LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0225 **Ward:** Harringay

Date received: 25/01/2016

Drawing number of plans: design and access statement

Address: 389 Green Lanes N4 1EU

Proposal: Variation of Condition 4 (hours of operation) attached to planning permission HGY/2001/0755

Applicant: Mr Murat Kinas

Ownership: Private

Officer contact: Wendy Robinson

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for : Variation of condition 4 (opening hours) attached to planning permission HGY/2001/0755 to extend permitted opening hours of the restaurant to 0800 - 0200 on any day

Site and Surroundings

3.2 The application site is located along Green Lanes within a parade of shops with residential accommodation on the upper floors. The surrounding area other than Green Lanes is predominantly residential.

Relevant Planning and Enforcement history

3.3 HGY/1993/0269 GTD 10/05/1993 Change of use of ground floor to social club
3.4 HGY/2001/0755 GTD 11/07/2001 Change of use of ground floor to a restaurant and the erection of a flue to the rear elevation

4. LOCAL REPRESENTATIONS

4.1 The application has been publicised by way of 50 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 2
Objecting: 2
Supporting:

4.2 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Extending the opening hours will increase the noise disturbance and vibrations felt from subject site extractor flue

4.3 The following issues raised are not material planning considerations:

- Refuse, rats and noise disturbance issues exist and will continue (*Council Environmental Services can best address these issues*)

5 MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Background;
2. Section 73 application
3. Impacts on the surrounding area

Background

4.4 Condition 4 attached to planning permission HGY/2001/0755 states that:

The use hereby permitted shall not be operated before 0800 or after 2300 hours on any day.

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.

Section 73 application

4.5 As with any planning conditions imposed on a planning permission, the applicant is entitled to make a S.73 application to seek to vary the wording of the condition. In considering a S.73 application to vary a condition, the Local Planning Authority may impose a different condition than the one originally imposed, or grant the permission unconditionally, or refuse the application

Impacts on the surrounding area

4.6 There are many late night uses that operate on Green Lanes (convenience stores, restaurants, bars and takeaways etc). The Salisbury Tavern for instance is open Mon-Thurs until midnight and 2am at the weekend while Selale Restaurant is opening until 2am.

4.7 Planning Officers also need to be mindful that the activities in respect of live music are not controlled under planning legislation but rather under Licensing.

4.8 Invariably commercial units of this nature can generate noise from comings and goings, however in the context of a Town Centre where there is a high level of ambient noise from the constant flow of traffic along the Green Lane. Against this backdrop the amount of noise and disturbance generated from the activity associated with such a use and the hours in question are not considered to be significant.

Conclusions

4.9 Officers do not consider that the proposed change of hours would lead to unacceptable levels of noise and disturbance to nearby residents. Given the above this application is recommended for APPROVAL.

6 RECOMMENDATION

GRANT PERMISSION subject to conditions

Registered No. HGY/2016/0225

Applicant's drawing No.(s) design and access statement

Subject to the following condition(s)

1. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

2. The use hereby permitted shall not be operated before 0800 or after 0200 hours on any day.

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.

3 The separate access door and ground floor corridor leading to the upper part of the building shall be formed as shown on the submitted drawings and permanently retained.

Reason: In order to ensure adequate means of access to the upper part.