



Officer Report

Application Number: HGY/2026/0202
Application Type: Removal/variation of conditions
Address: 14 Avenue Mews, Hornsey, London, N10 3NP
Proposal: Variation of condition 3 (Operating Hours) attached to planning permission HGY/2018/1373 in order to extend Taproom operating hours to 12:00- 10:00 Monday to Thursday, 12:00- 23:00 Friday, 12:00- 23:00 Saturday, 12:00- 21:00 Sunday. On each day the serving of alcohol will end 30 mins before closing in accordance with Licensing. (AMENDED)
Case Officer: Gareth Prosser
Valid Date: 23/01/2026
Applicant: Mr Martin Hodgson
Agent:

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development (Section 73 Application)

This application seeks variation of Condition 3 (Operating Hours) attached to planning permission HGY/2018/1373 in order to extend taproom operating hours to 12:00-22:30 Monday to Thursday, 12:00-23:30 Friday, 12:00-23:30 Saturday and 12:00-22:30 Sunday.

Condition 3 of the permission reads:

3. The use hereby permitted shall not be operated before 6pm or after 10pm on Thursdays; before 4pm or after 10pm on Fridays; before 12pm or after 10pm on Saturdays; or before 12pm or after 6pm on Sundays. The use shall not operate during the rest of the week (Mondays to Wednesdays).

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.

Amendment

It is proposed that Condition 3 is amended to read as follows:

Proposed (Amended)

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- Monday to Thursday: 12:00-22:00
- Friday: 12:00-23:00
- Saturday: 12:00-23:00

- Sunday: 12:00-21:00

On each day the serving of alcohol will end 30 minutes before closing in accordance with licensing requirements.

Approved Hours

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- Before 6pm or after 10pm on Thursdays;
- Before 4pm or after 10pm on Fridays;
- Before 12pm or after 10pm on Saturdays; or before 12pm or after 6pm on Sundays.
- The use shall not operate during the rest of the week (Mondays to Wednesdays).

Note: The proposed hours have been amended in consultation with both the applicant and LBH Licensing.

Site and Surroundings

The application site comprises a small part single-storey, part two-storey terraced unit fronting Avenue Mews to the east. The site operates as a small brewery taproom seating up to 30 people. Nos. 12 and 16 Avenue Mews, of matching depth, bound the site to the north and south. An electricity substation and gardens lie to the rear.

Previously used for storage associated with an online business, the site gained permission for a drinking establishment in 2018 (Ref: HGY/2018/1373).

The site is located within the Muswell Hill Conservation Area and falls just outside the Primary Shopping Area and behind (not within) a Primary Shopping Frontage. The site backs onto a rear garden associated with No. 2 Princes Avenue. The site does not affect any listed buildings.

2. RELEVANT PLANNING AND ENFORCEMENT HISTORY

The most recent planning history relating to the site is as follows:

HGY/2018/1373 - Full Planning Permission - Approved with Conditions - 12/06/2018 - 14 Avenue Mews, London, N10 3NP - Change of use from B8 (Storage and Distribution) to A4 (Drinking Establishment).

There is no enforcement planning history relating to the site.

3. CONSULTATION RESPONSE

The responses below were received following consultation on the application.

Internal

1) LBH Transportation Team - There are no transport objections to the proposed change to operational hours.

2) LBH Licensing - The premises benefits from a Premises Licence but will require a variation to the licence should the additional hours be granted under this planning process.

The taproom is small but very popular. Concerns have previously been raised regarding obstruction from customers and the use of parking bays for outside tables and chairs. People noise later in the evening may become an issue, particularly during the summer months. The operators are exploring options to provide a suitable external area.

Amended/Reduced Hours

No issues raised. The principal licensing implication is that the venue would need to apply to operate Monday to Wednesday as these days are not currently covered by the Premises Licence.

3) LBH Noise Team - No objection received.

4) LBH Conservation - No objection.

4. LOCAL REPRESENTATIONS

The application has been publicised by way of one site notice displayed in the vicinity of the site and 290 letters sent to neighbouring properties. The number of representations received in response to the application were as follows:

- Number of individual responses: 15
- Objecting: 1
- Supporting: 14

Issues Raised

- Change in residential character of Avenue Mews.
- Noise from patrons using the street.
- Impact on access to properties.
- Seven-day opening hours would exacerbate existing issues.

5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of Section 73 Planning Application
 1. Impact on Neighbouring Amenity / Surrounding Area
 2. Other considerations.

Scope of Section 73 Planning Application

An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment where there is a relevant condition that can be varied. A Section 73 application results in a new planning permission being issued.

Guidance for determining Section 73 applications is set out in the NPPG, which states that a minor material amendment is one "whose scale and nature results in a development which is not substantially different from the one which has been approved". Whilst this is not a statutory definition, it is accepted Government guidance.

The development which the Section 73 application seeks to amend will, by definition, already have been judged acceptable in principle. Consequently, the assessment is focused on the amendments sought and any material policy considerations that have changed since the original permission was granted.

Impact on Neighbouring Amenity / Surrounding Area

London Plan Policy D6 outlines that development must not be detrimental to the amenity of surrounding occupiers. London Plan Policy D14 requires development proposals to reduce,

manage and mitigate noise impacts. The site is located close to a Primary Shopping Frontage and immediately adjacent to the Muswell Hill District Centre and Broadway Primary Shopping Area.

Policy DM41 (New Town Centre Development) 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; and
- b) Sustain and enhance the vitality and viability of the town centre network.

Similarly, paragraph 90 of the NPPF recognises the important role that town centres play at the heart of local communities, whilst London Plan Policy HC6 supports the evening and night-time economy, including cultural venues, where impacts on nearby residents are appropriately managed.

Development Management DPD Policy DM1 seeks to ensure that development does not cause unacceptable harm to neighbours or the local area, including through noise and disturbance. Officers therefore consider it necessary to balance the benefits associated with supporting the vitality and viability of the District Centre against the need to protect the amenities of nearby residential occupiers.

The application site is located behind the Muswell Hill Broadway Primary Shopping Frontage, an area characterised by a well-established commercial daytime and evening economy. Whilst closely associated with the District Centre and its commercial activity, the site also lies in proximity to residential properties, including No. 2 Princes Avenue to the rear.

Given the site's relationship with nearby residential properties, the hours originally proposed by the applicant have been reduced following discussions with both the applicant and the Council's Licensing Team. The amended hours are as follows:

Proposed (Amended)

- Monday to Thursday: 12:00-22:00
- Friday: 12:00-23:00
- Saturday: 12:00-23:00
- Sunday: 12:00-21:00

On each day the serving of alcohol will end 30 minutes before closing in accordance with licensing requirements.

The revised hours are considered proportionate to the site's edge-of-centre location and reflect a reasonable balance between supporting an established leisure use and protecting residential amenity. Whilst the proposal would allow operation on additional days and for longer periods, it does not involve any increase in customer capacity, floorspace, physical alterations or any change to the nature of the approved use.

Officers consider that the amended hours strike an appropriate balance between supporting the commercial, cultural and evening economy functions of the District Centre whilst recognising the presence of nearby residential properties. Significant weight is afforded to the fact that the Council's Noise Team has raised no objection, the Transportation Team has raised no concerns, and the application has attracted substantial public support, with 14 letters of support and one objection received.

A condition has been imposed to ensure that no amplified speech or music generated from the premises is audible within adjoining residential properties. This will assist in safeguarding neighbouring residential amenity in accordance with Policies DM1 and DM23 of the Development Management DPD.

Having regard to the scale of the operation, the amended hours proposed, the absence of technical objections and the contribution the use makes to the vitality, viability and diversity of Muswell Hill District Centre, officers are satisfied that the proposal would not result in unacceptable harm to residential amenity.

The proposal is therefore considered to accord with Policies D6, D14 and HC6 of the London Plan (2021), Policies DM1, DM23 and DM41 of the Development Management DPD (2017), Policy SP15 of the Haringey Local Plan (2017), and the relevant objectives of the NPPF.

Impact on the Character and Appearance of the Conservation Area

The site is located within the Muswell Hill Conservation Area. However, the proposal does not involve any physical alterations to the premises and solely seeks to vary operational hours and as such not raising issues for its character and appearance.

6. CONCLUSION

Whilst the site is located close to residential properties, the amended hours are considered to strike an appropriate balance between supporting the evening economy and safeguarding neighbouring amenity. The Council's Noise Team, Transportation Team and Licensing Team have raised no objection, and the proposal is subject to conditions designed to protect nearby occupiers.

It is therefore considered that the proposal accords with the Haringey Local Plan Strategic Policies, the Development Management DPD, the London Plan and the relevant provisions of the NPPF. Planning permission should be granted subject to conditions.

7. CIL APPLICABLE

N/A

8. RECOMMENDATION

GRANT PERMISSION subject to conditions.

Conditions:

1 The use hereby permitted shall not be operated before:

12:00- 22:00 Monday to Thursday
12:00- 23:00 Friday
12:00- 23:00 Saturday
12:00- 21:00 Sunday

On each day the serving of alcohol will end 30 mins before closing in accordance with Licensing. No variation to the above hours shall be permitted without the prior written approval of the Local Planning Authority.

Reason: To prevent loss of amenity due to noise occurring late at night or early in the morning (especially to adjoining residential houses) and with consideration to policies

DM1, DM47 of the DPD, SP10 of the Haringey Local Plan.

- 2 No amplified music or amplified speech emanating from the premises shall be audible within any adjoining residential property at any time.

Reason: To safeguard the amenities of neighbouring residential occupiers and prevent noise nuisance, in accordance with Policies DM1 and DM23 of the Haringey Development Management DPD (2017).