

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 23rd April 2013

Report of
Assistant Director - Planning,
Highways & Transportation

Contact Officer:
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Ward:
Winchmore Hill

Application Number : P13-00558PLA

Category: Change of Use

LOCATION: 18, THE GREEN, LONDON, N21 1AY

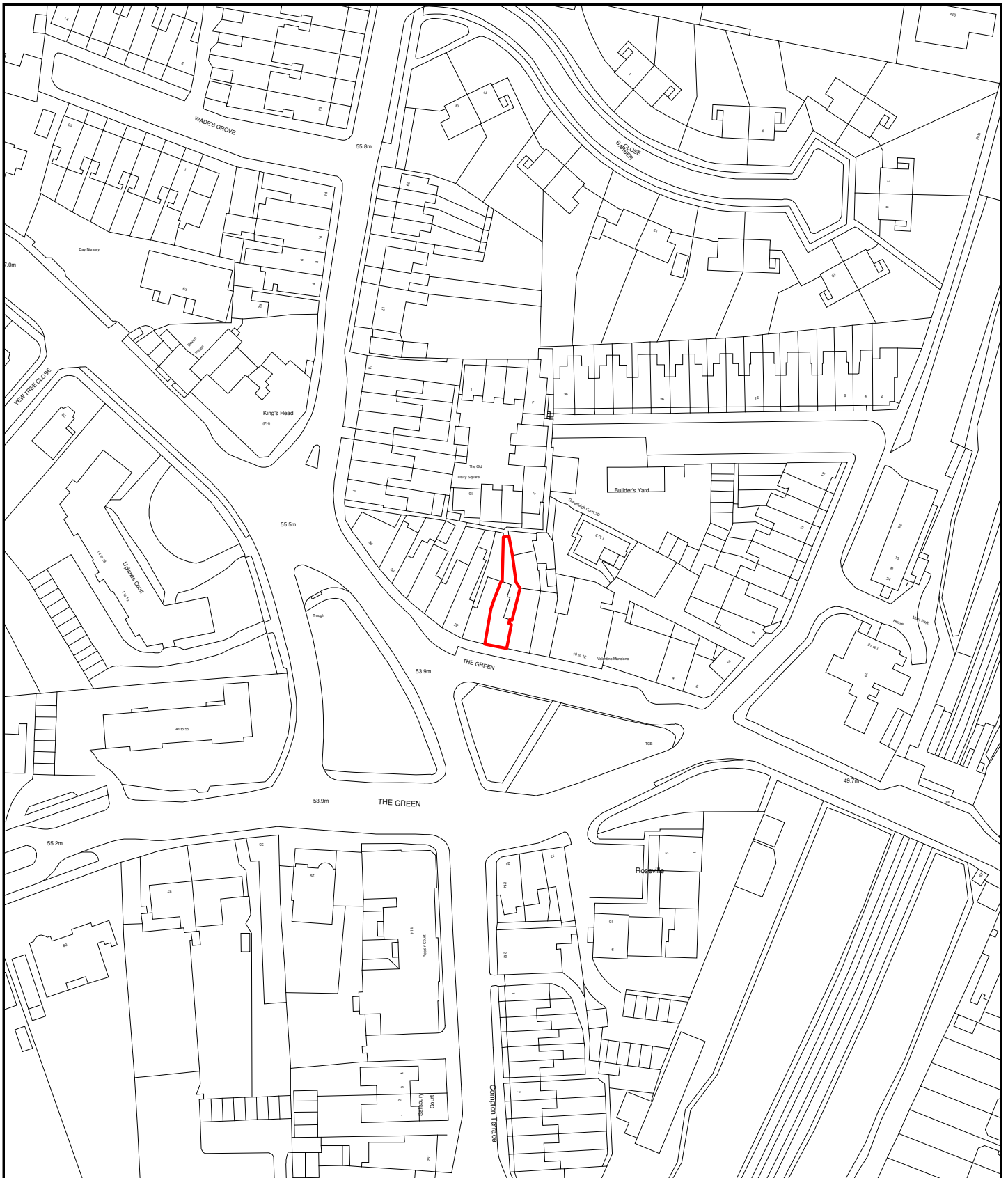
PROPOSAL: Change of use from restaurant (A3) to mixed use restaurant and take-away (A3 & A5).

Applicant Name & Address:
Matthew Wheeler
18, THE GREEN,
LONDON,
N21 1AY

Agent Name & Address:
MATTHEW WHEELER,
MJW Surveying
BUSINESS INNOVATION CENTRE
1, ELECTRIC AVENUE
ENFIELD
EN3 7XU

RECOMMENDATION:

It is recommended that the application be **APPROVED** subject to conditions.



Development Control



Scale - 1:1250
Time of plot: 10:19

Date of plot: 10/04/2013

1. Site and Surroundings

- 1.1 The premises comprise the ground floor and basement of a terraced property situated within a parade of shops on the northern side of The Green in Winchmore Hill. The application site falls within the designated Winchmore Hill Green "Large Local Centre". There is only one other premises within this Centre used for take-away purposes, this being No.63 Station Road. With the exception of the commercial uses within the Centre, the surrounding area is predominantly residential in character.
- 1.2 The site is located within the Winchmore Hill Conservation Area.

2. Proposal

- 2.1 Permission is sought for the change of use of the ground floor of the premises from a restaurant (A3) to a mixed use restaurant and hot food takeaway (A3/A5). The application is retrospective and the take-away use is currently operating.
- 2.2 The ground floor provides a mix of restaurant and takeaway comprising a service counter and food service area along one side, with tables and chairs to the other side and to the rear, and an informal seating area comprising a barstool seating arrangement to the front in connection with the takeaway service. The basement provides additional seating for the restaurant and toilet facilities. Overall, the proposed use would have predominantly A3 characteristics.
- 2.3 The proposed opening hours sought are 12pm until 10pm Tuesday to Thursday, 12pm to 11pm Friday and Saturday, 12pm to 9pm on Sunday, and closed on Monday.

3. Relevant Planning Decisions

- TP/00/0540/DP1 - Details of fume extractor and refuse storage submitted pursuant to conditions 1 & 2 of approval granted under reference TP/00/0540. Approved, May 2011.
- TP/00/1693 - Conversion of first and second floors into two 1-bed self-contained flats with third storey rear extension, loft conversion with rear dormer window and external staircase. Granted with conditions, March 2001.
- TP/00/0540 - Change of use of basement, ground floor and first floor to food and drink (A3), incorporating ground floor extension and new shopfront. Granted with conditions, July 2000.
- CON/6394 - Unauthorised installation of replacement shopfront. This matter continues to be investigated and a further report on this matter will be brought to the Committee in due course
- INV/12/0857 - Alleged unauthorised take away at business - no Planning Permission.

4. Consultations

4.1 Statutory and non-statutory consultees

4.1.1 Environmental Health have made the following comments:

- They do not object to the application as there are no foreseeable issues regarding noise, nuisance or air quality. The site has been operating as a restaurant for some time and there are no justified complaints recorded. The part change of use to the ground floor to encompass the takeaway is very unlikely to lead to a loss of amenity to any local residents due to noise and disturbance. The hours of operation will create no further noise and disturbance to the surrounding area if part use as a takeaway is granted. The existing ventilation system will ensure that there is no odour release.
- Out of Hours Licensing Enforcement have monitored the location and have not recorded any matters which required enforcement.

4.1.2 Traffic and Transportation have raised no objection to the proposal.

4.1.3 Southgate District Civic Trust made the following comments:

- Parking required for a takeaway service is difficult in the area of The Green.

4.1.4 English Heritage have raised no objection to the proposal.

4.1.5 Thames Water have raised no objections subject to standing advice.

4.2 Public response

4.2.1 Consultation letters were sent to fifteen surrounding properties, the consultation period ended on 03 April 2013. In addition six site notices were placed around the local centre, the consultation period ended on 11 April 2013. At the time of writing twenty three replies have been received.

4.2.2 Twenty two objections to the proposal were received raising the following points:

- Use out of keeping with the Conservation Area
- Increase in demand for parking
- Increase of litter
- Increase of late night noise
- A grant of planning permission should be personal and secured by condition
- Litter should be controlled by condition

4.2.3 One letter of support was received raising the following points:

- The premises is very well maintained and providing a quality service

- 4.2.2 It is noted that a number of consultation responses highlighted concerns over the shop front at the application premises. This element is not included in this application and so cannot be assessed as part of the analysis below.

5. Relevant Policy

- 5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed local planning authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period local planning authorities could give full weight to the saved UDP policies and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.
- 5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27th March 2013 for submission to the Secretary of State for examination. Examination and subsequent adoption is expected later this year. The DMD provides detailed criteria and standard based policies by which planning applications will be determined.
- 5.3 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.
- 5.4 London Plan
- 2.15 - Town Centres
 - 6.13 - Parking
 - 7.1 - Building London's neighbourhoods and communities
 - 7.4 - Local Character
- 5.5 Core Strategy
- CP17 - Town Centres
 - CP30 - Maintaining and improving the quality of the built and open environment
 - CP32 - Pollution
- 5.6 Saved Unitary Development Plan
- (II) GD6 - Traffic generation
 - (II) GD8 - Site access and servicing
 - (II) S18 - Assess food and drink proposals
- 5.7 Submission Version Development Management Document (DMD)
- DMD 28 - Large Local Centres, Small Local Centres and Local Parades
 - DMD 32 - Managing the Impact of Food and Drink Establishments In and Outside Designated Centres
 - DMD 34 - Evening Economy
 - DMD 45 - Parking Standards
 - DMD 68 - Noise

5.8 Other Relevant Considerations

National Planning Policy Framework
Winchmore Hill Conservation Area Character Appraisal
Circular 11/95: Use of conditions in planning permission

6. Analysis

6.1 Impact on the vitality and viability of the “Large Local Centre”

6.1.1 The approved use for the application premises is as a restaurant within Use Class A3. The proposed change of use would involve the retention of the restaurant use, with the addition of a takeaway service (Use Class A5). It is considered that the mixed (A3/A5) nature of the premises would not adversely affect the character of this Large Local Centre, or limit the availability of premises to provide a range of convenience goods to the locality.

6.2 Effect of Use on Character and Residential Amenities of Surrounding Area

6.2.1 The use of the premises would predominantly remain as a restaurant within Use Class A3 with the vast majority of floor area being dedicated to the restaurant use. In addition the appearance of the premises is considered to be that of a restaurant, whilst there is a bar stool area to the front it is not uncommon for restaurants to have waiting areas to the front. The siting of the service counter towards the midway point of the premises ensures that the common appearance of many hot food takeaways is not replicated here and therefore contributes to maintaining the character and appearance of a restaurant use. Therefore the introduction of a takeaway use at the application would preserve the character of the Conservation Area.

6.2.2 The permitted opening hours for the existing restaurant use, secured by Condition 3 of planning application TP/00/0540, are 8am to 11.30pm Monday to Saturday and 10am to 11pm on Sunday. The proposed opening hours sought are 12pm to 10pm Tuesday to Thursday, 12pm to 11pm Friday and Saturday, 12pm to 9pm on Sunday, and closed on Monday. The proposed hours are a reduction of those currently permitted, given the concerns raised over increase noise generated by the addition of a takeaway element, the hours proposed by the applicant are considered to be reasonable. In addition to this it is noted that the proposed hours would fall within the opening times contained in the Councils Supplementary Planning Guidance for opening and closing times (food & drink establishments) within Large Local Centres. Furthermore the opening times are broadly in keeping with existing food and drink establishments within the Large Local Centre. As such any increase in noise or activity would be within an acceptable range given the siting of the premises towards the heart of the Local Centre, and it is noted that no objections have been raised by the Environmental Health Section in this respect. It is therefore considered that the proposed opening times are acceptable.

6.2.3 A number of public consultation responses raised concerns about potential litter generation. Winchmore Hill Green is divided into two with a road running between the two elements, each element has one litter bin, in addition to this there is a litter bin on the footpath outside No.2 The Green. It is noted that

the application is retrospective, to date no complaints have been received by the Council in relation to litter generation. Whilst it is acknowledged that warmer weather will likely result in some utilisation of the Green for casual consumption of food, the current litter bin provision is considered to be suitable. There have been no recorded issues with litter generation in relation to the existing A5 premises at No.63 Station Road, it is therefore unlikely that a mixed use A3/A5 at the application premises will lead to an unacceptable level of litter.

- 6.2.4 The suggestion that any grant of planning permission should be personal to the current applicant was raised in response to the public consultation. Circular 11/95: Use of conditions in planning permission, states that 'planning permission runs with the land and it is seldom desirable to provide otherwise', going on to suggest that it should only be applied for a use that would not normally be allowed at the site. Given the siting of the premises within a Large Local Centre and the predominance of the A3 use, a personal permission is not considered to be reasonable or within the circumstances considered appropriate as detailed in Circular 11/95.

6.3 Traffic Generation/ Parking

- 6.3.1 The site has a fairly low PTAL rating. However there are pay and display parking facilities adjacent to the applicant premises and surrounding The Green. Having regard to this, the proposal is considered acceptable in transportation terms and is not considered to give rise to any significant adverse highway conditions due to the absence of any dedicated parking provision. It is further noted that the Council's Traffic and Transportation team have raised no objection to the proposal.

7. Conclusion

- 7.1 It is considered that the proposed change of use of 18 The Green from A3 to mixed use A3/A5 would not undermine the character and amenity of the surrounding area, and would not result in unacceptable traffic generation or parking issues.
- 7.2 It is therefore recommended that planning permission be granted for the following reasons:
1. The change of use of the premises from A3 use to a mixed A3/A5 use is not considered to adversely impact on the viability and vitality of the Winchmore Hill Green Large Local Centre having regard to Policy (II) S18 of the Unitary Development Plan, and Core Policy 17 of the Core Strategy.
 2. The change of the premises from A3 use to a mixed A3/A5 use is not considered to give rise to conditions prejudicial to the free flow and safety of traffic or additional on street parking problems on the adjoining highway having regard to Policies (II) GD6 and (II) GD8 of the Unitary Development Plan and Policy 6.13 of the London Plan.
 3. The proposed use of the premises including the proposed opening hours, does not give rise to conditions prejudicial to the amenities of local residents or the residential character of the surrounding area having regard

to Policy (II) S18 of the Unitary Development Plan and Supplementary Planning Guidance.

8. Recommendation

8.1 It is recommended that the application be approved subject to the following conditions.

1. C60: Approved Plans. The development hereby permitted shall be carried out in accordance with the approved plans, as set out in the attached schedule which forms part of this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The premises shall be used for a mixed A3/A5 use within Town and Country Planning (Use Classes) Order 1987 (as Amended) and retain the degree of the mixed use shown on the approved plans. The area given over to takeaway service shall not be increased unless agreed in writing by the Local Planning Authority.

Reason : In order to protect the amenities of the surrounding locality and to ensure the use of the premises enhance and protect the vitality and viability of the Large Local Centre.

3. The premises shall only be open between the hours of 12pm until 10pm Monday to Thursday, 12pm to 11pm Friday and Saturday, and 12pm to 9pm on Sunday.

Reason: In order to protect the amenities of the surrounding locality and to comply with the guidance for opening hours for Large Local Centres set out in the Supplementary Planning Guidance.

Directive

1. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 0203 577 9963.

