

Officer's Report

Application Number	HGY/2023/0908
Type	Full planning permission
Location	Shop, 632 Lordship Lane, Wood Green, London, N22 5JH
Proposal	Proposed installation of an extraction flue system to allow the use of the shop as a restaurant.
Case Officer	Daniel Kwasi
Valid Date	30/03/2023
Applicant	Ali
Agent	Mr. Anestis Skoupras

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the installation of an extraction flue system to the side elevation to allow the use of the ground floor premises as a restaurant. The existing use as

Site and Surroundings

The application site is a ground floor level commercial unit, in two storey end-of-terrace mixed used property, whereby the upper floor levels are residential, including the loft level that has a mansard roof. It is sited on the north side of Lordship Lane, between the junctions of Acacia Road to the east and Winkfield Road to the west. The site is not within any conservation area, nor is it within the curtilage of a listed building.

The neighbouring properties are also mixed-use terrace buildings with commercial use on the ground floor level and residential on the upper floors. It is in the Lordship Lane West Local Shopping Centre designation. There is a passage way to the rear between the site and the Ladbroke's next door at no.634. Tesco Express is on the corner of Lordship Lane and Winkfield Road at no.644-646 Lordship Lane.

Relevant Planning and Enforcement history

The most recent planning history in relation to the site is as follows.

HGY/1997/1773 GTD 16/12/1997 Erection of single storey rear extension for use as storage to existing ground floor shop.

Consultation response

The following were consulted on the application:

Internal:

- LBH Transportation Team: No transport objections regarding this application
- LBH Noise & Pollution: No response
- LBH Environmental Health Team: No response

LOCAL REPRESENTATIONS

The application has been publicised by way 35 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: 0

Objecting: 1

Supporting: 0

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:

- Impact from on living environment due to smoke and smell, and there is already a number of restaurants.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of development
2. Design and appearance;
3. Impact on neighbouring amenity; and
4. Transport considerations.

Principle of development

The application site is located within a Lordship Lane West Local Centre designation. Haringey Local Plan 2017 Policy SP10 'Town Centres' sets out the Council's position on the distribution of retail within and between the borough's designated town centres and provides guidance on how these centres should be protected and enhanced. Development Management DPD 2017 policy DM43 'Local Shopping Centres' continues to set out appropriate town centre uses within a frontage and will be permitted where:

- a) The overall number of units in non-retail use (including extant planning permissions) will not exceed 50% across the entire frontage, unless it can be demonstrated the proposal will significantly enhance the vitality and viability of the centre;
- b) An active frontage is provided, or if this is not possible, a window display or other appropriate town centre frontage

The proposal is considered to be in accordance with the above policies and would be in line with the intentions of the policies in promoting the vitality and viability of the local shopping centre. Therefore, the proposal is considered to be acceptable in principle.

Design and appearance

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.

The proposed extraction flue would be proposed to the of the building on the west elevation, where the is a passageway leads to the rear of the building. At ground floor level, the extraction flue would comprise a silencer, box carbon, carbon filter extra duty, 500mm by 500mm metal duct with smooth internal surface supported y anti-vibration mounts, and a wall type extraction canopy with filter. The Extraction motor with anti-vibration mounts would be on the side elevation and would be erected above the eaves of the building, measuring at 1000mm above the flat roof. These measures would be put in place to facilitate the use of the premises as restaurant (Class E(b)).

There would be internal alterations comprising a seating area to the front and the staff/food preparation to the rear, which leads to the fire exit door. The site also provides WC.

The design and proportions of the flue extraction system is considered to be acceptable.

Impact on neighbouring amenity

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.

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.

The site is in a Local Centre area that is considered to be a busy area, whereby there is a mix of commercial uses at ground floor level with residential on the upper floors. The majority of the uses are retail. The extraction flue system has been designed to remove odour and fumes above the existing height of the building. It has also been positioned away from the side window on the top floor. The applicant has also submitted a Silent box fan report that shows how the extraction flue has designed to reduce noise levels. These measures have been put in place to ensure that the noise and vibration from the extraction flue would be mitigated to ensure that neighbouring amenity would not be impacted.

Transport considerations

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.

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'.

It is unlikely that the above proposal will have any significant impact on the local transportation network, and is unlikely to create a major impact on traffic or parking requirements. Furthermore, the Council's Transportation Team has been consulted and advises that they have no transport objections regarding this application.

Conclusion

The proposed extraction flue system to enable the change of the existing premises to restaurant would not result in an excessive proportion of non-retail uses within the Local Shopping Frontage or an over-concentration locally of non-retail uses, and would not result in an unacceptable impact upon neighbouring amenity.

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.

CIL APPLICABLE

N/A

RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect. Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission. Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The design and installation of the extraction system hereby approved shall be such that, when in operation, the cumulative noise level LAeq 15 min arising from the

proposed plant, measured or predicted at 1m from the facade of nearest residential premises shall be a rating level of at least 5dB(A) below the background noise level LAF90. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997. Upon request by the local planning authority a noise report shall be produced by a competent person and shall be submitted to and approved by the local planning authority to demonstrate compliance with the above criteria.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and Policies DM1 and DM23 of The Development Management DPD 2017.

Informatives:

- **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: 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.