LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/2588 **Ward:** Bounds Green

Date received: 30/06/2016

Drawing number of plans: OS plan and ground floor plan.

Address: 68 Myddleton Road N22 8NW

Proposal: Change of use from A1(shop) to Sui generis(social club).

Applicant: Mr Spyros Michael

Ownership: Private

Site Visit Date: 02/08/2016

Officer contact: Nanayaa Ampoma

2. RECOMMENDATION

GRANT PERMISSION subject to conditions:

1. Expiry
2. Approved plans
3. Hours of operation
4. Noise
5. Music
6. Waste

3. SITE AND SURROUNDINGS

Myddleton Road is a relatively short high street within a predominantly residential area. The use of the properties on the high street is mixed in nature with commercial at ground floor and residential uses above. The site falls within the Bowes Park Conservation Area. However it does not fall within any primary or secondary shopping frontage.

4. RELEVANT PLANNING HISTORY

HGY/2005/1042: Renewal of existing planning permission HGY/2000/0441 (change of use of ground floor shop unit (A1) to use as a restaurant (A3) with the inclusion of A5 (takeaway) usage. - *Grant 26/07/2005*

HGY/2000/0441: Change of use of ground floor shop unit (A1) to use as a restaurant (A3).- *Grant17/05/2000*

5. DETAILS OF PROPOSAL

The application seeks planning permission to convert part of the existing unit at ground floor into a social club for a local football team. The football team will be New Salamis FC. There will be a seating area, back kitchen and disabled toilets. The existing storage area to the rear will remain. Notwithstanding the plans this storage area is considered part of the A1 use.

The applicant has stated that there will be two staff members, however has not stipulated any preferred opening hours. They have also stated that while they do not currently consider that the club would be members only club, this may change in the future.

The applicant expects that at its busiest the unit would house 15-20 customers.

6. CONSULTATION RESPONSE

Highways: No objection. The proposal is considered to be acceptable in transport terms as it is likely to generate a similar trip generation to the use.

Waste Management: No objection. Commercial Business must ensure all waste produced on site are disposed of responsibly under their duty of care within Environmental Protection Act 1990. It is for the business to arrange a properly documented process for waste collection from a licensed contractor of their choice. Documentation must be kept by the business and be produced on request of an authorised Council Official under section 34 of the Act. Failure to do so may result in a fixed penalty fine or prosecution through the criminal Court system. The owner of the business must ensure that they also arrange management.

7. LOCAL REPRESENTATIONS

The application has been publicised by way of direct neighbour letters and consultation with the local area group. However no comments have been received.

8. ASSESSMENT

The main areas for consideration are:

- Principle of the development
- Amenity
- Highways
- Waste

8.1 Principle of development

At present the application site has already been converted into the proposed football social club awaiting formal planning permission. This application is therefore retrospective in nature. Aside of this it was previously a shop unit before later being given permission to become a restaurant in 2000.

Although this permission was later extended in 2005, the unit was never formally converted into a restaurant with table and chairs and footfall from members of the public. Information from the applicant and local residents suggests that the unit was instead used as storage for the restaurant across the road (number 73 Myddleton Road). The Council does not

consider that the use of the property as ancillary storage to another restaurant equates to the implementation of the A3 use. In addition, the precommencement conditions attached to the permission were not discharged. As a result the Council considers that the lawful use of the property is A1(shop).

There are currently no other social clubs in the area. In 1994 permission was given for the temporary change of use of retail to social club at number 97 Myddleton (HGY/1994/1096), however this does not appear to have been implemented. At a later date permission was granted to the property at 75 Myddleton Road (HGY/2010/1874) also for use as a members club.

The applicant has stated that the unit is currently A3, however as stated above, the Council is of the opinion that the approved A3 use was never implemented. Nevertheless the loss of the A1 use was assessed in 2000 and 2005 and deemed to be acceptable in principle.

Haringey's development plan consists of the London Plan, Haringey Unitary Development Plan (saved policies 2006) and the Haringey Local Plan (2013). The Council's Development Management DPD has been submitted to the Secretary of State for Examination in Public, and therefore pursuant to paragraph 216 of the NPPF, should be accorded significant weight. To be acceptable, the development needs to accords with policies UD3, CLT3 and TCR4, as well as emerging policies DM44 and DM49, unless material considerations indicate otherwise.

Under saved policy CLT3, social clubs will be permitted where:

a) there is a recognised local need;
b) the proposal is within a town centre and will not be detrimental to the vitality and viability of any local or town centre within which it is set (see TCR 3 & 4); and
c) the use does not have an adverse impact on the amenities of the adjoining occupiers in terms of noise, traffic and nuisance.

Under Saved policy TCR4 to change the use from existing Class A1 retail will be allowed provided that:

a) it can be demonstrated that there is no realistic prospect of the unit being used for A1 retail purposes in the foreseeable future;
b) individually or cumulatively the proposed use does not have an adverse effect on the vitality, viability or where appropriate predominately retail function; and
c) where applicable, the change of use does not result in a significant break in the continuity of retail frontage

The applicant has stated that there are no other clubs in similar use nearby and that the use would be for a small local football team not represented in the area. Therefore it is considered that it could be argued that there is a need for the social club.

No marketing information has been submitted to demonstrate that there is no demand for the shop use. However the unit is not within any designated shopping frontage. Although the Council considers that the property's lawful use is A1, it has previously remained vacant for a considerable amount of time or has been used for storage. In both this cases the unit has not contribute positively to the vibrancy or vitality of the high street. The proposal would result in the greater use of the site when compared to its previous status.

The Myddleton Road high street benefits from a number of different uses within A1, A2, A3, A2, D1 and so on. The application site sits between two retail units. As such it s not considered that the proposed use would result in a significant break in the continuity of the retail frontages. In light of this, it is considered that the proposal is compliant the above policy.

Under emerging policy DM44, the use of the ground floor premises for community and economic uses will be acceptable where it provides an active frontage. The proposed unit would be glazed and views directly into the unit would be visible. Therefore there will be some interaction between the streetscene and the internal use as a social club. It is considered that this would constitute an active frontage. As such the proposal has addressed policy DM44.

In view of the above, the principle of development is acceptable and compliant with relevant policies.

8.2 Amenity

Saved policy UD3 states that development proposals are required to demonstrate that there will be no unacceptable impact on the residential amenity of existing and proposed residents in terms of loss of daylight, sunlight, privacy or overlooking. Similarly, London Plan policy 7.6 requires that buildings and structures should not cause unacceptable harm to the existing amenity arrangements.

As stated above there are no external changes that would affect the any neighbours. There is a proposed kitchen so it is likely that food will be served. However the location is within a commercial zone close to other restaurant and food uses.

Interms of noise, the area around the site benefits from several commercial uses. As such the location already experiences a relatively high ambient noise level. The proposed use would site within this context. Based on the number of staff and projected number of clients, the noise generated is not projected to be significantly greater than the previous use.

Noise: it is likely that noise from the unit would be similar to those in other social clubs. As the area is commercial there is no real concern to neighbours on either side. However on the upper floors of units there is residential use. During the day time noise from the use is not likely to generate noise. However in the evening and night time should the social club still be in use any noise generate is likely to be amplified by the silence in the area, as many of shops and restaurants close at 23:00 . As such the proposed use needs to be controlled so as not to significant alter the current amenity experienced by nearby properties.

In light or this, the restricted opening hours shall be 10:00- 23:00 Monday to Saturdays and no use on Sundays and Bank holidays. Music and general noise from the unit will also be controlled via conditions.

Subject to the above conditions it is not considered that the development would have a significantly harmful impact on the amenity of existing and future occupants of the upper floors.

8.3 Highways

Policies SP7 and M10 provide guidance on the transport requirements for new developments. The Highways Officer has offered no objection to the development. The projected maximum number of attendants will be around 15-20. The applicant has stated that the club has events around once a month. At all other times it is likely that the footfall will be less that the 20.

The Highways Officer has stated that the proposed use is unlikely to have a significant impact on the highways infrastructure as the proposed footflow is likely to be similar or less than the restaurant use.

8.4 Waste

In the interest of sustainability, hygiene and health it is important that all new uses consider waste storage. Policy UD7 requires that all development should include appropriate waste and recycling provisions. All submissions should indicate on their plans or provide details via their supporting documents of how waste will be treated.

The applicant has not submitted any waste and refuse management. The Waste Management team state that it will be the applicant's responsibility to ensure that any additional waste is managed. A condition will be attached for the submission of waste details.

9. CONCLUSION

It is concluded that the principle of development from A1(shop) to Social Club (sui generis) at ground floor is acceptable as there would be no significant impact on the current social environment or infrastructure in the area by way of highways, waste, design or neighbour amenity. The application is recommended for approval.

10. RECOMMENDATION

GRANT PERMISSION

Registered No.: HGY/2016/2210

Applicant's drawing Numbers: OS plan and Social club ground floor plan

1. The approved plans comprise drawing: OS plan and Social club ground floor plan. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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 be operated only between 10:00 hours to 23:00 hours Monday to Saturdays and shall not be operated on Sundays and Bank Holidays.

Reason: To protect the amenity of existing residential in line with Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

3. No music, live concerts or other amplified sounds shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To prevent loss of amenity to neighbouring residential premises in accordance with Policy 7.15 of the London Plan 2011 and Saved Policy UD3 of the Haringey Unitary Development Plan (2006) and consistent with advice in the National Planning Policy Framework.

4. A suitable soundproofing scheme providing effective resistance to the transmission of airborne and impact sound between the unit and the residential units above, shall be submitted to the Local Planning Authority within 3 months of this permission. The approved scheme shall be implemented as agreed and shall be retained and maintained on site for the duration of the approved use.

Reason: In order to ensure that the proposed use does not give rise to an unacceptable loss of amenity line with Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

5. A detailed scheme for the provision of refuse and waste storage and recycling facilities shall be submitted within 3 months of the permission and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Saved Policy UD7 of the Haringey Unitary Development Plan 2006 and Policy 5.17 of the London Plan 2011.

The applicant is advised to contact the Chief Environmental Health Officer, 639 High Road, N17 (tel. 020 8489 0000) regarding the provision of adequate sanitary facilties, mechanical extract ventilation, refuse storage facilities, fire requirements and compliance with the Food Hygiene (General) Regulations 1970 that may be required in conjunction with this approval.

The applicant is reminded that the installation of a new shopfront and the display of any illuminated signs will need to be the subject of separate applications.