

LOCATION: 20 Ballards Lane, London, N3 2BJ

REFERENCE: F/03767/12

Received: 05 October 2012

Accepted: 05 October 2012

WARD(S): West Finchley

Expiry: 30 November 2012

Final Revisions:

APPLICANT: Mr Kouzar

PROPOSAL: Change of use of rear office space within the existing premises from (Class A1) retail use to a mini-cab office (Sui Generis).

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Email from Paul Chrysaphiades of Domus APM dated 15 October 2012 at 14:49; Plan No: B001.

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. All mini cabs shall be managed remotely using electronic equipment such as radios, or PDAs in order to discourage associated vehicles from waiting in the vicinity of the mini cab office to collect passengers and from creating additional parking demand on roads in the vicinity of the site.

Reason:

To ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies M11 and M12 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

4. No intercom equipment shall be placed outside the premises which would enable customers to contact the office.

Reason:

To protect the local residents from on-street parking stress, to ensure free movement of traffic, and the safeguard of the amenities of occupiers of surrounding residential properties.

5. No waiting area within 100 metres of the minicab office shall be provided for either minicab drivers or customers.

Reason:

To protect the local residents from on-street parking stress, to ensure free movement of traffic, and the safeguard of the amenities of occupiers of surrounding residential properties.

6. The internal layout of the proposed premises shall remain as shown on the hereby approved plan B001. The use of the office as a mini cab office shall at all times be ancillary to and occupied in conjunction with the main use of the premises as a (Class A1) retail unit.

Reason:

To ensure the vitality and viability of the Church End Town Centre.

7. No driver of any vehicle used in connection with the permitted use shall visit the premises for the purpose of waiting or taking orders and instruction, collecting clients from the premises, or any other purpose.

Reason:

To protect the local residents from on-street parking stress and to ensure free movement of traffic in accordance with Policy M12 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

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, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012). In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, ENV12, M11, M12, TCR10, TCR14.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS5, CS9.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM04, DM11, DM17.

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

Having taken all material considerations into account, the proposal is in line with the Council's town centre policies and would not detrimentally impact on the residential amenity of neighbouring residents. The application is not considered to harm the vitality and viability of the Church End Town Centre.

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 27th March 2012. This is a key part of the Governments reform 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 a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayors 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.

Relevant Unitary Development Plan Policies:

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

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

Relevant policies to this case are: GBEnv1, GBEnv2, D1, D2, D3, D4, ENV12, M11, M12, TCR10, TCR14.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment

opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

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, CS9.

Development Management (Adopted) 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: DM01, DM02, DM04, DM11, DM17.

Relevant Planning History:

Site Address: 20 Ballards Lane, London, N3 2BJ
Application Number: F/05111/11
Application Type: Full Application
Decision: Withdrawn
Decision Date: 05/03/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from existing (Class A1) use shop to a mini-cab office (Sui Generis).**
Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 149 Replies: 9
Neighbours Wishing To Speak 1

The summary of the objections received at the time of writing this report:

- Parking and road congestion problems;
- Safety concerns in this location due to unsociable activities;
- Loss of privacy;
- Noise from customers and cars would greatly increase were this mini cab office be allowed planning permission.

Internal /Other Consultations:

Traffic & Development

Include a condition that vehicles in connection with the proposal will be managed remotely to prevent waiting and parking in the vicinity of the site.

Environmental Health

Approve subject to conditions.

Date of Site Notice: 11 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on Ballard Lane, Church End by the junction with Hervey Close. Finchley Central Station is within walking distance of the site. The application site is a three storey building with roof space. The area consists of mainly small retail units with what appears to be residential units above.

20 Ballards Lane is a ground floor retail unit with residential accommodation above. The unit is part of the Church End Primary Retail frontage. The existing shop has a Class A1 (Retail).

Proposal:

The proposal is for the change of use of a rear office space within the existing premises from (Class A1) retail use to a mini-cab office (Sui Generis).

The applicant has provided additional information to confirm their proposed method of operation as follows:

The office will be used to call minicabs drivers and provide logistic management. It is not proposed to create a mini cab waiting point on either Ballards Lane or on Hervey Close. Mini cab drivers will be based at their home address and radioed instructions of the job details.

Planning Considerations:

As stated above, the application site is located within the Church End Primary Retail Frontage. Council Policy (TCR10) states that within primary retail frontages, changes of use at ground floor level from use Class A1 (Shops) to other uses will not be permitted if the town centres vitality and viability will be harmed or where the combined proportion of class A1 use and vacant units would fall below 75%.

A recent shopping survey shows that the current level of A1 units and vacant units within the Church End Primary Retail Frontage is currently below 75% (at 59.22%). However, the frontage of the premises is not changing. The only change this application site will see is the change to a rear office, this argument is to be dismissed.

The Council considers that the vitality and viability of its town centres can be maintained and enhanced by ensuring the retention of a strong retail function, while also accommodating a diverse range of uses, where appropriate. Class A1 shops should usually underpin the vitality and viability of the borough's town centres and the Council seeks to regulate the balance of uses in town centres in favour of A1 retail use.

The Council's concern to maintain a healthy balance between retail and service uses in the town centre is reflected in the UDP & Local Plan policies.

The proposal also considered to comply with TCR14 which states that, the council will permit proposals for minicab offices where all of the following criteria are met:

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

No external changes will be made to the shop and the proposal is therefore not considered to affect the general streetscene.

The proposal is promoted on the basis of no over the counter ordering and limited access by drivers, reflected in the proposed condition prohibiting waiting room and facilities for customers and drivers.

The council do not consider the change of the rear office to pose any impact on the vitality and viability of the Church End Town Centre. However, it would be very difficult to prevent causal customers from calling into the office to order a vehicle or drivers visiting in certain circumstances, such as to pay their rents.

In relation to the protecting the amenities of residential units within the proximity to from noise and disturbance, particularly during unsocial hours the LPA do not consider that the nature of this proposal as outlined in the submitted documents with this application will lead to increased safety concerns in this location due to unsociable activities.

The application has been considered acceptable by the Highways Team and as such is considered to comply with National, London Plan, and Council Policies and Guidelines.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of these have been considered in the main report.

4. EQUALITIES AND DIVERSITY ISSUES

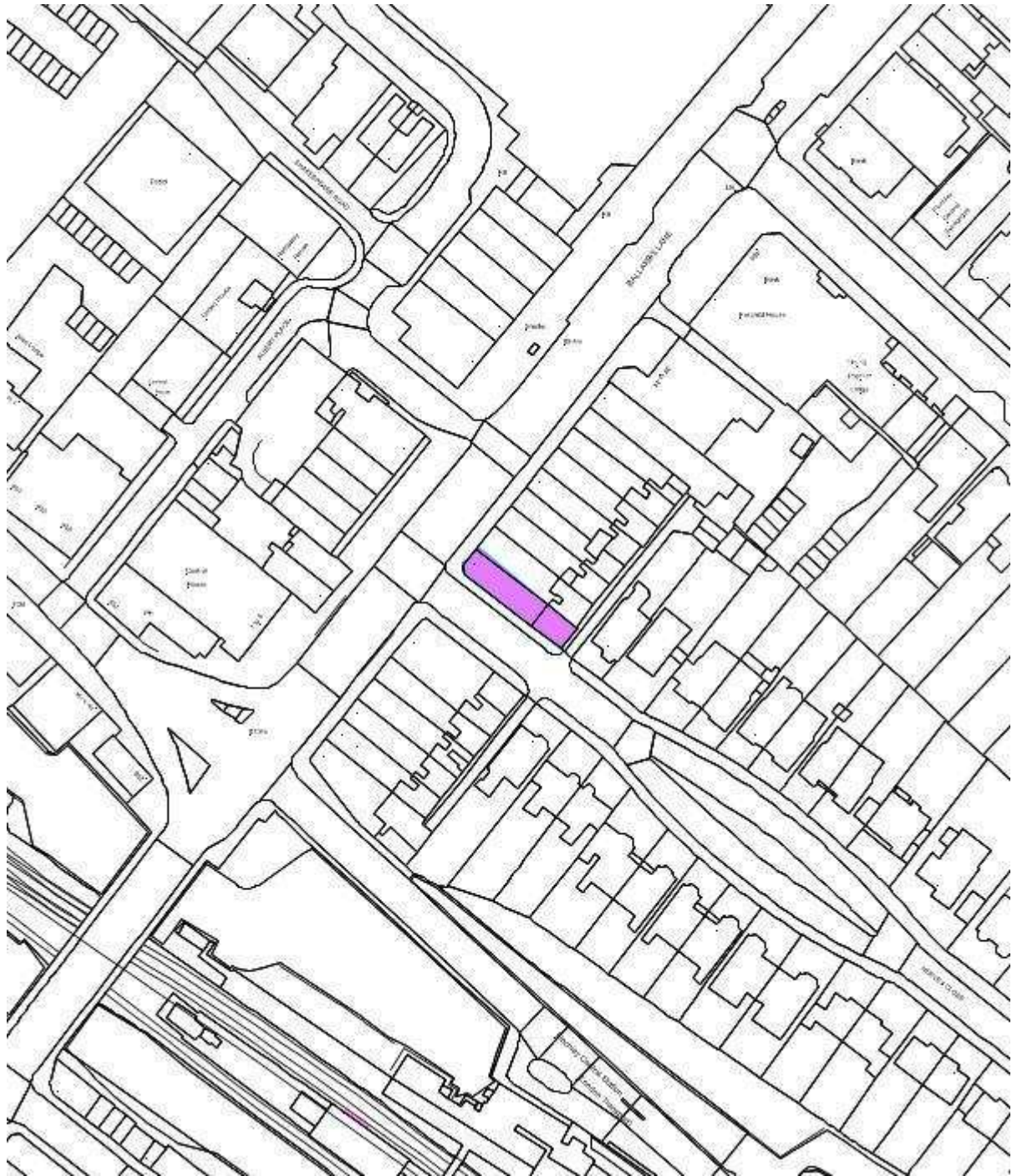
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, the proposal is in line with the Council's town centre policies and would not detrimentally impact on the residential amenity of neighbouring residents. The application is not considered to harm the vitality and viability of the Church End Town Centre.

SITE LOCATION PLAN: 20 Ballards Lane, London, N3 2BJ

REFERENCE: F/03767/12



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