-BA-102, 1014-BA-103, 1014-BA-104.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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.

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 (2006). In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GParking, GTCR1, GTCR2, GBEnv1, D2, M14 and TCR19.

Core Strategy (Adopted) 2012:

CS NPPF, CS1, CS5, CS6 and CS9.

Development Management Policies (Adopted) 2012:

DM01, DM02, DM04, DM12 and DM17.

- ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area or the amenities of any neighbouring property and would not prejudice highway safety or convenience.

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:

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.

Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant Unitary Development Plan Policies:

GParking, GTCR1, GTCR2, GBEnv1, D2, M14 and TCR19.

Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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.

Relevant Core Strategy Policies:

CS NPPF, CS1, CS5, CS6 and CS9.

Development Management Policies (Adoption version) 2012

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 was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. 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 Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM12 and DM17.

Planning History

Application:	Planning	Number:	F/02392/11
Validated:	06/06/2011	Type:	APF
Status:	DEC	Date:	26/09/2011
Summary:	APC	Case Officer:	Fabien Gaudin
Description:	Demolition of existing outbuildings and erection of two storey self-contained residential unit adjoining the rear of 42 Church Lane.		
Application:	Planning	Number:	F/02936/10
Validated:	21/07/2010	Type:	APF
Status:	DEC	Date:	06/09/2010
Summary:	REF	Case Officer:	David Campbell
Description:	Three storey rear extension and extension of existing basement following demolition of existing rear extension and outbuildings to create a self contained office to the rear of the property. Associated alterations to South and West elevations and new parapet wall.		
Application:	Planning	Number:	F/02942/12
Validated:	01/08/2012	Type:	APF
Status:	PDE	Date:	
Summary:	APC	Case Officer:	David Campbell
Description:	Change of Use from Class A2 to Class A1 Retail Shop.		
Application:	Planning	Number:	F/04190/09
Validated:	18/11/2009	Type:	APF
Status:	APD	Date:	18/11/2010
Summary:	DIS	Case Officer:	David Campbell
Description:	Demolition of existing ground floor annexes and construction of new three storey dwelling house with basement and roof terrace to rear of 42 Church Lane fronting King Street.		
Application:	Planning	Number:	F/04409/10
Validated:	01/11/2010	Type:	APF
Status:	DEC	Date:	21/12/2010
Summary:	APC	Case Officer:	Fabien Gaudin
Description:	Conversion of existing offices on 1st & 2nd floors and rear ground floor to 5No. residential units with associated extension at basement level and formation of bin enclosure. Access fronting King Street.		

Consultations and Views Expressed:

Neighbours Consulted: 51 Replies: 0
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

No representations have been received for the application.

Date of Site Notice: 09 August 2012

The application has been brought to committee at the request of Councillor Arjun Mittra for the following reason:

"I have located a copy of the UDP and I am primarily concerned that this application does not comply with Policy GParking-Parking. I also do not believe the application is disabled access from memory, which is policy D8. I have a concern regarding D2, that the application does not respect the "surrounding street and movement pattern".

2. PLANNING APPRAISAL

Site Description and Surroundings: The application site lies on the corner of Church Lane and King Street within the East Finchley ward. The surrounding area is largely residential but does have a few other uses including the existing building at 42 Church Lane which is used as an advice service. This section of Church Lane is also a one way street and leads towards the High Road. The site does not fall within a conservation area.

Proposal: The application seeks consent for the change of Use from Class A2 to Class A1 Retail Shop.

Planning Considerations:

The National Planning Policy Framework paragraph 70, states that "To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

"plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments."

Policy TCR19 of the Unitary Development Plan (Neighbourhood Centres, Shopping Parades and Local Shops) states, 'In Neighbourhood Centres, free standing shopping parades and isolated shops, the change of use from a shop (class A1) to another use will be strongly resisted unless:

1. It can be demonstrated that there will be no significant diminution of local shopping facilities as a result; and
2. It can be demonstrated that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and
3. The proposed use is within use class A2, A3, A4, A5 or meets an identified local need; and

4. It can be demonstrated that there is no known demand for continued A1 use, and that the site has been marketed effectively for such use

The council will encourage proposals for new retail or other development that meets the needs of the local community.

Policy DM12 of the Development Management Policies Adopted Version 2012, (Maintaining local centres and parades) states, 'The council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:

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

A proposal that either creates an over concentration of Class A2, A3, A4 and A5 uses or has a significant adverse effect on the amenity of existing residents will be refused.

Community uses will be expected to present an active frontage at ground floor and be able to demonstrate a similar weekday footfall to a Class A1 use. Proposals for residential use should not cause a break in a frontage.

It is therefore considered that the proposals are supported by national and local policy and as such there are no objections to the application either in principle or on policy grounds. It is also noted that the change of use from an A2 professional services unit to an A1 retail unit is not a development that normally requires planning permission and as such the development is also considered to be acceptable on these grounds as well.

There have been no objections to the application on the grounds of parking or any other issue relating to highways. The council's Traffic and Development Team have raised no objections stating that they consider that the proposals will not have a detrimental impact on the public highway. It is therefore considered that the application will be acceptable on these grounds also.

It is considered that the application will not give rise to any loss of amenity to any neighbouring property, or harm the appearance of the building, the surrounding area and the character of the street scene. It is considered that a new retail unit would enhance the area and contribute to the services available to local residents. There are therefore no objections to the application.

Access to the premises will remain as existing.

3. COMMENTS ON GROUNDS OF OBJECTIONS

No representations have been received for the application.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property and would not prejudice highway safety or convenience.

It is therefore recommended that the application be **APPROVED**.

SITE LOCATION PLAN: 42 Church Lane, London, N2 8DT

REFERENCE: F/02942/12



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