

Planning Statement

73-77 Brent Street
London
NW4 2EA

Create REIT Limited

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1 Introduction

- 1.1 This Planning Statement has been prepared by Newsteer on behalf of Create REIT Limited ('the Applicant') in support of a full planning (change of use) application at the basement level at 73-77 Brent Street, Barnet ('the Site').
- 1.2 The proposals – in support of which this Planning Statement has been prepared – are for the change of use of the basement level of the existing building from the existing Class E to flexible Class E and F1.
- 1.3 This application follows permission granted under ref: 23/2736/RCU, which sought the creation of a basement level at 73-77 Brent Street through a Retrospective Application.
- 1.4 The description of development for which planning permission is sought is as follows:

“Change of use of the basement level to include Class E and Class F1.”

- 1.5 In addition to this Statement, this application is accompanied by:
- Application Form;
 - CIL Form;
 - Covering Letter (prepared by Newsteer);
 - Site Location Plan (prepared by Mark Newton Associates);
 - Existing and Proposed Plans (prepared by Mark Newton Associates);

Structure of Statement

- 1.6 This Planning Statement is set out in the following sections:
- Section 2 – Site, Surroundings & Background
 - Section 3 – Proposed Development
 - Section 4 – Planning Policy Context
 - Section 5 – Planning Considerations
 - Section 6 – Summary & Conclusions

2 Site, Surroundings & Background

- 2.1 The Site is located at 73-77 Brent Street, Barnet. The Site is located within the Brent Street district town centre and includes a primary retail frontage. The Site benefits from a PTAL of 3 with Hendon Central Station a 10-minute walk and with good access to local bus networks along Brent Street. The Site is outlined in **Figure 1**.



Figure 1: Aerial View of the Site (Google Maps)

Planning History

- **23/2736/RCU** – Creation of basement level (*Retrospective Application*). Approved 10th August 2023.
- **22/5672/S73** - Variation of Condition 2 (Plan Numbers) of planning permission reference 22/2010/S73 dated 13/07/2022 (variation of H/03301/14) for 'Two storey side/rear extension and alterations to front facade and fenestration. Change of use from Use Class A4 (Pub) to A1 (Retail) at ground floor and Use Class B1 (Office) at first floor. Refurbishment of existing first floor offices. Creation of 3no. additional upper floors to facilitate 9no. self-contained flats. Refuse facilities, cycle store and 1no. disabled parking to the rear.' Variation to include alterations to shopfront for amalgamation of shop units plus installation of ATM. Alterations to the rear roof form at fourth floor level involving a vertical wall to replace mansard roof. Internal alterations to floor layouts. Approved 2nd March 2023.
- **22/2010/S73** - Variation of Condition 2 pursuant to planning appeal APP/N5090/W/15/3004620 dated 11/06/2015 planning ref (H/03301/14) for 'Two storey side/rear extension and alterations to front facade and fenestration. Change of use from Use Class A4 (Pub) to A1 (Retail) at ground floor and Use Class B1 (Office) at first floor. Refurbishment of existing first floor offices. Creation of 3no. additional upper floors to

facilitate 9no. self-contained flats. Refuse facilities, cycle store and 1no. disabled parking to the rear. Amendments include changes to brick type, steel railings omitted in lieu of toughened glass panels to both residential Juliette balconies and first floor terrace balustrade. Relocation of Juliette balconies and additional two added. Roof top structures for secondary means of escape provision omitted. Revised and Building Control approved means of escape provision adopted with the addition of 2no AOVs. Addition of roof plant and associated screening wall. Approved 13th July 2022.

- **APP/N5090/W/15/3004620** - Two storey rear extension and alterations to front facade and fenestration. Change of use from Class Use A4 (Pub) to A1 (Retail) at ground floor and Class Use B1 (Office) at first floor. Refurbishment of existing first floor offices. Creation of 3no. additional upper floors to facilitate 9no. self-contained flats. Refuse facilities, cycle store and 1no. disabled parking to the rear. Appeal allowed 12th June 2015.

2.2 The Site has been under construction since the appeal was allowed in 2015. The Site is now near completion with the basement level already built out. The intention of the 23/2736/RCU permission for the basement was to be an ancillary space for the ground floor retail unit. However, the basement is no longer required by the occupier (Tesco) which is the reason for this change of use application. The current lawful use is Class E, confirmed by permission 23/2736/RCU.

3 Proposed Development

3.1 This full planning application seeks permission for:

“Change of use of the basement level to include Class E and Class F.1.”

3.2 The change of use of the basement level at 73-77 Brent Street is required due to Tesco, the current occupier at Ground Floor, originally requiring this space as ancillary to the function of the store. Tesco now no longer need the space due to a change in the way their stores operate. The basement is thereby vacant.

3.3 The applicant proposes to change the use of the basement level to include additional uses to the current Class E, namely Class F1.

3.4 The proposal seeks to utilise the existing access which is gained via the front Brent Street elevation. Users will benefit from the same entrance and stairs to access the basement level.

3.5 The basement will be serviced from Cowley Place at the rear.

3.6 For further details, please see the accompanying plans.

4 Planning Policy Context

- 4.1 A key role of the planning system is to regulate the development and use of land in the public interest. At the heart of the planning framework are Statutory Development Plans, which seek to guide the decision-making process.
- 4.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires, that where the Development Plan contains relevant policies, applications for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.3 In this case London Borough of Barnet's (LBB) Development Plan comprises:
- The London Plan (2021);
 - Core Strategy (2012); and,
 - Development Management Policies Document (2012).
- 4.4 These policy documents are further supported by a suite of Supplementary Planning Documents (SPDs) and Guidance Notes. Of relevance to this application are the Residential Design Guidance (2016), Sustainable Design and Construction (2016) and the Shopfront Guidance Note.
- 4.5 The National Planning Policy Framework (hereinafter 'NPPF') and National Planning Policy Guidance (hereinafter 'PPG') are also material considerations.
- 4.6 LBB are also in the process of preparing their Local Plan Review in order to update planning policies. The draft Local Plan and its supporting documents were approved by Council on 19 October 2021 for submission to the Secretary of State for independent examination in public. The Local Plan was submitted to the Planning Inspectorate for independent examination on 26 November 2021. The Council expects to issue the Proposed Main Modifications to the Local Plan for public consultation in May 2024.
- 4.7 Given the stage of the emerging Local Plan Review, the policies are afforded some weight for the purposes of this application.
- 4.8 The following section sets out the relevant local and national planning policies and applicable supporting guidance that is considered as relevant to the proposed development.
- The London Plan (2021)**
- 4.9 The London Plan 2021 is the Spatial Development Strategy for Greater London. It sets out a framework of how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The Plan is the statutory development for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. The following policies are of relevance to the application:
- 4.10 **Policy SD6** seeks to promote and enhance the vitality and viability of London's varied town centres.

- 4.11 **Policy D10** states that boroughs should establish their own policies with regards to basements where it is identified as an issue locally.
- 4.12 **Policy T1** promotes the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041.
- 4.13 **Policy T7** encourages safe, clean and efficient deliveries and servicing.

Core Strategy (2012)

- 4.14 **Policy CS1** details Barnet's place shaping strategy which is to concentrate and consolidate housing and economic growth in well located areas that provide opportunities for development. It sets out that the Council will seek the highest standards of design in order to generate and create an environment for residents, workers and visitors.
- 4.15 **Policy CS5** states that all development should maximise the opportunity for community diversity, inclusion and cohesion and should contribute to people's sense of place, safety and security.
- 4.16 **Policy CS6** seeks to promote successful and vibrant centres throughout Barnet to serve the needs of residents, workers and visitors and ensure that new development is of an appropriate scale and character for the centre in which it is located.
- 4.17 **Policy CS14** encourages sustainable waste management by promoting waste prevention, re-use and recycling, and requiring new developments to provide waste and recycling facilities which fit current and future collection practices and targets.

Development Management Policies (2012)

- 4.18 **Policy DM11** seeks to support the continued vitality and viability of town centres through ensuring a mix of appropriate uses with particular importance in retaining activity in protected frontages. In relation to retail frontages, the sub-text states that new developments should be designed to ensure that they contribute to the vitality and viability of the town centre, by maintaining the street frontage building line.

Draft Local Plan (Regulation 19)

- 4.19 **Draft Policy GSS08** explains that Barnet's District Town Centres have a vital role in delivering growth and enabling recovery from Covid-19. It states that the Council will support mixed use development within the town centres, ensuring that it responds to the needs of the residents and workers, and, among other points, achieve high quality design, support sustainable travel and seek to minimise parking provision, and are not detrimental to the ongoing functionality of the existing town centre.
- 4.20 **Draft Policy CDH06** refers to basements and states that proposals should follow good design principles in accordance with Barnet's SPDs. Note: A dedicated SPD for basement development has not been produced, nor are there any specifically relatable policies in the adopted Development Plan.

4.21 **Draft Policy TOW01** states that the Council will promote the vitality and viability of the Borough's town centres. In specific reference to district centres, it states that they will be promoted to provide a network of complementary retail, leisure and community uses.

National Planning Policy Framework (December 2023) (NPPF)

4.22 The revised National Planning Policy Framework was updated in December 2023 and sets out the Government's planning policies for England, and how these should be applied in the determination of planning applications.

4.23 The following NPPF principles are considered particularly pertinent to the proposed development and duly the development has been prepared to fully respond to such principles.

4.24 The purpose of the planning system is to contribute to achieving sustainable development, which meets the needs of the present without comprising the ability of future generations to meet their own needs. The three key objectives of delivering sustainable development are: Economic, Social and Environmental (Para 8). So that sustainable development is pursued in a positive way, at the heart of the Framework is a 'presumption in favour of sustainable development' (Para 11) should be applied.

4.25 This requires Local Planning Authorities to plan positively to meet the development needs of an area, with planning decisions to approve proposals which accord with an up to date development plan. Where relevant development plan policies are absent or out of date, developments should be approved unless they are proposed on protected area or assets; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

4.26 The following NPPF paragraphs are considered most relevant to the proposals:

- **Paragraph 2 – Material consideration**
Requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- **Paragraph 7 – Sustainable development**
Development should meet the needs of the present without compromising the ability of future generations to meet their own needs.
- **Paragraph 8 – Overarching objectives**
Sets out the three overarching objectives for achieving sustainable development – economic, social and environmental.
- **Paragraph 11-14 – Presumption in favour of sustainable development**
At the heart of the NPPF is the presumption in favour of sustainable development, which states that consent should be granted without delay, where proposals accord with the Development Plan.
- **Paragraph 47-48 – Determining applications**
Requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- **Paragraph 85 – Building a strong, competitive economy**
States that significant weight should be placed on the need to support economic growth and productivity.

- **Paragraph 90 – 95 – Ensuring the vitality of town centres**
Promotes the long-term vitality and viability of town centres by allowing them to grow and diversify to respond to changes in the retail industry, and allow a suitable mix of uses.
- **Paragraph 123-127 – Making effective use of land**
Promotes the effective use of land, in particular previously developed or 'brownfield' land.
- **Paragraph 128-130 – Achieving appropriate densities**
Supports development that makes efficient use of land.
- **Paragraph 131-141 – Achieving well-designed places**
Requires good design as a key aspect of sustainable development, ensuring developments will function well, add to the quality of an area, and optimise the potential of a site and create safe, inclusive and accessible places.

National Planning Practice Guidance (PPG)

- 4.27 The National Planning Practice Guidance documents were first published in March 2014 and provide further context to the National Planning Policy Framework.
- 4.28 The NPPG highlights that good design is an integral part of sustainable development. New proposals should reflect this requirement for good design – as set out in national, regional and local policy – while local planning authorities are advised to give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area.
- 4.29 The guidance further outlines that good design seeks to create places, building and spaces which work well for everyone and, most importantly, adapt to the needs of future generations.

5 Planning Considerations

5.1 The key planning considerations in the determination of this planning application are set out below as follows:

- Principle of Development;
- Principle of Proposed Use;
- Design;
- Transport Matters; and
- Noise.

Principle of Development

5.2 At the heart of the NPPF is the presumption in favour of sustainable development (Paragraph 11), which states that consent should be granted without delay, where proposals accord with the Development Plan.

5.3 As previously mentioned, the basement is existing and has been built out. The principle of development is considered acceptable given the Site's location in a town centre setting, which is suitable for development.

Principle of Proposed Use

5.4 The proposals seek to change the use of the basement level from Class E to include flexible uses including Class E and F1.

5.5 The Site is a town centre location and the proposals seek to ensure that the space is utilised and contributes to the overall vitality of the town centre to avoid the unit becoming vacant.

5.6 The basement level was approved via a Retrospective Application (ref: 23/2736/RCU) which was to be used by Tesco for storage purposes. However, Tesco have introduced a strategic change to the way they operate which results in them no longer needing the basement and subsequently it is now vacant floorspace within the town centre.

5.7 The applicant now seeks to include a wider range of town centre uses to maximise the potential of securing a suitable occupier. It is acknowledged that within Class E and Class F.1, there is a wide range of uses, however, these are considered to be town centre uses and therefore appropriate in this location.

5.8 Further to this, the Site is located in an accessible location, with Hendon Central Station a 10-minute walk and good access to local bus networks along Brent Street. The Site therefore lends itself to being a good location for other uses as well as Class E. The proposed uses are appropriate in this town centre setting.

5.9 The principle of proposed uses accords with adopted Policy DM11 in addition to Draft Policy GSS08 and Draft Policy TOW01 as the Council will support town centres through ensuring a mix of appropriate uses that serve the needs of residents, workers, and visitors. These policies along with London Plan Policy SD6 and NPPF paragraphs 90-95 seek to promote the viability and

vitality of town centres. The NPPF promotes meeting needs for retail, leisure, office and other main town centre uses. Therefore, the proposed uses are considered to be acceptable.

Design

- 5.10 No physical alterations are proposed as part of the change of use to the basement. Additionally, the basement is not visible from the street level on Brent Street or the from rear on Cowley Place. Therefore, there are no design matters to be considered in relation to this application, with no impact on the appearance of the building or the character of the area or high street. This is in accordance with Core Strategy Policy CS6 and the previously approved design and elevations are currently being built out.

Transport Matters

- 5.11 The basement will be serviced from the rear on Cowley Place, where the refuse and recycling zone is located as shown on the accompanying plans, where further details can be found. This is in line with London Plan Policy T7.
- 5.12 The proposed uses that would occupy the basement would not result in significant transport impacts due to the location of the Site and its proximity to Hendon Central Station and the bus stops along Brent Street. It is likely visitors will access the Site via public transport, foot or cycle. As such, the proposal accords with London Plan Policy T1.
- 5.13 It is understood that Tesco (GF retail unit) are serviced from the front of the unit on Brent Street.
- 5.14 Access to the basement level will be achieved via the existing entrance on the Ground Floor. Users will enter at the Ground Floor entrance and will then use the stairs. Access to the Tesco and residential units will not be changed as a result of this application. Therefore, the proposed development is in accordance with policy.

Noise

- 5.15 The floor above the basement (Ground Floor) is retail use and is therefore considered to not be a sensitive occupier. Additionally, the basement level is not located in close proximity to any surrounding residential units. As such, the proposed uses will not result in any impact on the amenity of the neighbouring units and accords with NPPF Paragraph 191.

6 Summary & Conclusions

6.1 A full planning application is submitted seeking:

“Change of use of the basement level to include Class E and Class F1.”

6.2 This application is accompanied by plans which demonstrate that the proposals are acceptable and in accordance with local, regional and national policy.

6.3 The proposal makes the best use of the Site, through the change of use of the basement to best utilise the space by including flexible uses to avoid the unit remaining vacant in a town centre location.

6.4 The proposed development constitutes “sustainable development” in accordance with Paragraph 8 of the NPPF and according to the provisions of Paragraph 11 of the NPPF, the development should be granted Planning Permission “without delay”.