



Officer Report

Application Number:	HGY/2023/1073
Application Type:	Full planning permission
Address:	57 Coburg Road, Wood Green, London, N22 6UB
Proposal:	Change of use from storage & distribution (Class B8 use) to commercial kitchen and delivery service (sui generis use) and the installation of an extract flue to the rear of the building.
Case Officer:	Josh Parker
Valid Date:	19/04/2023
Applicant:	MR SERDAR AGIRMAN
Agent:	Mrs EMINE FEZAL YURDAKUL

RECOMMENDATION

Approve with Conditions

1. SITE AND SURROUNDING

The application site relates to a two-storey brick building coupled with an identical building on the corner of Western and Coburg Road covering No's 57-77 Coburg Road. The area is supported by warehouses, offices, education blocks, churches and small scale residential. The site is not in a conservation area nor is it within the curtilage of a listed building.

2. PROPOSED DEVELOPMENT

The application is for the following:

- Change of use from class B8 to sui generis to enable a dark kitchen and delivery service;
- Installation of ancillary flue system at the rear of the property.

3. CONSULTATION RESPONSE

The following were consulted regarding the application:

Internal:

- Waste Management: No objections raised, because the use has already been operating for several years and has established private waste storage and collection arrangements in place.
- CIL: Advice states that there was no nil CIL Mayoral charge because the approval was for a temporary period of 3 years.
- Transportation: Subject to provision of cycle parking that meets London Plan / London Cycling Design Standards, there are no transport objections.
- Noise Team : No response.
- Food and Hygiene: No response.

4. LOCAL REPRESENTATIONS

The application was notified by way of neighbour consultation letters. No comments were received in response to neighbour notification.

5. MATERIAL PLANNING CONSIDERATIONS

1. Principle of the development Land Use;
2. Impact on the amenity;
3. Parking, access and highway safety.

Principle of the development/ Land Use

Policy SA1 of the Haringey Site Allocations DPD (2017) notes that the application site lies within a 'Designated Employment Area' (No.9). It notes that its level of designation is as a 'Locally Significant Industrial Site' (LSIS), as set out in Policy SP8 of the Local Plan (2017).

Policy SP8 concerns the Council's aims to secure a strong economy and protect such sites in the Borough. It sets out how forecast demand for additional industrial floorspace will be met up to 2026. Of relevance in this instance is doing so through the re-configuration and re-use of surplus employment designated land in the B2 and B8 use classes, and the intensification of the use of existing employment sites where possible. It also voices general support for employment and regeneration aims, environmental policies to minimise travel to work, and a diverse North London economy. With particular reference to these LSIS's, it notes that the Council will safeguard a number of specific sites, including this site, for a range of industrial use (including former use classes B1 (b), (c)) where they continue to meet demand and the needs of modern industry and business.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020, revising the use classes. While use classes B2 and B8 remain valid, use class B1 has been revoked. The new class E(g) is comparable to the former class B1, or alternatively, an industrial use may fall under Sui Generis.

Policy DM4 Provision and Design of Waste Management Facilities of the Haringey Development Management DPD (2017). Considers how to sustainably manage waste arising from the development during the design, construction and occupation phases of new developments.

Policy DM37 of the Haringey Development Management DPD (2017) is also relevant, supporting proposals for the intensification, renewal, and modernisation of employment land and floorspace, where the development meets a number of criteria. These include, but are not limited to; consistency with the uses in Policy SP8; providing adequate space for on-site servicing and waiting goods vehicles; and; making a demonstrable improvement in the use of the site for employment purposes. Such improvements are considered having regard to the quality and type of employment floorspace provided, the quality and density of jobs to be accommodated on-site, and the proposal's contribution to economic objectives and outcomes identified throughout relevant planning policy documentation.

Policy DM38 of the Haringey Development Management DPD (2017) supporting local employment area – regeneration areas. Regeneration Areas should facilitate the renewal and regeneration (including intensification) of existing employment land and floorspace. In addition to complying with other policy requirements, proposals must be able to maximise the floorspace, not conflict with or inhibit the function of the area or site.

The application is for the permission to allow the existing industrial/warehouse unit to be retro fitted to allow its operation as a 'dark kitchen' use. This would allow for the installation of a small-scale

industrial kitchen and ancillary equipment, with a flue duct extractor tucked away to the rear of the address.

Delivery companies and restaurants where their sole purpose is to prepare meals for takeaway/delivery, but that are not open to customers for ordering are commonly referred to as 'dark kitchens'.

In Haringey these are treated as sui generis uses, a position supported by an appeal decision on a site in Birmingham (Appeal Ref: APP/P4605/W/22/3296172 dated 18 August 2022). In that decision the Inspector described the cooking operations within a dark kitchen as an "industrial process" in part due to the noise and odour emissions, as well as delivery of raw ingredients. As for the frequent small deliveries generated by the food delivery platforms, this was found to be comparable to other industrial uses such as tool hire and vehicle parts delivery. The Planning Inspector concluded that a dark kitchen use as a sui generis use comprised of two parts – a commercial kitchen and frequent small deliveries – both of which are appropriate uses within an industrial area and do not require a consideration of exceptional justification on land classed as employment land.

The proposed industrial use is thus considered compatible with Policy DM37 & DM38 of the Haringey Development Management DPD (2017). The 'dark kitchen' use here is an appropriate intensification, regeneration and modernisation of industrial land that facilitates a commercial food operation within the site and allows for frequent small deliveries. The accessibility/servicing/delivery considerations are considered acceptable as outlined later in the report. The site is well-located in terms of public transport accessibility for employees. The siting of the dark kitchen within an established industrial area mitigates detrimental residential amenity impacts.

On this basis, the use of the site as a dark kitchen satisfies Policy SA1 of the Haringey Site Allocations DPD (2017), Policy SP8 of the Local Plan (2017) and Policy DM37 & DM38 of the Haringey Development Management DPD (2017). Therefore, the proposal is acceptable in principle.

Impact of the proposed development on the character of the area

Haringey Development Management DPD (2017) 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)

The existing and proposed site arrangement comprised of a small brick section with 2 available parking spaces. There are no changes to the visual appearance of the site except the flue and extractor. The site is surrounded by industrial and/or business sites of similar utilitarian character and appearance on all sides. In this context, the proposal is considered to not result in material harm to the character and appearance of the site or surrounding area.

Impact on the 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.

NPPF paragraph 180 provides guidance for planning decisions in relation to pollution, health, living conditions and the natural environment. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Within the application site a handful of minor external additions which are all installed to the rear and would be minimally visible from the street. Moreover the applicant is happy to condition that all of the external installations shall be removed if the site is to change use again where they would no longer be required.

Although there has been no supplementary noise and vibration information submitted with the application, Officer accepts that in a mixed-use area like this, noise and vibration from the surrounding would be expected. The hours and types of use typically vary from building to building, the upper floor does not seem to have any history of being registered as residential. The likelihood that the noise and vibration generated from the proposed small-scale kitchen is insignificant due to the scale of the operations, suggesting that the change of use would not harm amenity.

It has been noted that residential activity is intensifying in the immediate area, with high density residential developments to the south and approved permissions on the neighbouring land. Moving onward, the activity may not be suited to the site because of the change of uses in play. As these are large scale future developments the timelines are difficult to anticipate and therefore, the agent and Officers have agreed that a temporary consent would be suitable for such permissions where the concept is new and in an evolving surrounds. A condition allowing the use of this site as a dark kitchen for temporary period of 3 years is therefore to be imposed, allowing the LPA and applicant to reassess once this time is lapses to assess if the use is still compatible with the area and address any complaints during the tenure.

Subject to a condition controlling the hours of operation and temporary consent, the proposal is considered acceptable in regard to neighbouring amenity.

Parking, access, 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'. DM (2017) Policy 32 notes that development proposals will be assessed against the car parking and cycle parking standards set out in the London Plan. London Plan (2021) Policy T5 sets out minimum cycle parking standards.

For the light industrial use as proposed, the London Plan requires one long-stay cycle space per 250sqm and 1 short-stay cycle space per 1000sqm. The subject unit is established with 2 designated car parks attached to the lease, it is anticipated that the use would have 3-4 staff at one time for cooking/preparation. There would be no requirement for any customer parking as the kitchen would only make meals for consumption offsite.

Additionally, there has been a designated biking storage/locking area to the east of the building.

No objections have raised by Council's internal departments regarding transport impacts. Overall, the proposal is considered acceptable when considering transport matters.

6. CONCLUSION

The proposal is considered to be acceptable in land use terms, subject to conditions in terms of hours of operation and the consent here being for a temporary period of 3 years, as well as acceptable in terms of amenity and highway safety and access.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for a temporary period of 3 years 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 condition(s):

Conditions:

- 1 The hereby approved development is granted only for a temporary period, being 36 months from the formal decision notice. Following this date the use shall revert back to its last lawful use, notably B8 storage, unless otherwise agreed in writing with the local planning authority.

Reason: In order to enable the Local Planning Authority to review and assess the use following experience after a period of operation.
- 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.
- 4 The level of noise emitted from all fixed plant on the site shall not exceed a value which is 10 dB below the background noise level at 1 metre from the façade of any dwelling or premises used for residential purposes or an alternative representative location approved in writing by the local planning authority.

The fixed plant/ equipment shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant/ equipment is determined by the local planning authority to be failing to comply with this condition, it shall be switched off upon written instruction from the local planning authority and not used again until it is able to comply.

Reason: In order to protect the amenities of the area consistent with Policy D14 of the London Plan 2021 and 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 their ownership.