



# Officer Report

|                            |                                                                                          |
|----------------------------|------------------------------------------------------------------------------------------|
| <b>Application Number:</b> | <b>HGY/2023/1749</b>                                                                     |
| <b>Application Type:</b>   | <b>Full planning permission</b>                                                          |
| <b>Address:</b>            | Rear of 734-744 Lordship Lane, London N22 5JP                                            |
| <b>Proposal:</b>           | Change of use from mini cab parking and office to hand car wash with erection of canopy. |
| <b>Case Officer:</b>       | Josh Parker                                                                              |
| <b>Valid Date:</b>         | 03/07/2023                                                                               |
| <b>Applicant:</b>          | Mr Mustafa Topkaya                                                                       |
| <b>Agent:</b>              | Mr Ovunc Ozbaris                                                                         |

## 1. SITE AND SURROUNDING

The application site relates to land to the rear of 734-744 Lordship Lane, which is currently used as a min-cab office however appears to be used for car parking. No 734 Lordship Lane is located on the corner with Berners Road and has a ground floor commercial unit and retail frontage used as a launderette. A mini-cab office has previously occupied the rear of this site and then subsequently moved to the rear of the existing laundrette.

The application site is located within Wood Green Metropolitan Town Centre. Wood Green Tube station is located to the South and West, while residential properties are located to the north and east as well as the upper floors of the building to the south and west. The site is not located within a conservation area.

## 2. PROPOSED DEVELOPMENT

The application is proposing the following works:

Change of use from mini cab parking and office to hand car wash with erection of canopy.

## 3. SITE HISTORY AND ENFORCEMENT

All existing planning applications have been considered for this application.

APP/Y5420/A/14/2216900 – Follows the refusal of permissions HGY/2013/1701 for the use of the property as a mini cab office at Land to the rear of 734 Lordship Lane. Approved 29 July 2014.

HGY/2013/1701 - Use of property as a minicab office (renewal of time-limited permission HGY/2010/1592). Refused

Refusal reasons:

- The renewal of the planning permission attached to HGY/2010/1592 is likely to lead to a continuation of regular obstructions impeding the free flow of traffic, including bus services along Lordship Lane. In addition comments from Transportation have highlighted that there has been a breach of condition 4, 5 and 6 attached to Planning Permission HGY/2010/1592 as the proposal would harm amenity of residential occupiers, the mini-cab operation is radio controlled and there is a significant impact upon the transport network as cars queue back onto Lordship Lane affecting the free flow of traffic and causing delays to local bus services. Therefore, the renewal of Planning Permission HGY/2010/1592 contravenes Policy M12 of the Unitary Development Plan and London Plan Policies 6.3, 6.7 and 6.11.

HGY/2010/1593 - Use of part of the land for hand car wash and erection of canopy. Refused

Refusal reasons:

- The proposal by reason of the entrance being some 42 metres with the junction of Lordship Lane would result in an inadequate turning space for cars entering and leaving the site and would lead to a conflict with the free flow of traffic along a heavily parked Berners Road. As such it would further exacerbate the movement of transport moving along Lordship Lane and is therefore contrary to Policies UD3 General Principles and M10 Parking for Development of the Haringey Unitary Development Plan.
- The proposal by reason of its siting and close proximity to the rear of the upper levels floor residential units of Lordship Lane and residential properties on Berners Road would be adversely affected as the car wash and the nature of the work would lead to unnecessary levels of noise and disturbances. The proposal would result in a higher volume of people and cars waiting around in the area and in turn would be further exacerbated by the constant use of water jets. As such the proposal is contrary to Policies UD3 General Principles, ENV6 Noise Pollution and EMP6 Car Repairs Workshops, Garages and Car Washes of the Haringey Unitary Development Plan

HGY/2010/1592 - Renewal of time limited planning permission HGY/2009/1351 for continuation of use of property as a mini cab office. Approved 28 October 2010 expiring 28.10.2013.

HGY/2009/1351 - Change of use of part of existing premises from laundrette to mini-cab office, alterations to shopfront and use of existing car park / portakabin on land at rear of 734 Lordship Lane for staff and parking of mini-cabs. Approved 28th October 2009 expiring 23.9.2010.

HGY/2008/1407 – Variation of condition 5 to allow 24 hour operation as minicab office. Refused 4th October 2008 which lead to APP/Y5420/A/08/2089842 which was subsequently dismissed 27.1.2009.

HGY/2006/1502 – The continuation of the use of the property as a minicab office. Expiring on 20.9.2009

HGY/2005/0920 – Planning permission HGY/2004/0884 extended for 1 year expiring 20.09.2006

HGY/2004/0884 – Planning permission for change of use of the Land from carwash to minicab office. Approved 10th June 2004

HGY/2002/1032 - Rear of 734-744 Lordship Lane N22 – continued use of land as carwash. Approved 5th of November 2002.

#### **4. CONSULTATION**

##### LBH Transportation:

- No trip generation has been submitted as part of the proposal. Therefore, the High Authority is unable to assess the impact that this development will have on the local highway.
- Plans submitted have failed to detail the on-street parking in relation to the existing unused vehicles cross. This is because there is a bay of two spaces adjacent and two opposite to the crossover. This needs to be demonstrated on plans.
- Plans show car parking spaces for four vehicles, with a further 2 under a canopy. However, no justification nor explanation has been given on the proposed level of parking and what it is intended.
- The published London Plan 2021 Policy T6.3 Retail Parking requires that development proposals must comply with the relevant parking standards. For a development of this type, with a PTAL ranking of 6b, the maximum number of car parking spaces permitted would be car-free. Consequently, the site would be unable to provide any long-term parking for employees or customers.
- To assess its impact on Berners Road and Hardy Passage which are adopted roads the submission should have included information on how vehicles movement will be managed to negate its impact on the highway. This is especially considering when Berners Road leads onto the very busy Lordship

Lane and any build of traffic at the site location can have serious consequences which can lead to delays to vehicles entering/leaving onto Lordship Lane. This will in turn will cause delays and impede the free-flow of traffic on both Lordship Lane and Berners Road.

Thames Water – Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil polluted discharges entering local watercourses.

## 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:3

Support:1 (Petition with 11 names, 0 signatures)

| <b>Objection</b>                                                  | <b>Officer response</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Conflict and congestion of traffic                                | <p>Officers point out that there is a separate entrance and exit associated with the layout to this use, as well as ample space for parking on site in connection with the use, namely for cars awaiting cleaning.</p> <p>As per a condition imposed the use here would be limited in relation to intensity of use as well as limited to a temporary consent for 2 years. This will enable the Local Planning Authority (LPA) to further under understand the traffic/ parking implications of such a use over time.</p> |
| Noise and disturbance affecting surrounding residential buildings | <p>The site is currently used as a car park/mini cab use, with in turn car movements to and from the site.</p> <p>Given the context of the existing use of the site, its town centre location and the fact the number of cars being cleaned is being limited to 2 without the use of mechanical equipment, such measures are viewed to be robust to ensure</p>                                                                                                                                                           |

|                                                                                |                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                | neighbouring amenity will not be affected.                                                                                                                                                                                                                                                                                             |
| The previous refused application for a car handwash are still applicable here. | The 'jet wash' noise concerns in relation to the previous refused application HGY/2010/1593 have been addressed by way of this current application, with as explained above the number of cars being cleaned limited to 2 without the use of mechanical equipment.                                                                     |
| Hard to regulate/control traffic.                                              | The site is already used as a mini cab office with an associated car park, as such meaning the site generates a level of activity in relation to car movements coming and goings and manoeuvring etc. As reflected below there are a number of conditions being imposed in respect of limiting the number of cars that can be cleaned. |
| Legality of 'existing crossover'.                                              | Appears to be historical.                                                                                                                                                                                                                                                                                                              |

| <b>Support</b>                                                                                                                                                                                                                                                                                                                                                                         | <b>Officer response</b>  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Putting this land into a manageable use. As at its present use courses unsightly problems of litter and dumping as well as meeting point for undesirable people which courses many fights and loud arguments. We believe by granting planning permission this land would be managed continuously by people who will stop these sorts of activities including the stopping of littering | Noted, see report below. |

## 5. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed use here are:

1. Principle and background;
2. Design and layout;

3. Parking and highway;
4. Impact on neighbouring amenity.

### Principle and Background

As reflected above the site here has a long planning history including the use of the site historically as a carwash (HGY/2002/1032). This consent was allowed for a limited time until 5<sup>th</sup> November 2003. As reflected in the planning history set out above, the site then moved to a mini-cab use which was accepted on a temporary basis then permitted as apart of appeal ref: APP/Y5420/A/14/2216900.

As also set out above it is noted that a later application for a car wash use was refused 2010, with this refused on two grounds; one relating to difficulties in terms of turning space for cars entering and leaving the site and the second relating to noise and disturbance associated with 'car jets'.

On examination of this case it is apparent that the reference to the use of 'car jets' is an error, as this 2010 application did not refer to the use of mechanical equipment. As such this reason for refusal cannot be substantiated and therefore cannot be taken to be a reason in itself to refuse consent here, in particular bearing in mind the site historically was used as a 'car wash'. Equally this current application is supported by a Noise report, discussed further on in this report.

The first reason for refusal with this 2010 is however viewed to be reasonable in that the layout of the site, taking account of the size of the canopy/ working area, would not have provided adequate turning and parking areas for customers' vehicles.

As such it was reasonable to view that the operations of the sites could have affected the free-flow of traffic on Berners Road, in turn possibly having impacts for Lordship Lane and the bus lanes. As explained below and shown in the accompanying drawing with the canopy area/ covered area for working is smaller, as such meaning the cleaning of cars will be limited to 2, with this materially different to the 2010 application where the canopy area would have facilitated the cleaning of more cars.

In planning land use terms, a car wash use is an acceptable use for a car park site in a town centre location, subject to there being no adverse impact on amenity and on the highway network, as discussed further below.

### Design and Layout

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).

A layout plan has been submitted showing the layout of the site for the purposes of this car wash use. No major adaptations are needed to the site in terms of layout, given

the historical use of the site, in specific the entry and egress points to the site are existing.

A cantilevered canopy would be erected enclosing a small area of the site. This canopy would be lightweight in appearance and would not harm the appearance of the site. Equally an existing portacabin structure will be retained on site for the purpose of this use.

The works to the site are very minor in nature and will not materially change its current appearance and as such not affecting the visual amenity or the character and appearance of the area.

#### Parking and Highway considerations

London Plan Policy T1 requires development ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation and parking demand.

As reflected above a layout plan has been submitted showing the layout of the site for the purposes of the car wash use. No major adaptations are needed to the site in terms of layout, given the historical use of the site, in specific the entry and egress points to the site are existing. The layout plan, shows where cars will be cleaned, with this limited to 2 cars below the canopy and the rest of the space used for loading and parking.

When compared to the 2010 application, the covered area for cleaning cars is smaller as such allowing for more space for the manoeuvring of cars within the site. As also reflected in the plans there is also space for cars to park awaiting cleaning, which is viewed to be acceptable.

Cars will enter the site via Berners Road and exit through Hardy Passage. Berners Road terminates shortly to the south with the busy Lordship Lane.

In view that the of number cars than can be cleaned at once will be limited to 2 and the fact that there is ample parking within the site, it is reasonable to view the use here can be accommodated within the confines of the site and as such it is not viewed the use would lead to vehicles waiting on the highway network whilst drivers ascertain the availability of the car wash. Including the 2 spots for the cars to be washed there are 4 additional positions for cars to be parked waiting to be washed, leaving for the single entry via Berners Road and exit through Hardy Passage to work.

Although as explained above the 2010 application was refused on the grounds that the car wash would affect the free flow of traffic, the site layout as then proposed and the size of the canopy/ working area was materially different. Specifically, the canopy/ working area was much larger making movements within the site difficult and in turn potentially leading to awkward reversing onto Berners Road, leading to potential issues with the free flow of traffic on this road etc.

Given the above it is viewed to be reasonable to argue if the use here site is managed correctly cars can be accommodated on site and the use here would not impede the free flow of traffic or have any detrimental impact for other road users or local car parking conditions. However, in order to fully understand the impacts of the use on the highway network a temporary consent for 2 years is recommended. This will allow the Council to monitor the operations and suitability of the use for this site.

#### 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. 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 resident.

A noise assessment was submitted with the application prepared by Venta Acoustics which establishes background and predicted noise. The submitted report establishes that the site has a background sound level of 44dB LA90 assessed against the UK standard BS4142:2014, based on a single continuous 1-hour measurement and outlines that the vacuum cleaners used will be placed inside an attenuated enclosures to operate as low-pressure hoses. Equally the report outlines that no radios or amplified music is to be used, with this secured by way of a planning condition.

The closest residential properties are located approximately 15m from the activity. Given the context of the area and the fact that the number of car being cleaned is being limited to 2 without the use of mechanical hoses, such measures are viewed to be reasonable to ensure neighbouring amenity will not be affected subject to the vacuum cleaners attenuation boxes being signed off by a qualified acoustic specialist to meet the specifications/recommendations set out in the report by Venta Acoustics dated 27th of January.

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 Officers to monitor the operations and suitability of the use for this site, in relation to noise from vacuum cleaners etc.

All other act and interactions with vehicles are viewed to be similar to the existing activity i.e vehicles, doors opening and closing and therefore would not materially differ enough to consider a refusal.

In relation to other amenity considerations, Officers view that the cantilevered canopy would be lightweight and modest in size and will not affect neighbouring amenity.

Subject to the conditions to be imposed the use here is considered to be acceptable in relation to neighbouring amenity.

## **Conclusion**

Given the size and nature of this site, its historic use as well as town centre location it is considered suitable for the purposes of such a use. The nature of the application here differs from the 2010 in terms of layout and the number of cars that could be served at a given time.

Tasking account of the Noise Report submitted and mitigation measures proposed adjoining residential properties are not expected to be adversely affected by the use. However, in this instance in order to fully understand impacts on the surrounding properties in terms of general amenity as well as impact on the highway network a temporary consent for a period of 24 months is viewed prudent. This application is therefore recommended for approval for a temporary period of 2 years, subject to conditions.

## **7. CIL APPLICABLE**

The portacabin structure is existing and canopy structure not a building and as such there is no liability for CIL.

## **8. RECOMMENDATION**

The application is recommended for approval subject to the following conditions.

### **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 use hereby permitted for car wash and car valet purposes shall not be carried on outside the following times Monday to Saturday: 9am to 6pm and Sunday and Public Holidays 10am to 4pm.

Reason: In order to safeguard the amenities of adjoining residential properties and to ensure that the proposed development does not prejudice the amenities of the locality in accordance with policies Policy D14 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

3. The level of noise emitted from the car washing activities shall not exceed +5dB LAeq, above background levels at any time, as measured on the boundary of the car park closest to any houses/ flats. The vacuum acoustic boxes proposed in the Venta Acoustic Report shall be installed before the use hereby approved becomes operational and maintained thereafter accordingly.

Reason: In order to safeguard the amenities of adjoining residential properties and to ensure that the proposed development does not prejudice the amenities of the locality in accordance with policies Policy D14 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

4. The car wash use hereby approved shall be limited to 2 cars to be cleaned by hand with vacuums, contained within acoustic boxes as per condition 3 above, with no amplified music to operate within the site.

Reason: In order to safeguard the amenities of adjoining residential properties and to ensure that the proposed development does not prejudice the amenities of the locality in accordance with policies Policy D14 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

INFORMATIVE: The developer is hereby advised that this planning permission does not convey any consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for advertisement, signage or similar associated with the development approved.

INFORMATIVE: Thames Water

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.