
Appeal Decision

Site visit made on 17 May 2016

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2016

Appeal Ref: APP/N5090/W/16/3142065

**Ground floor and first floor (rear), Nos. 100-102 Lancaster Road,
New Barnet, London EN4 8AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class P of the Town and Country Planning General Permitted Development (England) Order 2015.
 - The appeal is made by Fastgrand Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/07008/PNP, dated 10 November 2015, was refused by notice dated 7 January 2016.
 - The development proposed is the change of use of Class B8 floorspace to form 7 residential apartments.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class P of the Town and Country Planning General Permitted Development (England) Order 2015 for the change of use of Class B8 floorspace to form 7 residential apartments at the ground floor and first floor (rear), Nos. 100-102 Lancaster Road, New Barnet EN4 8AL. The approval is granted in accordance with the terms of the application Ref 15/07008/PNP, dated 10 November 2015, and the plans submitted with it, subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made by Fastgrand Ltd against the Council of the London Borough of Barnet. This application is the subject of a separate Decision.

Preliminary Matters

3. The application form gives the appellants name as Fastgrand Ltd. However all other documentation including the appeal form give the appellants name as Fastgrand Ltd. I am satisfied the correct name should be Fastgrand Ltd.
 4. The Council considers that the proposal accords with the requirements set out in Paragraph P.1 of the Town and Country Planning General Permitted Development (England) Order 2015 (GPDO) and is therefore permitted development. There is no evidence before me to the contrary.
 5. The application form is dated 10 November 2016. However, it was not valid until documentation required by Paragraph W (2) of the GPDO was received on
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26 November 2016. Thus, the application was determined within 56 days and therefore prior approval is required.

6. Class P of the GPDO requires the local planning authority to assess the proposed development on intended occupier's air quality, transport and highway impacts, contamination risks, flooding risks, noise impacts, and whether the residential use would have an adverse impact on the sustainability of important storage, distribution or industrial uses in the area. The evidence before me indicates that of these issues only transport and highway issues are contested by the main parties.

Main Issue

7. I therefore consider the main issue to be the transport and highway impacts of the proposed change of use with particular regard to the pressure on, on street parking in the surrounding area.

Reasons

8. The proposal would include two off street car parking spaces, provided on the existing hardstanding, with the remaining demand for parking accommodated on street. Both main parties agree that the proposal would generate a demand for up to seven parking spaces, five of which would need to be on street. I have no reason to question this and will therefore consider the impact of the proposal on this basis.
9. Lancaster Road and other streets nearby are not within a controlled parking zone. There is therefore unrestricted on street parking in the area, subject to the availability of spaces. On street parking on Lancaster Road is within designated parking bays which do not stretch the full length of both sides of the road due to accesses to properties which have off street parking. The creation of the proposed two off street spaces would also result in the loss of one on street parking space.
10. I acknowledge that demand for on street parking in the area is high, however on my site visit at around mid-day on a weekday I observed several on street parking spaces to be available on Lancaster Road. Furthermore, the appellant has submitted a parking survey which covered an area comprising sections of Lancaster Road, Longmore Avenue and Sycamore Close, which included 65 on street car parking spaces. The survey shows that of the 65 spaces, on average 34 were available overnight. I acknowledge that this survey did not include an assessment of spaces available in the daytime and there are a number of commercial uses in the area that increase the demand for parking during the day. However, the predominant use of the buildings on Lancaster Road nearby is residential, and the majority of the commercial uses benefit from off street parking. Nevertheless, in my view the appellants parking survey was undertaken during the time when parking in the area would be in highest demand.
11. I acknowledge the evidence which shows Barnet is ranked highest in London for occurrences of personal injury accidents involving parked vehicles. However, based upon the evidence before me, I find that there is sufficient on street parking capacity in the area immediate to the appeal site to absorb the increased demand arising from the proposed development. Consequently,

there would be no significant increase in the risk to pedestrian safety as a result of cars not being appropriately parked.

12. Furthermore, although the off street parking provided would be less than is suggested in the Council's car parking standards, those standards are maximum standards which among other things, aim to encourage more sustainable non car modes of transport. The appeal site is located within a relatively short walking distance to a variety of public transport choices. It is also relatively close to services and facilities such that the occupants of the proposed development would not necessarily need to rely on the use of a private car, thus reducing the demand for parking generated by the development.
13. Therefore, even if each of the proposed households chose to own a car, the evidence before me indicates that the demand for parking generated by the proposal, not met off street could be accommodated on street nearby. Furthermore, it could be accommodated without the need for excessive vehicle movements, significantly extended journeys or inappropriate parking.
14. In reaching this conclusion, I have had regard to the advice received from the Council's Traffic and Development Department and the Development Plan, specifically Policy DM17 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) and Policy CS9 of the Barnet's Local Plan (Core Strategy) Development Plan Document (2012). However, Paragraph W10 (b) of the GPDO states that in determining an application for prior approval the local planning authority should have regard to the National Planning Policy Framework (the Framework) so far as is relevant to the subject matter of the prior approval, as if the application were a planning application.
15. Paragraph 32 of the Framework indicates that development should only be resisted on transport grounds where the residual cumulative impacts of the development are severe. For the reasons given, I find that the proposed development would not be harmful to highway or pedestrian safety or cause undue congestion as a result of insufficient parking provision. Thus the impact of the proposed development on transport and highways in the area would not be severe and the proposed development would not therefore be in conflict with the Framework.

Other Matters

16. I acknowledge the comments with regard to the suitability of the building for conversion to residential accommodation. However, the conversion of the premises to residential accommodation is permitted development under the GPDO conditional only on matters which require prior approval. I have assessed the appeal on its merits against those matters which do not include the appearance of the building or the outlook of future occupiers.
17. I also note the comment with regard to whether the building has been unlawfully extended. I have assessed the appeal on the basis of the information before me and this is separate matter for the Council.

Conditions

18. Paragraph W13 of the GPDO states that prior approvals may be granted subject to conditions reasonably related to the subject matter of the prior approval. The conditions imposed are those which have been suggested by the Council

but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the Framework and the Planning Practice Guidance. Furthermore, the conditions imposed are all reasonably related to the subject matter of the prior approval.

19. I have imposed the standard timescale condition. In addition, even though paragraph W12 of the GPDO requires the development to be carried out in accordance with approved details, I have imposed a condition specifying the relevant drawings as this provides certainty.
20. Furthermore, as suggested by the Council, I agree that a condition is necessary which requires a construction method statement due to the confined nature of the site and in the interests of ensuring highway safety during construction.
21. I have also imposed a condition which requires a noise and vibration assessment and the implementation of appropriate mitigation measures, such a condition is necessary due to the proximity of the proposed development to a railway line. However, I have not felt it necessary to impose a separate condition specifying acoustic fencing as if deemed an appropriate noise mitigation measure it could be agreed as such.
22. I have also imposed a condition which requires details of any ventilation and extraction equipment to be agreed in the interests of ensuring appropriate air quality and acceptable noise levels for future occupiers.
23. Due to the buildings current and previous use, I also agree a condition is necessary to ensure that any contamination risks are investigated and addressed in the interests of public safety. Furthermore, I have imposed a condition to ensure the proposed off street parking is implemented and retained for that purpose, in the interests of highway safety.

Conclusion

24. For the reasons set out above, I conclude that the appeal should be allowed and approval granted.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, DAT / 9.0 Floor Plans/Elevation, 15-1172-101C As proposed elevations, 15-1172-100C As proposed plans.
- 3) No development shall take place, including construction work or demolition, until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period for the development.
- 4) No development other than demolition works shall take place on site until a Noise and Vibration Assessment, carried out by an approved noise and vibration consultant(s), which assesses the likely impacts of noise and vibration on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the local planning authority. The report shall include all calculations and baseline data, and be set out so that the local planning authority can fully audit the report and critically analyse the content and recommendations. The measures set in the approved report shall be implemented in their entirety before first occupation of the dwellings hereby approved and retained thereafter.
- 5) No development other than demolition works shall take place until details including noise emissions of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the local planning authority. The report shall include all calculations and baseline data, and be set out so that the local planning authority can fully audit the report and critically analyse the content and recommendations. The development shall be implemented in accordance with the approved details before first occupation of the dwellings hereby approved and retained as such thereafter.
- 6) Before development commences other than for investigative work, a desktop study (Preliminary Risk Assessment) and a diagrammatical representation (Conceptual Model) shall be submitted to and approved in writing by the local planning authority. The Preliminary Risk Assessment shall include the identification of previous uses and the potential contaminants that might be expected, given those uses. The Conceptual Model shall identify all potential contaminant sources, pathways and receptors. If the Preliminary Risk Assessment and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site which shall be submitted to, and approved in writing by, the local planning authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable a risk assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements. Where remediation of contamination on the site is required, completion of the remediation detailed in the Method

Statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the local planning authority before first occupation of the dwellings hereby approved.

- 7) The dwellings hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing No. 15-1172-100C for two cars to be parked. That space shall thereafter be kept available at all times for that purpose.

END OF SCHEDULE