



Officer Report

Application Number:	HGY/2023/2508
Application Type:	Change of use
Address:	Shop, 94 Myddleton Road, Wood Green, London, N22 8NQ
Proposal:	Change of use from shop (Class E) to mixed use cafe/bar (Sui Generis).
Case Officer:	Roland Sheldon
Valid Date:	30/09/2023
Applicant:	Mr. Gazmir Muca
Agent:	Mr. Ramazan Ganidagli

RECOMMENDATION

Approve with Conditions

1. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Site and Surroundings

The application site is a vacant ground floor retail unit situated on the Northern side of Myddleton Road, in a street of mixed uses at ground floor, with largely residential use above. The site is located within the Bowes Park Conservation Area, and does not contain a listed building. The property is located within the Myddleton Road Local Shopping Centre area.

Proposed Development

This is an application for the change of use of the ground floor unit from a shop (Class E) to a café/bar (Sui Generis). Limited information has been provided with the submission with regards to the proposed use, but the proposed floor plans indicate that seating would be placed within the frontage area, with additional seating in the central room of the ground floor, labelled 'Events Room'. A till counter with a shelf labelled 'alcohol shelf' is shown in the frontage area. No food preparation area is shown on the submitted plans.

Relevant Planning and Enforcement History

The planning history of the site has been taken into account when coming to this decision, as outlined below:

94 Myddleton Road, N22

HGY/2019/0912: Change of use from class A1 (shop) to class D2 (exercise studio) – Withdrawn 29/04/2019

HGY/2012/1006: Retrospective planning application for retention of property as Shop (A1) – Approved 10/07/2012

Planning enforcement history:

ADV/2022/00007: Breach regarding illuminated sign at the above address 94 – Closed not expedient to take action 22/06/2022

UNW/2015/00885: Without planning permission the unauthorised installation of a shopfront – notice served 01/02/2016 – Breach resolved case closed 2017

UNW/2013/00278: signage – planning permission granted case closed 2014

3. CONSULTATION RESPONSE

The following were consulted regarding the application:

Internal:

- LBH Conservation Officer:

The proposals on this application don't show any external alterations proposed as part of the change of use and there are no existing or proposed elevations. If no external alterations are proposed, then there are no conservation comments on this application, as the ground floor would remain in commercial use. An informative that external alterations/signage would require separate permission/consent should be included.

- LBH EHS Noise & Pollution – No comments received.
- LBH EHS Food & Hygiene – No comments received.

- LBH Transportation:

No objections to the proposal. However, 2 cycle parking spaces for staff should be provided for the scheme. Details and plans of where commercial refuse storage would be located should also be submitted. Details with regards to servicing and delivery should be provided.

- LBH Licensing:

Objections have been received from residents concerned that the premises will be used as a social club/illegal gambling den.

It is concerning that the applicant has advised during the licensing consultation period that the premises will not be providing music or food to customers. We have asked for clarification as it is intended to be operated as a cafe. Clearly the request is for the sale of alcohol so it will be more of a social club/bar type operation.

We have also asked the applicant about the potential use as a social club for gambling and gaming machines to be brought onsite. Again they have said there will be no gambling permitted onsite. We are awaiting confirmation that this can be an imposed condition under the Premises licence should one be granted.

The matter will be taken to the Licensing Sub Committee for determination.

External:

- MET Police Designing Out Crime Officer – No objections.

4. LOCAL REPRESENTATIONS

The application has been publicised by way of 42 letters, press advert and display of site notice. The number of representations received from neighbours, local groups etc in response to notification and publicity of the of the application were as follows:

No of individual responses:

Objecting: 0

Supporting: 0

Representations: 1

The following issues were raised from the We Love Myddleton Road Community Group:

- Concerns of that venue could be used for licensed/unlicensed gambling;
- Oppose obscure glazing, curtains etc obstructing views in and out of unit; and
- Unit should be used as a public rather than private venue.

5. 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 Parking and transportation;

5 Waste and recycling

Principle of development

London Plan (2021) policy GG1 (Building strong and inclusive communities) sets out that those involved in planning and development must:

C provide access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation

F promote the crucial role town centres have in the social, civic, cultural and economic lives of Londoners, and plan for places that provide important opportunities for building relationships during the daytime, evening and night time

London Plan policy SD7 (Town centres: development principles and Development Plan Documents) sets out that development proposals should:

4) support the diversity of town centres by providing a range of commercial unit sizes, particularly on larger-scale developments.

Haringey Local Plan (2017) policy SP10 (Town Centres) sets out that the Council will promote and encourage development of retail, office, community, leisure, entertainment facilities, recreation uses, arts and cultural activities within its town centres according to the borough's town centre hierarchy.

Haringey's Local Shopping Centres will continue to be supported in providing core local shopping facilities and services (such as convenience store, post office, and newsagent) for their respective local communities, largely catering for a catchment area within walking distance.

Haringey Development Management DPD (2017) policy DM41 (New Town Centre development) sets out that:

A 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;
- b Sustain and enhance the vitality and viability of the town centre network; and
- c Contribute to the delivery of Haringey's spatial strategy

Policy DM43 (Local shopping centres) outlines:

A Within Local Shopping Centres, as defined on the Haringey Policies Map, the use of ground floor units for appropriate town centre uses will be permitted where:

- a The overall number of units in non-retail use (including extant planning permissions) will not exceed 50% across the entire frontage, unless it can be demonstrated the proposal will significantly enhance the vitality and viability of the centre; and
- b An active frontage is provided, or if this is not possible, a window display or other appropriate town centre frontage

The last available town centre health check for Myddleton Road Local Centre was in July 2021, where there was an overall balance as follows:

64 units:

15: vacant (23.4%)
Comparison goods: 10 (15.6%)
Convenience: 3 (4.7%)
Food/beverage: 13 (20.3%)
Non-service retail: 23 (36%)

Since the policy was written in 2017 however, it is pertinent to acknowledge that the Use Classes Order in 2020 was amended to introduce a new Class E, which amalgamated a number of uses that could be changed between without the need for full planning permission. This reflected the need for greater flexibility given the changing nature of town centres and their function. This change in policy means there has to be greater flexibility in how the balance of uses aspect of policy DM43 is applied. The proposed change of use to a cafe/bar would be considered to be an appropriate town centre use that would occupy the currently vacant unit and maintain the vitality and function of the Local Centre.

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. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context. This policy specifically considers the impact of development on locally listed buildings and the sensitivity of new development on such buildings.

There are no external modifications or advertisements proposed to the host building. There is limited detail provided with regards to the proposed use, other than that it would be for use as a cafe/bar, with the cafe use presumed to be during the daytime and bar use at night. It is considered that if the principle of the change of use is deemed to be acceptable, the use could be controlled through conditions so as to ensure that the character and appearance of the conservation area would be preserved. Informatives can be included that full planning permission would be required for any subsequently proposed extensions/shopfront changes, and advertisement consent for any new signage.

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.

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 residents.

The proposal seeks to change the use of the unit into a cafe/bar use. Limited detail has been provided with regards to the nature of the proposed use other than that it is proposed to use the premises as a cafe during the day, and a bar during the evenings. The premises has recently been granted a licence in October 2023 which permits the sale of alcohol in and for consumption on site between 10am - 23:00pm Monday - Sunday.

It is considered that in order to ensure that there is a period in which to monitor the use of the premises, that a condition is imposed on the development limiting its use to the following hours:

08:00 – 22:00 Mon-Thur

08:00 – 23:00 Fri-Sat

09:00 – 22:00 Sunday and bank holidays

The applicant would have the option to apply to vary the condition in the future, but at least one year is required to allow the Council to monitor how the premises is being run in terms of noise and general disturbance.

A further condition can be imposed that sets out no patrons will be permitted to be seated or congregate in the rear garden without the benefit of full planning permission. A further condition can be imposed that does not permit live music or amplified sound on the premises without the benefit of full planning permission.

Subject to compliance with these conditions, the proposal would be acceptable with regards to amenity impact considerations.

Parking and highways

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 floorspace of the unit is very small, at 82sqm, and would not facilitate large congregations that could place pressure that cannot be accommodated on the local public transport network, or give rise to an unacceptable impact on parking conditions in the locality. It is considered feasible to provide two off-street covered cycle parking spaces within the courtyard of the site, details of which could be provided by condition. Subject to compliance with such a condition, the proposal would be acceptable with regards to parking and highways considerations.

Waste and servicing

DPD policy DM4 requires all proposals to make on-site provision for general waste, the separation of recyclable materials and organic material for composting. No details of waste storage are provided, but there is adequate space within the internal and rear of the site for satisfactory storage. It is the responsibility of commercial units to arrange for the satisfactory means of waste and recycling collections through a private company.

Given the small scale of the operation, it is not considered necessary to require further details to be provided with regards to servicing arrangements, which could be satisfactorily undertaken on-street as with most units within the Local Centre.

Conclusion

The proposal is considered acceptable for the reasons outlined above.

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.

6. CIL APPLICABLE

The increase in internal floor area would not exceed 100 sq.m. and therefore the proposal is not liable for the Mayoral or Haringey's CIL charge.

7. RECOMMENDATION

GRANT PERMISSION subject to the following condition(s):

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 use hereby permitted shall not be operated before 08:00 – 22:00 Mon-Thur
08:00 – 23:00 Fri-Sat
09:00 – 22:00 Sunday and bank 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.

- 4 At no time shall any amplified speech or music be generated in association with the use hereby approved, that can cause noise and disturbance to adjacent residential properties.

Reason: To prevent loss of amenity to neighbouring residential premises due to noise generated from the premises in accordance with Policy D14 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

- 5 Prior to the first use of the change of use hereby approved, full details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 2 cycle parking spaces for users of the development, in accordance with the London Cycling Design Standards. Once agreed, the details shall be implemented as approved and retained/maintained as such thereafter.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan 2021 minimum cycle parking standards and the London Cycling Design Standards, policy T5 of the London Plan 2021, Policy SP7 of the Haringey Local Plan 2017 and to maximise the accessibility of the development.

- 6 At no time shall patrons of the use hereby approved be permitted to be seated or congregate within the rear courtyard of the premises.

Reason: In the interests of protecting the amenities of neighbouring residential occupants, in accordance with policy DM1 of the Haringey Development Management DPD (2017).

Informatives:

INFORMATIVE: Advertisements

Planning permission has been granted without prejudice to the need to get advertisement consent under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

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.

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.

The applicant is advised that separate full planning permission will be required for any alterations to the shopfront, or for the installation of any extract ventilation system in association with the use.