

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING STATEMENT & FIRE STRATEGY

Retrospective use of the existing rear extension as a Shisha Lounge (Sui Generis) in association with the existing Café/Restaurant Class E to the front of the premises and the retention of the retractable roof on the rear extension

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31 WESTBURY AVENUE, LONDON, N22 6BS

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1 SITE AND SURROUNDINGS

- 1.1 The site is located at 31 Westbury Avenue in the Wood Green Town Centre. The host building is a three-storey building with a mansard roof, which forms part of the parade along Westbury Avenue. It comprises of a commercial space on the ground floor and residential units on the two floors above. The rear elevation comprises a two-storey rear projection that adjoins a ground-floor extension that leads into the rear yard. The building is directly opposite Westbury Arcade close to the junction with Langham Road and Graham Road and close to Turnpike Lane Station.
- 1.2 The adjoining properties, 29 and 33 Westbury Avenue both have retail units on the ground floor and residential units on the floors above. No 29 is of the same size, layout and style as the site. The building at 33 is narrower, with only one storey above the ground floor retail unit.
- 1.3 The application site lies outside the Conservation Area.
- 1.4 The site has a very low risk of flooding from rivers and the sea, and medium risk from surface water. The surrounding area is predominantly commercial.

2 PROPOSAL

- 2.1 The proposal seeks consent for:

'Retrospective use of the existing rear extension as a Shisha Lounge (Sui Generis) in association with the existing Café/Restaurant Class E to the front of the premises and the retention of the retractable roof on the rear extension'

- 2.2 The Shisha Lounge will operate between 15:00 pm – 10:00 pm. The opening hours for the rest of the premises is Monday to Saturday 08:00 – 00:00, Sundays and Bank Holidays 08:00 – 22:00

3 RELEVANT PLANNING HISTORY

3.1 An online review of the planning records relating to the site reveals the following relevant applications:

- Application for '*Retention of external flue and new cover over. Retention of wooden roof to the existing rear extension and extension of opening hours of cafe/restaurant to Mondays to Saturdays: 08:00 - 00:00; Sundays and Bank Holidays 08:00 - 22:00*' was granted on 17/05/2017 ref: HGY/2017/1107.
- An application for the change of use ground floor from A1 to A3 (restaurant) incorporating a single-storey rear extension was granted on 11/01/2011 (ref: HGY/2010/2132)

4 PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK (2021) AND PLANNING PRACTICE GUIDANCE

4.1 The National Planning Policy Framework was updated in 2021 and is a significant material consideration in the determination of planning applications. The following paragraphs of the NPPF are considered relevant to this application: (our emphasis in **bold**)

4.2 Under Chapter 11 '*Making effective use of land*', Paragraph 124 of the NPPF states that '**planning policies and decisions should support development that makes efficient use of land**, taking into account:

- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) *local market conditions and viability;*
- c) *the availability and capacity of infrastructure and services—both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

- d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) *the importance of securing well-designed, attractive and healthy places.*

4.3 Under Chapter 12 'Achieving well-designed places', Paragraph 130 of the NPPF states that 'planning policies and decisions should ensure that developments (**our emphasis in bold**)

- f) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
- g) *are visually attractive because of good architecture, layout, and appropriate and effective landscaping.*
- h) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- i) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit.*
- j) **optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development** *(including green and other public space) and support local facilities and transport networks; and*
- k) **create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'**

- 4.4 Under Section 38(6) of the Planning and Compulsory Act (2004), planning applications should be determined in accordance with the Development Plan, unless other material considerations indicate otherwise.
- 4.5 The relevant adopted development plan for the site comprises of the:
- The London Plan (2021)
 - Haringey Local Plan 2013-2026

THE LONDON PLAN (2021)

- 4.6 The following policies of the London Plan are considered relevant to this application:
- Policy GG2: Making the best use of Land
 - Policy D3: Optimising site capacity through the design-led approach
 - Policy D4: Delivering good design
 - Policy D5: Inclusive Design
 - Policy D12: Fire Safety
 - Policy D14: Noise
 - Policy S1: Developing London's social infrastructure
 - Policy HC6: Supporting the night-time economy
 - Policy D12: Fire Safety
 - Policy SI 1: Improving air quality

Haringey Development Management DPD (2017)

- 4.7 The following policies of the Haringey development DPD are considered relevant to this application:
- Policy DM1: Delivering High-Quality Design
 - Policy DM31: Sustainable Transport

Haringey Local Plan Strategic Policies 2013-2026

4.8 The following strategic policies of the Haringey Local Plan are considered relevant to this application:

- Policy SP7: Transport
- Policy SP10: Town Centres
- Policy SP11: Design
- Policy SP15: Culture and Leisure
- Policy SP16: Community Facilities

5 PLANNING ASSESSMENT

5.1 **Policy SP10** of the Haringey Local Plan 'Town Centres', states that the council's community strategies priorities are to:

- *Provide even better shopping and cultural and leisure opportunities;*
- *Improve supporting facilities, services and infrastructure; and*
- *Increase sustainable economic activity.*

5.2 **Policy SP11** 'Design' of the local plan seeks to ensure that designs reach the highest standard which respects the local context and character that contributes to the creation and enhancement of Haringey's sense of place and identity.

5.3 Additionally, **Policy SP15** of the Local Plan 'Culture and Leisure', states that the council's community strategies priorities are to:

- *Provide even better cultural, leisure and shopping opportunities;*
- *Promote community cohesion; and*
- *Improve supporting facilities, services and infrastructure.*

Preliminary Matters

5.4 In 2016 the applicant had an application refused for '*Retention of wooden roof to the existing rear extension and retention of use of rear part of the unit as electronic shisha lounge/bar*' ref: HGY/2016/2461.

5.5 The reasons for refusal concerned the extract ventilation duct which has since been amended and approved in application ref: HGY/2017/1107.

Retractable roof

- 5.6 The retractable roof has been installed for ventilation purposes for the shisha lounge. Additional ventilation has been added to the extension through the replacement of the glass of the windows. The glass has been removed and replaced with a window grill to ensure the lounge is open to the elements.

Neighbouring Amenity

- 5.7 Policy DM1 'Delivering High-Quality Design' states that proposals must ensure a high standard of privacy and amenity for the adjoining neighbours. To comply, proposals must provide appropriate sunlight and daylight to adjacent buildings and land.
- 5.8 In terms of privacy, the shisha lounge ensures that patrons will not have views into neighbouring properties. This is because the shisha lounge is situated in the existing approved extension.
- 5.9 In terms of noise, the reduced opening times of the proposed shisha lounge ensure that there will not be a negative noise impact to neighbouring properties. In addition to this, there will be no amplified music.
- 5.10 As stated above, the shisha lounge will have reduced hours compared to the front of the premises to safeguard any potential harm to neighbours. The reduced hours for this element will be from 15:00-10:00 pm compared to the 08:00 to 00-00 opening hours of the front of the premises.
- 5.11 The area for the shisha lounge will not be in use outside of these hours. The client is happy for a condition to be imposed on the application to further reduce the hours if the Council deems this necessary.

TRANSPORT

- 5.12 The NPPF seeks to promote sustainable transport and in doing so it seeks to ensure that new development which generates significant

movements are located where the need to travel would be minimized and the use of sustainable modes can be maximized.

- 5.13 Local plan policy SP7 'transport' states that the Council aim to tackle climate change 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 also supported by Policy DM31 of the DPD.
- 5.14 The application site has a PTAL level of 6A so it is considered that most patrons would travel via public transport meaning that the development is expected to be car-free. Additionally, given the existing lawful use as a restaurant, it is not considered that the proposed shisha lounge would generate materially significant impacts in terms of parking/highway impacts.

FIRE SAFETY

- 5.15 The designated evacuation area will be located at the front of the site. The fire equipment will be safely secured in the premises. This application, therefore, is compliant with Policy D12A (Fire Safety) of the London Plan.

6 CONCLUSION

- 6.1 This application seeks permission for the '*Retrospective use of the existing rear extension as a Shisha Lounge (Sui Generis) in association with the existing Café/Restaurant Class E to the front of the premises and the retention of the retractable roof on the rear extension*'
- 6.2 The proposed development positively contributes to the surrounding area.
- 6.3 The proposed development complies with the adopted planning policy.
- 6.4 The Council is respectfully requested to grant planning permission for the development to the rear of the sit

APPENDIX 1

Photographs showing the application site















