

Officer Report

Application Number:	HGY/2023/1456
Application Type:	Full planning permission
Address:	565 High Road, Tottenham, London, N17 6SB
Proposal:	The proposal is change of use from A1 use class Hair salon to A3 use class Restaurant and café. Installation of an extract duct to the above roof rear part of the building.at 565 High Road, London N17 6SB
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	01/06/2023
Applicant:	Mr Mohamed Abdi
Agent:	Mr Kirit Tailor

RECOMMENDATION

Approve with Conditions

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. Proposed development

1.1 This is an application for change of use of the premises from formerly (A1 use class Hair salon) to A3 use class Restaurant and café within the new Class E. Installation of an extract duct to the above roof rear part of the building.

Site and Surroundings

1.2 The application site is a single storey commercial premises situated on the western side of Tottenham High Road occupied by hair salon within a parade of shops. The surrounding area comprises of commercial units on the ground floor with residential accommodation above.

1.3 The application site forms part of the designated Tottenham High Road/ Bruce Grove District Centre.

1.4 The application site is located within the Tottenham High Road Historic Corridor conservation area and does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement history

1.5 There is no recent planning or enforcement history in relation to the site.

2. CONSULTATION RESPONSE

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

Internal:

- 1) LBH Transportation Team: No objection.
- 2) LBH Noise Team (Pollution): No objection.

3. LOCAL REPRESENTATIONS

3.1 The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 6 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: 0

Supporting: 0

4. MATERIAL PLANNING CONSIDERATIONS

4.1 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.

Principle of development

4.2 London Plan Policy SD6 includes the need in planning decisions to sustain and enhance the vitality and viability of town centres. London Plan Policy SD6 also indicates that in taking planning decisions on proposed retail and town centre development, the principle that the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment should be applied. London Plan Policy SD7 promotes taking a proactive approach to planning for retail uses and related facilities and services and supports a successful and diverse retail sector and related facilities and services.

4.3 Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1ST September 2020. The new regulation revoke Part A and D of the Schedule to the Use Classes Order 1987 and supersede this with a new Class E. As both use classes fall within the new E use class, planning is no longer required, and the change is lawful.

4.4 The proposed change of use of the existing hair salon (A1) unit into restaurant /café (E Class) does not require planning permission as both of the use would come within the same use class order, as set out above.

4.5 A commercial frontage will be retained and activity within the building will provide a visual interest to passers-by. The proposed use would provide equal benefit to the town centre as a result of the proposed retail shop because it should be attractive to customers throughout the day and is likely to contribute to the overall vitality and viability of the area.

4.6 Overall, the proposed change of use 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. The proposal is considered to be acceptable and in general accordance with main principles of the NPPF, Local Plan Policy SP10, Policy DM42 of the Development Management DPD and Policy SD7 of the London Plan.

Impact on the character and appearance of the conservation area

4.7 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.

4.8 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.

4.9 The position of the flue extractor to the rear of the building exiting above the roof is considered acceptable and would not have any significant impact on the character and appearance of the conservation area. A condition of approval would be imposed to safeguard the amenities of the adjoining occupiers in terms of noise and disturbance.

Impact on neighbouring amenity

4.10 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.

4.11 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.

4.12 Given the orientation of these properties and nature of the use of the ground floors within commercial uses, proposed internal alternations would not result in a significant loss of light to neighbouring commercial properties. Furthermore, proposed opening hours shall be controlled in line with existing uses and other similar uses within the surrounding area, so will not have material impact on adjoining occupiers. A condition to ensure that opening hours is appropriate for the local centre.

4.13 The proposed extractor flue would not be highly visible from front or rear windows within existing residential units along High Road. As such, would not appear unacceptably overbearing when viewed from those properties.

4.14 The Council's Noise Enforcement Team have been consulted on the application and as such raise no objection in relation to the impact of flue extractor. This could be restricted by way of condition.

4.15 Given the town centre location, it is considered that the proposed restaurant use would not result in any unacceptable noise or significant disturbance to nearby residential units. Overall, the

change of use would have an acceptable impact upon the residential amenity of neighbouring occupiers.

Transport considerations

4.16 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.

4.17 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, 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'.

4.18 The parking demand associated with the proposed use (restaurant) is not expected to be significantly greater than the existing permitted use (A1 retail) given that there is no increase in floor space. Given the town centre location of the application site and the scale of the proposed development, it is anticipated that a large proportion of visitors will travel by foot from the immediate locality, including linked trips, and people using public transport to travel to the site.

4.19 It is unlikely that the above proposal will have any significant impact on the local transportation network. Consequently, no objections are raised in terms of the proposals impact on on-street parking pressure within the area. The Council's Transportation Team has been consulted and raises no concerns.

Conclusion

4.20 The proposal is considered acceptable and the change of use of the premises to a restaurant/café (Use Class E) would not result in an excessive proportion of non-retail uses within the district centre or an over-concentration locally of non-retail uses and would not result in an unacceptable impact upon neighbouring amenity.

4.21 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

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

8. RECOMMENDATION

GRANT PERMISSION subject to 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 Prior to the commencement of the use hereby permitted further details of the extract ventilation system to be installed shall be submitted to the Local Planning Authority for approval and implemented in accordance with the details as approved and permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority. The details to be submitted shall include:

- Anti-vibration mountings/dampers to be fitted to the fan and motor unit to prevent noise and vibration being transmitted into structure.
- Flexible couplings between the fan unit and ducting to prevent vibration being transmitted along the ducting.
- The position and height of the flue's terminal (preferably at the building's ridge height) so as to prevent potential smell/odour nuisance.
- Details of suitable filtration to be incorporated into the extraction system (i.e. grease and carbon etc.).

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

- 4 The use hereby permitted shall not be operated before 11:00 hours or after 23:00 hours Monday to Friday, before 11:00 hours or after 23:00 hours Saturdays and before 11:00 hours or after 23:00 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.

Informatives:

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.

INFORMATIVE: Commercial Waste

Commercial Business must ensure all waste produced on site are disposed of responsibly under their duty of care within Environmental Protection Act 1990. It is for the business to arrange a properly documented process for waste collection from a licensed contractor of their choice. Documentation must be kept by the business and be produced on request of an authorised Council Official under Section 34 of the Act. Failure to do so may result in a fixed penalty fine or prosecution through the criminal Court system.

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.