

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 25th September 2012

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
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Ward: Bowes

Application Number : TP/11/1683

Category: Dwellings

LOCATION: 192, WHITTINGTON ROAD, LONDON, N22 8YL

PROPOSAL: Conversion of ground floor from retail to a 1-bed residential unit involving infill of shop front to provide entrance and 2 windows and alterations to fenestration at rear.

Applicant Name & Address:

Ben Springer
15 Courtleigh Gardens,
London,
NW11 9JX

Agent Name & Address:

E M Pick Planning
30 Golders Manor Drive
London
NW11 9HT

RECOMMENDATION:

That subject to the completion of the necessary S106 agreement, the Head of Development Management / Planning Decisions Manager be authorised to **GRANT** planning permission subject to conditions.

Note for Members

Although this is an application that would normally be determined under delegated authority, Councillor Georgiou has requested that it be determined at Planning Committee in response to the concerns of local residents.

At the meeting of the Committee on 14th August, a decision on the application was deferred to enable information to be obtained on the "marketing" that occurred prior to this application for change of use being submitted.

In response, the Applicant has made the following statement:

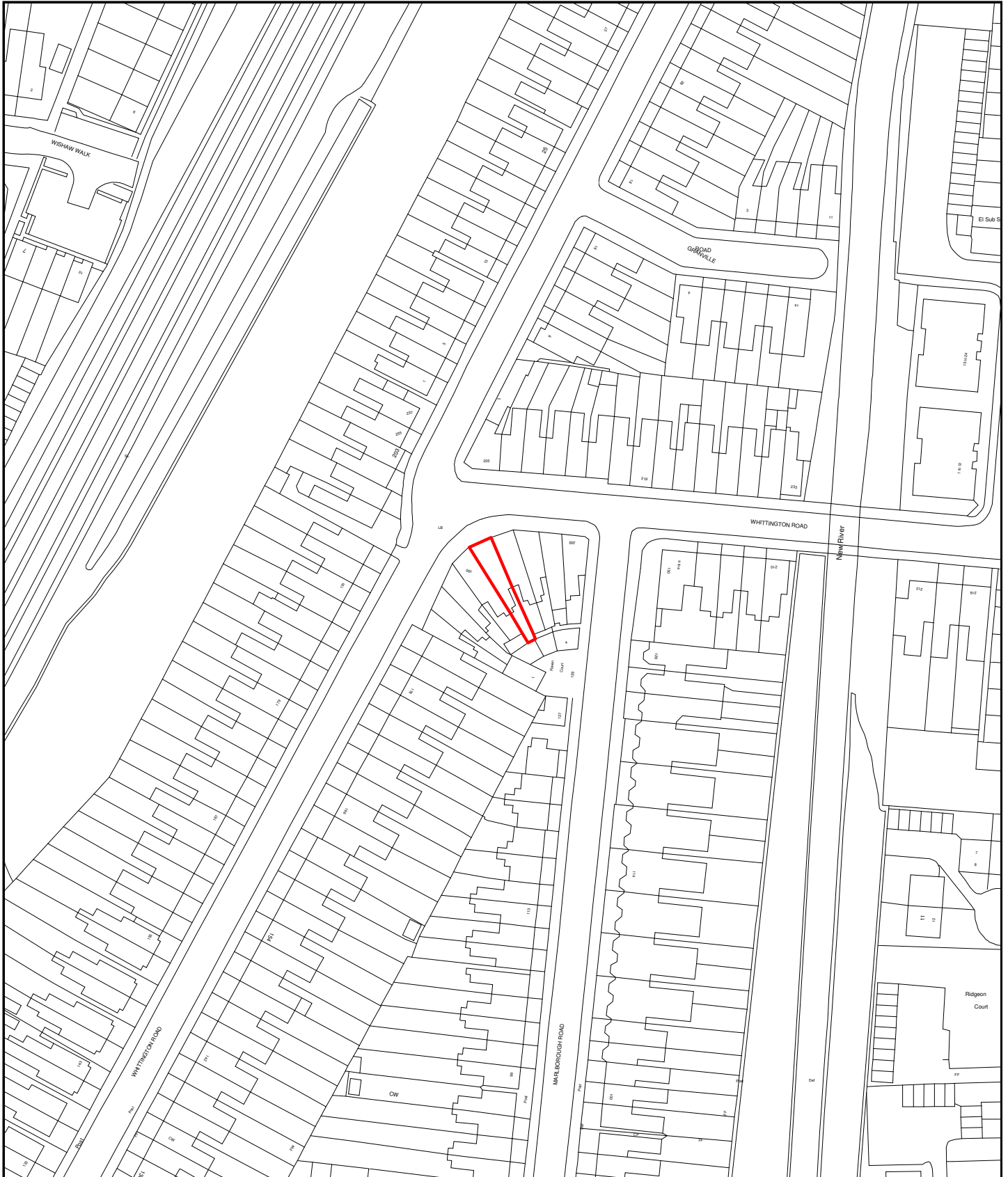
" We originally began marketing the property to recent during the summer of 2010 (early

June). For 5 months we tried in vain to rent out the launderette but no potential tenant was prepared to take the launderette as a business or any other commercial business. As a result, the landlord decided to sell the freehold with full vacant possession.

From October 2010 we activated the property with the freehold and ground floor shop sale at £299,995. No interest all during the first month hence the price coming down to £289,995. Due to the condition of the flats and the non existence of the business through the launderette, it was a tough sale for the next 4/5 months going into 2011. The few enquiries we had all needed mortgage and their lenders were not keen to lend the amounts the other buyers needed due to the commercial unit on the ground floor which was generating no income at all”

In addition, the parade has suffered from structural change in the retail sector which has affected the viability and attractiveness of local centres. As a result, and to ensure the remaining centres continue to fulfil an important local need, a review of centre boundaries has been undertaken in connection with the consultation on the draft DMD policies. It recommends that the boundary of the designated local shopping parade should be redrawn to include only 207-231 Whittington Road thus excluding the application site. This is in response to the need to consolidate the retail centre into the most vibrant part of the existing centre on the northern side of Whittington Road and reflects the number of retail premises that have already been lost from the southern side of the road. It also reflects the fact that the southern element of the centre (within which the application property is located) already contains a number of premises that have been converted into non retail uses

In the light of these circumstances, it is considered the proposal remains acceptable and it is recommended that planning permission is granted



Development Control



Scale - 1:1250
Time of plot: 14:24

Date of plot: 12/09/2012

1. Site and Surroundings

- 1.1 A ground floor unit of a two-storey parade on the southern side of Whittington Road, opposite the junction with Russell Road. The parade is within the Whittington Road "Local Parade" initially as commercial uses at ground floor and residential above. The properties on this section of Whittington Road have a front dormer which is original to the property. The ground floor was in use as a laundrette which appears to have been closed for some time.
- 1.2 With the exception of the commercial uses, the surrounding area is predominantly residential in character.

2. Proposal

- 2.1 The application is a resubmission of a previously refused application for the conversion of shop to 1 x 1-bed self contained flat including installation of 2 windows to front elevation and retention of a single entrance door to side serving the proposed and existing flats.

3. Relevant Planning Decisions

- 3.1 TP/11/0547 - Conversion of ground floor shop and 2-bed HMO above to a 1 x 2-bed and 2 x 1-bed flats facilitated by new window, door and brick face to replace shop window display. Refused, August 2011 for the following reasons:
 - 1 The scheme would, having regard to the proposed units' floor space, result in an over-intensive use of the property and provide an unsatisfactory standard of residential accommodation to the detriment of future occupiers' residential amenities. The proposal, therefore, fails to comply with Policy 4 of the Core Strategy, Policy 3.5 and Table 3.3 of the London Plan (2011) and Policy (II) H16 and Appendix A1.9 of the Unitary Development Plan.
 2. The submitted Viability Statement is not considered to robustly justify an absence of Affordable Housing provision. In this regard it is considered that the proposal fails to provide a sufficient level of affordable housing and associated monitoring fees, contrary to Policies 3 and 46 of the Core Strategy, Policies 3.10, 3.11, 3.12 and 3.13 of the London Plan (2011) and national guidance PPS3: Housing.
 3. Insufficient detail has been submitted to enable the Local Planning Authority to accurately assess the sustainable design and construction credentials of the scheme and hence fails to demonstrate how the development has sought to improve energy efficiency, water efficiency, surface water attenuation and biodiversity of the development. In this regard, the development fails to take into account the principles of sustainable design and construction contrary to Core Policies 4, 20, 21 & 36 of the Core Strategy, Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan (2011) as well as PPS1, the climate change supplement to PPS1 and PPS3.

4. Consultations

4.1 Statutory and Non Statutory Consultations

4.1.1 Thames Water, Traffic and Transportation and Education raise no objection

4.2 Public:

4.2.1 Consultation letters were sent to twenty neighbouring properties. Three replies were received raising all or some of the following concerns:

- Suggestion of false information given as previous use of laundrette closed in summer 2011
- Valuation is underrated in viability statement
- Small parade has many successful local shops, suggestion that commercial future of site is poor is not accurate
- A 1 bedroom flat will not benefit anyone in the community
- Residential area already overpopulated
- Parking is currently an issue, further residential will worsen this situation
- Litter and rubbish collection is a problem due to lack of pavement width
- Change of use would lead to the further loss of the architectural integrity of a parade of shops

5. Relevant Policy

5.1 Local Plan - Core Strategy

CP2 - Housing Supply
CP3 - Affordable Housing
CP4 - Housing quality
CP17 - Town centres
CP18 - Shopping provision across Enfield
CP20 - Sustainable energy use and energy infrastructure
CP21 - Delivering sustainable water supply, drainage and sewerage infrastructure
CP30 - Design
CP36 - Biodiversity
CP46 - Infrastructure Contributions

5.2 Unitary Development Plan:

(II) GD3 - Aesthetic and functional design
(II) GD8 - Access & servicing
(II) H16 - Residential conversions
(II) S13 - Resist loss of neighbourhood retail units
(II) S14 - Resist change from retail to non-retail unless conditions met
(II) S15 - Alternative uses of vacant premises
(II) S19 - Shop fronts

5.3 London Plan:

Policy 3.5 - Quality and design of housing developments

- Policy 3.10 - Definition of affordable housing
- Policy 3.11 - Affordable housing targets
- Policy 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 - Affordable Housing Thresholds
- Policy 4.7 - Retail and town centres
- Policy 4.8 - Supporting a successful and diverse retail sector
- Policy 4.9 - Small shops
- Policy 5.1 - Climate change mitigation
- Policy 5.2 - Minimising carbon dioxide emissions
- Policy 5.3 - Sustainable design and construction
- Policy 5.6 - Decentralised energy in development proposals
- Policy 5.7 - Renewable energy
- Policy 7.4 - Local character

5.4 Other Material Considerations

National Planning Policy Framework

6. Analysis

6.1 The primary consideration this revised application rests with whether the revisions have sufficiently addressed the reasons for refusal previously cited, namely internal floor areas, affordable housing contribution, and sustainable design and construction.

6.2 Impact on the vitality and viability of the “Local Parade”

6.2.1 The “Local Parade” comprises numbers 184 to 200 (even) and 205 to 233 (odd) Whittington Road. A survey was carried out to show the number and different types of uses within the Local Parade. The results are as follows:

- 6 (25.0%) are within shop (A1) use (including the application site)
- 4 (16.66%) are within financial and professional (A2) use
- 1 (4.17%) are within hot food takeaway (A5) use
- 3 (12.5%) are Sui Generis
- 1 (4.17%) are within office (B1) use
- 8 (33.33%) are within dwelling house (C3) use
- 1 (4.17%) are within non-residential institution (D1) use

6.2.2 The section within which the application is located, Nos 184 to 200 currently comprise 6 residential uses out of 9 premises. One of these premises, No.192, recently had planning permission for a conversion from a Laundrette (Sui Generis) refused, however, the principle of conversion was not sited and must therefore be considered acceptable. Having regard to the relationship of the parade Nos 184-200 (southern side) to parade Nos 205-233 (northern side), taking into account the existing residential conversions, the loss of the applicant A Use Class unit is not considered to undermine the viability of the northern side parade Nos 205-233, particularly with regard to the number of vacant units currently on that parade. With regards to the character of the parade Nos 184-200 it is considered that this has been irreversibly undermined as a commercial parade, the appearance is predominantly residential, as such the loss of an additional commercial unit on this section would not undermine the character or appearance of the parade, as noted in the previous application.

6.2.3 It is noted that a current application is under consideration for a change of use of No.196 Whittington Road (planning ref P12-00595PLA), as such an analysis of the cumulative impact of the loss of two commercial units on this parade must be part of both applications. Both applications have been considered previously and the principle of the change of use from Use Class A to residential has been accepted. The parade currently only has one active commercial unit, it is noted that according to consultation responses No.192 ceased trading in its most recent incarnation in the late summer of 2011, and No.196 ceased trading in March 2011, as such the parade has been effectively reduced to one active unit for almost a year. It is not considered that the loss of the two applicant premises as opposed to the loss of only one would not make a significant difference to the remaining parade, the most pertinent factor being the predominant form which is now considered to be residential, alongside the acknowledgement that the local centre has a number of vacancies and the viability of Nos 205-233 which represent the main focus of commercial activity should be the area where active units are concentrated.

6.2.4 The draft Development Management Document (DMD) has been out to consultation since June, the consultation finished on 3rd August. The DMD proposes redrawing of certain shopping parades, and whilst this document has not been formally adopted by the Council it does indicate a clear direction of travel. In relation to the Whittington Road Local Parade the DMD has indicated removal of Nos 184-200 from the local parade, concentrating the commercial activities to the northern side of the road. This proposed change picks up on the existing situation and provides clear acknowledgement of the difficulties of maintaining a legible and viable local parade in this area. Whilst not the sole area upon which the loss of retail unit would be judged, given the demonstrated lack of interest in the use of the property for retail purposes and its consequent lack of viability, the change of use from retail to residential is considered acceptable.

6.3 Flat Conversion

6.3.1 Policy 3.5 of the London Plan as detailed in Table 3.3 "Minimum space standards for new development" requires that in the case of one bedroom flats the minimum net internal floor space of the converted accommodation should be 50m².

6.3.2 The one bedroom ground floor flat has a proposed usable floor area of 60m², this is comfortably above the minimum acceptable standard and therefore compliant with London Plan Policy 3.5, resulting in a form of accommodation which is considered acceptable having regard to Policy 3.5 of the London Plan and Core Policies 4 and 30 of the Core Strategy.

6.3.3 The internal stacking is also considered to be acceptable having regard to Policy (II) H16 of the Unitary Development Plan (standards set out in Appendix A1.9).

6.4 Car Parking

6.4.1 The standards for car parking, as set down in The London Plan recommends that flat developments in areas of good public transport accessibility and/or town centres should aim for less than 1 space per unit (Table A4.2).

6.4.2 There are no off street parking spaces for the proposed flat. The property has a PTAL rating of 2 which is fairly poor, however, having regard to the change from A1 to C3 in terms of traffic generation and parking, and Traffic and Transportation have confirmed they have no objection to this application, nor was any objection raised to the previous application for a residential conversion.

6.5 Affordable Housing

6.5.1 Policy 3 of the Core Strategy states that “Some form of contribution towards affordable housing will be expected on all new housing sites...For developments of less than ten dwellings, the Council will seek to achieve a financial contribution to deliver off-site affordable housing based on a Borough-wide target of 20%.” The Council’s Affordable Housing targets are based on the recommendations of Enfield’s Affordable Housing Economic Viability Study (2009) which found that development viability should not be undermined by carefully judged financial contributions from sites of less than 10 units and sets out a formula to calculate the financial contribution payable.

6.5.2 The Policy states that where the applicant considers that the viability of a scheme does not support the amount derived from the formula, a viability assessment should be submitted to demonstrate this.

6.5.3 The applicant makes a provision for this payment for off-site Affordable Housing provision of £3140.00, and has provided an affordability statement in an attempt to demonstrate that the required contribution would render the scheme unviable. This has been evaluated and accepted on the basis of the evidence to hand including recent resale values in the area, projected build costs and taking account of the works proposed, that this is a reasonable assumption. On this basis a reduced contribution is acceptable, having regard to Core Policy 3 of the Core Strategy.

6.6 Learning and Skills Facilities

6.6.1 Core Policy 46 of the Core Strategy states that “Where Enfield Council grants planning permission for a development, the development will normally be required to make financial and in kind contributions towards infrastructure and community facilities”. Whilst many contributions are limited to schemes of 10 units or more, as noted in the S106 SPD: “All residential development will result in increased pressure on the availability of primary and secondary school places and in the current context of rising pupil numbers, will create demand for new or expanded provision. S106 contributions will be sought on all residential development”. The SPD requires that a 1-bed unit make a contribution of £603.99 towards Learning and Skills Facilities.

6.7 S106 Monitoring

6.7.1 In accordance with the adopted S106 SPD a charge 5% of the total value of financial contributions is sought toward monitoring of legal agreements. A fee of £187.20 has therefore been secured

6.8 Sustainability

- 6.8.1 The applicant's energy statement proposes no less than 8% total CO2 emissions arising from the operation of a development and its services over Part L of Building Regulation 2010. A condition will be attached requiring that an Energy Statement shall be submitted outlining how the reductions will be achieved.

7. Conclusion

- 7.1.1 Taking the above factors into account, it is considered the revised scheme has addressed the previous reasons for refusal and is acceptable for the following reasons:
1. The proposed conversion of ground floor from retail to a 1-bed residential unit involving infill of shop front to provide entrance and 2 windows and alterations to fenestration at rear, having regard to the floor area and internal stacking of the internal, is in keeping with Policies (II) H16 and Appendix A1.9 of the Unitary Development Plan and Policy 3.5 of the London Plan, and would not unduly impact on the amenities or privacy of neighbouring residential properties, in keeping with Policies (II) GD3 and (II) H8 of the Unitary Development Plan.
 2. The proposed conversion of the ground floor A1 retail unit into a 1-bed residential unit would not undermine vitality and viability of Whittington Road "local parade", as well as contributing to the Boroughs housing stock along with making a contribution to affordable housing, and would not adversely impact on the character and appearance of the area, having regard to Policies (II) GD3, (II) S13, (II) S14, (II) S15 of the Unitary Development Plan, Supplementary Planning Guidance, Core Policies 2 and 3 of the Core Strategy, and Policies 3.11, 3.12 and 3.13 of the London Plan.

8. Recommendation

- 8.1 That subject to the completion of the necessary S106 agreement, the Head of Development Management / Planning Decisions Manager be authorised to GRANT planning permission subject to the following conditions:
1. C60: Approved Plans. The development hereby permitted shall be carried out in accordance with the approved plans, as set out in the attached schedule which forms part of this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.
 2. The development shall achieve energy efficiency of no less than 8% total CO2 emissions arising from the operation of a development and its services over Part L of Building Regs 2010. Following practical completion of works a final Energy Performance Certificate shall be submitted to an approved in writing by the Local Planning Authority. Where applicable, a Display Energy Certificate shall be submitted within 18 months following first occupation.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission

reduction targets are met in accordance with Policy CP20 of the Core Strategy, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2011 and the National Planning Policy Framework.

3. C08: Materials to Match. The external finishing materials shall match those used in the construction of the existing building and/or areas of hard surfacing.

Reason: To ensure a satisfactory appearance.

4. C19: Details of Refuse Storage. The development shall not commence until details of refuse storage facilities including facilities for the recycling of waste to be provided within the development have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

5. C25: No additional fenestration. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

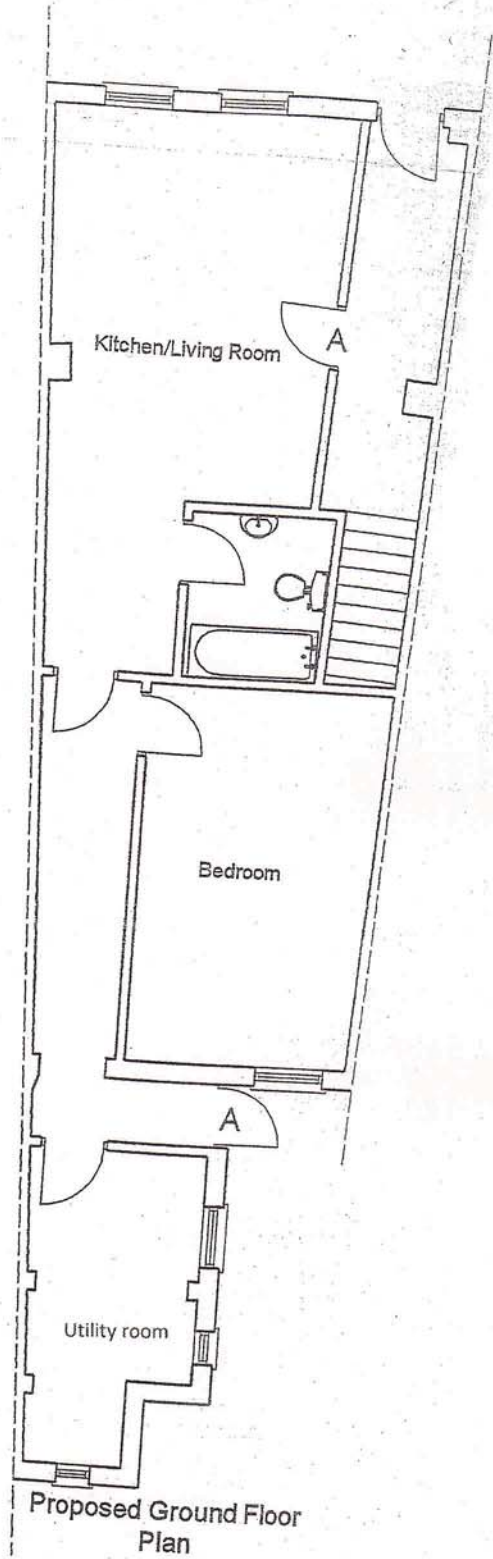
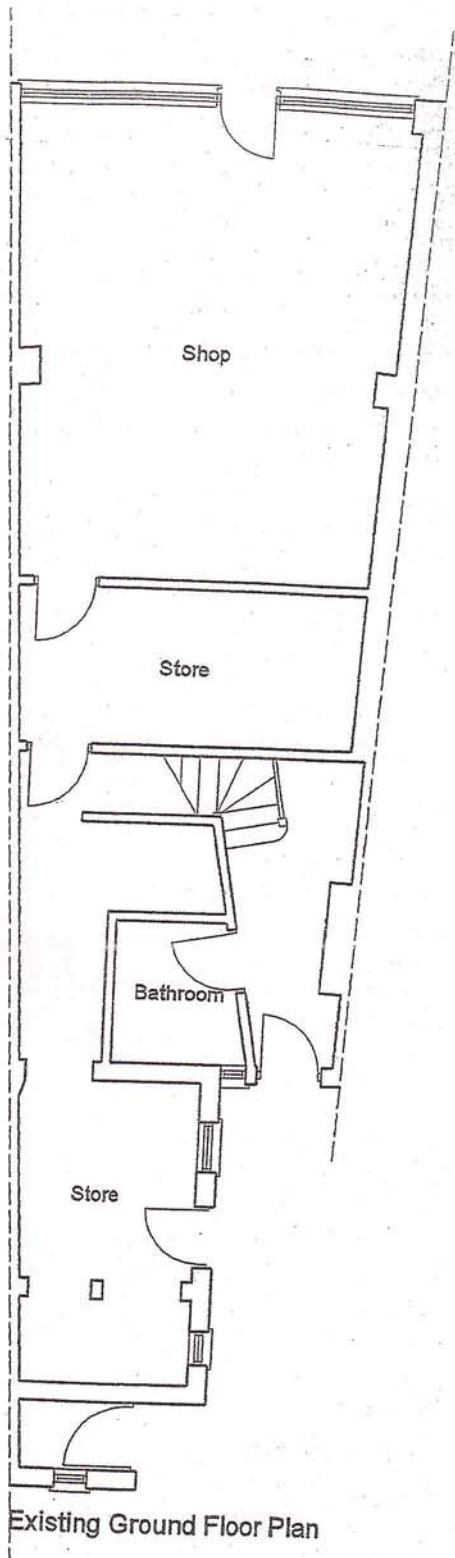
Reason: To safeguard the privacy of the occupiers of adjoining properties.

6. C59: Cycle parking spaces. The development shall not commence until details of the siting, number and design of secure/covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

7. C51A: Time Limited Permission. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

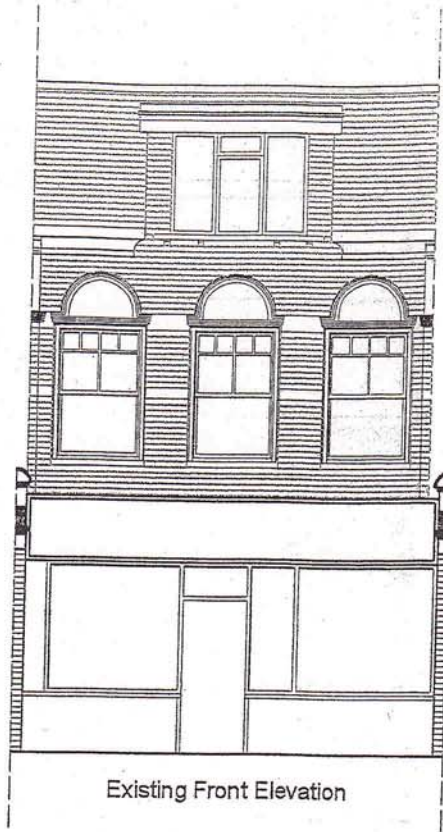
Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.



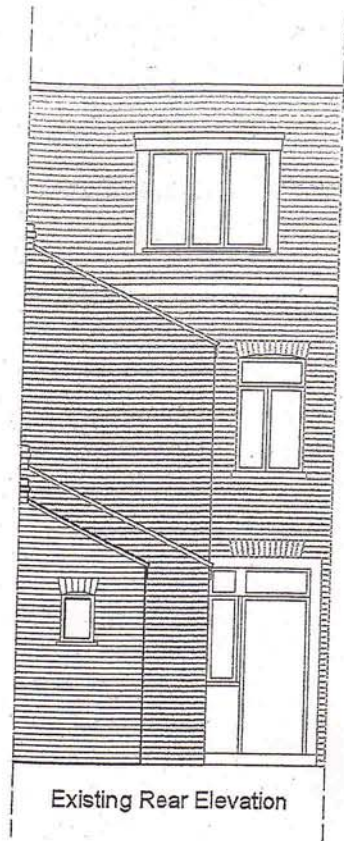
EXISTING AND PROPOSED PLAN

SCALE 1:100 192 WHITTINGTON ROAD N22 8YL

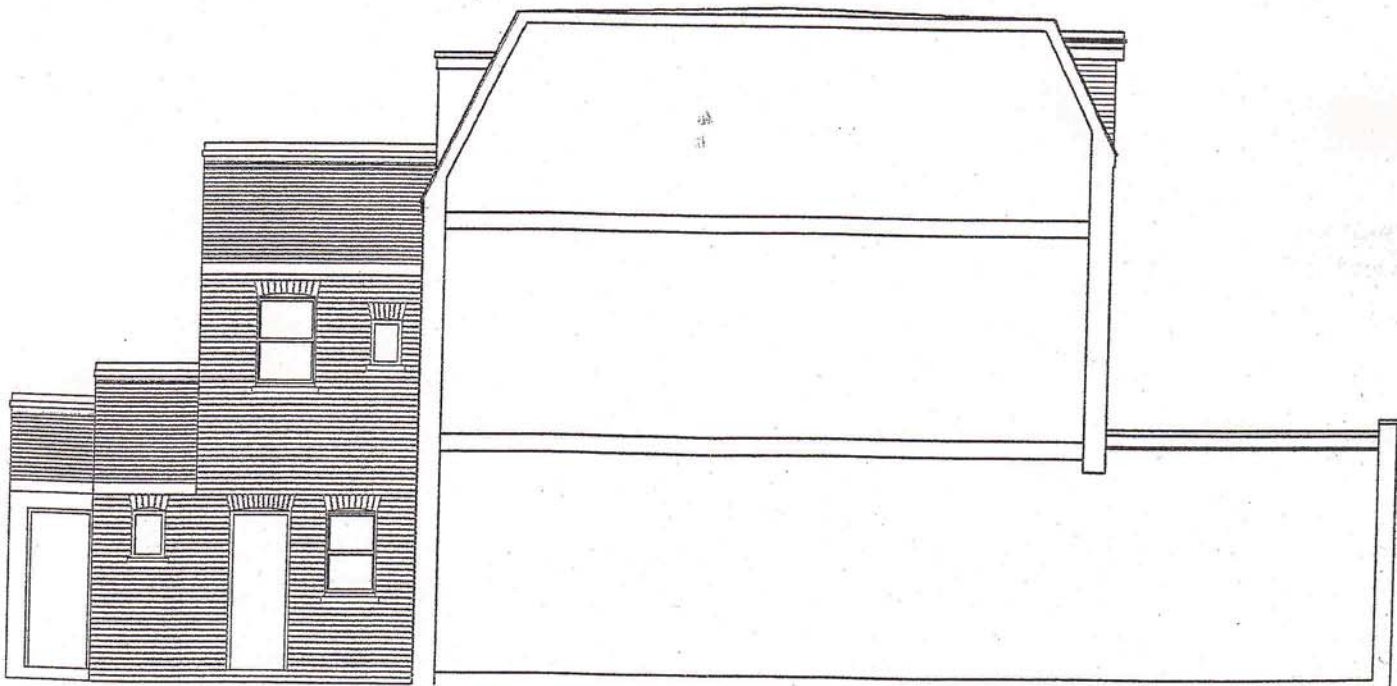
EMP/11



Existing Front Elevation



Existing Rear Elevation



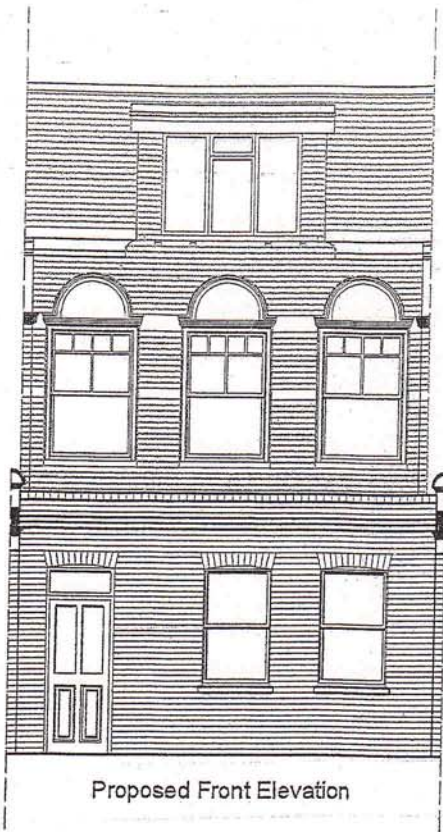
Existing Side Elevation/Section

EXISTING ELEVATIONS

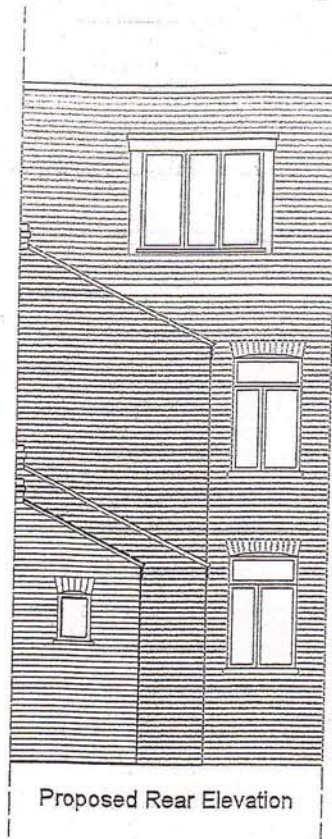
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192 WHITTINGTON ROAD N22 8Y4

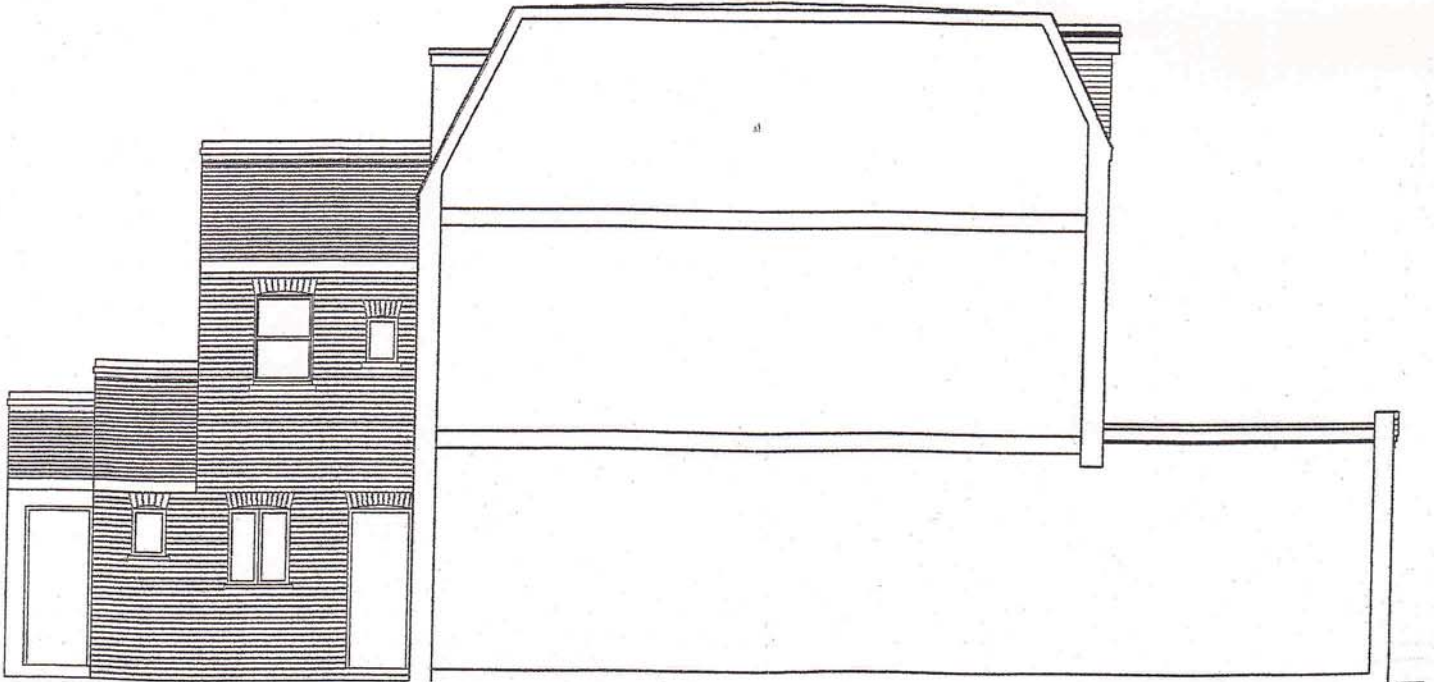
EMP/2



Proposed Front Elevation



Proposed Rear Elevation



Proposed Side Elevation/Section

PROPOSED ELEVATIONS

SCALE 1:100

192 WHITTINGTON ROAD N22 84L

EMP/3