

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 16th March 2010

Report of
Assistant Director, Planning &
Environmental Protection

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Ward: Southgate
Green

Application Number : TP/09/1755

Category: Change of Use

LOCATION: 28, CANNON HILL, LONDON, N14 6LG

PROPOSAL: Use of ground floor as mixed use retail/cafe (A1/A3).

Applicant Name & Address:

Mr E Ramirez,
Gourment on the Green
28, CANNON HILL,
LONDON,
N14 6LG

Agent Name & Address:

Mr Mark Eastmond,
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RECOMMENDATION: Having regard to all material planning considerations, on balance it is considered that planning permission should be **GRANTED** subject to conditions.

1. Site and Surroundings

- 1.1 A commercial premises located on the eastern side of Cannon Hill within a small terrace of commercial premises. There are residential properties above the shops.
- 1.2 The site is located within the Southgate Green Small local centre, and within the Southgate Green Conservation Area.

2. Proposal

- 2.1 Permission is sought for the change of use of the ground floor from retail (A1) to mixed use retail/café (sui generis). The applicant is proposing 6 tables with 15 chairs within the premises but sited to the front of the shop. The rest of the unit to the rear and sides available for retail space.

3. Relevant Planning Decisions

- 3.1 TP/87/2066 – (28-30 Cannon Hill) - Change of use from retail (Class A1) to dance studios with part retail (D2) – Withdrawn 14/6/88
- 3.2 TP/95/0334 – (28-30 Cannon Hill) - Change of use of existing premises from retail (A1) to car sales showroom as an extension to the existing use at No. 24/26 Cannon Hill – Granted 22/8/95
- 3.3 TP/06/0309 - Erection of a 3-storey block on the Cannon Hill frontage, comprising 4 units to ground floor for retail (Class A1) and / or financial and professional services (Class A2) and 10 x 2-bed flats above, with rooms in roof and rear dormer windows, together with erection of a 2-storey block to rear of site, comprising 6 flats (2 x 1-bed, 4 x 2-bed), with rooms in roof and front and rear dormer windows, provision of bin and cycle store and associated car parking with access from Selborne Road. (Revised scheme) – Granted 30/6/06
- 3.4 LDC/09/0446 - Use as a delicatessen / cafe with internet access – Refused 04/02/10 for the following reason:

The use of the premises as a delicatessen/café with internet access as detailed and annotated on the submitted applications forms and plan results in a material change of use from the lawful Class A1 use of the premises to a Sui Generis use (mixed A1 and A3), and thus, does not fall within the lawful use of the property as an A1 retail unit. Formal planning permission would therefore be required for the use.

4. Consultations

4.1 Statutory and Non-Statutory Consultees

4.1.1 Thames Water

No objection in principle but requests an Informative relating to the disposal of fats, oil and grease

4.1.2 Environmental Health

No objection is raised

4.1.5 Southgate District Civic Trust

The Group raise no objection

4.2 Public Response

4.2.1 Consultation letters were sent to 35 neighbouring properties. In addition, a site notice was also displayed. In response, individual letters of objection were received from the occupiers of nos.: 2, 3, 5, 6 and 13 Buttery Mews, and 1 letter was sent jointly from nos. 1, 7, 10 and 15 Buttery Mews. The letters raise all or some of the following points:

- operating already with no planning permission
- customers have been rude and aggressive
- they are not considerate of the residents and this will get worse if planning permission is given for café
- neighbour purchased property on the understanding that the commercial unit could only operate as a sandwich shop/delicatessen and this would not change for 5 years
- the current tenant has caused considerable noise and disturbance in respect of noise and anti-social hours (past 10pm)
- cooking exhaust discharges causing a real nuisance to current flat owners – residents are unable to open their windows
- catering equipment, air conditioning and plant would be noisy and unsightly
- seating at the front of the café was noisy and disruptive, a nuisance and obstruction – no planning permission for this
- seating is also at the rear of the shop, but its not clear if for customers or staff
- can it be guaranteed that after permission is given the owner will not return to opening until 10pm and cause a nuisance
- increased deliveries would cause a nuisance and disturbance – currently deliveries have happened at 3.30am with delivery staff causing excessive noise and waking residents
- there is insufficient storage space for refuse which will be a health hazard
- public drains used to dispose of commercial waste including cooking oil
- staff smoking at the rear of the premises prevents residents above opening their windows and causing a nuisance to residents – also sometimes smoking cannabis
- double parking at the rear blocks 6 other parking spaces and use the Buttery Mews residents car park
- ‘footfall’ of people coming in and out, making noise
- Customers staying for a meal would cause parking problems
- There are enough cafes and restaurants already in the area, this premises would be much better for the community as a retail use
- Only cold food/drinks were given the go-ahead.

5. Relevant Policy

5.1 London Plan

4B.8 Respect Local Context and Communities

5.2 Unitary Development Plan

(I)GD1	Regard to surroundings
(I)GD2	Surroundings and quality of life
(II)GD2	Location of new developments
(II)GD3	Aesthetics and functional design
(II)GD6	Traffic generation
(II)GD8	Site access and servicing
(I)S1	Wide range of viable shopping in shopping centres
(I)S3	Safeguard the vitality and viability of local shopping centres
(II)S13	Resist loss of neighbourhood retail units
(II)S14	Resist change of use of ground floor retail units to non-retail
(II)S18	Food and drink uses
(I)C1	Areas of historic interest together with their character and settings are preserved or enhanced
(II)C29	Loss of uses important in a Conservation Area
(II)C30	Development in Conservation Areas

5.3 Local Development Framework - Core Strategy Preferred Options

The Enfield Plan – Proposed Submission Stage Core Strategy document was published for public consultation on 14th December 2009 and sets out the spatial vision and strategic objectives for the Borough. Now at an advanced stage in its adoption process, following this consultation, the Council will submit the Core Strategy to the Secretary of State who will appoint a Planning Inspector to consider whether the Strategy meets legal requirements and that it passes the tests of soundness. As this process continues, the weight that can be applied to policies and the relevant objectives will grow.

SO1	Sustainability and Climate Change
SO2	Biodiversity
SO3	Protect and enhance Enfield's environmental quality;
SO11	Safer and stronger communities
SO16	Preserve the local distinctiveness
SO17	Safeguard established communities and the quality of the local environment
SO21	Sustainable Transport

5.4 Other Material Considerations

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth

6. **Analysis**

6.1 Background

- 6.1.1 The application premises has been recently redeveloped in conjunction with a residential development of the site and land to the rear, incorporating nos. 24 to 30 (even) Cannon Hill. That planning permission was subject to a condition that restricted the use of this ground floor unit to either an A1 or an A2 use: hence planning permission being required for this change of use.

6.2 Impact on Shopping Parade

- 6.2.1 The premises is located within a designated local centre. The UDP states that changes in the use of retail units within local centres will vary significantly in their effect on the Centre as a whole. Therefore, in assessing proposals for the change of use from retail, particular regard will have to be given to the individual circumstances of each case albeit, the presumption will be that the proposal should maintain the facilities on offer to serve the local community. Weight will therefore be given to the nature of the use, its employment potential, and the effect it may have on the environment and character of the Centre.
- 6.2.2 Southgate Green Local Centre comprises 23 units. The present composition is 12 A1's, 3 A2's, 6 A3's and 2 D1's. This equates to 52% of the units in A1 retail use (this includes the application property). As a result of the proposal, the number of A1's would reduce to 11 which equates to 48%.
- 6.2.3 Policy (II)S14 seeks to resist proposals for the change of use of ground floor retail units to non-retail within local centres unless the proposal would not, by reason of the number and grouping of such uses, change the character of the centre and its ability to provide for the essential shopping needs of the local population.
- 6.2.4 The character of this shopping parade is already mixed use, so the Sui Generis use proposed, which is a mix of retail (A1) and café (A3). Would not be inconsistent with this and could be considered to support the vitality and viability of the local centre through its retail offer. The retention of general retail as a part of the proposal maintains an element of what the original unit was expected to be used for, with the café element supporting the viability of the overall activity. In addition, it must also be acknowledged that there is already a high proportion of non-retail uses present in the local centre (48%) thus eroding its primary retail function although this is the only café use at this end of the centre, with the other A3 uses all being at the other end of the shopping centre. However acknowledging the immediately neighbouring properties are both A1 uses, it is considered the proposal would not result in a group or over concentration of non-retail uses. On balance therefore, it is considered that the proposal would not harm the vitality or viability of the local centre or its retail function.
- 6.2.5 It should also be noted that the planning permission for the redevelopment of the site (TP/06/0309) gave permission for this unit to be either A1 or A2. Therefore, the property could have operated in an A2 use with no element of retail at all, so this proposal which retains some retail is considered to be of a benefit to this section of the local shopping centre.
- 6.2.6 In terms of employment potential, the applicant indicates that the use will employ 1 full-time and 2 part-time jobs.
- 6.2.7 On balance therefore, it is considered that the proposed change of use from retail A1 to a mixed use retail/café (Sui Generis) will not affect the character, vitality and viability of the shopping area having regard to relevant policies.

6.3 Impact on Character and Appearance of Conservation Area

- 6.3.1 There is no objection in principle to the location of a retail /cafe being found in wither local shopping parades or within Conservation Areas. In this instance, it is considered the use and the appearance of the premises would not harm the character and appearance of the conservation area, and would meet the test of preserving its special character in accordance with Policies (I)C1, (II)C29 and (II)C30 of the UDP.

6.4 Impact on Neighbouring Properties

- 6.4.1 A large number of objections have been raised by the occupiers of neighbouring residential properties although not all are material planning considerations. In particular, concerns were raised about hours of opening, hours of deliveries, ventilation/extract flues and refuse storage. All these points are capable can be controlled through conditions on a any planning permission and appropriate conditions are recommended. Other issues such as the behaviour of the staff cannot be controlled through the planning process.
- 6.4.2 The site is located within a Local Shopping Centre, on a busy highway so there is already a background level of noise and general activity in the surrounding area. In principle, the proposed use is acceptable for local centres, with residential uses above and given the hours of opening requested by the applicant show the premises closing at 6pm in the evening, it is considered that the proposed use, subject to conditions, would be acceptable as regards impact on neighbouring residential properties. By restricting the hours for deliveries to the premises to the same extent, it is felt this aspect can also be satisfactorily controlled
- 6.4.3 The comments made by the occupiers of the surrounding residential properties have been noted and taken into consideration, however on balance, given the conditions that can be imposed on a planning approval to control many of the objections, it is not considered that the impact on the neighbouring properties would be of a level to warrant an objection to the proposal on these grounds.

6.5 Highway Issues

- 6.5.1 One parking space is provided for the unit, but the centre as a whole is easily accessible by both public and private transport. There are a number of free on-street car parking spaces in the vicinity of the site. Given that the site is within an existing shopping parade, it is considered that the proposed use would not increase congestion or adversely impact on the free flow of traffic on Cannon Hill, and accordingly, the proposal would be in keeping with Policy (II)GD6 of the UDP.

7 Conclusion

- 7.1 Having regard to the above considerations, it is considered the proposal is acceptable and would not unduly prejudice the character, appearance and amenities of the surrounding area and Southgate Green Conservation Area, taking into account the impact on the shopping parade and neighbouring residential properties.

8 Recommendation

8.1 That planning permission be **GRANTED** subject to the following conditions.

8.1.1 A maximum of 6 tables and 15 chairs shall be used at any one time within the premises.

Reason : To ensure the development remains a mixed use retail/cafe and maintains the vitality and viability of the shopping parade.

8.1.2 C19 Details of Refuse Storage & Recycling Facilities

8.1.3 C20 Details of Fume Extraction

8.1.4 C35 Opening Hours Restriction-Rest/Takeaways

8.1.5 C37 Restricted Hours - Deliveries

8.1.6 C48 Restricted Use

8.1.7 C51A Time Limited Permission

8.2 The application is recommended for approval for the following reasons:

8.2.1 The use of the premises as mixed use retail/cafe (Sui Generis) limiting the number of seats and tables is not considered to adversely impact on the viability and vitality of the local centre or Southgate Green Conservation Area having regard to Policies (I)GD1, (I)GD2, (I)C1, (II)C30, (I)S3 and (II)S18 of the Unitary Development Plan.

8.2.2 The mixed use retail/cafe (Sui Generis) does not detract from the character and appearance of the surrounding area or Southgate Green Conservation Area having regard to Policies (I)C1, (II)C30, (I)GD1, (I)GD2, (II)GD3 and (II)S18 of the Unitary Development Plan.

8.2.3 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 Policies (I)GD1, (I)GD2 and (II)S18 of the Unitary Development Plan.

8.2.4 The use of the premises as mixed use retail/cafe (Sui Generis) having regard to the site's proximity to good public transport links 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 Policy (II)GD6 of the Unitary Development Plan and Planning Policy Guidance Note 13.