

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Planning Committee 09 March 2009

Item No.

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2009/0072

Ward:

Date received: 06/01/2009

Last amended date:

Drawing number of plans: 0018, 0019, 0021

Address: 189-191 Broad Lane N15 4QT

Proposal: Change of use of ground floor from vacant factory unit to indoor market, demolition of rear structure wall to allow for 5 x car parking spaces, and insertion of 3 x new entrance doors to front / side elevations.

Existing Use: B1 and A1

Proposed Use: Indoor market with A1 and A3

Applicant: Mrs Rose Marie Fernandez

Ownership: Private

PLANNING DESIGNATIONS

Tube Lines

Road Network: C Road

Officer contact: Jeffrey Holt

RECOMMENDATION

GRANT PERMISSION subject to conditions

SITE AND SURROUNDINGS

The subject site is located on the western side of Broad Lane at the corner with Antill Road. Broad Lane forms part of the Tottenham Hale the gyratory road system. On the there exists a 2-storey Victorian building with a warehouse extension. The original Victorian building occupies the frontage onto Broad Lane and most of the frontage on Antill Road. The warehouse extension is rectangular and runs along the sites southern boundary. There is a small open parking area with access to Antill Road. The buildings are currently used as a retail outlet for beauty products.

To the west and south, development consists mostly of 2-storey Victorian terrace houses. Immediately to the north is a stand-alone car show-room. On the other side of Broad Lane is Tottenham Hale Retail Park. Tottenham Hale Rail and Underground Station is to further to the north-east providing access to central London and north to Stansted Airport.

PLANNING HISTORY

HGY/2007/2592 - Demolition of existing building and erection of 4 storey residential block comprising 8 x three bed and 1 x one bed self-contained flats, with car parking at basement level and amenity spaces / green area at ground floor level. – REFUSED

HGY/1991/0417 - Extension to roof to create additional workshop/storage space, installation of new windows – GRANTED

OLD/1989/1351 - (Duplicate Application) 7 residential units (flats) change from B1 use to residential – WITHDRAWN

OLD/1989/1350 - Erection of 7x3 storey houses. – WITHDRAWN

DETAILS OF PROPOSAL

Permission is sought for the change of use of ground floor from vacant factory unit to indoor market, demolition of rear structure wall to allow for 5 x car parking spaces, and insertion of 3 x new entrance doors to front / side elevations.

Proposed external changes are the installation of 3 doors and the conversion of one door to a window on the Antill Road elevation, new door for vehicle access on warehouse building, installation of new extractor flue, and demolition of part of the rear of the main Victorian building.

It is understood that the market is intended to accommodate traders from the local Latin American community in Tottenham similar to an existing market at Wards Corner.

CONSULTATION

Ward Councillors

Local Residents:

Units 1-10 (c), 3A, The Manager, Tottenham Hale Retail Park, Broad Lane, N15

173-187 (o), 193-197 (o) Broad Lane, N15

173A, 175A, 177A Broad Lane, N15

48-122 (e), 85-159 (o) Antill Road, N15

1,2-8 (e) Montague Road, N15

2-14 (e) Springfield Road, N15

Transportation Group

Cleansing

Building Control
Food Hygiene
Noise
Environment Agency

RESPONSES

One objection from the occupier of 122 Antill Road, N15:

- Current use causes traffic and parking problems, an indoor market will exacerbate these problems
- The intensity of use will bring more people and more disturbance to the area
- The factory should remain as one unit
- A restaurant and butcher will add to vermin problems
- There are already similar facilities near Seven Sisters
- The proposal will encourage people to make dangerous crossings on Broad Lane

One objection from the Tynemouth Residents Association

- Antill Road will be more affected by the application than Broad Lane as it is a residential street
- Antill Road already suffers from parking and traffic congestion
- The proposal is not of a nature and scale that is sensitive to the local area
- There will be increased disturbance, rubbish, traffic
- Deliveries and waste collection will be disruptive
- Management of delivery times to minimise disturbance seems unfeasible
- Dropped kerbs will take away resident parking spaces
- The parking spaces, particularly the disabled spaces, would be difficult to park in and would require reverse movements into the road
- The parking bays are not large enough
- No details of recycling provided
- Details of the first floor are unclear
- Extended opening hours will increase disturbance
- There are likely to be more than 60 people present on any given day
- Consultation has not been carried out with Environmental Health prior to submission
- Sustainability statement not submitted
- Extractor flue may have impact on residential properties
- The market will encourage people to cross the road where it is dangerous
- Residents on Springfield road should have been consulted

Building Control

Fire Appliance Access to the above development is as existing. Means of escape will be checked in detail on receipt of a formal Building Regulations Application.

Transportation Group

Had objection to parking scheme but subsequently agreed to an amended configuration. Recommends a number of conditions from Transport for London.

Environment Agency

Given the nature of the development and the location of the flood zone, Flood Risk assessment is not required in this instance.

Environmental Health

No objection

RELEVANT PLANNING POLICY

National Policy

PPS25: Development and Flood Risk

Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

The London Plan

The London Plan, adopted in February 2004 and updated in February 2008, forms the Spatial Development Strategy for Greater London. It contains key policies covering housing, transport, design and sustainability in the capital. It contains key policies covering housing, transport, design and sustainability in the capital.

POLICY 3A.17 ADDRESSING THE NEEDS OF LONDON'S DIVERSE POPULATION

This policy examines some of the issues which affect London's diverse groups and seeks to address the spatial needs of these groups, and ensure that they are capable of being met wherever possible.

Unitary Development Plan 2006

The Council's Unitary Development Plan was adopted by the council in July 2006 following its Public Enquiry and modifications procedures. It incorporates relevant national policy guidance and complies with the London Plan. The principles which are relevant to this case are set out below.

POLICY UD3: GENERAL PRINCIPLES

New development in the borough should complement the existing pattern of development in that part of Haringey. The policy aims to ensure that future development in the borough will not worsen the quality of life for those living and working in Haringey.

POLICY UD4: QUALITY DESIGN

The Council wishes to support good and appropriate design, which is sustainable, improves the quality of the existing environment, reinforces a sense of place and promotes civic pride.

The Council considers that people deserve a safe environment in which they can live and move around without fearing that they might be a victim of crime. This is an important component of peoples' quality of life. Good design of buildings and their relationship with their environment affects the perception of an area, as well as the opportunity for disorderly or criminal behaviour.

Any proposals for developments and alterations or extensions, which require planning permission or listed building consent, will be expected to be of high design quality.

POLICY ENV1: FLOOD PROTECTION: PROTECTION OF THE FLOODPLAIN AND URBAN WASHLANDS

Over the lifetime of the UDP, global warming is likely to result in an increased risk of flooding in certain parts of the borough. The areas which are currently regarded to be of risk are shown on Map 3.1 "Indicative Flood Zones", as Zone 2 and Zone 3. Where appropriate, attenuation measures will be required on the development site

POLICY TCR2: OUT OF CENTRE DEVELOPMENT

Proposals for new retail development outside the identified town and local shopping centres should demonstrate that it will not have a demonstrably harmful effect on the vitality and viability of any nearby centres and would not adversely impact on amenity of nearby properties or local traffic conditions.

POLICY EMP4: NON-EMPLOYMENT GENERATING USES

Planning permission will be granted to redevelop or change the use of land and buildings in an employment generating use provided that building is no longer suitable for business or industry use, the building has no prospect of being used for business or industry use or will retain or increase the numbers of jobs on the site.

EMP5: PROMOTING EMPLOYMENT USES

Proposals for employment generating uses within and outside the Defined Employment Areas will be supported provided that any trips generated by the proposal are catered for by the most sustainable and appropriate means, and , the proposal does not unduly inhibit the continuing operation of existing employment generating uses.

POLICY M10: PARKING FOR DEVELOPMENT

The Council will apply its parking standards to restrain car use, to reduce congestion, to improve road safety, to give priority to essential users and people with disabilities, to improve the environment, to improve local accessibility and to encourage sustainable regeneration.

Supplementary Planning Guidance

SPG6c	Restaurants/Hot Food Premises (Use Class A3): Ventilation and Extraction
SPG8a	Waste and Recycling

ANALYSIS/ASSESSMENT OF THE APPLICATION

The issues of consideration for this application are:

1. Principle of use
2. Appearance
3. Amenity
4. Transport
5. Flood Risk
6. Objectors' comments

Principle of use

The subject building was once in general industrial use and is therefore understood to be employment generating land. Policies EMP4 and EMP5 aim to promote employment generating uses and protect existing and designated employment land from uses which produce little or no employment opportunities. The planning history for this site shows that a recent application for residential development was refused on these grounds.

Industrial and business activity has since ceased on the subject site and an unauthorised retailer now occupies the building. The application proposes the conversion of the buildings into an indoor market with additional restaurant and café uses. This will result in a greater utilisation of the building as there will be 14 units in the market with each likely to be an independent business. The more intense commercial activity will provide more numerous employment opportunities on this site which would be in accordance with Policies EMP4 and EMP5.

As the proposal is for a primarily retail use in out of centre location the application would normally be subject to Policy TCR2 which seeks to avoid retail development in outside town centres. However, due to the small scale of the retail use proposed (115.8 sqm) it is considered that there would be no impact on nearby town centres.

Consequently, the proposed use of the site as an indoor market is considered acceptable in principle.

Appearance

Most of the work associated with this development is internal however there are a number of external changes to the buildings. These are the installation of 3 doors and the conversion of one door to a window on the Antill Road elevation, new door for vehicle access on warehouse building, extension to warehouse, and demolition of part of the rear of the main Victorian building.

Each new door is located where there is an existing window and as such maintain the existing rhythm of fenestration across the elevation. The new door to the warehouse involves the expansion of an existing roller door to accommodate vehicles. Since the warehouse is situated to the rear of the site, this alteration would have little consequence to the appearance of the building. Similarly, the demolition of the rear wall of the Victorian would not be outwardly visible due to the boundary wall and so would have no visual impact. Finally, a new extract flue is proposed to the rear of the Victorian building however it is positioned such that the roof pitch would block any views to it from the street.

The proposal is therefore considered to cause no harm to the appearance of the building or the local area.

Amenity

Policy UD3 requires development proposals have no significant adverse impacts on residential amenity in terms of loss of daylight or sunlight, privacy, overlooking, aspect and the avoidance of air, water, light and noise pollution.

The form of buildings will not be enlarged in any way that would reduce light or outlook for neighbouring properties. Similarly, there will be no new opportunities for overlooking from the buildings.

The extractor flue is situated close to the centre of the site and away from nearby residential properties. Consequently, there would be little impact on amenity through fumes or other air pollution.

The indoor market's proposed opening hours are 9am to 8pm Monday to Friday, 9am to 9pm on Saturdays and 10am to 5pm on Sundays and Bank Holidays. It is unlikely that the entire market will be open during these hours but it is assumed that the restaurant and café will be the main uses operating in the evening. Even so, these units are relatively small and it is considered that there will be little disturbance to nearby houses as a result of their activity. Conditions will be applied restricting the hours of operation and the generation of any excessive noise and limiting the amount of café (A3) floorspace to 94 sqm.

Pedestrian traffic to and from the market will be concentrated on the Broad Lane side of the site. As most visitors are expected to arrive by public transport via Tottenham Hale, it is unlikely that neighbouring residents on Antill and Springfield Roads will be exposed to greater pedestrian traffic and its associated impacts of noise and general disturbance.

Transport

Policy UD3 requires development proposals to not have a significant impact on public and private transport networks, including highways or traffic conditions.

The site is located within walking distance of the Tottenham Hale transport hub which provides rail and underground services to London as well as a rail service to Stansted Airport. In addition there are frequent buses which connect the site to Tottenham High Road and beyond. Due to these good public transport connections, Transport for London (TfL) have requested that the originally proposed 7 parking spaces be reduced to 5 including 2 disabled bays. The applicant has complied and also provided 15 cycle parking space to the Council's Transportation Officer's satisfaction.

Therefore, the proposal is considered to have no significant impacts on the public and private transport networks.

Flood Risk

The subject site is located on the edge of Flood Risk Zone 2. Normally a Flood Risk Assessment is required for proposals in flood risk zones however the Environment Agency has stated that because 'the proposal is for the change of use, and the vulnerability of the land use is not increasing, we do not consider a flood risk assessment to be necessary'. Consequently, the scheme is not considered to lead to increased flood risk having regard to Policy ENV1.

Objectors' Comments

A number of local residents, including the Tynemouth Area Residents Association, have objected to the scheme. Their main objections relate to increase traffic and parking pressure, noise, disturbance, intensity of use, waste, servicing and various details in the application.

As discussed in the preceding paragraphs, the site is located within walking distance of good quality public transport. It is therefore expected that the majority of visitors will arrive this way. Consequently, the impact on local parking and traffic conditions will be minimal. In addition, most visitors would arrive from Broad Lane and not the nearby residential streets so there would be little disturbance to residents. Also, the loss of one parking space as a result of the disabled drop-off is not expected to result in a significant change in parking conditions.

The size and layout of the parking bays have been assessed against the relevant standards and the Council's Transportation Group are satisfied.

Delivery and servicing of the site will be actively managed to prevent concentrated arrivals of delivery vehicles. A condition will be applied requiring a scheme to be submitted for the Local Planning Authority's approval.

Concerns have been raised with regard to danger posed to pedestrian when crossing Broad Lane. As mentioned above, most visitors are expected to arrive from Tottenham Hale and the direct pedestrian route from there to the market is via designated crossings. It is acknowledged that there is no crossing immediately in front of the property. However, the relatively small scale of the proposal compared to the Retail Park would mean that it would be unreasonable to require the establishment of dedicated crossing. The change to pedestrian is considered be minor.

In respect of the residential character of the area, the site currently has permission for industrial use. Changing this to retail would have little implication on the residential nature of the adjoining streets.

The market contains 14 units so the applicant's projected figure of 60 people being on site at any given time is considered realistic.

Environmental Health has been consulted on this application and they are aware of the proposed A3 uses. They have are satisfied with the proposal, including the details of the extractor flue. The flue is sited a considerable distance away from nearby residents and would have little impact on their amenity.

The first floor will remain unchanged. Any change would require formal consent.

The provision of recycling facilities will be required through an appropriate condition.

In respect of consultation, those living in 2 to 14 (even) Springfield Road have been consulted.

SUMMARY AND CONCLUSION

The application proposes the change of use existing factory unit to an indoor market involving the demolition of rear structure wall to allow for 5 x car parking spaces, and insertion of 3 x new entrance doors to front / side elevations.

The principle of the scheme is considered acceptable as the proposed market expands on an existing employment generating use and does not prejudice the operation of nearby employment areas. The minor alterations involved in the scheme will not harm the appearance of the building or the local area. The development is not expected to cause any harm to the amenity of nearby residents through overshadowing, overlooking, noise or light disturbance. In respect of transport, the site has access to good public transport links and the proposed level of parking provision is adequate. Due to the nature of the development and the location of the flood zone, there is considered to be little impact on flood risk. Consequently, the scheme is in accordance with UD3 'General Principles', UD4 'Quality Design', ENV1 'Flood Protection: Protection of the Floodplain And Urban Washlands', TCR2 'Out of Centre Development', EMP4 and EMP5 'Promoting Employment Uses' of the Unitary Development Plan 2006 and approval is recommended.

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2009/0072

Applicant's drawing No.(s) 0018, 0019, 0021

Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.
2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
3. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.
Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

4. That not more than 94 sqm gross internal floorspace shall be used for A3 purposes as defined in the The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and shall be laid out in accordance with the details shown on drawing no. 0018.
Reason: In order to limit the total A3 floorspace within the development in the interests of the amenity of the surrounding area.

5. a) The use hereby permitted shall not be operated before 0900 or after 2000 hours on Monday to Friday, before 0900 or after 2100 hours on Saturday and before 1000 or after 1700 on Sundays or 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.

- b) No detriment to the amenity of the neighbourhood shall be caused by noise or other disturbance than is reasonable as a result of the use of the premises hereby authorised.
Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

- c) No music, live concerts or other amplified sound shall emanate from the site which, in the opinion of the Environmental Health Service acting on behalf of the Local Planning Authority, cause nuisance to any adjacent occupiers at any time.
Reason: In order to ensure the proposed development does not impinge on the amenities of adjacent occupiers.

6. The footway and carriageway on Broad Lane must not be blocked during the construction and maintenance of the proposal. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic on Broad Lane.

Reason: In order to minimise disturbance to pedestrian and vehicle traffic.

7. That the developer/ operator of the proposed market to submit a Delivery & Servicing Plan (DSP), as referred in the London Freight Plan for TfL's approval prior to occupation of the site.
Reason: In order to ensure that the delivery and servicing of the site is managed in a satisfactory way.

8. That a detailed scheme for the management of delivery and servicing shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the property. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.
Reason: In order to protect the amenities of the locality.

9. That all servicing (inc. delivery, maintenance, refuse collection) for the proposed development to be undertaken away from the public highway.
Reason: In order to minimise disturbance to pedestrian and vehicle traffic.

10. No skip/ construction materials shall be kept on the footway and carriageway on the TLRN (Broad Lane) at all times.
Reason: In order to minimise disturbance to pedestrian and vehicle traffic.
11. Notwithstanding the details of waste storage referred to in the application, a detailed scheme for the provision of refuse and waste storage including recycling storage within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.
Reason: In order to protect the amenities of the locality.

INFORMATIVE

i) The applicant is advised to contact the Chief Environmental Health Officer, 639 High Road, N17 (tel. 020 8489 0000) regarding the provision of adequate sanitary facilities, mechanical extract ventilation, refuse storage facilities, fire requirements and compliance with the Food Hygiene (General) Regulations 1970 that may be required in conjunction with this approval.ii) The applicant is reminded that the installation of a new shopfront and the display of any illuminated signs will need to be the subject of separate applications.

REASONS FOR APPROVAL:

The proposed scheme is an acceptable use on the subject site, would cause no harm to the appearance of the existing building and the surrounding area or the amenities of nearby residents. The scheme would not generate significant additional traffic or parking demand and would not increase the risk of flooding in the area. The scheme is considered to be in compliance with UD3 'General Principles', UD4 'Quality Design', ENV1 'Flood Protection: Protection of the Floodplain And Urban Washlands' and EMP5 'Promoting Employment Uses' of the Unitary Development Plan 2006.