

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 26th April 2011

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848
Mr R. Lancaster Tel: 020 8379 4019

Ward: Southgate

Application Number : TP/07/1795/REN1

Category: Change of Use

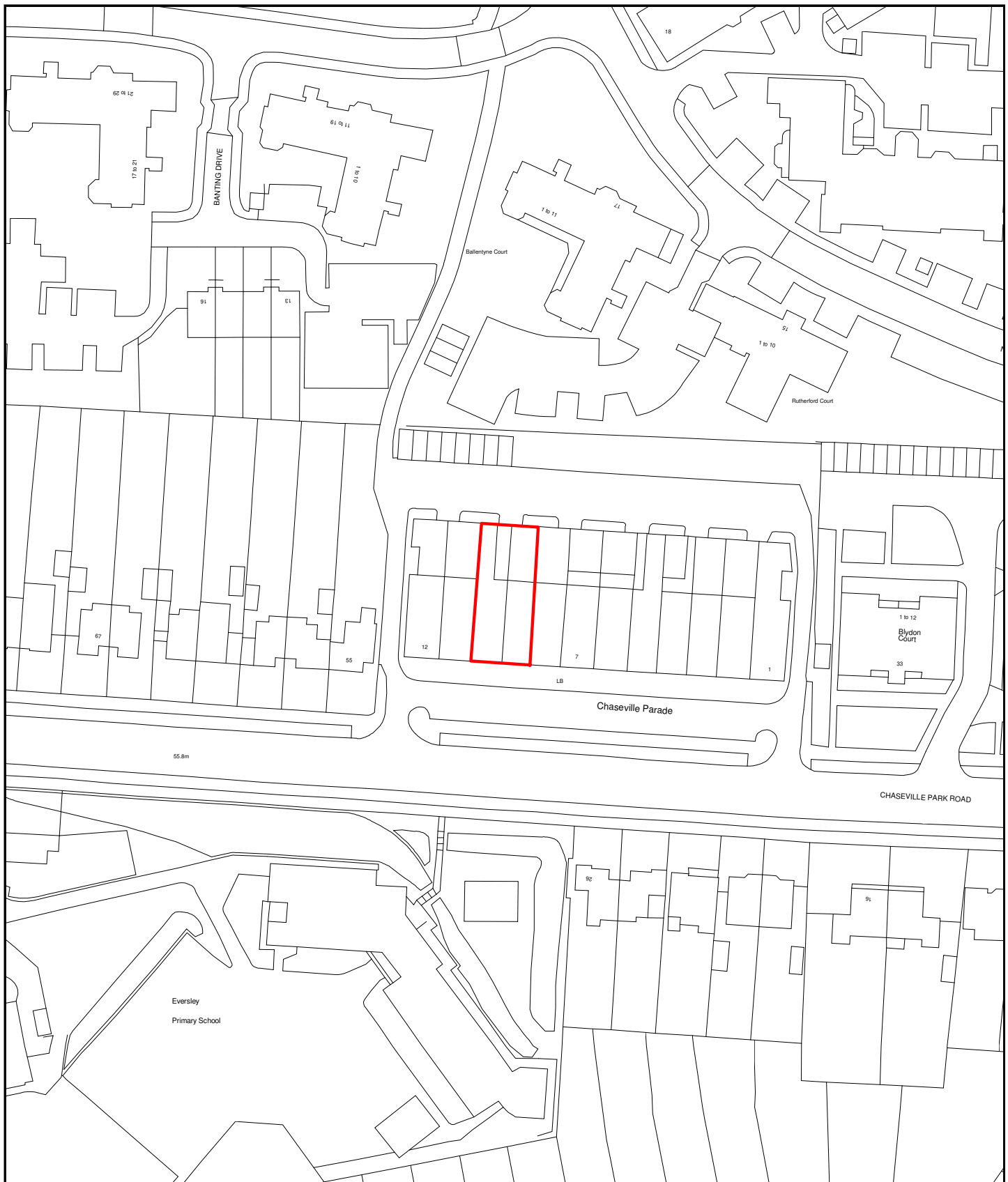
LOCATION: 9, CHASEVILLE PARADE, CHASEVILLE PARK ROAD, LONDON, N21 1PG

PROPOSAL: Change of use of part of ground floor from retail (A1) to café/restaurant (A3).

Applicant Name & Address:
Mr BALA SURESH,
9 and 10, CHASEVILLE PARADE,
CHASEVILLE PARK ROAD,
LONDON,
N21 1PG

Agent Name & Address:
KEERAN DESIGNS LTD,
157, FOREST ROAD,
WALTHAMSTOW,
LONDON,
E17 6HE

RECOMMENDATION: That Members resolve that planning permission be **APPROVED SUBJECT TO CONDITIONS** and delegate authority to the Assistant Director, to issue the decision subject to no additional consultations being received that raise issues that haven't been contained within this Report or were at the attention of Members at Committee.



Development Control



Scale - 1:1001
Time of plot: 14:39

Date of plot: 18/04/2011

1.0 Site and Surroundings

- 1.1 Chaseville Parade is located on Chaseville Park Road opposite Eversley Primary School. The parade contains 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 The applicant seeks a replacement permission reference: TP/07/1795, which was granted for a change of use from A1 to A3 (café / restaurant) use at No.9 Chaseville Parade, with No.10 remaining a Class A1 retail unit.
- 2.2 The proposal also involves the installation of external ducting at rear.

3.0 Planning History

Site

- 3.1 TP/07/1795: an application for change of use from Class A1 to A3 of one unit of the ground floor at 9 & 10 Chaseville Parade was approved in 28th February 2008.
- 3.2 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.

No.8 Chaseville Parade

- 3.3 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.
- 3.4 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.
- 3.5 TP/10/0972: Change of use of ground floor from retail (A1) to mixed use retail (A1) and restaurant (A3): This application is currently before Committee with a recommendation for refusal.

4.0 Consultations

4.1 Statutory and Non-Statutory Consultees

- 4.1.1 At the time of writing Environmental Health have not made representations. Any response will be reported at Committee.

4.2 Public:

- 4.2.1 Consultation letters were sent to 20 neighbouring properties. At the time of writing no responses have been received, any responses will be reported at Committee.

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
Greater Flexibility for Planning Permissions: Guidance. (DCLG) October 2010

6.0 Analysis

6.1 Background

6.1.1 Under planning permission ref: TP/07/1795, a change of use from A1 to A3 was granted subject to conditions. This permission expired on 28th February 2011. However on the 23rd February, the Council received an application for a replacement permission which was validated on the 1st April 2011. The Communities and Local Government guidance for replacement permissions advise that Local Planning Authorities should take a positive approach to such applications and focus our attention on material changes in Policy or site circumstances.

6.1.2 Whilst the Core Strategy has been adopted since the original decision, it is not considered that the aims and thrust of Policy in respect of an application of this type has changed significantly. It is noted that the effect of food and drink uses on health and wellbeing of, particularly young people, is now a more significant material consideration and an assessment of this issue is contained elsewhere in the report. Changes in the composition and occupancy of the Parade would also be a material change in circumstances.

6.2 Impact on Vitality and Viability of Local centre

6.2.1 The occupation of the parade, with its extant permissions 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	Sui Generis (tanning shop) / Mixed Use (A1 and D1).	Vacant	Mixed Use (A1 and D1). Character is substantially A1 with a D1 element constrained by condition to rear storage area (Officer's are minded to grant permission).
6	A1	Frames and Mirrors	None relevant
7	A2	Betting Shop	None relevant
8	A1	Currently trading, unlawfully, as A3	An application under ref: TP/10/0972 for a change of use to

			mixed use A1 & A3 is currently before Committee
9	A1	Vacant	<ul style="list-style-type: none"> Permission (granted in December 2010) for a Dentist's Surgery (Class D2)
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 two of thirteen units are vacant and No.8 operating unlawfully as a café. An application to regularise the use at No.8 is currently before Committee with a recommendation for refusal. Five of the occupied units are in A1 retail use (38.5% of the whole parade). Three 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 Since the original application (TP/07/1795), one application for a change of use along the Parade has been granted. This is at the same property as this application and permission was granted for a change of use to a Dentist's Surgery. The Council is also minded to grant permission at No.5 for a change of use from A1 to a mixed use (A1 and D2). The character of this proposal is substantially A1 with a D2 (yoga studio) element constrained by condition to rear storage area.

6.2.4 Therefore, in light of the above assessment, there has been no material change in the composition of the retail parade since the original decision that would indicate that a further Class A3 Use within the Parade could not be accommodated without harm to the vitality and viability of the Parade. Consequently, it is considered that this element of the proposal is 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 was assessed under the original application and considered acceptable subject to conditions. There have been no material

changes in Policy or site circumstances which would indicate that a refusal of this element of the scheme could be sustained. However, it is considered that an improvement to amenity of No.8A can be achieved through a re-sited flue. Accordingly, the applicant has submitted a revised plan at the request of the Council, showing a revised siting of the flue such that it is situated centrally and further away from the boundary with No.8 Chaseville Parade. It is noteworthy that applicant has indicated that he is the occupier of No.9 and No.9a Chaseville Parade. Therefore the revised siting of the extract flue is considered to represent an improvement on the previous situation in terms of neighbouring resident's amenity.

7. Conclusion

- 7.1 Material changes in site circumstances and relevant Policy since the original permission was granted in 2008 are, on balance, not considered to result in a change in the circumstances such that would weigh in favour of refusing the application. It is thus considered that the replacement permission be granted subject to the broadly the same conditions as permission reference: TP/07/1795 for the following reason:

The proposed loss of a retail unit and introduction of a Class A3 use at No.9 Chaseville Parade 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 replacement planning permission be delegated to the Assistant Director for approval subject to conditions and subject to no additional consultations being received that raise issues that haven't been contained within this Report or were at the attention of Members at Committee.

1. 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.

2. No development shall take place until such time as details of the specification and appearance of any fume extraction and/or ventilation plant required in connection with the use shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be installed in accordance with the approved details before the use commences.

Reason: To ensure a satisfactory appearance and safeguard amenity.

3. The use shall not commence until the shop front of the premises is provided with a window display which shall be maintained.

Reason: To safeguard the appearance of the street scene.

4. The premises shall only be open for business between the hours of 10:00 to 23:00 hours Monday to Sunday and all activity associated with the use shall cease within 1 hour of the closing time specified above.

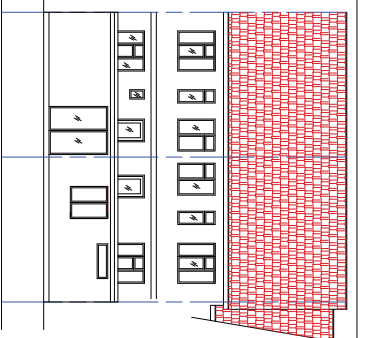
Reason: To safeguard the amenities of the occupiers of adjoining and nearby residential properties.

5. Deliveries and collections (including refuse collection) to and from the premises shall only take place between the hours of 12:00 to 17:00 Monday to Saturday; and shall be restricted to no deliveries or collections on Sundays and Bank Holidays.

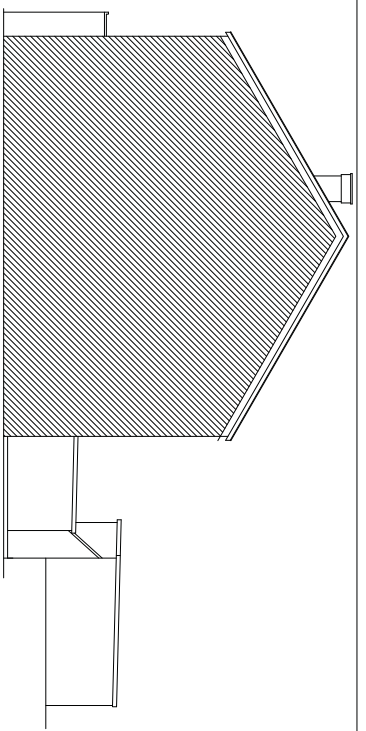
Reason: To safeguard the amenities of the occupiers of nearby residential properties.

6. 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.



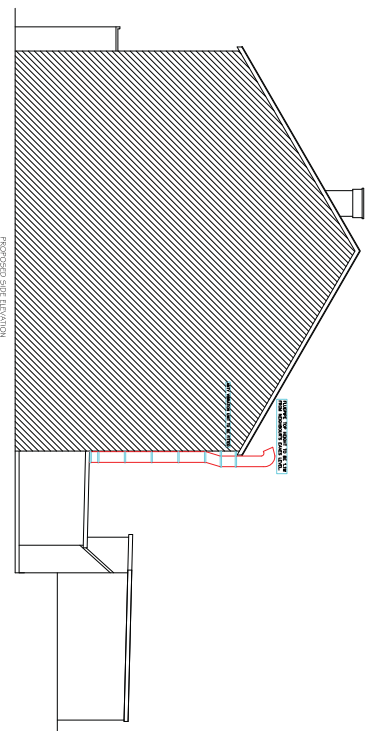
EXISTING FRONT ELEVATION



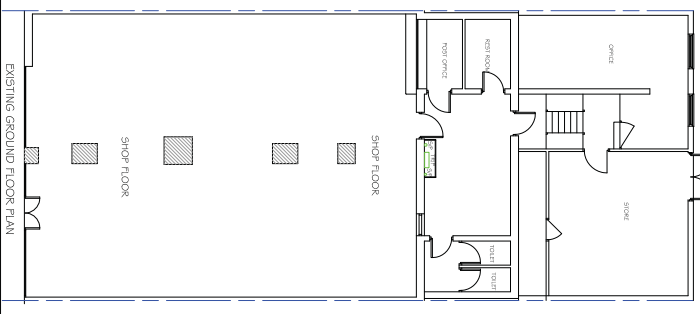
PROPOSED FRONT ELEVATION



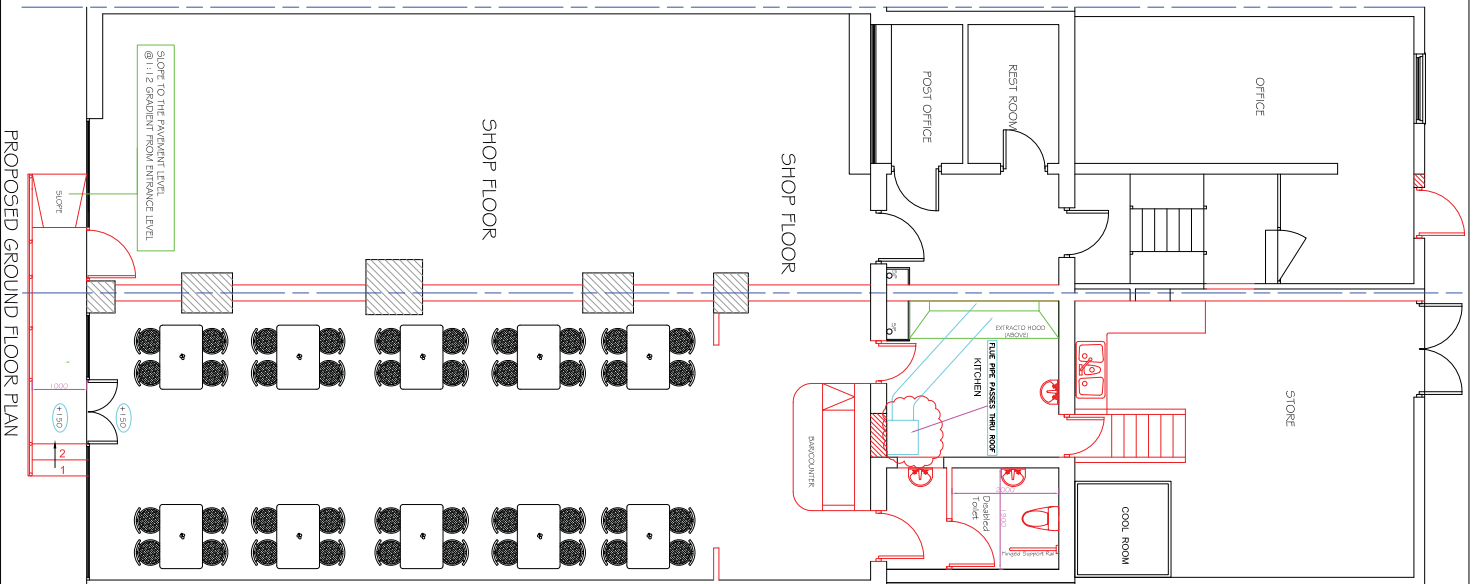
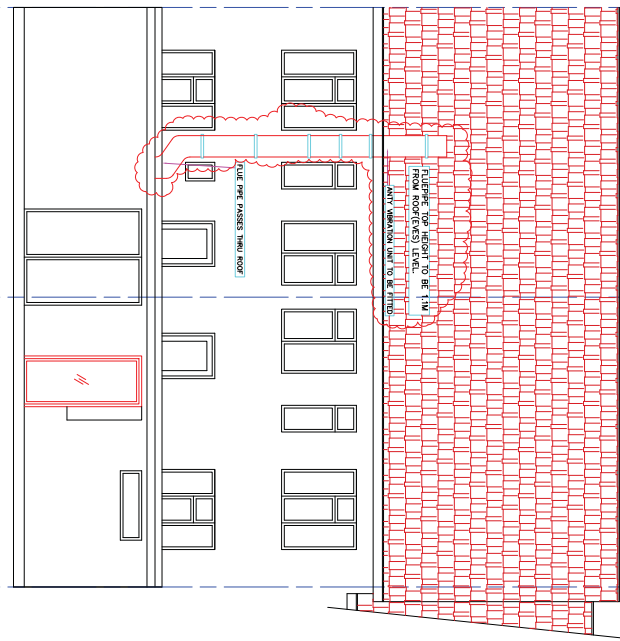
EXISTING PROPOSED FRONT ELEVATION



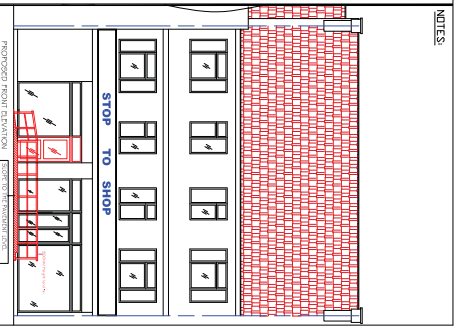
PROPOSED SIDE ELEVATION



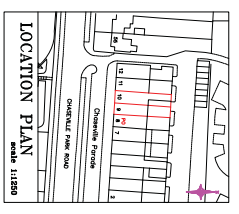
EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED FRONT ELEVATION



LOCATION PLAN

Rev No.	Date	Description	By

THE CLIENT HAS AGREED TO USE WITHIN GROCESSES FOR SHOP NO. 9

Client: MR DADALA
5-10 CHASEWILLE PARADE
WINCHINDORDEL
LONDON N21 1PG

Keeran Designs Ltd
Tel: (020) 8551 8551
Fax: (020) 8551 6560
E mail: keeran@consultant.com
Web: www.keerandesigns.com

Drawn by	Checked by	Scale	Project Code	Project Name	Date
SP	SP	1/1250, 1/100, 1/50	CHAS9-DN211PG	CHAS9-DN211PG	21/07/07

NOTES