

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/2575

Ward: South Tottenham

Date received: 09/09/2022

Drawing number of plans: 11558 FE001; TD22/PM174/OS01; TD22/PM174/OS02; TD22/PM174/P01 & TD22/PM174/EE01.

Address: Unit F, Tottenham Hale Retail Park, Broad Lane, N15 4QD

Proposal: Proposed outdoor seating area for new Pret a Manger Unit

Applicant: Mrs Claire Ferrari BTPS c/o Federated Hermes Ltd c/o Lichfields

Ownership: Private

Officer contact: Kwaku Bossman-Gyamera

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 3.1 This is an application for the use of the forecourt area for outdoor seating for the restaurant. The proposal would involve the installation of an external deck area adjacent to unit F, close to pedestrian footpath access onto Broad Lane. The deck will mainly sit within the corner of the current car park, with the loss of 6 car spaces and will provide covers for casual eating and drinking.
- 3.2 The proposed seating area will be set back from Broad Lane behind the existing established landscape and separated from the car park by a high continuous planters. The remainder of the elevation to the enclosure will feature stainless steel handrails and frames with canvas infills.
- 3.3 The ramp and steps will raise the deck slightly from the general surrounding ground level.
- 3.4 No changes in the nature of the business itself is proposed, nor any shopfront or internal alterations.

Site and Surroundings

- 3.5 The application site relates to Unit F which is located on the south west corner of the Tottenham Hale Retail Park, adjacent to B & Q and fronts directly onto Broad Lane. The application site sits on a small area of car park and landscape planting.
- 3.6 The site is not located within any conservation area and does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement history

- 3.7 There is no planning history in relation to the site.

4. CONSULTATION RESPONSE

- 4.1 The responses below were received following consultation on the application:

Internal:

- 1) LBH Transportation Team: No objection.

5. LOCAL REPRESENTATIONS

- 5.1 The application has been publicised by way of 8 letters. The number of representations received from neighbours, local groups, in response to notification and publicity of the application were as follows:

No of individual responses: 6
Objecting: 6
Supporting: 0

- 5.2 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:

- Objections on the grounds that the proposal would result in the loss of tree canopy for the site. They should be planting more trees to create amenity and in exchange for privilege of planning permission.
- There is loss of semi mature trees within the proposed scheme. Would encourage the applicants to try to incorporate the trees and see them as something that will attract users rather view them as a problem.
- There is already a 'Pret' within the existing retail park and would prefer the whole retail park to be redeveloped instead;

- 5.3 Officers comments on representations:

- Objections comments are noted. As the long terms future of the Retail Park as a whole is being considered. The replacement of two trees within the vicinity of the retail Park for the one lost is considered acceptable in this instance. The replacement are of decent size and quality. The proposed new 'Pret' is intended to replace the existing one with improved quality floor space with much better experience for customers.

6 MATERIAL PLANNING CONSIDERATIONS

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

1. Design and appearance;
2. Impact on neighbouring amenity;
3. Transport considerations;
4. Trees and landscaping;

Design and appearance

- 6.2 DPD Policy DM12 'Housing Design and Quality' states that extensions or alterations to residential buildings, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original building, including external features such as chimneys, and porches. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.
- 6.3 The proposed change of use of the car parking area adjacent to the property and since no physical alteration are proposed on the building itself, the proposal would not have any significant impact on the character and appearance of the street scene. Physical alterations are limited to temporary structures such as the decking and canopies.
- 6.4 The character of the area is one of mixed retail park and uses and the Pret is one of a number of eating establishment within the retail park. During the Covid pandemic the number of covers within the restaurants has been reduced and new seating area outside helped to mitigate the impact on this. The proposal will also generate the provision of an extra one or two full-time positions at the restaurant and help to facilitate the growth of business in the long term
- 6.5 Although no physical alterations are proposed to the shop front. An informative note has been added to inform the applicant that planning permission needs to be applied for in relation any alterations to the shopfront.
- 6.6 It is considered that the proposed has been design to enhance the character and setting of the original building, it would help retain an active commercial use and would tidy up the front and side of the unit which would maintain the character and appearance of the retail park.

Impact on neighbouring amenity

- 6.7 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.
- 6.8 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.
- 6.9 The application property is within a predominantly commercial area but there are also residential across the road (Broad Lane) within the vicinity of the site. These residential properties within the vicinity are considered a sufficient distance from the proposal to not be unreasonably affected. The side facing of the unit to the nearest residential properties along Broad Lane are about 14.5 in distance from the side.
- 6.10 It is considered that when living in such close proximity to a busy Road, some noise and disturbance has to be expected from the surrounding area. However, due to the close proximity of busy road and commercial nature of the locality, it is not anticipated that proposal would cause any significant harm to the closest residential amenities.
- 6.11 The use would be limited within the opening hours of the retail park would help prevent late night noise and disturbance, mean that the development is acceptable in this regard and would not be materially harmful to the living conditions of the neighbouring residents.

Parking/traffic/ highway safety considerations

- 6.12 London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.
- 6.13 Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

- 6.14 The property is an existing commercial use in an established retail park. The proposal would result in the loss of 6 parking spaces along southern boundary of existing store car park. The proposal will not negatively impact on operational needs of the existing retail uses. Adequate provision of parking spaces for disabled and shoppers are provided within the site. Access to the site is gained from Broad Lane, the ingress and egress to and from the site will remain unchanged by the proposal. As there are no highway implications, the existing arrangement for vehicular access and contraflow within the site will not be affected. No objection raised to the application transport grounds.

Trees and landscaping

- 6.15 London Plan Policy G7 requires existing trees of value to be retained, and any removal to be compensated by adequate replacement. This policy further sets out that planting of new trees, especially those with large canopies, should be included within development proposals.
- 6.16 DPD Policy DM1 requires proposals demonstrate how landscaping and planting are integrated into a development as a whole, responding to trees on and close to the site.
- 6.17 The proposal would result in a loss of semi mature tree within the proposed scheme. Following officer engagement with the applicant and agent, the replacement of two trees within the vicinity of the retail Park for the one lost is considered acceptable in this instance. A condition is recommended requiring that further details of the proposed replacement trees be submitted and approved by the LPA prior to the removal of the existing tree, to ensure that they are an appropriate size and of sufficient quality.

Conclusion

- 6.18 The proposal is considered acceptable and would not be harmful to the character and appearance of the area.
- 6.19 The proposed development, taking account of the amendment and planning conditions, would not be harmful to the living conditions of the neighbouring residents. The proposal would not be harmful to existing trees on or near the site. There are no parking, traffic or highway safety implications of the proposal.
- 6.20 The proposal relates to the forecourt seating to the property and as such a balance has been made in weighing up the proposal in terms of its impact on the retail area, trees and residential amenity. Taking para 193 of the NPPF into consideration, it is considered that the character and appearance of the retail park and the area will be preserved, since no permanent structures are proposed.
- 6.21 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 100 sq. m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

8. RECOMMENDATION

GRANT PERMISSION subject to conditions.

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 approved plans comprise drawing nos: 11558 FE001; TD22/PM174/OS01; TD22/PM174/OS02; TD22/PM174/P01 & TD22/PM174/EE01. 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.

3. The external area to the front of the premises hereby approved shall not be used by customers for any purpose outside the permitted hours of Unit F (Pret A Manger).

Reason: In order to protect the environmental amenities of the immediate locality and in accordance with Policy DM1.

4. The use by customers of the external front area shall be confined to the area shown on the approved plan and should not extend beyond the fence line or within any other part of the curtilage at any time.

Reason: In order to protect the environmental amenities of the immediate locality and in accordance with Policy DM1.

5. Prior to the removal of the existing tree, details regarding the size, species, and location of two replacement trees shall be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall be planted within 12 months of removal of the existing tree. If within a period of five years from the date of planting, the replacement trees are removed, uprooted or destroyed or die, other trees of the same size and species shall be planted at the same place, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory replacement of the tree(s) to be removed in accordance with Policy DM 1.

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.