

LOCATION: Unit 1 Tally Ho Corner, 9 Nether Street, London, N12
0GA
REFERENCE: F/02609/12 **Received:** 10 July 2012
 Accepted: 16 July 2012
WARD(S): West Finchley **Expiry:** 10 September 2012

Final Revisions:

APPLICANT: Copper Brown LLP
PROPOSAL: Change of use from A1 (Retail) to (Recording Studio).

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 15057 AK9001; supporting statements and submissions; RBA accoustics sound insulation issues- preliminary review; Martyn Gerrard marketing letter; quarterly property review 2009; Martyn Gerrard property particulars.

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.

3. The premises shall be used for a recording studio and no other purpose (including any other purpose in Class Sui Generis 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.

4. The development shall be constructed so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the recording studio as measured within the adjacent habitable rooms of the development known as 100 Kingsway shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties

5. The use hereby permitted shall not operate before 7am or after 12am on weekdays and weekends. The use shall be closed on public and bank holidays.

Reason:

To safeguard the amenities of adjoining properties.

6. The floor layout of the unit at ground and first floor on the hereby approved plans must not be changed.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

7. No drums and other percussive instruments will be recorded on site after 11pm.
8. The number of people on site associated with the recording studio use on the ground and first floor will be a maximum of 15 people at any one time.

Reason:

To protect the residential amenities of the neighbouring occupiers.

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 polices are relevant:

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, D2, GParking, ENV12, M14, CS10 and GEMP3, GEMP4 and EMP2.

Core Strategy (Adopted) 2012:

CSNPPF, CS1, CS5, CS8.

Development Management Policies (Adopted) 2012:

DM01, DM02, DM04.

- 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, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Relevant Unitary Development Plan Policies:

GSD, GBEnv1, D2, GParking, ENV12, M14, CS10 and GEMP3, GEMP4 and EMP2.

Core Strategy (Adopted) 2012

Development Management Policies (Adopted) 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.

The Core Strategy (CS) 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.

Relevant Core Strategy Policies:

CSNPPF, CS1, CS5, CS8.

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 Development Management Policies:

DM01, DM02, DM04.

Relevant Planning History:

| | | | |
|---------------------|--|----------------------|------------------|
| Application: | Planning | Number: | F/02084/11 |
| Validated: | 26/05/2011 | Type: | APF |
| Status: | DEC | Date: | 02/08/2011 |
| Summary: | APC | Case Officer: | Elizabeth Thomas |
| Description: | Change of use of part of first floor for mixed flexible class D1 (Non-Residential Institutions) / Class B1 (Office) use. | | |

Consultations and Views Expressed:

Neighbours Consulted: 284 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Operating a 24 hour 7 day a week basis will cause noise nuisance and disturbance to the residents.
- Noise from vehicles loading/unloading, people talking, doors slamming, car stereos playing and vehicles revving engines at 3am will cause a disturbance.
- Customers will congregate to smoke outside late at night.
- Leakage of noise and vibration.
- Noise breakout.
- Movement of sound equipment at any time at day and night.
- Vibration of noise from instruments is amongst hardest to mitigate.
- DDA regulations require businesses to make reasonable provision for access. No provision to incorporate a lift peculiar given a disabled WC on first floor.
- Visual aspect at street level- concerns that windows will be screened which is contrary to Mayor of London's Outer London Fund.
- No parking facilities.
- No vehicle access.
- Illegal loading and unloading and parking outside premises may lead to blocking of buses and emergency vehicles.
- Gathering of members of the press or public who wish to catch sight of artists using studio.
- Area is subject to police concern over use by youths and others taking and dealing drugs and illegal street drinking, use as a recording studio may attract this particular the night use.

Internal /Other Consultations:

- Transport for London - No response.
- Highways - No objection

Date of Site Notice: 06 September 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application unit is sited on the corner of Ballards Lane and Nether Street and is

situated within a mixed development comprising of commercial, business and residential premises. The development also comprises of a bus waiting area and basement car parking. The application unit is located next to Aldi supermarket and the Arts Depot.

Proposal:

The proposal seeks to change the existing use of the property from an office to a recording studio.

Planning Considerations:

The main planning considerations are whether or not the proposed use as a recording studio is acceptable in this part of North Finchley, whether or not any harm would be caused to surrounding properties and any impact on the highways to allow the change of use to take place.

Character of the area

The application site is located within the Tally Ho development which is a mixed use development comprising of commercial and residential use with the upper floors being self contained units. A bus depot and basement car park also form part of the development. The building is surrounded by town centre uses including retail shops, restaurants, takeaways and bars/pubs. The proposed use as a recording studio of the vacant unit is therefore not considered to be out of character with surrounding area.

Principle of change of use

Martyn Gerrard estate agents have submitted details of the advertising of the unit. Martyn Gerrard have been marketing the property since 2009 through advertising boards on the building, national websites, the property has also appeared Martyn Gerrard's quarterly review, whilst there has been some interest in the property the unit has remained vacant. It has also been confirmed by the estate agents that the unit has not been occupied since the property was constructed in 2004. In addition, given the existing mixed use nature of the development it is not considered that in this instance the proposed use would be harmful.

The proposal will be an employment generating use and is considered to be in compliance with policy CS 8 – Promoting a strong and prosperous Barnet

The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement. We will support Barnet residents in accessing work by:

- Delivering 1,500 new jobs in our growth areas of Colindale and Mill Hill East by 2021 and a total of 20,000 new jobs in Brent Cross-Cricklewood by 2026
- Attracting business growth as part of Brent Cross - Cricklewood with further provision in the other growth areas and town centres to meet the forecast demand for business space of 13.5 ha (161,000m²) by 2026 requiring major developments to provide financial contributions and to deliver employment and training initiatives in consultation with the Skills Development and Employability Group;

- working in partnership with the Skills Development and Employability Group in delivering the skills agenda required for a growing borough in a successful London suburb
- We will support businesses by:
 - safeguarding existing employment sites that meet the needs of modern business in accordance with Policy DM14 New and Existing Employment Space.
 - encouraging development that improves the quality of existing employment provision
 - encouraging new mixed use commercial floorspace in our priority town centres (Edgware, North Finchley, Finchley Church End and Chipping Barnet) where access to public transport is good
 - in order to support small to medium sized enterprises new employment provision should include a range of unit sizes and types such as affordable and flexible workspaces and home working

Noise and disturbance concerns

Concerns have been raised by some neighbouring residents in relation to noise levels generated by such a use. The unit is proposed to be built as a room within a room to ensure sound is isolated. The applicant has also indicated that drums and percussive instruments will only be recording on the ground floor which will be built on a floating floor. A floating floor is built upon rubber pads, which stops direct contact with the concrete floor. A condition has been imposed on the application to restrict the recording of drums and other percussive instruments after 11pm when the neighbouring Arts Depot closes.

A preliminary review from acoustic consultants has been submitted alongside the application, this indicates that the unit has been laid out to the live rooms/control rooms on both floors where higher level noise is generated will be on the eastern end of the unit. This arrangement has been used to ensure these rooms are located away from the existing glazed facade to ensure that breakout via the glazing of the property is minimised. A condition has been attached to prevent the internal layout of the unit from being altered to ensure this remains the case.

The environmental health team have reviewed the application and consider with suitably attached conditions the proposed use would not harm the surrounding residential occupiers.

The proposal is considered to comply with policy DM04 which relates to environmental considerations in development, in part the policy states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Whilst the proposed recording studio is in close proximity to noise sensitive residential flats, mitigation measures have been suggested to prevent harm to the residential occupiers, including insulation, floor layout and conditions.

Highways concerns

The traffic and development team have reviewed the application and have made the following comments.

- The site is located in an All Day Controlled Parking Zone, there are public car parks and on-street Pay by Phone parking bays available in the vicinity of the site;
- There are `At Any Time` waiting and loading restrictions in place on roads fronting the site;
- The site is situated within an Arts Depot Complex;
- The site is located in a Town Centre location with good local amenities;
- The Public Transport Accessibility Levels (PTAL) score for the site is 4 and therefore benefits from good public transport facilities;
- Although a 24 hour use is proposed it is unlikely to generate any detrimental impact on public highway;

It is acknowledged that objections have been raised relating to people loading and unloading, however, restrictions to loading and parking immediately surrounding the building already exist around the development to prevent problems arising from people using the site.

3. COMMENTS ON GROUNDS OF OBJECTIONS

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, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is in keeping with Council Policies and Guidelines and is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: Unit 1 Tally Ho Corner, 9 Nether Street, London, N12 0GA

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