



Officer Report

Application Number:	HGY/2024/0056
Application Type:	Change of use
Address:	284-286 Wightman Road, Hornsey, London, N8 0LT
Proposal:	Change of use from shop Use Class E(a) to a restaurant Use Class E(b) at ground floor level; installation of an external extraction ventilation system at the rear of the building; installation of 6no. toilets for guests and staff; formation of a refuse niche at the rear passage; replacement of front doors and windows with bi-folding doors; installation of glazed double doors at rear entrance and replacement of existing roller shutters; removal of existing front shop signage.
Case Officer:	Mark Chan
Valid Date:	08/01/2024
Applicant:	Stafa
Agent:	Keti Malile

RECOMMENDATION

Approve with Conditions

1. REPRESENTATIONS

No representations were received in response to notification and publicity of the application.

The Council's Cleansing team raised no objection but commented:

- The new restaurant should have fall back/provision to store waste for a period of at least 4 days should there be any issues that affect collections.
- Food waste collected by Haringey's contractor is only possible in a 140L (not 360L) wheelie bin so the storage area would need to be changed if collections are to be provided by the council.

The Council's Pollution Officer has also been consulted and raised no objection.

2. REASONS FOR GRANTING PERMISSION

The application site is a ground floor commercial unit of a three-storey mid-terraced property on the eastern side of Wightman Road. Similar to neighbouring properties, the upper floors are residential flats, and the host property has existing rear extension. The site is not within a conservation area nor fall within the curtilage of a listed building.

The planning history of the site has been taken into account when coming to this decision.

HGY/2003/0541 – Formation of a crossover to classified road to a width of 16 feet. Approved 27/05/2003.

OLD/1985/1646 – 16/4/85 Erection of single storey rear extension to ground floor factory. Approved 28/06/1985.

Proposed Development

This application seeks the change of use from a shop Use Class E(a) to a restaurant Use Class E(b) at ground floor level, installation of an external extraction ventilation system at the rear of the building, installation of 6no. toilets for guests and staff, formation of a refuse niche at the rear passage, replacement of front doors and windows with bi-folding doors, installation of glazed double doors at rear entrance and replacement of existing roller shutters, and removal of existing front shop signage. The nearest residential properties are located on the upper floors of the host property.

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.

Whilst 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.

Design and Appearance

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. This is supported by Policy D4 of London Plan (2021).

Installation of external extract

Over the course of the application, the proposal has been amended and revised design for the new external extraction ventilation system was submitted. The revised kitchen extract flue duct would be tucked behind the host property and installed on the roof of the ground floor rear extension instead of running vertically along the rear façade. The ventilation supply and extract fans would be hidden in an acoustic enclosure and together with the BOH ventilation system would also be installed at the rear of the host property. The proposed ventilation system would not be visible from the street scene and the ductwork is minor and would not have a detrimental effect on the appearance of the building or the street scene. As such, the local character and visual amenity of the area will be protected.

Alterations to front elevation

In the front elevation of the application site, the front doors and windows would be replaced by two sets of bi-folding doors and a fixed window on the either side of the shopfront, the existing roller

shutters would also be replaced by a new roller shutter on the outer leaf of the external wall, and existing front fascia sign would be removed. The proposed bi-folding doors and windows would be aluminium framed powder coated in dark grey RAL9011 colour to present an improved and more contemporary appearance. The removal of the existing fascia sign is supported as it would reduce unnecessary visual clutter on the front elevation. The front elevation of the host property would remain consistent with the neighbouring properties on Wightman Road and the overall street scene whilst ensuring a positive relationship with the street level activity. Overall, the proposed works would not harm the character and appearance of the host property and locality.

Alterations to rear elevation

In the rear elevation, a small niche to accommodate the refuse and recycling bins at the rear of the site and an aluminium double glazed double door at rear entrance would be installed. The colour of the new double door would match the proposed front fenestrations. Given the minor scale of the proposed works and rear location, it is not considered to adversely affect the character and appearance of the host property and surrounding area.

Installation of toilets

It is noted that the applicant is seeking to install 6no. toilets within the new restaurant. As the installation does not require external works or extensions, planning permission is not considered to be required.

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.

The nearest residential properties would be the residential flats on top of the application site. The main external alteration to the host property is the proposed installation of an external extraction system whilst the other works to the front and rear elevations are considered minor in scale and would not have detrimental impacts to the residential amenities of neighbouring occupiers.

The kitchen extract flue would along the roof of the rear extension and away from the rear facade of the main building and into a relatively open area. The discharging duct work would then be turned upwards 3m from the flat roof. The applicant has confirmed that the system will comply with DEFRA guidelines and that there would anti-vibration mounts and carbon discards and panels for the flue to prevent odours or noise reaching neighbouring residents. Details of both noise and odour mitigation has been secured by conditions. The proposed measures are considered sufficient to ensure that neighbouring residential occupiers would not be adversely affected subject to conditions. The proposal is acceptable in amenity terms.

Other Considerations

General waste, food waste and recycling bins would be stored in the niche at the rear of the site an enclosed by a gate. The bins would be moved to the Raleigh Road via a rear passage for collection.

There would be no changes to the existing car parking and cycle parking arrangements. The application site currently has no dedicated car parking spaces for guests and delivery vehicles would use the temporary loading bay on Raleigh Road, arranged during Off-Peak Hours. 2no. cycles parking stations are available at approximately 20m from the front entrance near the junction between Wightman Road and Raleigh Road.

3. CONCLUSION

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.

4. 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 23:00 hours Monday to Saturday, and before 08:00 hours or after 22:00 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.

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.