

# LONDON BOROUGH OF ENFIELD

## PLANNING COMMITTEE

Date : 29<sup>th</sup> March 2010

**Report of**  
Assistant Director, Planning &  
Environmental Protection

**Contact Officer:**  
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4019

**Ward:** Southgate

**Application Number :** TP/10/0972

**Category:** Change of Use

**LOCATION:** 8, CHASEVILLE PARADE, CHASEVILLE PARK ROAD, LONDON, N21  
1PG

**PROPOSAL:** Change of use of ground floor from retail (A1) to mixed use retail (A1) and  
restaurant (A3).

**Applicant Name & Address:**

Mr Mustafa Kabalak  
8, CHASEVILLE PARADE,  
CHASEVILLE PARK ROAD,  
LONDON,  
N21 1PG

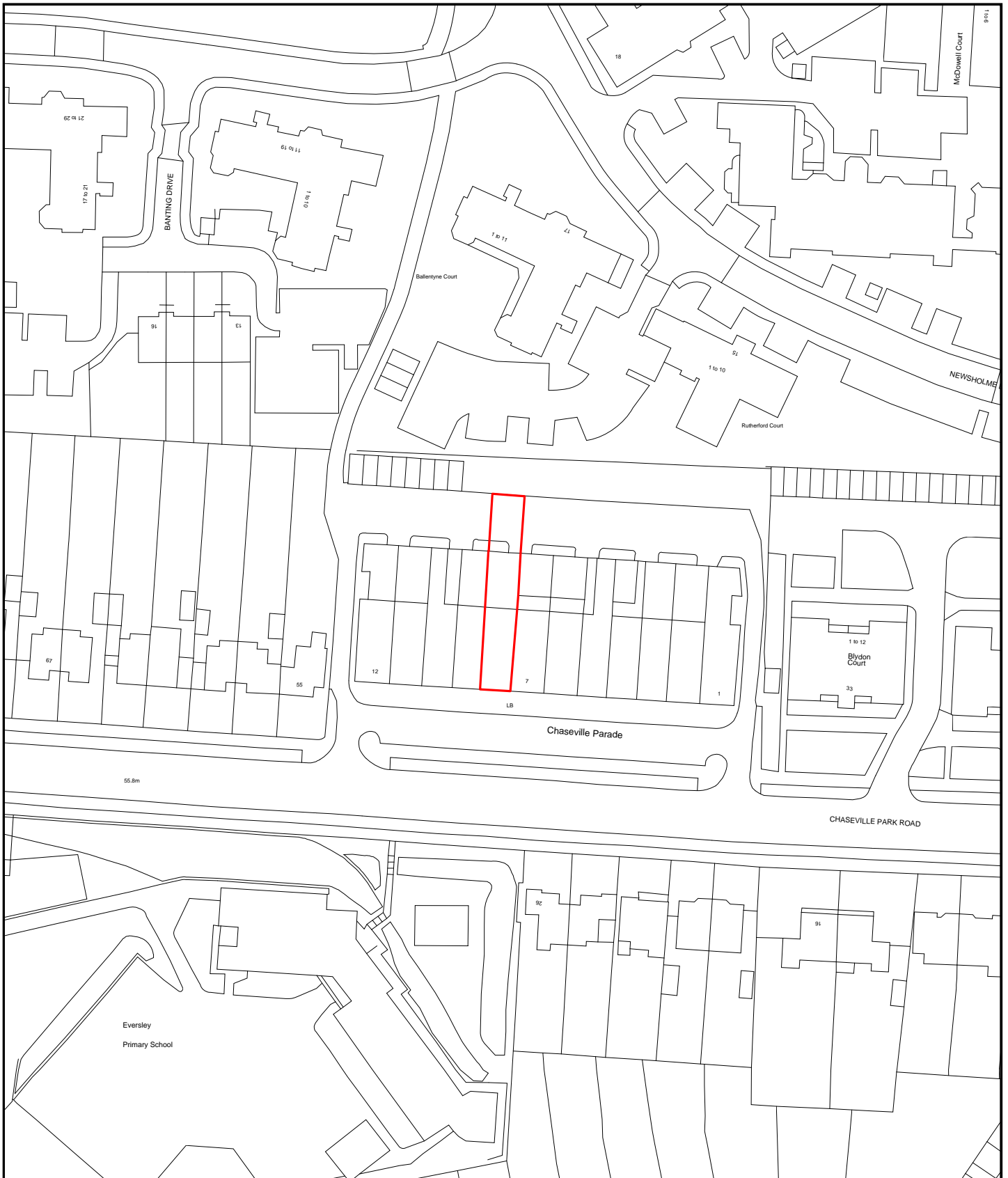
**Agent Name & Address:**

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

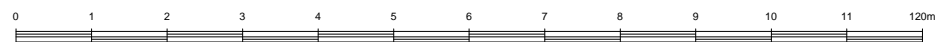
**RECOMMENDATION:** That planning permission be **GRANTED** subject to conditions.

**Note for Members:**

At Planning Committee on 26<sup>th</sup> October 2010, Members resolved to defer any  
determination of this application to enable further information to be included in the report  
on the existing composition of the parade, the number of any extant but unimplemented  
permissions and the robustness of the retail component. The report has now been  
updated to reflect this request and also, the current situation.



### Development Control



Scale - 1:1001  
Time of plot: 11:57

Date of plot: 15/03/2011

## **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 Parade with the hierarchy of retail centres set out in the recently adopted Core Strategy 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 a mixed A1 (retail) and A3 (café / restaurant) use.
- 2.2 The proposal also involves the installation of external ducting at rear.

## **3.0 Planning History**

### Site

- 3.1 TP/09/0266: an application to 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.
- 3.3 TP/10/0094: an application to change of use of ground floor from retail (A1) to restaurant and café (A3). The Council declined to determine this application on 22/02/2010 as there was no material difference between it and the previous application determined at appeal.

### Other

- 3.4 TP/07/1795: an application for change of use of one unit of the ground floor from A1 to A3 at 9 & 10 Chaseville Parade was approved in 28<sup>th</sup> February 2008. This permission has now expired and cannot be lawfully implemented.
- 3.5 TP/10/1268: an application for change of use of ground floor to a dental surgery was approved (20/12/2010) at the ground floor unit of No.9.

## **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, two letters of objection were 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 Petition

In addition two letters and a petition containing 205 signatures in support of the proposal have also been received albeit, it must be noted that not all the petitioners are from the immediate locality

### 5.0 **Relevant Policies**

#### 5.1 Core Strategy

At the meeting of the full Council on 10th November 2010, the Core Strategy of the Local Development Framework was approved. The document and the policies contained therein are now material considerations to be taken into account when considering the acceptability of development proposals. The following are of relevance:

SO1:	Enabling and focusing change
SO2:	Environmental sustainability
SO3:	Community cohesion
SO5:	Education, health and wellbeing
SO10:	Built environment
CP7	Health
CP9	Community cohesion
CP16	Economic Success and Improving Skills
CP18	Delivering shopping provision across Enfield
CP30	Built and Open Environment

#### 5.2 Unitary Development Plan

After the adoption of the Core Strategy, a number of UDP policies are retained as material considerations pending the emergence of new and updates policies and development standards within the Development Management Document. The following are of relevance

(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

#### 5.3 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 the Council's 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 grouping and number of other non retail premises in the parade. In the absence of any material change in circumstances, this appeal decision would carry significant weight.

6.1.2 In response to the Council's concerns and that of the Planning Inspectorate, the Applicant has introduced an element of retail sales to the operation to create a mixed use which differs from that previously considered. Nevertheless, Members resolved to defer consideration of the application previously to obtain further information on the occupancy along the parade, an analysis of any extant permissions and the robustness of the proposed retail element of this proposal.

6.1.3 Of note since the previous appeal decision, is that a previously occupied A1 unit at No.5 has now become vacant, a previously extant permission for change of use of No.9 from A1 to A3 has now expired and at the same unit, permission has been granted for a change of use to a Dentist's Surgery (Class D1), although this permission has yet to be implemented.

#### 6.2 Impact on Vitality and Viability of Local centre

6.2.1 A further retail survey of the parade and extant permissions has been undertaken. The occupation of the parade is as follows:

No	Lawful Use	Occupied / Vacant	Extant permissions
1a	A2	Office of David Burrowes MP	None relevant
1c	B1a	Southgate Conservation Association	None relevant
2	A1	Hair and Beauty	None relevant
3	A1	Bakers & Confectionery	None relevant
4	A1	Dry Cleaners	None relevant
5	A1	Vacant	None relevant
6	A1	Frames and	None relevant

		Mirrors	
7	A2	Betting Shop	None relevant
8	A1	Closed	None relevant
9	A1	Vacant	Permission (granted in December 2010) for a Dentist's Surgery (Class D1)
10	A1	Newsagents/ Post Office	None relevant
11	A3/A5	Indian takeaway	None relevant
12	A5	Fish and Chips shop	None relevant

6.2.2 The survey shows that three of thirteen units are vacant. One of these is the subject of this application, another is a vacant A1 unit and another can be used either as an A1 unit or a Dentist's Surgery. Five of occupied units are in A1 retail use. Two of the occupied units are in use as "food and drink" uses (Classes A3 / A4 /A5) and are at the western end of the Parade.

6.2.3 Given that;

a) the planning permission for a café / restaurant at Number 9 has now expired and cannot be implemented: and;

b) Number 9 now has an extant permission for a Dentist's Surgery instead of a café/ restaurant use,

there has been a material change in the composition of the parade since the previous appeal decision. Consequently, whilst the assessment and conclusion of the Inspector remains pertinent to the assessment of this application, its findings must be assessed in light of the material changes in the composition of the Parade.

6.2.4 Consequently, were this application to be allowed it would mean that three out of thirteen (23%) units would have a food and drink component, the same as that existing in the Parade at the time of the appeal decision.

6.2.5 Moreover, it is noteworthy that this application is not solely for an A3 use but includes a significant element of retail use. The applicant indicates that the area of the floor given over to retail would be 25% and this reflects the estimated proportion of the business' revenue.

6.2.6 Although the current plans are not completely clear, it is considered that a condition can be attached to the approval specifying the provision of retail and how it will be achieved, which can be mandated to be retained in the future.

6.2.7 As previously identified, the previous appeal decision is a material consideration. However it is considered that there is a material change in circumstances which diminishes the weight that should be attached to it. In particular, with reference to the material change in circumstance regarding the composition of the Parade and the extant permissions, it is considered that this proposal is now acceptable.

### 6.3 Health and Wellbeing

6.3.1 With reference to issues of health and wellbeing, particularly of young people, it is noted that Eversley Primary School is in close proximity. However the proposal is for a café rather than a takeaway and children attending Primary Schools are more likely to be under parental supervision and certainly not allowed out at lunch or break times to avail themselves on the café. Therefore, and having regard to the adopted Core Strategy and previous decisions including that on appeal, it is not considered that the impact on health and wellbeing of the local population would merit refusal of this application.

### 6.4 Extract Ducting

6.4.1 The external ducting system has been assessed by Environmental Health and is considered to be acceptable subject to appropriate conditions. Consequently, it is considered that there would be no harm to the amenities of the neighbouring residential properties.

6.4.2 It is also considered that the size and siting of the ducting which is 40cm in diameter and would project 1.25 metres above eaves to the rear of the premises, is visually acceptable and does not appear intrusive in the outlook of neighbouring and nearby residential properties or the wider area

## 7. **Conclusion**

7.1 The alterations to the composition of the Parade and extant permissions along with the introduction of retail alongside the proposed restaurant / cafe is, on balance, considered to result in a change in circumstances that supports a more favourable recommendation. In particular the expiry of the café permission at No.9 ensures that were this application be granted it would not lead to an undue concentration of food and drink uses in the Parade that would materially harm function and character of this local parade. It is thus recommended that planning permission be approved for the following reason:

*The proposed loss of a retail unit and introduction of a mixed A1 & A3 use would not give rise to an unacceptable over representation of non-A1 uses nor would it unduly increase the proportion of food and drink premises in this area. Thus the proposal does not detract from the vitality, viability and character of the shops along Chaseville Parade in accordance with Policies CP9, CP16, CP17 and CP18 of the adopted Core Strategy and Policies (II)S13, (II)S14 and (II)S18 of the Unitary Development Plan.*

## 8. **Recommendation**

8.1 That planning permission be approved subject to the following conditions:

1. No use of the premises hereby approved shall commence until such as time as a plan along with supporting information and a business plan is submitted to the Local Planning Authority for its approval in writing. The plan to show the area for retail sales and this shall be

retained at all times thereafter unless permission is otherwise agreed in writing by the local planning authority

Reason: In the interests of ensuring a robust retail element of the proposal in order to safeguard the vitality, viability and character of the parade.

2. The premises shall only be open for business and working between the hours of 08.00 to 22.00 hours Monday to Saturday and 10.00 to 17.00 hours on Sunday.

Reason: To safeguard the amenities of the occupiers of nearby residential properties.

3. The use shall maintains a window display at all times.

Reason: To safeguard the appearance of the premises in the street scene as well as the vitality, and appearance of the retail parade.

4. 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.



ADJOINING PROPERTY

ADJOINING PROPERTY

FENCE

FENCE

PATIO

MH

MH

No. 9

G

WVP

WC

EI

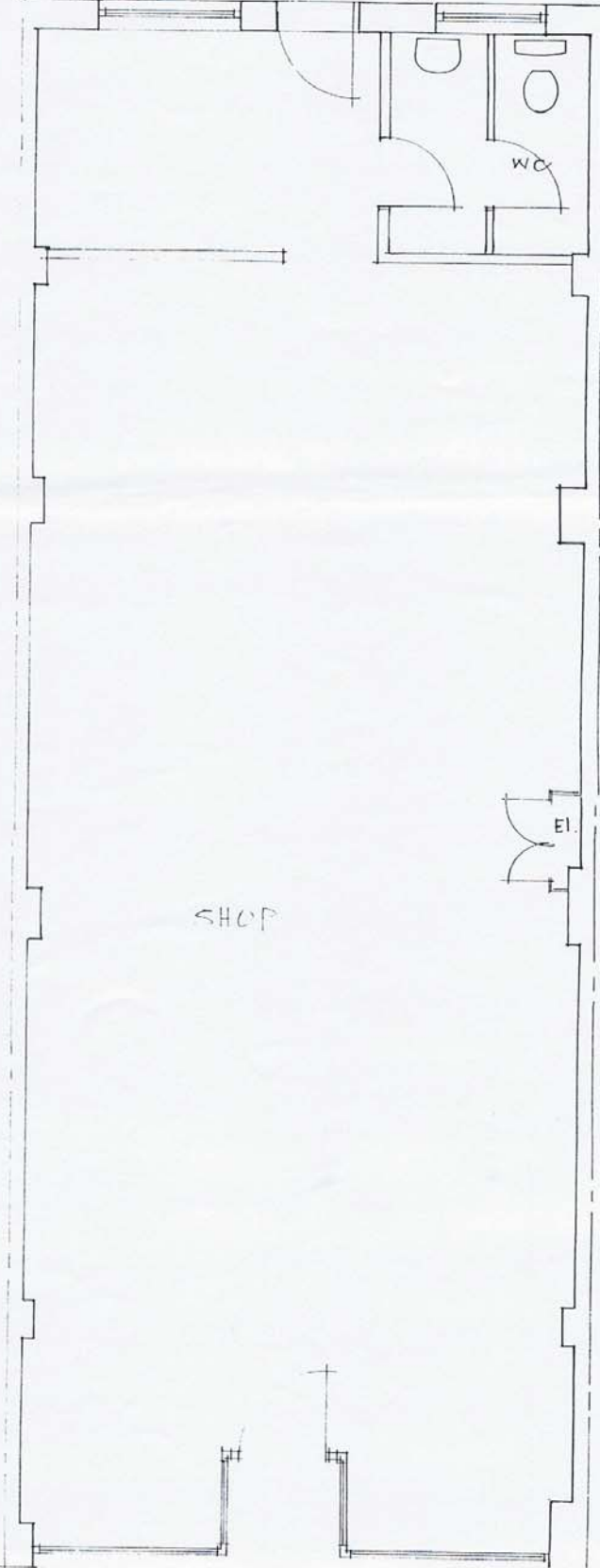
SHOP

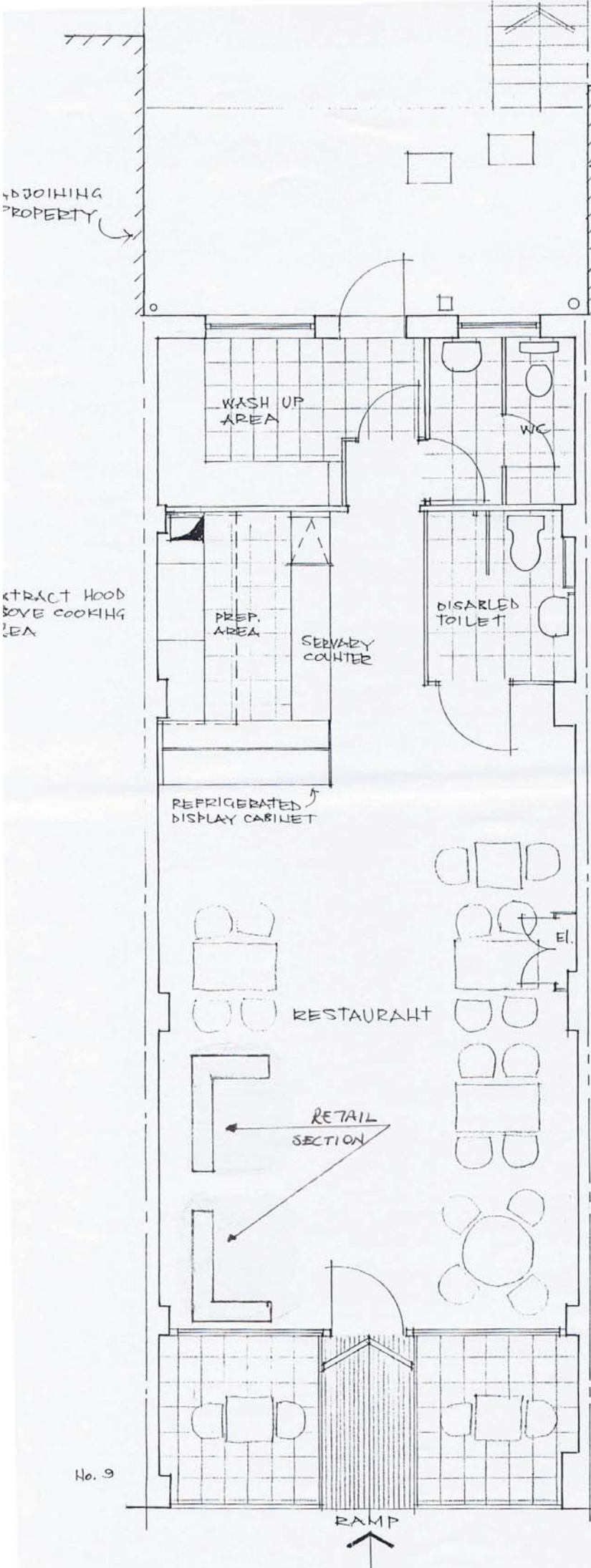
# EXISTING PLAN

SC: 1/50  
DWG NO: C/N211PG/001

No. 9

No. 7





ADJOINING PROPERTY

ADJOINING PROPERTY

WASH UP AREA

WC

PREP. AREA

SERVARY COUNTER

DISABLED TOILET

REFRIGERATED DISPLAY CABINET

RESTAURANT

RETAIL SECTION

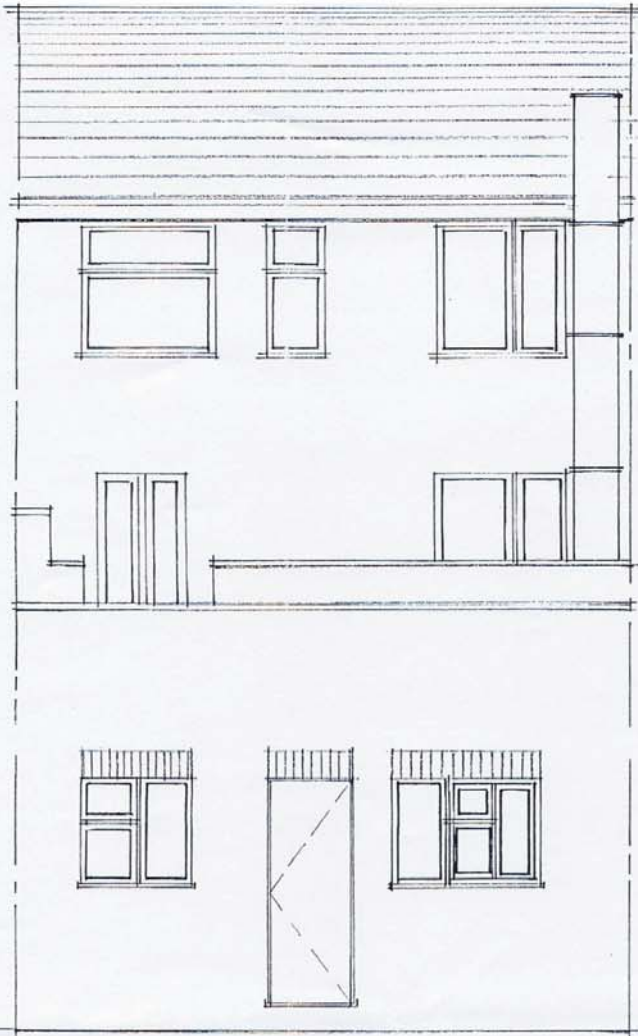
# PROPOSED PLAN

SC: 1/50  
 DWG. NO.: C/1/211PG/002

No. 9

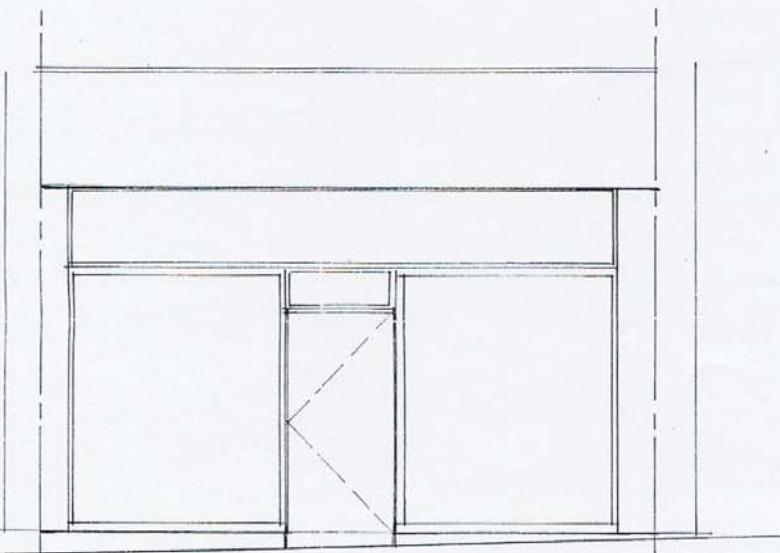
No. 7

RAMP



MECHANICAL EXTRACTION  
SYSTEM TO BE PROVIDED  
WITH TRUNKING FIXED TO  
REAR WALL  
ALL IN ACCORDANCE WITH  
SPECIALIST'S RECOMMENDATIONS.

EXISTING & PROPOSED  
REAR ELEVATION



EXISTING & PROPOSED  
FRONT ELEVATION (SHOPFRONT)

SC: 1/50  
DWG. NO: C/N21/P01/003

