

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 26th October 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Robert Lanacaster Tel: 020 8379
4019

Ward:
Winchmore Hill

Application Number : TP/10/0972

Category: Change of Use

LOCATION: No. 8 Chaseville Parade, Chaseville Park Road, London, N21 1PG

PROPOSAL: Change of use of ground floor from retail (A1) to restaurant (A3) with ancillary retail element and extract ducting to rear.

Applicant Name & Address:

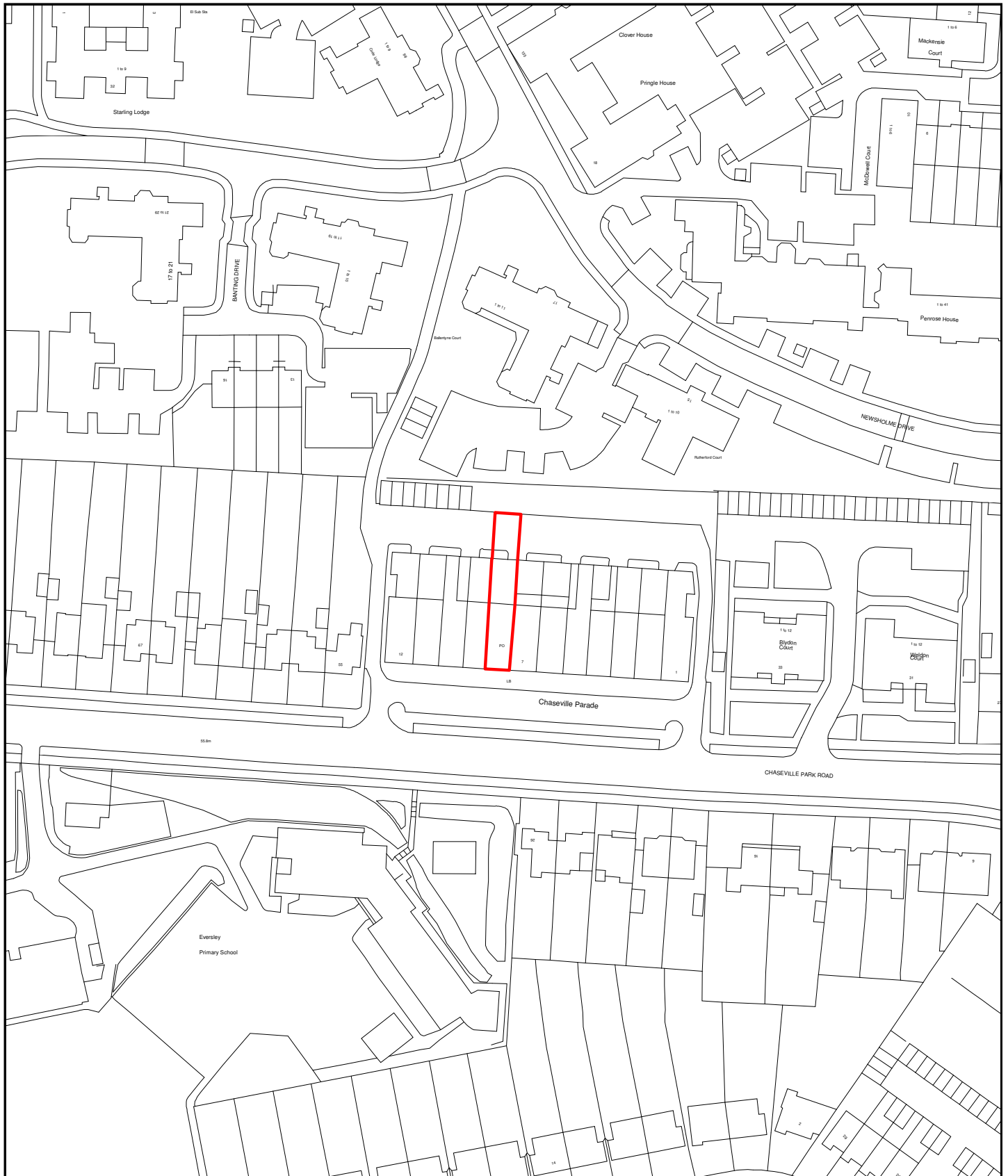
Mr Mustafa Kabalak,
8 Chaseville Parade,
Chaseville Park Road,
London,
N21 1PG

Agent Name & Address:

Mr Jun Simon,
ADA Group,
167 Stoke Newington Road,
London,
N16 8BP

RECOMMENDATION:

That Planning Permission be **REFUSED**.



ENFIELD
Council



Development Control



Scale - 1:1250
Time of plot: 13:33

Date of plot: 08/10/2010

1.0 Site and Surroundings

- 1.1 Chaseville Parade is located on Chaseville Park Road opposite Eversley Primary School. The parade of 13 ground floor units, is 3 storeys in height with commercial units on the ground and residential above. The retail parade benefits from the service road in front. Parking and additional servicing for both the retail and residential is available to the rear.
- 1.2 The parade is designated as a Local Centre and the surrounding area is residential in character.

2.0 Proposal

- 2.1 Permission is sought retrospectively, for the change of use from A1 to mixed use A3 café with ancillary retail use.
- 2.2 The proposal also involves the installation of external ducting at rear.

3.0 Planning History

- 3.1 TP/00/1403: New shopfront, security shutters and canopy approved in December 2000
- 3.2 TP/09/0266: Change of use of ground floor from retail A1) to restaurant and café (A3) was refused in (April 2009. An appeal against this decision was dismissed in December 2009.

4.0 Consultations

4.1 Statutory and Non-Statutory Consultees

- 4.1.1 Environmental Health raise no objections subject to conditions

4.2 Public:

- 4.2.1 Consultation letters were sent to 5 neighbouring properties. In response, 1 letter of objection was received raising the following points:
- Too many A3 uses on the parade
 - Waste product problem exacerbated by application unit
 - Noise, anti-social behaviour and rubbish
 - Too few A1 uses along parade
- 4.2.2 In addition, the Winchmore Hill Residents Association comment that this proposal differs little from that previously resisted and the proposed change of use would further decimate the number of retail outlets in this parade.
- 4.2.3 We have also received two letters and a petition containing 205 signatures in support of the proposal albeit, not all the petitioners are from the immediate locality

5.0 Relevant Policies

5.1 Unitary Development Plan

(I)GD1	Regard to surroundings / Integrated into Local Community
(II)GD2	Quality of life and Visual Amenity
(I)GD1	Appropriate Location
(II)GD3	Character and Design
(II)GD6	Traffic Generation
(II)S13	Loss of neighbourhood retail units
(II)S14	Resist loss of retail on ground floor to non-retail
(II)S18	Assess food and drink proposals

5.2 Local Development Framework

5.2.1 The Planning and Compulsory Purchase Act 2004 requires the Council to replace the Unitary Development Plan with a Local Development Framework. At the heart of this portfolio of related documents will be the Core Strategy, which will set out the long-term spatial vision and strategic objectives for the Borough.

5.2.2 The Enfield Plan – Core Strategy was submitted to the Secretary of State on 16th March 2010 for a Public Examination of the ‘soundness’ of the plan. The Inspector has confirmed that the Core Strategy is sound but it will not be adopted until the full meeting of Council in November 2010. The following policies from this document are of relevance to the consideration of this application:

SO1:	Enabling and focusing change
SO2:	Environmental sustainability
SO3:	Community cohesion
SO5:	Education, health and wellbeing
SO10:	Built environment

CP9	Community cohesion
CP16	Economic Success and Improving Skills
CP17	Town Centres

5.3 London Plan

3A.18	Protection and Enhancement of Social Infrastructure and Community
3A.26	Community Strategies
3B.11	Improving Employment Opportunities for Londoners
3C.23	Parking Strategy
3D.3	Maintaining and Improving Retail Facilities
4B.8	Respect Local Context and Communities

5.4 Other Material Considerations

PPS1	Delivering Sustainable Communities
PPS4	Planning for Sustainable Economic Growth

6.0 **Analysis**

6.1 Background

6.1.1 In December 2009, an appeal against a decision to refuse planning permission for the change of use to a restaurant was dismissed. The Inspector in determining this appeal considered the loss of A1 retail harmed the vitality and viability of the Local Centre due to the number of other non retail premises in the parade. In assessing this application, this appeal decision carries significant weight

6.1.2 The only change since this appeal decision is the inclusion of an element of ancillary A1 retail sales into the proposal.

6.2 Impact on Vitality and Viability of Local centre

6.2.1 There has been no material change in the composition of the retail parade since the previous appeal decision. Consequently, the assessment and conclusion of the Inspector remain pertinent to the assessment of this application. The following is an extract from the appeal decision letter:

6.2.2 *"The appellant calculates that, if planning permission is granted and implemented in the present case, the parade would have seven units in Class A1 use and five units in uses other than Class A1. This analysis does not, however, take into account that no. 9 was granted planning permission for Class A3 use in 2007. Consequently, if I allow the change of use proposed, potentially there could be six units in uses other than Class A1 (50% of the parade as a whole, with four of the units being in food and drink use). Furthermore, five of the six non-retail uses (existing and potential) would be concentrated in the western half of the parade (nos. 7 to 12) – retail uses would thus be largely restricted to the eastern half.*

6.2.3 *The appellant states that there is no policy basis for taking extant permissions into account. However, in my view, the extant permission at no. 9 is an important material consideration. I note the support that has been expressed for the proposed use, but I consider that a further permission for a non-retail use in this parade, particularly one located in the western half and particularly a further food and drink use, would be to the detriment of the character and viability of this local shopping area. I have carefully considered all other matters raised, but find none that outweighs the harm that would arise.*

6.2.4 *I conclude that the proposed change of use would have an adverse effect on the retail character and function of Chaseville Parade and be in conflict with the saved UDP policies to which I have referred. The appeal in respect of the proposed change of use therefore fails.*

6.2.5 In the light of the above, the objection to the loss of retail remains unless the alterations to the application materially address the concern.

6.2.6 The key alteration is the inclusion of ancillary retail to the restaurant use and the submitted plan shows a small section of the shop given over to retail sales. It is not clear whether it is a retail counter or drinks cabinet. Furthermore there is no indication of what is to be sold or any other information regarding the retail element.

6.2.7 Without this information, it is difficult to assess whether the retail element would be robust and would contribute to the needs of the local community. It is also difficult to establish what effect the retail element would have on the

overall character and function of the proposed use in terms of the composition of the local parade

- 6.2.8 in the absence of any supporting information it is considered that this 'retail' element is unlikely to materially retain any significant retail presence in the long run socially as any condition imposed to such effect would be difficult to continually monitor and enforcement
- 6.2.9 Therefore, this proposal is still considered to result in the effective cessation of the retail use of the premises and thus, it does not overcome the appeal inspector's decision that the loss of retail and introduction of a food/drink Class A3 use would be harmful to the vitality and viability of the Local Centre. It is considered therefore that the proposals does not accord with Policies (II) S13, (II)S14 and (II) S18 and therefore, remains unacceptable.

6.3 Extract Ducting

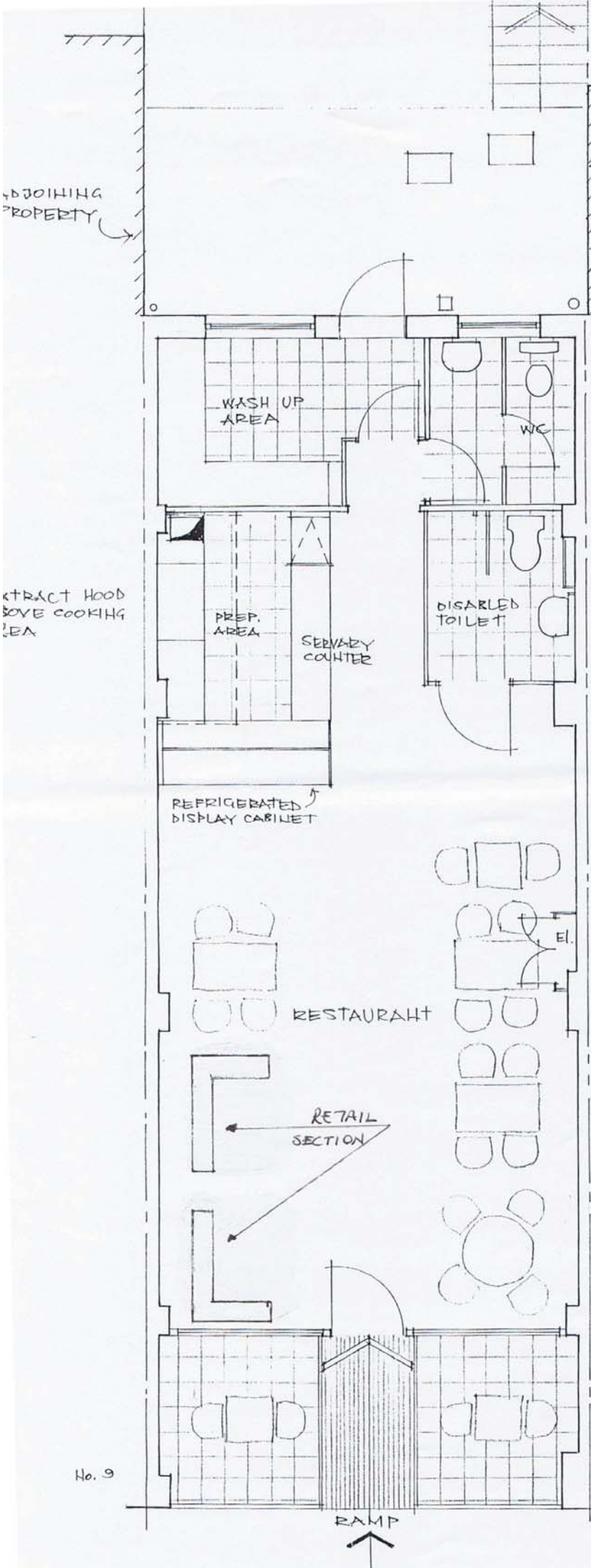
- 6.3.1 The external ducting system has been assessed by Environmental Health and is considered to be acceptable subject to appropriate conditions.
- 6.3.2 It is also considered that the size and siting of the ducting is visually acceptable

7. Conclusion

- 7.1 The introduction of a retail element is not significant enough to constitute a robust retail presence sufficient to offset the previously identified concern. Thus, in the absence of any material change in circumstances following the previous refusal and dismissed appeal, it is considered there is no other option that to refuse planning permission. This is because of the effective termination of retail use and introduction of a food/drink use that due to the number of non-A1 uses particularly in the western half of the parade, undermines the vitality and viability of the Local Centre, than to refuse planning permission.

8. Recommendation

- 8.1 That planning permission be refused for the following reason:
1. The proposed loss of a retail unit and introduction of an A3 restaurant with ancillary retail sales would give rise to an unacceptable over representation of non A1 uses and would increase the already high proportion of food and drink premises in this area, detracting from the vitality and viability and retail character of the shops along Chaseville Parade contrary to Policies (II)S13, (II)S14 and (II)S18 of the Unitary Development Plan.



ADJOINING PROPERTY

ADJOINING PROPERTY

TRACT HOOD
BOVE COOKING
EA

WASH UP
AREA

WC

PREP.
AREA

SERVARY
COUNTER

DISABLED
TOILET

REFRIGERATED
DISPLAY CABINET

RESTAURANT

RETAIL
SECTION

PROPOSED PLAN

SC : 1/50
DWG. NO. : C / N21 / PG / 002

No. 9

No. 7

RAMP