



Officer Report

Application Number:	HGY/2024/3091
Application Type:	Full planning permission
Address:	474 High Road, Tottenham, London, N17 9JF
Proposal:	Temporary change of use of private yard to a public seating area with landscaping and mobile catering unit, serving Afro-Caribbean freshly prepared whole foods.
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	11/11/2024
Applicant:	4 Mr Asher Solinsky
Agent:	Mr Razmik Hadidian

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for temporary change of use of the site for 19 months for the siting of a mobile catering unit consisting of the following:

- 1 x mobile catering unit
- 1 x Portacabin seating for up to 10 customers
- 1 x open seating area for up to 16 customers
- 1 x portable unisex WC for 1 person
- Decorative planter and
- Security light and CCTV

The mobile catering unit would prepare and sell hot food including cold refreshment that would be served in the yard. Customers could sit whilst they either eat their food or wait to collect it to take it to consume off the premises. The application seeks permission to operate Monday to Saturday 08:00 to 23:00, Sunday/Bank Holiday between the hours of 08:00 to 17:00.

The operation is managed by "Aunt Mary" Afro-Caribbean cuisine – whose proceeds are donated to a charity for local underprivileged children to fund school trips, help them prepare local children for work experience, and fulfil community service.

Site and Surroundings

The application site relates to the rear yard of No. 474 High Road, Tottenham consisting of a three-storey building situated on the eastern side of High Road, Tottenham, near the junction with Holcombe Road and Brook Street. It has commercial unit on the ground floor fronting the High Road in use as a restaurant, residential accommodation on the first-floor level and an office space on the second floor. The rear yard adjoins Holcombe Market and the surrounding area is characterized by the commercial parade and market on the ground floor with residential accommodation above.

The site is not located within any conservation area but is immediately adjacent to the Tottenham High Road Corridor Conservation Area. The site does not fall within the curtilage of a listed building. The rear yard adjoins the designated Bruce Grove/Tottenham High Road Primary Shopping Frontage.

Relevant Planning and Enforcement history

The most recent planning history in relation to the site is as follows.

The site itself only covers the service yard to the rear of no. 474 High Road. There is no planning history directly in relation to the site that could be found.

2. CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

- 1) LBH Transportation Team: No objection.
- 2) LBH Economic Regeneration Team: No objection, subject to conditions.

3. LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site, a notice placed in the local press, and 34 letters sent to neighbouring properties. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 2

Objecting: 0

Supporting:2

The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- A place like this would only add to the atmosphere and vibe of Tottenham and I look forward to welcoming the new food place coming into the area.
- Having a late-night eating spot and more passers-by because of this food spot, will hopefully deter these groups from hanging around in the area and on Holcombe Road and Brook Road. This would make it safer for me and my neighbours.

4 MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Background.

2. Principle of development.
3. Vitality and viability.
4. Impact on neighbouring amenity.
5. Transport considerations.

Background

Importantly, this scheme has been closely informed by extensive discussion with local planning authority, economic regeneration teams and environmental health section at pre-application stage. The final application proposal now submitted represents revisions and further refinement of the initial scheme design discussed with officers. The South Tottenham Regeneration team support the application for the following reasons:

- A) The proposal for an outdoor eatery & food stall will activate an under used site previously used for storage at the heart of Holcombe Market in support of the adopted Tottenham High Road Strategy.
- B) The extended evening opening hours for the eatery will encourage greater footfall and passive surveillance over the space.
- C) The proposal will bring new job opportunities and diversify the offer of Holcombe Market that will in-turn support greater footfall and improve economic vitality of Holcombe Market.

Principle of development

London Plan Policy SD6 includes the need in planning decisions to sustain and enhance the vitality and viability of town centres. London Plan Policy SD6 also indicates that in taking planning decisions on proposed retail and town centre development, the principle that the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment should be applied. London Plan Policy SD7 promotes taking a proactive approach to planning for retail uses and related facilities and services and supports a successful and diverse retail sector and related facilities and services.

Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1ST September 2020. The new regulation revoked Part A and D of the Schedule to the Use Classes Order 1987 and introduced a new Class E.

Haringey Local Plan Policy SP10 promotes the distribution of retail growth and aims to protect and enhance Haringey's town centres. Policy DM42 of the Haringey Development Management Plan 2017 relates to uses within Primary & Secondary Shopping Frontages in the borough.

Although the principle of additional food and drink uses being provided in the Primary Shopping Frontage is supported by Policy DM42, the policy indicates that proposals (including street trading) will not be permitted where there would be an adverse impact on amenity.

Policy DM42 Point D stipulates that within designated Primary frontages, the Council will give consideration to the granting of temporary permissions/meanwhile uses where it can be demonstrated that the use will positively support the retail function of the town centre.

The proposal is in a sustainable location adjoining the designated Primary Shopping Frontage. The proposed use would continue and maintain a retail function within this town centre.

Vitality and viability

The site is located to the rear of an established, purpose-built retail parade with parking and a variety of uses.

Introduction of an E class use (restaurant) in the retail frontage would be an acceptable in this parade where impact on residential amenity of adjoining occupiers could reasonably be controlled. The commercial use and the nature of the business, which will trade all day and, in the evening, will be available and attractive to customers. A commercial frontage will be retained and activity within the building will provide a visual interest to passers-by. The proposed use would provide equal benefit to the shopping centre as a result of the proposed use, because it should be attractive to customers throughout the day and is likely to contribute to the overall vitality and viability of the area.

The proposed change of use will meet the objectives behind the NPPF in terms of vitality and viability. In respect of Policy DM42, for the above reasons, the proposed use will provide an economic and social benefit to the local area and contribute towards the overall attraction of the centre.

Visual Impact

While it is accepted the mobile catering units and Holcombe market are often linked sites, visual impact remains an important consideration. The units will be visible from outside the site, however as they are set away from the site boundaries and the site is well landscaped, the visual impact of the portacabins and associated items in the context of the main building is limited and not considered to be harmful with regards to visual impact. It is considered that the proposed mobile catering unit is sufficiently distant from the boundaries of the site to ensure that there would not be an unacceptable visual impact.

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 Council's Environmental Health informally discussed the application with the case officer, and were satisfied that there were measures by which the proposed use could be controlled to ensure it would not result in an unacceptable impact on neighbouring amenity. There is legislation separate to the planning process which would need to be complied with by the operator of the use, including a licensing process to run a food business, as well as other environmental health legislation with regard to air, food and noise considerations.

There is already a high level of background noise in the locality resulting from the High Road location of the site with a variety of commercial premises, and the Holcombe Market.

The scale of operation is relatively small, with a small BBQ Jerk/smoker proposed in the south-east corner of the site alongside the mobile catering unit. This is unlikely to result in an unacceptable impact with regards to odour and fumes on neighbouring residential occupants.

The hours of operation that have been proposed are 0800 to 2300 Monday to Saturday and 0800 to 1700 on Sunday/Bank Holiday which correlates with the hours for similar restaurants along the High Road. This is considered appropriate and will be conditioned.

It is not considered that the nature of the use is likely to have any implications for crime or disorder for the area or noise due to the restriction on the hours of operation that will be conditioned.

Transport considerations

London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to 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, parking demand and cycling provision.

Local Plan Policy SP7 'Transport' states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DPD Policy DM31 'Sustainable Transport'.

The Council's Transportation Team has been consulted and advises that the site has very good public transport accessibility (PTAL=5) and is located within a CPZ. The Highways Officer is of the view that the proposal is for a temporary use of the rear yard to 474 High Road and given the relatively minor nature of the proposal, it is not anticipated to significantly impact on highway conditions in the locality. As such, the proposal is considered acceptable by the Highways Officer, who is also satisfied that this proposal would not result in an adverse highway safety issue.

Conclusion

For the reasons outlined, this proposal would not harm the amenities of existing residents, would not harm the vitality, the viability of Primary Shopping Centre and Holcombe Market within the High Road or cause safety issues on the highway. The proposal is acceptable with regards to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations. It is recommended that temporary conditional approval of the application on this basis.

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 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.

6. RECOMMENDATION

GRANT TEMPORARY PERMISSION subject to conditions

Conditions:

- 1 This permission shall be for a limited period expiring on 24/08/2026 when the temporary use of the yard hereby approved shall be removed and the land reinstated.

Reason: The permanent retention of the land /building may prejudice the future development of the site thus preventing the optimal use of the site inconsistent with regeneration objective for the area.

- 2 The use hereby permitted shall be discontinued on or before 24/08/2026.

Reason: To enable the Local Planning Authority to regulate, monitor and control of the site/building in accordance with regeneration objectives.

- 3 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.

- 4 The use hereby permitted shall only be open to customers within the following times: Mondays to Saturdays 08:00-23:00 and Sundays and Bank Holidays 08:00-17:00hrs.

Reason: To safeguard the amenity of local residents, in accordance with policy DM1 of the Haringey Development Management DPD 2017.

- 5 The development hereby approved shall not commence until, details of satisfactory facilities for the storage and collection of refuse on the site and measures to prevent littering locally have been submitted to and approved in writing by the local planning authority, and the approved facilities shall be provided from the start of the approved use and maintained as such thereafter.

Reason: In the interests of ensuring a satisfactory means of refuse storage and collection is provided for the development, in accordance with policy DM4 of the Haringey Development Management DPD 2017.

- 6 Prior to the commencement of above ground works on site, full details of the all proposed CCTV and external lighting and have been submitted to and approved in writing by the Local Planning Authority. Details shall include appearance and technical details and specifications, intensity, orientation and screening of lamps, siting and the means of construction and layout of cabling. Lighting is to be restricted to those areas where it is necessary with additional shielding to minimise obtrusive effects. The approved scheme is to be fully completed and shall be permanently maintained thereafter.

Reason: In the interest of design quality, residential amenity and public safety, in accordance with policies DM1 and DM2 of the Haringey Development Management DPD 2017.

- 7 At no time shall any amplified speech or music generated from the site be audible within

the adjoining residential premises.

Reason: To prevent loss of amenity to neighbouring residential premises due to noise generated from the premises in accordance with policy D14 of the London Plan 2021 and policy DM1 of the Haringey Development Management DPD 2017.

Informatives:

INFORMATIVE: Advertisements

Planning permission has been granted without prejudice to the need to get advertisement consent under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

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.

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: Food Safety and other requirements

The applicant is advised to contact the Council's Environmental Health Services (tel. 020 8489 1000) regarding the provision of adequate sanitary facilities, refuse storage facilities, fire requirements and compliance with the Food Safety (General Food Hygiene) Regulations 1995 that may be required in conjunction with this approval.

The applicant shall sign up as a stakeholder in the 'Your Bruce Grove' working group that will be setup by the Council to secure the wider the improvements to the Holcombe Market area through stakeholder consultation and co-design.

Reason: To enable the Council to achieve its regeneration objectives.