

Officer's Report

Application Number	HGY/2023/0678
Type	Change of use
Location	98 Fortis Green Road, Hornsey, London, N10 3HN
Proposal	Change of use of ground floor premises from music shop (use class E (a)) to educational centre use (class F1 (a)), and replacement signage with internally illuminated signage.
Case Officer	Mercy Oruwari
Valid Date	09/03/2023
Applicant	Mr Martin Heaton-Cooper
Agent	Mr Elie Osborne

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 This is an application for the change of use of ground floor premises from a music shop (use class E (a)) to a mathematical (Mathnasium) tuition facility (use class F1 (a)). The only external works would be for the replacement signage with internally illuminated signage (the signage is being addressed in a separate application ref HGY/2023/1695).

Site and Surroundings

1.2 The application site is the ground floor retail unit of a 3 storey building which is part of a parade of shops located within the District Town Centre of the Muswell Hill area. The site is located within the Muswell Hill conservation area but does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement history

1.3 There is no previous planning history for this site.

2. CONSULTATION RESPONSE

2.1 The responses below were received following consultation on the application:

Internal:

1) LBH Transportation Team:

3. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 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

6 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of development;
2. Design and Impact on the character and appearance of the conservation area;
3. Impact on neighbouring amenity;
4. Parking and highway safety.

Principle of development

6.2 The Development Management DPD (2017) states in policy DM2 that 'Within Secondary Shopping Frontages of the Metropolitan and District Town Centres, as defined on the Haringey Policies Map, 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'.

6.3 In addition, DM41 states that 'Proposals for new retail, leisure and cultural uses within Metropolitan and District Town Centres, and Local Centres, will be supported where they: a) Are consistent with the size, role and function of the centre and its catchment; b) Sustain and enhance the vitality and viability of the town centre network; and c) Contribute to the delivery of Haringey's spatial strategy'.

6.4 The Strategic Policies (2013) SP10 states 'The Council will promote and encourage development of retail, office, community, leisure, entertainment facilities, recreation uses, arts and cultural activities within its town centres according to the borough's town centre hierarchy. The District Town Centres of Bruce Grove/ Tottenham High Road, Crouch End, Green Lanes, Muswell Hill and West Green Road/Seven Sisters will continue to be supported and strengthened as important shopping and service centres to meet people's day-to-day needs. The Council will take a proactive partnership approach to reinvigorating these town centres, widening their role and offer, developing their identities, improving the public realm and accessibility to them'.

6.5 Lastly The London Plan policy SD6 states that 'The vitality and viability of London's varied town centres should be promoted and enhanced by: encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses. And delivering sustainable access to a competitive range of services and activities by walking, cycling and public transport'.

6.6 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 uses of units that were previously not in the same class as commercial operations are now within the same use class, which fall under the new use class E. This would be a consideration when assessing this application. Although the proposed operations would be under use class F1(a) this type of facility would not be out of place in a parade anymore than a nursery gym or other office unit which now fall under use class E. The facility would maintain an active frontage as there would be a continuous footfall from both parents and students. In addition, the traditional character of the shopfront would be retained as there are no external structural alterations, only a change of the signage.

6.7 The change of use from the music shop (use class E) to a mathematical tutorial facility (use class F1(a)) would involve a material change of use and therefore requires planning permission. It would need to be considered if the proposed change to a tutorial facility from retail use would result in the loss of a retail unit within the District Town Centre.

6.8 The facility would be located within a parade of shops and other commercial units therefore the change of use would not result in the overall number of non-retail units exceeding 50%. Fortis Green Road is a highly and easily accessible hub with a wide range of activities. The facility would blend into the area and would provide a role and function that would not be out of place in the town centre. It's an area where there is already a high footfall. The parents/guardians dropping off and picking up students would also utilize the other uses such as retail/eating establishments etc, whilst in the area. There is an Advertisement consent for the change to the signage; however, there is no change to the shopfront overall. The policy SP10 states that Haringey will support and strengthen District Town Centres to meet peoples needs with important service centres. The London Plan policy SD6 wants to encourage accessible and inclusive hubs with a diverse range of uses. This would be in accordance with the above policies. As the premises is in close proximity to residential areas with easy access to public transport, easily accessible by walking and/or cycling this would be a sought after service by local families or those travelling into the area for that particular purpose. As such, the change of use would be in accordance with the above policies and would be considered acceptable in principle.

Design and Impact on the character and appearance of the conservation area

6.9 London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.

6.10 DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

6.11 There are no external structural alterations to the shop frontage or at the rear of the building.

Impact on neighbouring amenity

6.12 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.

6.13 The proposed change of use relates to the ground floor unit shown on the submitted layout plan. The proposal does not include any outdoor activities. The facility will be open to students from 15:00 – 20:00 Mondays to Fridays and 09:00 – 15:00 Saturdays, Sundays and bank holidays. Although the premises will close later than the existing music shop Monday – Friday the area in general is quite vibrant in the evenings with a supermarket, restaurants, cinema, pub and other activities that will still be in operation at these times. Therefore, the closing time would be the same or earlier than other nearby existing premises in the local centre. The proposal is therefore not expected to give rise to harmful amenity impacts to neighbouring residents.

Parking and highway safety

6.14 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'.

6.15 The site has a moderate public transport accessibility of PTAL=3 but is also adjacent to an area with a PTAL rating of 4. The property is also located within a CPZ. The facility has close access to many bus routes that run along Fortis Green Road and other roads nearby, therefore the area is very well serviced with public transport links. The existing shop, being a commercial unit, had no space on site for convenient cycle parking. Although the use will change to an educational facility (F1(a)) the possibility for cycle parking would be the same. However, there are public bicycle parking facilities opposite the premises which could be utilized. As such, new cycle parking would not be required in this instance. The refuse storage and collection would be the same as the existing commercial uses in the area.

Conclusion

6.16 The proposed change of use is considered acceptable by virtue of its impact on the District 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.

6.17 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

N/A

8. RECOMMENDATION

GRANT PERMISSION subject to the following condition(s)

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 premises shall be used for Class F1(a) (Educational Tuition) and for no other purpose (including any other purpose in Class F of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To allow the Local Planning Authority to retain control over the use so as to protect the vitality and viability of the Town Centre.

Informatives:

- **INFORMATIVE: Hours of internal 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: 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: 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.