



Officer Report

Application Number:	HGY/2024/0214
Application Type:	Full planning permission
Address:	599-601 Green Lanes, Hornsey, London, N8 0RE
Proposal:	Erection of glazed single storey front enclosure with retractable roof canopy
Case Officer:	Roland Sheldon
Valid Date:	26/01/2024
Applicant:	MR H KARABARDAK
Agent:	Other - ARCHPL

RECOMMENDATION

Approved

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

This application is for a proposed erection of glazed single storey front enclosure with retractable roof canopy.

Site and Surroundings

The subject site contains the ground floor café/bar within units 599-601 Green Lanes on the northern side of the street, N8. The surrounding uses are a mix of town centre commercial related uses at ground floor level with mainly residential uses located on the upper floors. The site is not located within a conservation area and does not contain a listed building. The site is not located within any designated town centre or shopping frontage.

Relevant Planning and Enforcement History

599-601 Green Lanes London N8 0RE

- HGY/2018/0764: Change of use from A1 (retail) to A3 Use Class of No. 601 Green Lanes to provide additional seating area for The Jam in the Jar Cafe / Cocktail Bar at 599 Green Lanes – Approved 30/04/2018

599 Green Lanes, N8

HGY/2015/3849: Variation of Condition 2 (opening hours) following the grant of planning permission HGY/32546 to allow opening hours until 00.00hours Sunday to Thursday and

01.30 hours Friday to Saturday. No food/drinks will be allowed outside after 22.00 hours on Sunday to Thursday and 23.00 hours on Friday to Saturday – Approved 10/02/2016

2. REPRESENTATIONS

The application has been publicised by way of letters sent to neighbouring properties. No representations were received during the consultation period.

Statutory consultees

The following were consulted on the planning application:

Internal

- LBH: Environmental Health (Noise/ASB): There was a noise complaint received in 2023, and 11 noise complaints so far this year. The noise complaints were in relation to loud live music including drum kits, singers and other instruments.

Officers have attended the premises four times after receiving complaints by which point the music had stopped prior to their arrival at the venue.

- LBH: Licensing: There is a risk that with this type of proposed shelter, the roof will be closed whilst smoking is taking place, which would contravene the Health Act requirements. The 50% open space criteria would need to be met. Music would not be permitted to be played at any time in the proposed space, as this would disturb neighbouring residents. There is also concern that the enclosure of this space will encourage patrons to be seated in that area until later in the evening, which would exacerbate noise and disturbance issues for neighbouring residents.

Any changes to the current licenced area, will need to be regularised under the Licensing Act 2003. The addition of the structure will require a variation application under the licensing process.

External

None.

The following associations, societies or interest groups were consulted on the planning application:

- Harringay Green Lanes Traders' Association: No comments received.

3. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Design, Character & Appearance; and
2. Impact on Neighbouring Amenity

Design, Character and Appearance

High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.

DPD policy DM8 relates to shopfronts, signs and on-street dining. The policy outlines that the Council will require shopfronts, including their signs, security shutters and canopies, to be designed to a high standard and contribute to a safe and attractive environment. Alteration or replacement of an existing shopfront or a new shopfront must allow for easy access by all members of the community. Shopfront canopies fixed in the 'down' position are unlikely to be supported. Retractable shopfront canopies may be acceptable where they are of an appropriate design and maintain sufficient clearance.

Streetview images on Google Earth indicate that at least since March 2019, the shopfront of no. 601 has been replaced with retractable glazing. In addition, the two units in question have had canvas retractable canopies, alongside a timber fence enclosure of the forecourts and a decked area with ramped access for seating installed. No enforcement action has been taken against these alterations, and therefore the development has become immune from enforcement action by virtue of the passage of time.

The proposal seeks to replace the existing canvas retractable canopy with a retractable canopy in addition to a glazed enclosure with aluminium frames to match the structure approved at neighbouring nos. 595 and 597 Green Lanes, granted consent under planning reference HGY/2020/0745.

As revised, the structure would be set-back 1 metre from the extent of the forecourt to provide a space for patrons to smoke. Glazed enclosures with retractable canopies are already in existence within the wider Green Lanes shopping frontage, including the aforementioned neighbouring feature and the Selale restaurant further south on Green Lanes.

Whilst a sizeable structure, it would not be out of keeping with the wider locality. The application of a largely glazed treatment with aluminium frames would serve to visually soften the appearance of the structure, replicating the enclosure of neighbouring 595-597 Green Lanes. Ramped access would be maintained for disabled access. Taking the above into consideration, the proposed glazed enclosure with retractable roof would be acceptable with regards to design and character considerations.

Impact on neighbouring amenity

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 residents. Issues of vibration, noise, fumes and odour likely to arise from a proposal must be addressed.

The proposed enclosure would be located adjacent to the ground floor front enclosure of the café within no. 597 Green Lanes and the commercial unit of no. 603 Green Lanes. It would not result in any loss of light or outlook by neighbouring residential occupants.

The front forecourt area of the property is already used to seat customers on a raised decking with retractable canvas canopy, that by virtue of the passage of time, is immune from enforcement action. The licence granted for the premises does not control use of the external areas of the site at present, and therefore it is possible for patrons to drink and smoke in the forecourt of the site during the permitted opening hours of the premises.

According to the licensing team, there have been a number of complaints received with regards to noise disturbance from the premises during 2024. However, these complaints are in relation to live music being played internally, and not the use of the forecourt area.

Given the existing situation, the enclosure of this forecourt area is likely to enclose more of the sound within the premises and limit emission of sound that could be audible by neighbouring residents.

A restrictive condition could be imposed on the development that no amplified music or sound, or live music shall be played in the extended area after 9pm of any day. In addition to this, a condition can be imposed that requires the roof of the extension to be extended to enclose the area after 9pm every night, to prevent potential noise disturbance of neighbouring occupants.

An informative shall also be included that due to additional floorspace and structure being added to the premises, the applicant will need to regularise the changes under the Licensing Act 2003.

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

4. CONCLUSION

Subject to compliance with conditions, the proposal is acceptable with regards to design and amenity considerations.

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.

5. CIL APPLICABLE

The development is for less than 100sqm of new floor space and is therefore not liable to CIL.

6. RECOMMENDATION

GRANT PERMISSION subject to the following 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 No amplified music or sound, or live music, shall be played within the extended area of the premises hereby approved after 9pm on any day.

Reason: In the interests of protecting the amenities of neighbouring residential occupants, in accordance with policy DM1 of the Haringey Development Management DPD 2017.
- 4 The roof of the structure hereby approved shall be fully extended and all external opening closed after 9pm of every day and shall not re-open until 10am the following morning.

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: 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: Licensing

The applicant is advised that they will need to regularise the changes made to the terms of the current licence for the premises as a result of the introduction of the

extension hereby approved, under the Licensing Act 2003.