LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS 04/03/2016

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0117 **Ward:** Alexandra

Date received: 12/01/2016

Drawing number of plans: 0232-Existing Floor Plans; 0232-Proposed Floor Plans; Site Location Plan; Design and Access Statement

Address: 115 Alexandra Park Road N10 2DP

Proposal: Change of use from A1 retail use to D1 medical use to allow the set up of a dental practice.

Applicant: Dr Fariba Banaie

Ownership: Private

Officer contact: Adam Flynn

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions
1) Development begun no later than three years from date of decision
2) In accordance with approved plans
3) Hours of operation
4) Disabled access
5) Health/Clinical use only
6) Active frontage

Informatives
1) Land ownership
2) Hours of construction
3) Party Wall Act
4) Advert consent required

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for a change of use from A1 retail use to D1 medical use to allow the set up of a dental practice.

Site and Surroundings

3.2 The subject building is a mid-terrace, three-storey building located on the northern side of Alexandra Park Road. The ground floor is a vacant retail unit (A1 Use Class), with the upper levels in use as flats. The property is in a terrace of similar commercial properties with residential uses above. The site is located within a Local Shopping Centre.

Relevant Planning and Enforcement history

3.3 No relevant history.

4. CONSULTATION RESPONSE

4.1 The following were consulted regarding the application and the following responses were received :

Internal:
1) LBH Conservation Officer
No comments received.

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of a site notice displayed in the vicinity of the site and 22 letters. No representations were received.

6. MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the proposed development are:

1. Principle of the development
2. The impact of the proposed development on the character and appearance of the conservation area
3. The impact on the amenity of adjoining occupiers
4. Parking and highway safety

Principle of the development

6.2 The change of use of the ground floor from A1 to D1 is not considered to be contrary to policy in location such as this, as it does not result in the loss of any essential local services, and would provide a local service, in line with Local Plan Policy SP10, and the proposal would bring a vacant commercial property back into use. Although the proposal would result in more than 50% of the units in this frontage being non-retail use, as specified in Emerging DMD Policy DM43, the unit is currently vacant, detracting from viability of this frontage. This proposal would add to the vitality of the frontage, and a condition requiring the provision of an active frontage is recommended. The proposal would also allow for the provision of a health service within the borough. A number of other retail units remain within this centre on the opposite side of the street.

Character and appearance of the conservation area

6.3 There are no proposed external alterations. As such, the proposal is not considered to impact on the character of the area.

Impact on the amenity of adjoining occupiers

6.4 The nature of the use would change as a result of this application, with the retail use on the ground floor changing to a dental clinic. Given that the hours of operation of an clinic are more likely to be during the day, and would be restricted as such via a condition, it is considered that this would result in less impacts on neighbouring residents that the potential noise and nuisance from a retail unit.

Parking and Highway Safety

6.5 The application site falls within an area that has a low public transport accessibility level of 2 and is served by bus services. It is considered that the proposal is likely to attract individuals from the local area or those using sustainable modes of transport to travel to the site. Members of staff are also likely use public transport to travel to and from the site. However, there is parking available in the area if required. It is unlikely that the above proposal will have any significant impact on the local transportation network. Therefore, there are no objections on highway and transportation grounds.

Conclusions

6.6 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

7. CIL APPLICABLE

7.1 The increase in internal floor area would not exceed 100sqm and therefore the proposal is not liable for Haringey's CIL charge or the Major's CIL charge.

8. RECOMMENDATION

GRANT PERMISSION subject to conditions

Registered No. HGY/2016/0117

Applicant's drawing No.(s) 0232-Existing Floor Plans; 0232-Proposed Floor Plans; Site Location Plan; Design and Access Statement

Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

   Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in accordance with the following approved plans and specifications: 0232-Existing Floor Plans; 0232-Proposed Floor Plans; Site Location Plan; Design and Access Statement

Reason: In order to avoid doubt and in the interests of good planning.

3. The use hereby permitted shall not be operated:

- before 08:00 hours or after 21:00 hours Monday to Friday
- before 08:00 hours or after 18:00 hours Saturdays
- and not at all on Sundays and Bank Holidays.

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

4. Adequate facilities should be maintained in accordance with the details indicated on the approved drawings to enable ambulant disabled people, and wheelchair users and other people with physical disabilities to use the building.

Reason: In order to ensure that people with disabilities are not excluded from using the proposed development.

5. The premises shall be used for dental/health uses only and for no other purpose (including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, without the prior approval, in writing, of the Planning Authority.

Reason: In order to restrict the use of the premises in the interest of the amenities of the area and to ensure there is no impact on the Transportation and Highways network.

6. Notwithstanding the details hereby approved, an active frontage shall be maintained the to ground floor windows of the premises.

Reason: To maintain the vitality of the shopping frontage.

INFORMATIVE: Land Ownership
The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: Hours of Construction Work
The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.

INFORMATIVE: Party Wall Act
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

INFORMATIVE: Planning permission has been granted without prejudice to the need to get advertisement consent under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.