



Officer Report

Application Number:	HGY/2023/1990
Application Type:	Full planning permission
Address:	515-519 High Road, Tottenham, London, N17 6SB
Proposal:	Installation of an extractor flue to be located on the building's rear elevation.
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	21/07/2023
Applicant:	Ozgur Sengul
Agent:	Mr Halil Seker

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This is an application for the proposed development is for the installation of an extractor flue to be located on the rear elevation.

Site and Surroundings

The application site is located on the corner of Bruce Grove and the High Road. The site contains a three-storey end of terrace building with a restaurant shop (formerly pawn shop) located at ground level and office above. The first storey area of the building largely comprises glazing, whilst the second storey consists of the more traditional style of brick with timber sash windows.

The site is located with the Tottenham High Road Historic Corridor Conservation Area.

Relevant Planning and Enforcement History

The most recent planning history in relation to the site is as follows.

- HGY/2022/1530 GTD 04-08-2022 Installation of retractable awning.
- Planning HGY/2013/2048 REF 26-11-2013 Display of 2 x externally illuminated fascia signs, 2 x non-illuminated fascia signs and 1 x externally illuminated hanging sign.
- Planning HGY/2002/0397 GTD 14-05-02 515 High Road London Change of use of the ground floor from A1 (retail) to A2 (estate agents).
- Planning HGY/2013/0114 GTD 12-03-13 515- 519 High Road London Display of 4 x non-illuminated fascia signs and 1 x non-illuminated box hanging sign (as amended).

- Planning OLD/1982/0565 GTD 22-01-82 515-519 High Road 25/11/81 Change of use to offices for estate agency.
- Planning OLD/1989/1207 REF 21-03-89 515-519 High Road 6/1/89 Change of use from retail shop to estate agent office.
- Planning OLD/1989/1403 WDN 21-12-89 515-519 High Road London 12/4/88 Installation of a fixed PVC canopy above shopfront.
- Planning OLD/1990/0419 GTD 29-01-90 515-519 High Road 12/4/88 Installation of new shopfront.
- Planning OLD/1990/0420 GTD 29-01-90 515-519 High Road 12/4/88 Installation of illuminated fascia sign.
- Planning OLD/9999/2535 515-519 High Road.
- Planning OLD/9999/2536 515-519 High Road 12/4/88 Change of use from clothing shop to estate agents.

LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and 18 letters. No representations received from neighbours, local groups, etc in response to notification and publicity of the application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of development;
2. Impact on the character and appearance of the conservation area.
3. Impact on neighbouring amenity.
4. Other considerations.

Principle of development

Proposal for the change of use of shops will not normally be permitted.

From 1st September 2020, the Use Class Order was amended. Previously a number of uses were in separate use classes but are now part of the same use class. In this regard, the existing use of the application site was previously Class A2 and now is classified within a new Class E which will denote 'Commercial, Business and Service' uses. This means that where a change of use takes place between uses in the same class this does not constitute 'development' for the purposes of the Town and Country Planning Act and therefore planning permission is not required.

Class E of the Use Classes Order is split into 11 parts and more broadly covers uses previously defined in the revoked Classes A1/2/3, D1 (a-b) and 'indoor sport' from D2 (e).

The change to the Use Class Order is a material consideration in the planning assessment. The application site is currently one Class E unit at ground floor and is an office above. The proposal would change of ground floor unit into a restaurant uses fall within the new Class E and therefore a change of use in terms of the Use Class Order (UCO) would not take place and would not require

the benefit of planning permission. Under the current UCO, it is therefore the installation of the flue extraction, rather than the use, which is the principal consideration.

Impact on the character and appearance of the conservation area

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.

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.

It is also proposed to install a new extraction flue to the rear flank elevation to facilitate cooking facilities for the associated Class E use. The flue would run from the rear elevation from ground floor level to projecting above the external roof line. It is considered that given the new extraction flues location and design it would not have a detrimental impact on the character of the area. The location of the extraction system to the rear of the building would be screen off by the mature trees and railway lines and are not visible from any public vantage points which are deemed acceptable in terms of the character and appearance of conservation area.

The proposal is not considered to result in harm to the character and appearance of the conservation area.

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.

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.

There are offices above the Class E unit where the duct runs adjacent or close proximity to windows serving first floor offices. The above offices are not occupied. The proposed extraction duct which will discharge to elevated level above the eaves to the rear. The introduction of noise mitigation measures which includes acoustic jackets and anti-vibration mounts results in a combined external mechanical plant noise level which meets target levels during restaurant opening hours i.e., 10 Db below background. The applicant has engaged specialist commercial kitchen filtration experts to conduct a risk assessment which is part of the submission package.

As noted above, Environmental Noise Survey was undertaken at the site to inform the location and acceptability of extraction system upon the rear of the building to minimise any amenity considerations. Noise report submitted with shows that the site revealed that the background noise profile at the monitoring location was dominated by road traffic noise from the surrounding roads. The background noise survey and manufacturer's noise data from the proposed units indicate that the noise emissions from the proposed unit would meet the requirements of London Borough of Haringey at the nearest noise sensitive premises – the office unit above and residential units adjacent. Given the associated background noise from High Road and surrounding roads, it is not considered there will be any material amenity implications arising from the siting and operation of the plants, as demonstrated by the presence of other plants within the locality.

It is considered that the design would be deemed acceptable in this location and would have minimal impact upon the amenities of any above office and nearby residential properties. The proposed extraction system is of a design and type that is sufficient for functionality and would not result in adverse environmental impact to neighbouring amenity due to noise or odour and furthermore these aspects can adequately be controlled by conditions.

DPD Policy DM1 requires proposals demonstrate how landscaping and planting are integrated into a development as a whole, responding to trees on and close to the site.

Conclusion

The proposal is considered acceptable and the development requiring planning permission subject to this application would not detract from the character and appearance of the Conservation Area and subject to conditions with regard to noise and odour would not result in an adverse effect on the amenities of neighbouring properties.

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.

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 development shall be carried out in accordance with the noise & vibration control measures set out in Part 5.0 of the approved Noise Impact Assessment dated 17th July 2023.

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

- 4 Noise from the operation of the extraction flue system shall not increase the existing background noise level (LA90 15mins) when measured 1 metre external (LAeq 15mins) from the nearest residential or noise sensitive premises. The method of assessment shall be undertaken in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'.

Reason: This condition is required 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: 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: 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.