

Officer's Report

Application Number	HGY/2023/1176
Type	Change of use
Location	427 Lordship Lane, Wood Green, London, N22 5DH
Proposal	Change of use from a licensed betting office (Sui Generis) to a coffee shop (Class E(b)) (retrospective)
Case Officer	Emily Whittredge
Valid Date	28/04/2023
Applicant	Mr. A. I. Mohamed
Agent	- Directive Planning

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the change of use of the ground floor premises from a licensed betting office (Sui Generis use class) to a coffee shop (E(b) use class) (retrospective). The proposed coffee shop would sell hot drinks and cold food between the hours of 09:00 and 21:00 every day.

Site and Surroundings

The application relates to a ground floor commercial unit on the south side of Lordship Lane between Westbury Avenue and Downhills Way. The property is within the Lordship Lane Roundway Local Shopping Centre. The site does not fall within a conservation area and does not relate to a listed building.

Relevant Planning and Enforcement History

Planning history:

HGY/1995/0783 Change of use of ground floor from Class A1 (Retail) to Class A2 (Licensed Betting Office). - 08/08/1995 Approve with Conditions

HGY/1995/0775 Change of use of ground floor from Class A1 (Retail) to Class A2 (Licensed Betting Office). - 08/08/1995 Approve with Conditions

Enforcement history:

COU/2022/00045 Change of use to Shisha Bar - Closed

COU/2020/00403 Change of use to Shisha Bar - Closed

CONSULTATION RESPONSE

The following were consulted regarding the application:

- LBH Transportation Team

The following responses were received:

1. The site has moderate public transport accessibility (PTAL=3) and is located within a CPZ.
2. Cycle parking should be provided to comply with London Plan (minimum) standards.
3. Details of provision for refuse storage / collection, should be provided.
4. Given the opening hours are proposed to extend to 9pm each day, parking stress survey should be undertaken to assess potential for adverse impact on local parking after 6.30pm weekday when the CPZ restrictions cease to be operational and for weekend when there are no CPZ parking restrictions.

LOCAL REPRESENTATIONS

The application has been publicised by way of letters. No representations were received from neighbours, local groups, etc in response to notification and publicity of the application. No local groups/societies made representations: No Councillor(s) made representations.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of the development;
2. The impact on the amenity of adjoining occupiers;
3. The impact on the public highway

Principle of the development

Policy DM43 A of the Development Management DPD 2017 relates to changes of use within Local Shopping Centres as defined on the Haringey Policies Map. The policy confirms that the use of ground floor units for appropriate town centre uses 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; and b An active frontage is provided, or if this is not possible, a window display or other appropriate town centre frontage.

Notwithstanding the policy criteria, the Council recognises that on 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987. A wide number of commercial uses now fall under a new use class, Class E and this is a material consideration that has been given weight in the consideration of this application.

The change of use from betting shop (Sui Generis) to coffee shop (Class E) would involve a material change of use and therefore requires planning permission. The proposed change to a coffee shop from a non-retail use would therefore not result in the loss of a retail unit within the Local Centre. Furthermore, permission is not required for a change between a retail unit and a cafe. As such, due to these relevant material considerations, the change of use to a coffee shop is considered acceptable in principle.

DM Policy (2015) DM1 'Delivering High Quality Design' states that development proposals should relate positively to their locality, having regard to, building heights, form, scale & massing prevailing around the site, urban grain, sense of enclosure and, where appropriate, following existing building lines, rhythm of any neighbouring or local regular plot and building widths, active, lively frontages to the public realm, and distinctive local architectural styles, detailing and materials. Local Plan (2017)

Policy SP11 states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. Development shall be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey's sense of place and identity which is supported by London Plan Policies.

Policy DM8 'Shopfronts, Signs and On-Street Dining' states that the Council will require shopfronts to be designed to a high standard and contribute to a safe and attractive environment. Replacement shopfronts should conserve original materials as far as possible and replacement of an existing shopfront must allow easy access by all members of the community.

The proposal does not seek any alterations to the shopfront or any other external changes, but it is noted that the formerly-transparent shopfront glazing appears to have been obscured/tinted in connection with the unlawful Shisha cafe, which prevents views in and out of the premises. Permission has not been sought for any material development that would change the external appearance of the building, and this change to the glazing has therefore not been assessed or granted within the scope of this application. Enforcement action can be taken against any unlawful development, notwithstanding the grant of permission for a change of use. The policy requirement for an active frontage can therefore be met through other means.

Impact on the amenity of adjoining occupiers

London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts. DM Policy (2017) DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents and the residents of the development and address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

The proposed change of use relates to the ground floor unit shown on the submitted layout plan. The proposal does not include outdoor seating, external plant or other external development. The coffee shop would not operate later than 21:00, which is 1 hour earlier than the opening hours approved in the 1995 for a betting shop, and earlier than other existing premises in the local centre. The proposal is therefore not expected to give rise to harmful amenity impacts to neighbouring residents.

A condition will ensure limited opening hours between 09:00 and 21:00 daily, and an informative has been added in relation to external plant.

Parking and highway safety

Local Plan (2017) 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 DM Policy (2017) DM31 'Sustainable Transport'.

The Council's Transportation Team has been consulted and advises that the site has moderate public transport accessibility (PTAL=3) and is located within a CPZ. Cycle parking should be provided to comply with London Plan (minimum) standards. Details of provision for refuse storage / collection, should be provided. Given the opening hours are proposed to extend to 9pm each day, parking stress survey should be undertaken to assess potential for adverse impact on local parking

after 6.30pm weekday when the CPZ restrictions cease to be operational and for weekend when there are no CPZ parking restrictions.

While these points are noted, the site is lawfully a commercial unit and there is no space on site for convenient cycle parking. As such, new cycle parking would not be required in this instance. The refuse storage and collection would be in line with existing commercial uses in the area. The proposed hours of operation would be less than the existing on weekdays and weekends, so the use is not anticipated to have a greater impact on parking pressure than the existing lawful use. As such, the proposal would have an acceptable impact on parking and the transport network.

Other matters

The enforcement history of the site indicates that the unlawful use of the premises as a Shisha cafe has now ceased. The proposed plan shows a cafe area to the front of the unit with a larger seating to the rear that occupies the majority of the floor space. The use of the additional seating area for Shisha smoking would be a material change requiring planning permission, and this activity would not be considered ancillary to the proposed cafe use.

Conclusions

The proposed change of use is considered acceptable by virtue of its impact on the Local Centre and the amenity of neighbours, subject to appropriate planning conditions. The proposal is not expected to have a material impact on residential amenity compared with the existing use. 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

The development is less than 100 square metres and as such regulation 42 'minor development exemptions' applies and in addition the proposal is not for a whole new unit (a unit created entirely from new floorspace).

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 use hereby permitted shall not be operated before 09:00 hours or after 21:00 hours Monday to Friday, before 09:00 hours or after 21:00 hours Saturdays and before 09:00 hours or after 21:00 hours Sundays and Bank Holidays.

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Policy DM1 of The Development Management DPD 2017.

- 4 At no time shall any amplified speech or music generated from the site be audible within the adjoining residential premises.

Reason: To prevent loss of amenity to neighbouring residential premises due to noise generated from the premises in accordance with Policy DM1 of The Development Management DPD 2017.

Informatives:

- **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: 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: Mechanical Extract Ventilation**
Any new extraction/ventilation equipment requires planning permission. It is also pointed out that any changes to plant or equipment required to comply with other legislation may require further planning permission. Any mechanical extract ventilation or other associated equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration, or fumes. The grant of planning permission does not obviate the need to comply with relevant environmental protection legislation, nor imply that these other approvals will be given. The Council's Environmental Health Services (tel. 020 8489 1000) should be contacted on the detail of any such mechanical extract ventilation or equipment to be installed.
- **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: Advertisements**
Planning permission has been granted without prejudice to the need to get advertisement consent under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- **INFORMATIVE: New Shopfront**

A separate application will be required for the installation of a new shopfront