



# Officer Report

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|----------------------------|---------------------------------------------------------------|
| <b>Application Number:</b> | <b>HGY/2023/2908</b>                                          |
| <b>Application Type:</b>   | <b>Full planning permission</b>                               |
| <b>Address:</b>            | Shop 42a-46, Park Road, Hornsey, London, N8 8TD               |
| <b>Proposal:</b>           | Installation of extract ventilation system with extract duct. |
| <b>Case Officer:</b>       | Roland Sheldon                                                |
| <b>Valid Date:</b>         | 27/10/2023                                                    |
| <b>Applicant:</b>          | Mr Alper Oztaskin                                             |
| <b>Agent:</b>              | Mr M Kilic                                                    |

## **RECOMMENDATION**

**Approve with Conditions**

### **1. SUMMARY OF RECOMMENDATION**

GRANT PERMISSION subject to conditions

### **2. PROPOSED DEVELOPMENT AND LOCATION DETAILS**

#### Site and Surroundings

The subject site contains three ground floor retail units that have been converted into one larger unit, currently in use as a café/bar, on the northern side of Park Road, N8. The surrounding uses are a mix of retail-related commercial uses at ground floor level, with predominantly residential uses at upper floor level. The site is located within Crouch End Conservation Area and does not contain a listed building. It is also located within Crouch End District Centre, within the Secondary Frontage.

#### Proposed Development

Full planning permission is sought for installation of extract ventilation system with extract duct.

#### Relevant Planning and Enforcement History

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

#### Planning history:

*Shop 42a-46 Park Road Hornsey London N8 8TD*

HGY/2023/1299: Installation of Ventilation Flap at the rear for installation of internal extraction unit as shown on the plans – refused 06/09/2023

*Insufficient information has been submitted to demonstrate that the location, size and operation of the extraction flue would not result in harmful noise, fumes/odour, and vibration impacts, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy D6 and D14 of the London Plan (2021) and Policy DM1 of the Haringey Development Management DPD (2017).*

44 Park Road, N8

HGY/2021/2197: Proposed shopfront alterations including relocation of front door – Approved 03/09/2021

Planning enforcement history:

44 Park Road, N8

ADV/2022/00142: Fascia signage and shopfront – Case opened 18/03/2022) - Investigation in progress.

### **3. CONSULTATION RESPONSE**

The following were consulted regarding the application:

Internal:

- LBH Conservation Officer: The only external part of the application is for a vent grille to the rear elevation. The proposed vent is not overly large and would be flush with the brickwork and painted to match the colour of the external material adjacent. Accordingly, it would not be a dominant addition and would have a neutral impact on the significance of the Conservation Area and the adjacent locally listed buildings and Conservation would not object to the proposed development.

Officer comment: The above comments were submitted on the basis of the original submission which was for the vent grille at ground floor level, and not for the extract ventilation duct that was proposed as part of the revised plans submission.

- LBH Environmental Health (comments on basis of revised submission with extract ventilation duct): The provision of an attenuator/silencer as part of the kitchen extraction system is welcomed. A condition to limit the hours of operation to between 11am – 11pm to limit potential for disturbance at night should be imposed.

Not connected to this application, but noise from kitchen operations and arrangements for ventilating the kitchen have the potential for causing noise disturbance.

The revised proposal addresses most of the concerns arising from the original submission. Termination of the duct at a high level is definitely a preferred option.

### **4. LOCAL REPRESENTATIONS**

The application has been publicised by way of letters sent to neighbouring properties, a notice placed in the local press, and a site notice displayed within close proximity of the premises. 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: 6

Objecting: 3

Supporting: 3

The following issues were raised in objections to the proposal:

- Same issues exist as with previously refused proposal HGY/2023/1299 with regards to noise, fumes/odour, and vibration impacts
- High likelihood of cooking smells entering neighbouring properties
- Noise and odour disturbance during late hours
- There are already pre-existing complaints to the Noise and Nuisance Team regarding about operation of business which is open until 02:30am Thursdays to Saturdays
- Addition of a food extractor unit would only exacerbate existing problems
- Privacy has already been compromised by the operation of premises with staff in 'storage area'

Officer comment: All of the above comments were on the basis of the original submission for ventilation flap, which was set below the windows of flats above in the building, whereas the revised proposal shows the extract ventilation duct terminating over 1 metre above the nearest residential window.

## **5. MATERIAL PLANNING CONSIDERATIONS**

The main planning considerations raised by the proposed development are:

- 1 Design, character and heritage;
- 2 Impact on neighbouring amenity

### Design, character and heritage

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.

As revised, the proposal would see an extract ventilation duct installed on the rear elevation of the no. 44 Park Road. The duct is set down 0.7 metres from the ridge of the roof, and by virtue of the envelope of neighbouring building no. 46 Park Road and no. 2 New Road, would not be visible from the public realm. The installation of the extract duct would not result in an unacceptable impact of the character and appearance of the host building or wider Crouch End Conservation Area. As such, the proposal is acceptable with regards to design, character and heritage considerations.

### Impact on neighbouring amenity

London Plan Policy D14 sets out that proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

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. Proposals should also address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

As revised, the proposal has been amended to remove the previously proposed ventilation flap above the ground floor rear door of the premises, to be replaced by an extract ventilation system with a duct that terminates over 2.25 metres above the top of the nearest residential first floor window within no. 44 Park Road. The system would be fitted with an air carbon filter system, duct attenuators and an electrostatic precipitator unit that would serve to limit noise and odour disturbance for neighbouring residents to an acceptable degree.

The revised scheme has been reviewed by Environmental Health Officers, who are satisfied with the approach of increasing the termination height of the extract system and increasing its distance away from the nearest residential window. A condition would be imposed that the plant would not operate before 11am or after 11pm to limit disturbance at night. In addition to this, a condition would also be imposed that requires the equipment to operate to a required noise limitation level, to protect the amenities of neighbouring residential occupants.

A condition requiring ongoing maintenance of the ESP system is undertaken in accordance with servicing and maintenance schedule submitted alongside the application, will also be imposed. Subject to compliance with these conditions, the proposal would be acceptable with regards to amenity impact considerations.

### Conclusion

Subject to compliance with conditions, 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 plant equipment hereby permitted shall not be operated before 11:00 hours or after 23:00 hours on any given day. Reason: In the interests of protecting the amenities of neighbouring residential occupants, in accordance with policy D14 of the London Plan 2021, and policy DM1 of the Haringey Development Management Plan 2017.

- 4 The design and installation of the plant equipment shall be such that when operating the cumulative noise level LAeq TR arising from the unit, measured or predicated at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or predication of the noise should be carried out in accordance with the methodology contained within BS 4142:2014.

Reason: To protect neighbouring resident's amenity, in accordance with policy DM1 of the Haringey Development Management DPD (2017).

- 5 The cleaning and maintenance of the electrostatic precipitator system hereby approved shall be undertaken in accordance with approved document 'ESP Servicing and Maintenance Guide', for the lifespan of the development.

Reason: In the interests of protecting the amenities of neighbouring residential occupants, in accordance with policy D14 of the London Plan 2021, and policy DM1 of the Haringey Development Management Plan 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: Party Wall Act**

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.