

Officer's Report

Application Number	HGY/2022/4384
Type	Full planning permission
Location	101 Myddleton Road, Wood Green, London, N22 8NE
Proposal	Change of use of ground floor commercial premises to flexible Class E use
Case Officer	Josh Parker
Valid Date	09/12/2022
Applicant	Ms. Kelly Landau
Agent	Mr. Adam Beamish

RECOMMENDATION

Refuse

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

2.1 This application is for a change of use of the application premises from A4 to flexible Class E.

Site & Surrounding

2.2 The associated proposal at 101 Myddleton Road is a terraced Victorian building that is currently empty and gutted ready for future works. The applicant has given the following description for the proposal: *'The premises which is the subject of this application comprises a currently vacant, ground floor commercial premises which form part of a two-storey mixed use building (comprising a ground floor commercial unit and a 2-bedroom flat above) within a terraced parade fronting Myddleton Road to the north.'*

2.3 The applicant goes further on to say: *'The gross internal floorspace of the application premises is approximately 115 square metres and includes a deep rear garden extending to the southern boundary of the premises, which adjoins the rear gardens of residential properties fronting Thorold Road. The premises have been vacant since March 2020, when the previous commercial occupier, who had occupied the premises (which was known as 'The Step') since February 2012, decided to vacate. Prior to that occupier taking over the premises in February 2012, it had previously been in use for many years (following the granting of planning permission in October 1987) as a public house/bar known as Henley's Bar, which now falls within 'sui generis' use, but which prior to the September 2020 amendments to the Town and Country Planning (Use Classes) Order fell within Use Class A4 (Drinking Establishments).'*

2.4 The application site falls within a Local Shopping Centre (Myddleton Road), which Table 5 to Appendix 3 (Town Centre Frontages) of the LPA's adopted Development Management Development Plan Document (DPD) confirms includes all commercial premises from 74-136a Myddleton Road and 65-143 Myddleton Road.

2.5 The site is not classified as a listed building however, it does fall within Bowes Park Conservation Area. Additionally, last year the application premises was nominated and adopted as an Asset of Community Value (ACV) on 13th May 2022.

Planning and Enforcement History

2.6 The relevant planning history is as follows:

HGY/2022/1399 APPROVED. Rear dormer roof extension, and the replacement of the existing fenestration within the first-floor rear elevation with larger fenestration

HGY/2021/1889 WITHDRAWN. Part-change of use of the premises to retain a smaller commercial unit and the creation of a 2-bedroom flat to the rear.

HGY/2021/0268 WITHDRAWN. Change of use to residential

HGY/2011/2296 APPROVED. Advertisement to convert from 'Henleys Free House' to 'The Step'

HGY/1991/1303 APPROVED. Advertisement Display of internally illuminated projecting box sign.

OLD/1987/1053 APPROVED. Change of use of the premises from a shop to a public house

3. CONSULTATION RESPONSE

3.1 No responses were received from internal consultees.

4. LOCAL REPRESENTATIONS

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

Objecting: 139

Supporting: 0

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:

Objections:

- The property is an Asset of Community Value
- The property was marketed at; an inflated rate; in an unattractive condition; without adequate facilities hindering potential tenants/sales.
- The property still holds value to Myddleton Road community and wider area.
- If converted; class E allows a range uses that could exclude the community and therefore, potential permanent loss of a public space.

5. MATERIAL PLANNING CONSIDERATIONS

5.1 The main planning considerations raised by the proposed development are: the change of use and loss of a public house.

5.2 Local planning authorities are required by paragraph 93 of the National Planning Policy Framework 2021 to provide the social, recreational and cultural facilities and services the community needs by planning positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

5.3 Policy DM44 of the Haringey Development Management DPD (2017) for Neighbourhood parades and other non-designated frontages supports the following:

A) Within neighbourhood parades and other non-designated shopping frontages, the use of ground floor premises for appropriate town centre, community and economic uses will be supported where an active frontage is provided, or if this is not possible, a window display or other appropriate town centre frontage.

B) Having regard to (A) above, the change of use from retail to other appropriate uses will only be permitted where: a It is demonstrated that the unit has been marketed for a minimum of one year and there is no realistic prospect of it being used for a town centre use; and b There are adequate alternative shopping facilities for local residents within a reasonable walking distance of 400 metres.

5.4 Policy DM50 of the Haringey Development Management DPD (2017) in relation to Public Houses adopted policy HC7 (Protecting Public Houses) of the London Plan, are of relevance when assessing the proposed change of use:

A) The Council will resist proposals for redevelopment or changes of use to non-permitted uses that will result in the loss of a public house, unless it can be demonstrated that:

a) The public house is no longer financially viable, as set out through a thorough marketing campaign;

b) All feasible options for re-provision of the public house on site have been explored; or

c) The redevelopment of the site would secure an over-riding public benefit.

B) Any permitted change of use from Use Class A4 involving the alteration and/or the extension of a public house must ensure any proposed alteration does not affect the viability of the pub, the vitality of the area, detract from the character and appearance of the building and the street scene and any significant features of historic or character value are retained and, where possible, enhanced

5.5 The proposed change of use for the public house formerly known as 'The Step' and 'Henley's Bar' would enable the establishment to be operated for the likes of offices, cafes, restaurants, GPs, Light industrial use, creches and gyms to name a handful of options. As per the above the site history dates the public house back to 1987 when it was converted from a shop. Since then, the site has had a couple different uses outlined in the site history above, with the most recent being the café/bar 'The Step' which closed in March 2020 in response to the coronavirus pandemic reaching the UK.

5.6 The LPA would point out that Public houses have an economic role, contributing to employment generation, the local economy and the vitality of an area, but they are often more than just private businesses. Many pubs also play a valuable role in local community life, providing a hub for social interaction and contributing to the culture, identity, heritage and character of an area. Both the development plan and the NPPF also recognise that public houses can contribute greatly to social cohesion and enhance the vitality of residential neighbourhoods

5.7 The value of the public house to the local community is evident, given the high number of objections with this application and the previous withdrawn applications. Furthermore, it is evident that the local community are seeking to secure this unit. It is important, therefore, that where, as in this application, the proposal would result in the permanent loss of such an asset, all potential actions and options are thoroughly evaluated and exhausted. Such an approach takes on greater importance given the designation of this premises as an ACV in 2022.

5.8 In respect of the financial viability of a public house being exhausted and all options to retain such a use fully looked at, in line with policy, Officers would point out that this is difficult to carry out in light of the recent global pandemic and current cost of living/ inflationary environment. Clearly

the hospitality sector has been challenged in recent year and it needs to 're-find its feet'. As such while Officers accept that a marketing exercise has been carried out and information submitted with this application, it is pointed out that as the timeframe the property has been advertised fell over a period where there was significant risk and difficulties for public houses, the uncertainty of the pandemic and immediate aftermath will have strongly affected interest. Clearly the post pandemic era has seen a shift in habits and in the way people live and socialise, however public houses and the number of patrons visiting them have significantly changed since 2021 when this premises was initially advertised (June 2021). As such there are specific factors at play which make it difficult to fully understand if the use of this premises as a public house use is still financially viable.

5.9 Additionally, the property requires substantial works for a public house to function/ be attractive, conditions which will have affected interest of potential tenants taking on the premises. Specifically, the property would require significant input and capital to retrofit the premises which has been gutted, needing work and time to get it up to acceptable standards. The information supplied in the marketing campaign suggests that there has been an effort to occupy the property however, Officers finds it difficult to accept that all options have been exhausted and the owners/agents have put in their best effort forward to find a new tenant/owner.

5.10 It is evident that there is public interest for this premises use to remain as a public house, as expressed in the representations received. Specifically, the LPA are aware that members of the local community are currently trying to secure this property through the provisions of ACV designation. As such Officers deem that it would be premature to recommend the approval for change of use from the public house use to Class E based on such interest from the local community and the lack of in-depth marketing information.

5.11 Subsequently the proposed change of use of the premises from A4 into a class E is contrary to policy and fails to meet all points set out in National Planning Policy Framework, March 2021, Policy HC7 of the London Plan (2021), Policy SP10 of the Haringey's Local Plan Strategic Policies (2017) and Policies DM44 and DM50 of the Development Management DPD (2017).

6. CIL APPLICABLE

N/A – Change of use.

7. RECOMMENDATION – Refuse permission.

Refusal Reasons:

It is the opinion of the Local Planning Authority, that the change of use of this premises from its established public house use (Sui Generis) to a Class E use, would lead to the loss of a valued community facility which has not been firstly fully exhausted and supported by a suitable and compelling marketing exercise. Therefore, the proposal would be contrary to National Planning Policy Framework, March 2021, Policy HC7 of the London Plan (2021), Policy SP10 of the Haringey's Local Plan Strategic Policies (2017) and Policies DM44 and DM50 of the Development Management DPD (2017).