



Officer Report

Application Number:	HGY/2023/1662
Application Type:	Full planning permission
Address:	Bhail Mansions, 77 Creighton Avenue, Hornsey, London, N10 1NR
Proposal:	Proposed Change of Use of the Outbuilding to a small cooking business premise. No structural changes proposed.
Case Officer:	Josh Parker
Valid Date:	22/06/2023
Applicant:	RSN
Agent:	Mr Idris Anjary

RECOMMENDATION

Approve with Conditions

1. SITE AND SURROUNDING

The application site relates to an outbuilding located to the rear of a part 3, part 4 storey block of flats completed in 2021. This block is located on the southern side of Creighton Avenue next to Fortismere School.

2. PROPOSED DEVELOPMENT

This is an application for a change of use of this outbuilding to a 'small cooking business premises'. The proposed use will use this space primarily for creating social media content, online cooking classes with ancillary bespoke events for small groups.

Specifically, the intention is to run a 'Supper Club' once or twice a month in the seasonal months, serving up to 8-12 people (not through general public access). No proposed internal or external structural changes are proposed.

3. SITE HISTORY AND ENFORCEMENT

The planning history of the site has been taken into account when coming to this decision; namely:

HGY/2019/1698 - Demolition of existing building and redevelopment of site involving the construction of a part 3, part 4- storey block of 9 no. flats, with associated car parking and amenity space. Approved - 14/08/2019

HGY/2020/2611 - Demolition of existing outbuilding shed at rear and erection of an ancillary garden room/gym outbuilding. Approved - 19/10/2020

4. CONSULTATION

LBH waste – No response

LBH Transport – No response

5. LOCAL REPRESENTATIONS

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

Objections: 0

Support: 0

6. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of development/ change of use;
2. Impact on neighbouring amenity; &
3. Transport considerations.

Principle of development

There is no prescriptive policy in the Council's local plan in respect of providing business floorspace in residential areas, with rather this typically having to be directed to town centres. In line with the NPPF 2023 it is accepted however that growth of small start-up businesses and positively responding to economic circumstances is also required through the planning system.

As noted above the proposed use will use this space primarily for creating social media content, online cooking classes with ancillary bespoke events for small groups. The site consists of a kitchen and ancillary outdoor area enclosed by a high fence at the back of this site, sitting next to an in the background of a large school campus. The building/ site is accessible from a passageway next to the boundary with No 75 as well as the current access to the car park serving the block of flats.

The proposed activity would take place within and outside the building, namely a space served by a modern domestic kitchen with cooker hood and outdoor area with BBQ, Pizza, oven etc. The very specific nature of the use here means that this is viewed to be a 'Sui Generis' use in planning terms as opposed to a Class E use.

The structure/ site in question is in an area that can reasonably be described as a sustainable location and because of its location to the back of a flatted block and next to a large school site, it makes this site suitable for a small scale non-residential/ employment use, subject to limitations and measures to limit impact on residential amenity, as discussed further on in this report. One of these requirements is that this be a temporary consent so as to enable the full operational impacts of this development be better understood by the LPA, given such matters are not fixed at this stage.

Impact on Neighbouring

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

With regards to noise and disturbance associated with this use, given the specific nature of this business as explained in the planning submission and outlined above, it is not expected to generate significant comings and goings to the site.

In line with key school hours (09:00 to 18:00) associated with the adjoining site the use would operate within the same hours and have a maximum of 8 people working at the premises, with approximately, 8-12 people attending the ancillary 'Supper Club' events.

It is expected that given the position and the solid nature of the construction to such a building and the distance to the nearest residential properties, the use can operate quietly without affecting the amenity to adjoining and neighbouring residential properties. The structure here is approximately 30m from the apartment block and as well is separated by a large fence.

As referred to above, in this instance in order to fully assess the impact of this use on surrounding properties in terms of general amenity, a temporary consent for a period of 24 months is recommended. This will allow the Local Planning Authority and the Council's Environmental Health Officer to monitor the operations and suitability of the use for this site.

Given the building and site would have some occasional activity taking place on site beyond normal working hours, it is accepted that there is a need to protect residential amenity.

As such the number of 12 Supper Clubs to take place will be limited to 12 events within a calendar year. To control the amount of noise generated from within the site a degree of control in terms of hours of use is also viewed necessary. Following discussions with the applicant Officers' view that this is best achieved by imposing a condition limiting the number of attendees to the Supper Club to no more than 10 person and for such events not to operate beyond 23.00. With such a limit on attendees the prospect of noise and disturbance are viewed to be mitigated. Equally the other conditions imposed specifically seek to minimise noise and disturbance.

Transport

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'.

The site here has a PTAL value of 1b which is considered 'very poor' access to public transport services. The site is not located within any of the Borough's CPZ's.

The impact of the proposal in terms of highway and parking conditions is not considered to be significant, given the size of the building. No parking is provided within the site, however there is ample on street parking on Creighton Avenue, given that the majority of housing stock here benefits from off-street parking. Equally it is noted that the size of the unit is below the London Plan threshold in terms of requiring a car parking space (the range being 1 parking space between 100 – 600 sq.m).

Within the confines of the site there would be space for secure cycle parking.

Conclusion

Given the special circumstances of this site and the specific nature of the use, the use of this outbuilding as a small cooking business premises is considered acceptable. Adjoining residential properties are not expected to be adversely affected by the use of such a structure. However, in this instance in order to fully understand impacts on the surrounding properties in terms of general amenity, a temporary consent for a period of 24 months is viewed prudent. This application is therefore recommended for approval for a temporary period.

Conditions:

- 1 The hereby approved development is granted only for a temporary period, being 24 months from the formal decision notice. Following this date the use shall revert back to its last lawful use, 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.

- 3 The premises/ site shall be used as a “a small cooking business premises” and for no other purposes (including any other purposes within the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In granting this permission the Local planning authority has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent alternative use.

- 4 The primary activities associated with this use hereby approved shall not be operated before 08.00 or after 18.00 on Monday to Saturdays and not at all on Sundays and Public 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

- 5 The ancillary activity with the ‘Supper Club’ uses shall be limited to 12 events within a calendar year for not more than 10 people (on an invited guest basis) and shall not be operated before 17.00 or after 23.00 on Monday to Saturday and not at all on Sundays.

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.

- 6 The use of this building as a 'small cooking business premises' shall not be open to the general public for the consumption of food on the premises or for the consumption of food by means of a pick-up/ takeaway service.

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.

- 7 The rating level of noise emitted from the site shall not exceed the existing background noise level as determined at the nearest noise-sensitive premises, with measurements and necessary assessment made in accordance with the provisions of BS4142: 1997.' Equally no amplified music or other amplified noise source shall be played within the building and site at any time.

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: Mechanical Extract Ventilation

Any mechanical extract ventilation or other associated equipment installed in or on the building must be designed so as not to cause a nuisance through noise, vibration, or fumes. The grant of planning permission does not obviate the need to comply with relevant environmental protection legislation, nor imply that these other approvals will be given. The Council's Environmental Health Services (tel. 020 8489 1000) should be contacted on the detail of any such mechanical extract ventilation or equipment to be installed. Any new extraction/ventilation equipment requires planning permission. It is also pointed out that any changes to plant or equipment required to comply with other legislation may require further planning permission.

INFORMATIVE: Food Safety and other requirements

The applicant is advised to contact the Council's Environmental Health Services (tel. 020 8489 1000) regarding the provision of adequate sanitary facilities, refuse storage facilities, fire requirements and compliance with the Food Safety (General Food Hygiene) Regulations 1995 that may be required in conjunction with this approval.