

Officer Report

Application Number:	HGY/2023/1181
Application Type:	Full planning permission
Address:	101 Myddleton Road, Wood Green, London, N22 8NE
Proposal:	Refurbish the ground floor public house at 101 Myddleton Road. Works include new illuminated signage, repainting to the road façade, introducing a rooflight to the rear roof, a new double door to improve access to the large garden, addition of solar panels, installation of air conditioning units on the roof and redirecting the existing kitchen extract ductwork.
Case Officer:	Josh Parker
Valid Date:	02/05/2023
Applicant:	3
Agent:	Mr Daniel Jones Mr James Pooley

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the refurbishment of the ground floor at 101 Myddleton Road to allow the public house to reopen. Works include new illuminated signage, repainting to the road façade, introducing a rooflight to the rear roof, a new double door to improve access to the large garden and redirecting the existing kitchen extract ductwork.

The gross internal floorspace of the application premises is approximately 115 square metres and includes a deep rear garden extending to the southern boundary of the premises, which adjoins the rear gardens of residential properties fronting Thorold Road.

Site history/ Location details

The premises have been vacant since March 2020, when the previous commercial occupier, who had occupied the premises (which was known as 'The Step') since February 2012, decided to vacate. Prior to that occupier taking over the premises in February 2012, it had previously been in use for many years (following the granting of planning permission in October 1987) as a public house/bar known as Henley's Bar.

Furthermore, the application site falls within a Local Shopping Centre (Myddleton Road), which Table 5 to Appendix 3 (Town Centre Frontages) of the LPA's adopted Development

Management Development Plan Document (DPD) confirms includes all commercial premises from 74-136a Myddleton Road and 65-143 Myddleton Road.

The site is not classified as a listed building however, it does fall within Bowes Park Conservation Area. Additionally, last year the application premises was nominated and adopted as an Asset of Community Value (ACV) on 13th May 2022 and has been purchased through the ACV channel.

Planning and Enforcement History

- HGY/2022/4384 REFUSED. Change of use of ground floor commercial premises to flexible Class E use

Refusal Reasons: The proposed change of use from A4 to a Class E, by virtue of importance of public space and lack of compelling marketing evidence. The property holds sufficient community value and it is unclear if the use if a public house is viable or not through insufficient information. Therefore, the proposal would be contrary to National Planning Policy Framework, March 2021, Policy HC7 of the London Plan (2021), Policy SP10 of the Haringey's Local Plan Strategic Policies (2017) and Policies DM50 of the Development Management DPD (2017).

- HGY/2022/1399 APPROVED. Rear dormer roof extension, and the replacement of the existing fenestration within the first-floor rear elevation with larger fenestration

- HGY/2021/1889 WITHDRAWN. Part-change of use of the premises to retain a smaller commercial unit and the creation of a 2-bedroom flat to the rear.

- HGY/2021/0268 WITHDRAWN. Change of use to residential

- HGY/2011/2296 APPROVED. Advertisement to convert from 'Henleys Free House' to 'The Step'

- HGY/1991/1303 APPROVED. Advertisement Display of internally illuminated projecting box sign.

- OLD/1987/1053 APPROVED. Change of use of the premises from a shop to a public house

CONSULTATION RESPONSE

No responses were sought or received from consultees.

LOCAL REPRESENTATIONS

The application has been publicised by way of a site notice and letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

Objecting: 0

Supporting: 0

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are set out below.

Principle of development/ land use

As outlined above the use of this building as a public house is historic and continues to be the lawful use of the site. As such a proposal to refurbish this building back to such a use, is the optimum viable use and is fully supported.

Pubs are important in terms of community value, with pubs intrinsically functioning as places to meet and for social gatherings. As reflected in national, London and local plan policy there is a strong policy position to safeguard pubs. Specifically Local planning authorities are required by paragraph 92 of the National Planning Policy Framework 2021 to provide the social, recreational and cultural facilities and services the community needs by planning positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

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

Policy context

Policy DM9 of the Haringey Development Management DPD (2017) for Management of the historic Environment supports the following:

A) Development that conserves and enhances the significance of a heritage asset and its setting will be supported.

B) Proposals affecting a designated or non-designated heritage asset and its setting will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance. Applicants are required to submit with their planning application a statement describing the significance of the heritage asset(s) concerned, including any contribution made by its setting, along with an assessment and justification of the impact of the new development on the asset and its setting.

C) When considering the impact of proposals on the historic environment, the Council will have regard to

- The desirability of securing a viable use for a heritage asset consistent with its conservation.

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. DPD Policy D9 requires development to preserve or enhance the character and appearance of the Borough's conservation areas.

Assessment

The proposed additions and alterations to the public house will contribute to the functionality and refurbishment of the 'Pub' formerly known as 'The Step'.

The current state of the pub is in disrepair and requires substantial work to make the premises attractive to patrons. The agent has given the following summary on the purchase of the asset:

"On 27 May 2022, 101 Myddleton Road was designated as an ACV, giving a six-month window for a community group to purchase the property. Myddleton Road Community Benefit Society Limited is a Community Benefit Society set up In June 2022 by a team of local people. They spent months working with grant funders and advisors towards helping

the community to buy and renovate The Step. Over 500 local people have now invested in Myddleton Road Community Benefit Society to help fund the purchase. The community are now working together to get the public house and first floor accommodation transformed into an attractive and functioning asset.”

The proposed additions and alternations are summarised below:

- Fresh paint on the street facade and rear same/similar colour as existing.
- New glazed double and single doors to access the rear garden.
- Rooflight to the rear.
- UPVC windows to the rear first floor accommodation.
- New illuminated signage to the front.
- Redirection of the Kitchen extract fan.
- Provision of PV solar panels to be added at later date.
- Provision of AC units to be installed at a later date.

The works to the subject site are all in relation to the rear of the property except for the works to the façade involving the new signage. The façade works are to revamp the entrance of the public house with fresh paint for the timber frames and masonry walls mimicking the current colour palette. The new illuminated sign is small and subservient, with the numbers ‘101’ reflecting the site address centred above the entrance.

The numbers are small, elegant, and similar examples can be seen along several addresses within the terrace. The work on the Myddleton Road front would have a positive effect on the street scene and enhance the overall appearance of this site, enhancing the character and appearance to the site/Bowes Park Conservation Area.

The works to the rear can be split into the addition of PV solar panels and 2 AC units and the building works additions with the doors, rooflight, UPVC windows and the redirection of the extraction of the fan. When discussing PV solar panels and other energy efficiencies within a heritage asset like the conservation area, Council are required to consider avoiding harming intrinsic qualities that contribute to significance of heritage assets or their settings.

Historic England provides that it is possible to respond to climate change and improve the energy efficiency of older buildings without destroying their distinctive character and value. This policy supports sustainable retrofitting of heritage assets (in line with Policy DM21) but where there is a conflict between delivering sustainability measures and the potential to cause damage to the significance of the heritage asset, priority will be afforded to the preservation of the heritage asset.

The PV solar panels and AC units are all to be located to the rear in low lying positions and would not be visible from the street scene. It can be noted that modifications to the rear of the adjoining properties in the terrace differ vastly, with examples of both solar panels and AC units present, with therefore the principle is established.

Like principle of the AC units and solar panels discussed above, the proposed additions/alteration with doors, rooflight, UPVC windows and the redirection of the extraction of the fan will cause no harm on the conservation area. The rear of all sites on the same terrace are all heavily modified and contribute little local distinctiveness. The proposed works are necessary to entice patrons to the site and keep up with other public

houses alike. The proposed additions are all minor, subservient and will not be visible from Myddleton Road and therefore will not cause harm to the character and appearance of the conservation area.

The installations of AC units it is accepted is contrary to the London plan 2021 policy SI 4 which, tries to limit the use of air conditioning units for cooling air to prevent contribution to urban heat island effect.

However, the AC units here are for a business and in relation to a historic building, which brings with it restrictions in terms of adaption. The use of this premises as a pub is also based on a business model with the need to supply comfortable spaces/facilities for patrons, often in large gatherings. The AC units have been proposed for heating in the winter which falls in the permitted development umbrella however, officers consider that it is likely that for periods they will be used for cooling use during the summer months. Considering the above, the installation of AC units is deemed 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.

In considering this application and the works in question it is highlighted that a balance between the twin objectives of supporting business's / high street uses and protecting amenity needs to be found.

The proposed alterations relatively keep within the same envelope as existing. In terms of the external works these present no specific concerns in respect of amenity.

Specifically, the proposed works are small, lightweight that don't largely protrude over the existing envelope. All works that fall outside the envelope like the AC units/solar panels are placed carefully giving consideration to neighbouring amenity. There are no proposed new windows introduced above ground floor, only replacements.

The main concern in terms of amenity is the noise generated from the new AC units on the western portion of the roof. The AC units are small and tailored for domestic use, with the applicant at this stage not having detailed technical information on the installations to be used. As such a condition is being imposed requiring noise rating levels in respect of the AC units to be supplied to the Local Planning Authority before installation.

Overall taking account of the location of this site on a shopping parade ,the works here would not generate levels of noise viewed to be intrusive or detrimental to the amenity of neighbouring occupiers.

Notwithstanding the approval of this application the safeguards under the Environmental Protection Act with regards to noise would remain at the Council's disposal and could be employed if complaints are received. Concerns about noise and disturbance from the public house use can also be reviewed as part of the premises license through the provisions of the Licensing Act 2003.

For the reasons set out above, the works here are not viewed to be harmful to the living conditions of neighbouring occupiers with regards to noise and disturbance and is therefore in compliance with Policy D14 of the London Plan (2021) and policy DM1 of the Haringey Development Management DPD (2017).

CIL APPLICABLE

N/A – No new floorspace created.

CONCLUSION.

The proposed development is in general accordance with National Planning Policy Framework, March 2021, Policy HC7 of the London Plan (2021), Policy SP10 of the Haringey's Local Plan Strategic Policies (2017) and Policies DM1, DM2, DM3 DM8, DM9 and DM21 of the Development Management DPD (2017).

Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

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 installation of any AC units, detailed drawings, including where the AC units will be located/installed with information on the type of brackets to be used shall be submitted to and approved in writing by the Local Planning Authority.
The rating level of the noise emitted from the AC units in connection with this permission shall at no time exceed the background noise levels by 5dB (or more) as measured according to British Standard 4142: 1997 at any adjoining or nearby residential property. Documentation or a statement from a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with the noise level specified above and any mitigation measures required before bringing such equipment into use.

The AC units shall thereafter be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of this condition are maintained.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and 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: 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.