

Officer Report

Application Number:	HGY/2024/0508
Application Type:	Full planning permission
Address:	Shop, 66 Turnpike Lane, Wood Green, London, N8 0PR
Proposal:	Change of use from shop Class E(a) to Restaurant Class E(b) and erection of a single storey front extension with shopfront, rooflights and metalwork gate.
Case Officer:	Mark Chan
Valid Date:	05/04/2024
Applicant:	Mr Rajesh Somaia
Agent:	Mr Ibi Ekinch

RECOMMENDATION

Approve with Conditions

1. CONSULTATIONS

No representations were received in response to notification and publicity of the application. The Council's Transportation have been consulted and raised no objection.

2. REASONS FOR GRANTING PERMISSION

The subject site is a two-storey end-of-terrace property on the northern side of Turnpike Lane. Similar to neighbouring properties, the ground floor of the property is a commercial unit and the upper floors are residential flats. It is noted that the subject site has an existing rear extension. The site is not within a conservation area nor fall within the curtilage of a listed building. The site is within the Turnpike Lane local shopping centre.

The planning history of the site has been taken into account when coming to this decision. The most recent relevant history is:

HGY/2016/1896 – Erection of single storey front extension - approved 07/07/2016.

The application seeks the change of use from shop Class E(a) to restaurant Class E(b) and the erection of a single storey front extension with shopfront, rooflights and metalwork gate. The nearest residential properties are located on the upper floors of the subject site.

Principle of development

The Council recognises that on 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987. The former A1 retail and A3 cafes/restaurants uses now fall under a new use class, Class E. Given that the Use Classes Order provides for changes of use within a single use class as not being taken to involve development, a change from retail to a

restaurant no longer requires planning permission. As such, this is a material consideration that has been given substantial weight in the consideration of this application.

While this development would normally be subject to assessment against Policy DM42, the change in legislation is a significant material consideration that is considered to outweigh the policy in this instance. Whether or not the development accords with Policy DM42, given that the change of use does not require permission, there would be no reasonable grounds to refuse the formal granting of planning permission on this ground.

Front ground floor extension

This application is being considered against Local Plan Policy SP11 'Design' and DPD Policy DM1 'Delivering High Quality Design' which requires buildings/ structures to be of a high, site specific, and sensitive design quality and to safeguard neighbouring amenity.

The proposed front extension would be approximately 3.8m high with a flat roof and a rooflight and 6.2m deep from the existing front elevation. It is noted that many properties on the terrace have similar front extensions and the proposal would match them in terms of massing. The extension would be finished with brickwork with windows and doors on the front and eastern side elevation. In the front elevation, a new front door for access to the upper floor flats and a new glass entrance door would be installed as well as moulded panels and a fascia panel for signage. A small 1.8m high metal gate would be installed on the eastern side of the new shopfront for security purposes. It should be noted that a similar front extension was previously approved in 2016 but was not implemented. It is observed that the adjacent buildings Nos. 68 and 64 Turnpike Lane have similar front extensions. Overall, the design and massing are considered in keeping with the pattern of development in the area. Therefore, the local character and visual amenity of the area will be protected in accordance with the above policies.

A new extraction flue pipe would be installed at the rear of the building. The ductwork is minor and will not have a detrimental effect on the appearance of the building or the street scene. Therefore, the local character and visual amenity of the area will be protected.

Flexible canvas connectors will be fixed between the fan and the ductwork to mitigate the transmission of vibration. The ductwork will also be mounted on anti-vibration brackets. Details of both noise and odour mitigation has been secured by conditions. The proposed measures are considered sufficient to ensure that neighbouring residential occupiers will not be adversely affected subject to conditions. The proposal is acceptable in amenity terms.

The proposed bin storage is at the rear garden and the bins will be moved to the front of the building for daily collection. Whilst this arrange is not ideal, given the size and layout of the site, it is considered acceptable in this instance.

A cycle storage area for 7 bikes would be provided at the front of the building behind the front metal gate. Whilst 5 cycle storage spaces are required for the proposal, the 2 additional spaces will be used by the occupiers of the upper floor flats in the building.

The proposed development is in general accordance with Policies DM1 and DM23 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies 2017. The proposed development also accords with the relevant policies of the London Plan 2021 and the NPPF.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

3. RECOMMENDATION

GRANT PERMISSION subject to 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 The design and installation of new or replacement items of fixed plant and insulation hereby approved by this permission shall be such that, when in operation, the cumulative noise level LAeq 15 min arising from the proposed plant, measured or predicted at 1m from the facade of nearest residential premises shall be a rating level of at least 15dB(A) below the background noise level LAF90. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014 and A1:2019. Upon request by the local planning authority a noise report shall be produced by a competent person and shall be submitted to and approved by the local planning authority to demonstrate compliance with the above criteria.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and Policies DM1 and DM23 of The Development Management DPD 2017.

- 4 The use hereby permitted shall not be operated before 07:00 hours or after 22:00 hours Monday to Friday, before 07:00 or after 22:00 Saturday, before 08:00 hours or after 21:00 hours Sundays 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.

- 5 Notwithstanding the approved drawings and prior to the commencement of the development, full details of the type and location of secure and covered cycle parking facilities have to be submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until a minimum of 7 cycle parking spaces have been provided for the 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.

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: 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.

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.