

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date: 21st June 2022

Report of

Head of Planning –
Vincent Lacovara

Contact Officer:

Dino Ustic
David Gittens
Andy Higham

Ward:

Town

Ref: 21/04119/FUL

Category: Full Application - Minor

LOCATION: 24 Fillebrook Avenue, Enfield, EN1 3BB

PROPOSAL: Change of use of ground floor from barber shop (Class E) to take away (Sui Generis), involving installation of extraction flue at rear.

Applicant Name & Address:

Neoclis Athanasiou
4 Vicars Close
Enfield
EN1 3DW

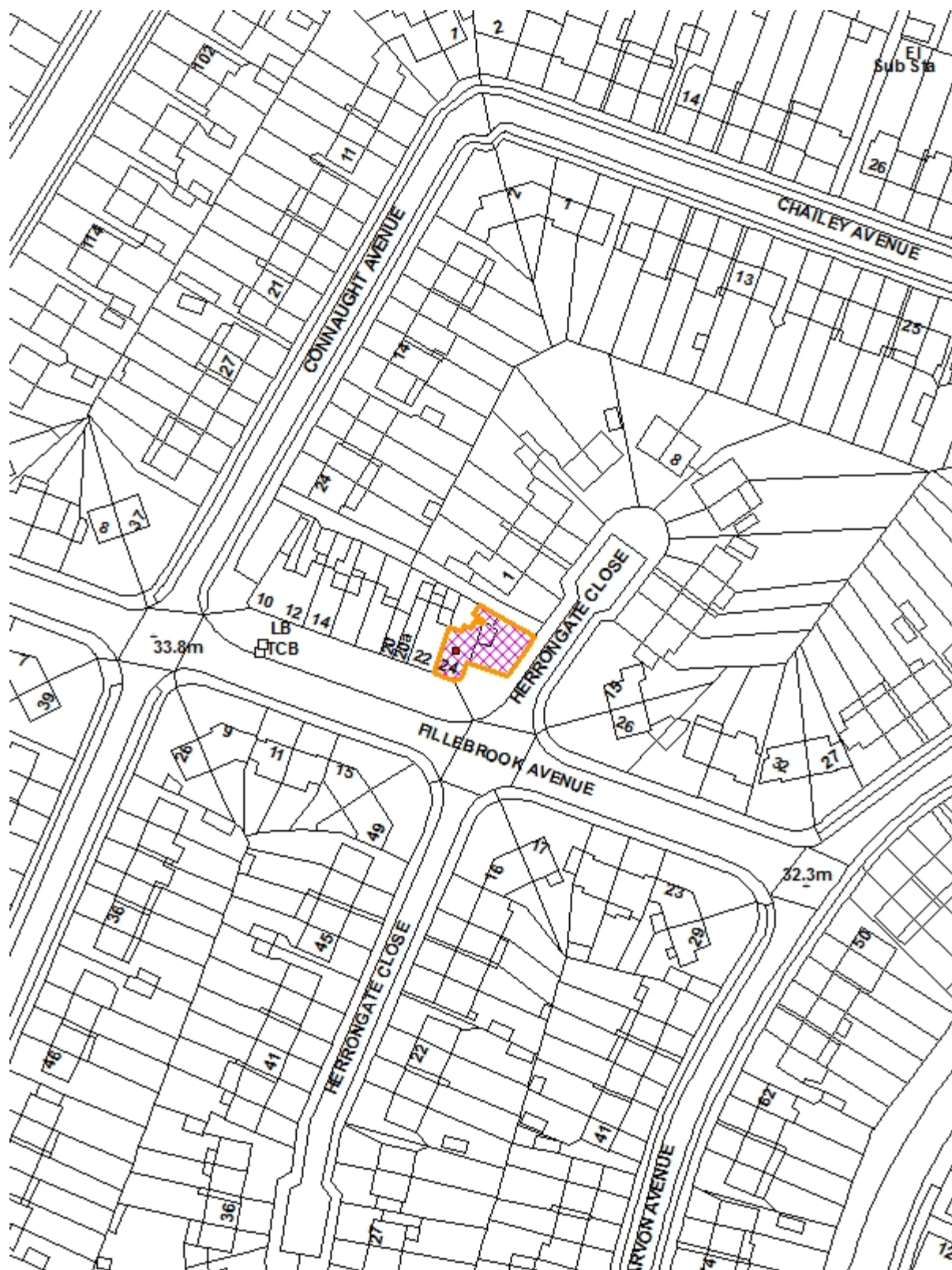
Agent Name & Address:

Joanna Athanasiou
Maple Court, Central Park
Reeds Crescent
Watford, Herts
WD24 4QQ

RECOMMENDATION:

- 1) That the Head of Development Management be authorized to GRANT planning permission subject to conditions.
- 2) That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report.

Ref: 21/04119/FUL **LOCATION: 24 Fillebrook Avenue, Enfield, EN1 3BB,**



1. Note for Members:

- 1.1 Although a planning application of this nature can be determined under delegated authority, it has been brought to Planning Committee at the request of former Councillor Rawlings given the level of public interest in the proposals

2. Recommendation

- 2.1 That the Head of Development Management be authorised to GRANT planning permission subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

2. 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.

Drw No: FAE.24.SH Rev P02
Drw No: SS1-102 Rev P01
Drw No: SS1-101 Rev P01
Drw No: FAE.24.SH

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

3. The use hereby approved development shall only operate between the hours of 11:00AM and 10:00PM on Mondays to Saturdays and not outside of these hours.

Reason: To protect the amenities of surrounding residential occupiers.

4. No development above existing ground level shall commence until details of the external finishing materials to be used shall be approved in writing by the Local Planning Authority. A schedule of materials and their use in the approved scheme is required and samples made available on site. A photograph and details of the make and model must be submitted. The development shall be constructed in accordance with the approved details

Reason: To ensure a satisfactory external appearance.

5. The parking areas indicated on Drawing No: FAE.24.SH Rev P02 shall be provided prior to first occupation of the dwelling approved by this permission.

Reason: To ensure that parking and turning facilities are provided in accordance with adopted standards.

6. The development shall not commence until details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the Enfield Councils Waste and Recycling Planning Storage Guidance, available at <https://new.enfield.gov.uk/services/planning/waste-and-recycling-storage-planning-guidance-planning.pdf> have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interests of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets.

7. Prior to the takeaway opening No above ground works shall commence until the details and design of secure and fully enclosed cycle parking has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied, and the facility retained for the life of the building.

Reason: To ensure the provision of cycle parking in accordance with Policy T5 of the London Plan (2021) and the Council's adopted standards.

8. No development shall take place until an acoustic report and the associated technical specification of the extract ventilation has been submitted to and approved by the Local Planning Authority. The report must set out the sound level generated from the kitchen extraction system and state the noise control measures to be employed to ensure the noise from the system does not exceed a level of 5dBA below the typical measured background noise level measured as L(A)90 15 minutes during operational hours, at the façade of the nearest residential property.

Reason: To protect the local amenity from noise and disturbance.

- 2.2 That the Head of Development Management be granted delegated authority to agree the final wording of the conditions to cover the matters in the Recommendation section of this report.

3. Executive Summary

- 3.1 The proposal is for a change of use from an existing Barbers Shop to a Hot Food Takeaway together with installation of extract ducting to rear.
- 3.2 The premises forms part of a local shopping parade within a residential area.
- 3.3 Policy DMD 28 seeks to safeguard retail, community and leisure uses within local centres unless the proposed use is considered compatible and appropriate to the local centre.
- 3.4 This proposal has been assessed against the criteria contained in Policy DMD28 and

in principle, the parade is considered to be an acceptable location for a hot food take away. The proposal is also considered to be acceptable against the remaining criteria.

- 3.5 Subject to conditions, the extract ventilation duct is also considered acceptable and Environmental Health have raised no objection on grounds relating to noise and odour. As a result, there is no objection on grounds of residential amenity.
- 3.6 Parking and traffic generation is also considered to be acceptable.
- 3.7 Consequently, the proposal is also considered to be acceptable having regard to Policies D4, E9, T4, T5 & T6, Core Policy 13 & 30 of the Council's Core Strategy (2010) as well as Policies DMD28, DMD30, DMD 37, DMD 45 and DMD 68 of the Council's Development Management Document (2014).

4. Site and Surroundings

- 4.1 The subject site comprises a Barber Shop (Class E) and forms part of a small local parade of two-storey terraced properties: retail/commercial on the ground floor with residential above. The surrounding area is wholly residential
- 4.2 The subject site is not located within a Conservation Area and does not contain a Listed Building but is within a Local Centre.
- 4.3 The subject site has a PTAL score of 0 (low).

5. Proposal

- 5.1 Permission is sought for the change of use of ground floor from barber shop (Class E) to take away (Sui Generis), involving installation of extraction flue at rear.
- 5.2 Five parking spaces are proposed at the front/side of the site together with associated cycle storage and refuse.

6. Relevant Planning Decisions

- 6.1 The following planning history is considered relevant to the proposal:

Reference	Proposal	Decision	Date
TP/08/0955	Change of use of ground floor to retail (Class A1).	Granted with conditions	30.06.2008

7. Consultations

7.1 Statutory and non-statutory consultees

Environmental Health

- 7.1.1 Environmental Health raise no objection to the application for planning permission as there is unlikely to be any negative environmental impact. In particular, no concerns are raised regarding air quality or contaminated land. It is recognised the kitchen extraction system could lead to a loss of amenity to existing residents and for this reason the following condition is required:

No development shall take place until an acoustic report has been submitted to and approved by the Local Planning Authority. The report must set out the sound level generated from the kitchen extraction system and state the noise control measures to be employed to ensure the noise from the system does not exceed a level of 5dBA below the typical measured background noise level measured as L(A)90 15 minutes during operational hours, at the façade of the nearest residential property.

Reason: To protect the local amenity from noise and disturbance

Transportation

- 7.1.2 Transportation raise no objection. Although initial plans did not show the location of the cycle parking and the refuse storage was outside of the red line plan, revised plans have been received. These show vehicle and cycle spaces and the location of refuse which are all now considered to be acceptable.

7.2 Public

- 7.2.1 Consultation letters were sent to eleven (11) adjoining and surrounding properties . At the time of writing the report, there have been objections received from 23 properties raising all or some of the following points:

- Increase antisocial behaviour as a result of youth gatherings – This is not planning consideration
- Character
- Refuse & increased litter leading to street spill – The litter street spill is not a material planning consideration. The refuse will be assessed.
- Increased traffic
- Noise
- Pollution
- Odour
- Parking pressure
- Fire safety
- Increase in vermin – This is not a planning consideration.
- Safety impact with added dangers as a result of a takeaway – This is not a planning consideration
- No site notice erected and not notified – This is not a planning consideration and no site notice was needed for this application given its location outside of a conservation area and nature. The nearest 11 immediate occupiers were notified about the proposal and the council can evidence this.

7.3 Petition

- 7.3.1 A petition containing 100 signatures against the development has also be received objecting to the application on the grounds summarised below:

- Out of keeping with the character of the area
- Increase in unwanted animal activity - vermin
- Anti-social behaviour
- Increase in litter
- Noise
- Opening hours
- Parking
- Loss of privacy
- Extraction flue out of keeping with street

- Fire safety
- Odour

8. Relevant Policies

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 requires the Committee have regard to the provisions of the development plan so far as material to the application: and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

The London Plan (2021)

- 8.2 The London Plan is the overall strategic plan for London setting out an integrated economic, environmental, transport and social framework for the development of London for the next 20-25 years. The following policies of the London Plan are considered particularly relevant:

Policy GG1: Building strong and inclusive communities
 Policy D1: London's form, character and capacity for growth
 Policy D3: Optimising site capacity through the design-led approach
 Policy D4: Delivering good design
 Policy D5: Inclusive design
 Policy D12: Fire Strategy
 Policy D14: Noise
 Policy E9: Retail, markets and hot food takeaways
 Policy SI 2: Minimising greenhouse gas emissions
 Policy SI 5: Water Infrastructure
 Policy SI 7: Reducing waste and supporting the circular economy
 Policy SI 8: Waste capacity and net waste self-sufficiency
 Policy SI2: Healthy Streets
 Policy T4: Assessing and mitigating transport impacts
 Policy T5: Cycling
 Policy T6: Car parking

Enfield Core Strategy (2010)

- 8.3 The Core Strategy was adopted in November 2010 and sets out a spatial planning framework for the development of the Borough through to 2025. The document provides the broad strategy for the scale and distribution of development and supporting infrastructure, with the intention of guiding patterns of development and ensuring development within the Borough is sustainable. The following is considered particularly relevant:

CP13 Promoting economic prosperity
 CP 16: Economic success and Skills
 CP20 Sustainable Energy Use and Energy Infrastructure
 CP25 Pedestrians and Cyclists
 CP30 Maintaining and Improving the Quality of the Built Environment and Open Environment
 CP32 Pollution

Enfield Development Management Document (2014)

- 8.4 The Council's Development Management Document (DMD) provides further detail and standard based policies by which planning applications should be determined. Policies in the DMD support the delivery of the Core Strategy. The following local plan Development Management Document policies are considered particularly relevant:

DMD 25: New Retail, Leisure and Office Development
DMD 28: Large Local Centres, Small Local Centres and Local Parades
DMD 37: Achieving High Quality and Design-Led Development
DMD 40: Ground Floor Frontages
DMD 44: Conserving and Enhancing Heritage Assets
DMD 45: Parking Standards and Layout
DMD 61: Managing Surface Water
DMD 68: Noise

8.5 Other relevant policy

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Enfield Characterisation Study (2011)
Waste and Recycling Storage Planning Guidance from Enfield Council (EN20/ V2)

9. Assessment

Principle of Change of use

- 9.1 Policy DMD 28 states that proposals involving a change of use from Class A uses within local centres will be refused unless the proposed use provides a service that is compatible with and appropriate to the local centre. The policy also states a change of use from retail to non-retail on the ground floor will only be permitted if certain criteria are met. It must be noted that use classes have changed since the adoption of the Development Management Document, but the term "retail" in the policy is used as guidance to inform this recommendation.
- a. *The role and function of the centre remains predominantly retail. The proportion of A1 shop units must be no less [than] 50% of the total number of commercial units within defined centres and there must be no less than 50% of A1 uses within any one parade;*
 - b. *The use would not result in an adverse impact on the amenities of nearby occupiers, including through littering or fumes;*
 - c. *The proposal would not have an adverse impact on safety and traffic flows or unacceptably add to traffic and parking problems in the area;*
 - d. *Where applicable, the change of use would not result in a significant break in the continuity of the retail frontage of the shopping parade; and*
 - e. *The frontage is retained/protected and the design of the frontage would be compatible with the use of the premises and the surrounding area and achieves an active frontage at ground floor level.*
- 9.2 Although the retail use of the property was previously categorised as Class A1, use as a Barbers is now categorised as Class E(a). The proposed take-away is defined as Sui Generis meaning planning permission is required for the change of use. Whilst it is noted that a retail use would be lost from this small local parade, 5 out of 7 uses would remain in Class E retail use and therefore over 50% of the local parade would

remain and available to serve the needs of local residents. In addition, a hot food take away is not inappropriate for local parade as such uses can provide a local service. Its position at the end of the terrace also means the change of use would not result in a significant break in the retail frontage.

- 9.3 It is therefore considered that the loss of the retail / service use in this instance, is acceptable.

Impact of Character and appearance

- 9.4 Policy CP30 of the Core Strategy requires new development to be of high-quality design and in keeping with the character of the surrounding area. Policy DMD 37 sets out criteria for achieving high quality and design led development, and seeks to resist development that is inappropriate to its context or fails to have appropriate regard to its surroundings. Policy DMD 28 requires that an active frontage is retained, and the design of the frontage is compatible with the use of the premises and the surrounding area.
- 9.5 In this case, external modifications are mostly limited to the extraction flue at the rear of the building. The extraction equipment would be 400mm x 4000mm in diameter and project 1 metre above eaves level. A similar extraction duct exists on the neighbouring property. Due to its size and siting, it is considered that the duct would not be unduly visible in the surrounding area nor represent development out of keeping with or detrimental to the character and appearance of the locality.
- 9.6 An active frontage / shop window would also be retained.
- 9.7 Taking into account the proposed changes, it is considered the proposal would not adversely harm the visual amenities or character of the immediate location or the appearance of the existing building.

Neighbouring amenity

- 9.8 Policy D3 of the London Plan (2021) states that developments should have appropriate regard to their surroundings, and that they improve the environment in terms of residential amenity. Policy CP30 of the Core Strategy and Policy DMD8 seeks to ensure that new developments should preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance.
- 9.9 Environmental Health do not object to the proposal and comment that there is unlikely to be a negative environmental impact or an impact on residential amenity. In particular there are no concerns regarding air quality or odour. It is recognised that the extraction system could lead noise and a loss of amenity from existing residents and for this reason an acoustic report and the technical specification for the extraction flue in the form of a condition will be required.
- 9.10 Overall, it is considered the proposal would not result in any additional harm to the amenities of neighbouring occupiers.

Transport and access

Vehicular access and car parking:

- 9.11 Under the London Plan (2021) Policy T6, the Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.

Car parking proposals will be considered against the standards set out in the London Plan and:

- a. The scale and nature of the development*
 - b. The public transport accessibility (PTAL) of the site;*
 - c. Existing parking pressures in the locality;*
 - d. Accessibility to local amenities, and the needs of the future occupants of the developments.*
- 9.12 The site is located within a PTAL level 0 area and while it is noted that double yellow lines partially front the site, on street parking is available immediately adjacent to the small parade and on side roads. Submitted plans show off street car parking spaces for 3 vehicles.
- 9.13 Evidence has been received from the applicant in the form of land registry documentation demonstrating the car parking land belongs to the subject site. Further, it is considered that there is sufficient space for three cars which are able to reverse out of the parking area, turn the rear end of the car towards the existing garage or the alleyway and then drive forward back onto Herongate Close. This will avoid any cars reversing onto Herongate Close and ensure greater road safety of the residents. Transportation have raised no objection in the quantum or arrangements of the parking.
- 9.14 It is also considered that the proposal would not generate additional vehicle movements over that associated with the lawful use of the premises

Cycle parking:

- 9.15 The development should provide secure, integrated, convenient and accessible cycle parking in line with the minimum standards set out in Policy T5 of the London Plan (2021). The submitted plans illustrate 2 proposed cycle stand to the side of the vehicle parking meeting the requirements in the London Plan (2021). Transportation have raised no objection to the proposed cycle parking and as a result, the proposal is considered acceptable. A condition is imposed to secure full details of the cycle parking.

Refuse and recycling:

- 9.16 The location for waste storage has been indicated on the plans at the end of the rear yard separated from the boundary with No1 Herongate by the service roads. The proposed bin store are considered adequate, safe and functional for refuse collection in accordance with the requirements in the London Plan.

Flood / Surface water Risk

- 9.17 In the absence of new building work the change of use does not raise issues of flood risk or surface water drainage

Other

- 9.18 It is noted that an objection relating to fire safety has been received. There is no requirement for a fire statement for this type of planning application and issues pertaining to fire safety are covered under the building regulations outside of the planning process.

10. Community Infrastructure Levy

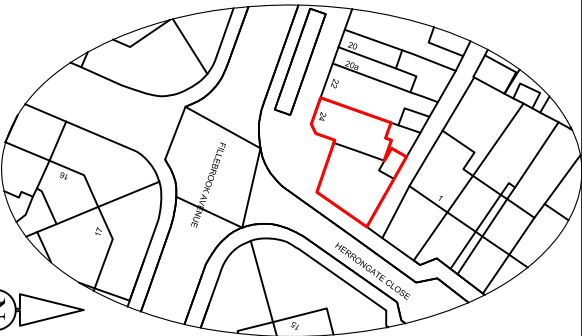
- 10.1 The site is located within the lower CIL charging zone of £40 per sqm as per the Councils adopted CIL charging schedule as of April 2016. Given the site would not result in any additional net floor area the development would not be CIL liable.

11. Public Sector Equalities Duty

- 11.1 Under the Public Sector Equalities Duty, an equalities impact assessment has been undertaken. Due to the nature of the proposal, it is considered the proposal would not disadvantage people who share one of the different nine protected characteristics as defined by the Equality Act 2010 compared to those who do not have those characteristics.

12. Conclusion

- 12.1 Having regard to the above assessment, and with particular reference to Policy DMD 28, it is considered the proposed change of use would not detract from the vitality, function or character of this local shopping parade.
- 12.2 In addition, it is considered the proposed use together with the ventilation extract ducting to the rear of the premises, would not cause any undue harm to the amenities of neighbouring residential properties.
- 12.3 It is also considered the proposed change of use would not harm the safety and free flow of traffic on the adjoining highways
- 12.4 The proposal therefore is considered acceptable in relation to London Plan (2021) Policies D4, E9, T4, T5 & T6, Policies 13 & 30 of the Council's Core Strategy (2010) as well as Policies DMD28, DMD30, DMD 37, DMD 45 and DMD 68 of the Council's Development Management Document (2014).



Licence number 100020449
Location Plan 1:1250



Main Plan

☐ LEASE

PROPERTY ADDRESS:

24 Filbertbrook Avenue
Enfield EN1 3BB

TITLE:

Shop

SCALE:

1:100 (A4)

DRAWING No:
FAE.24.SH.

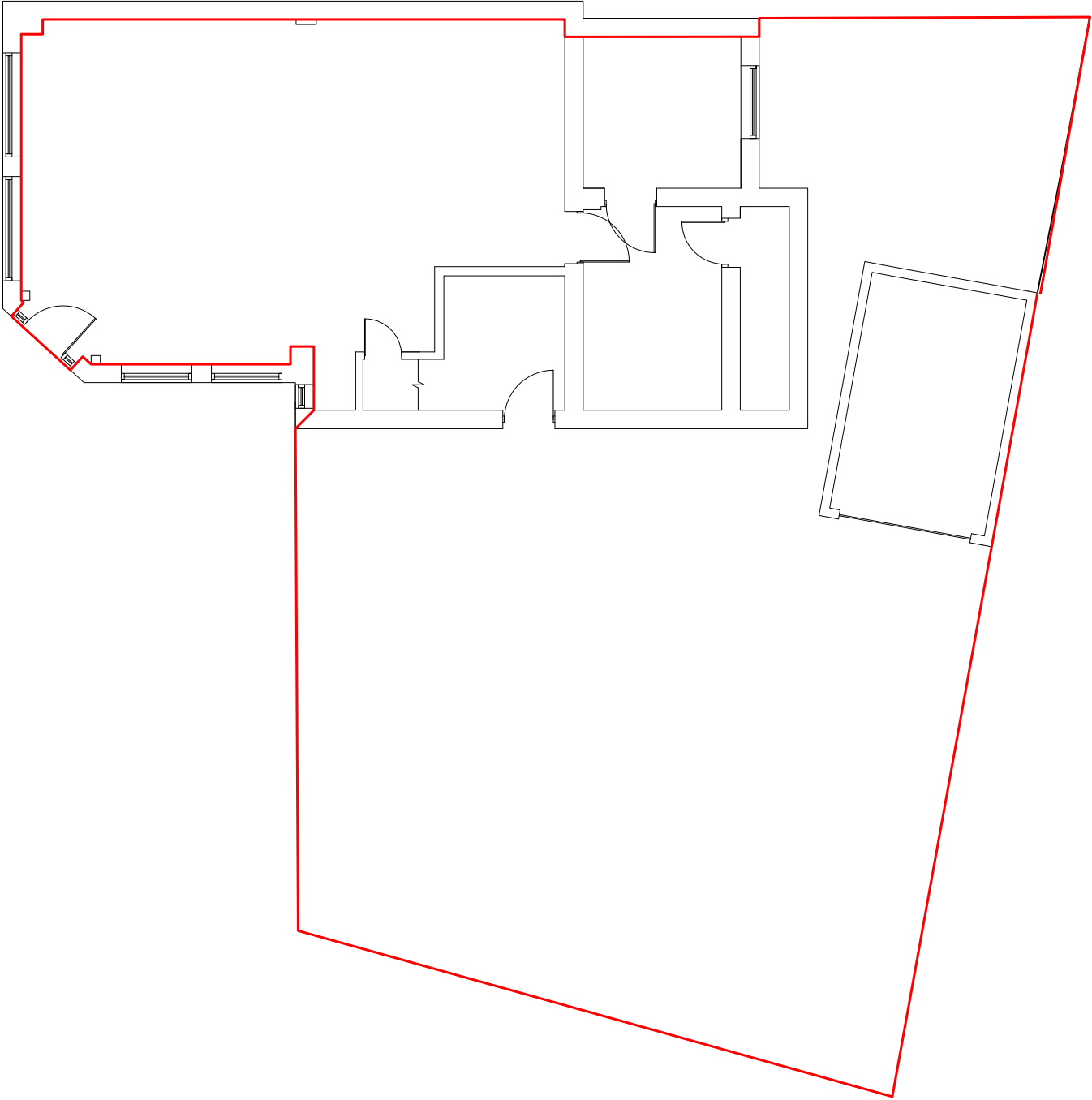
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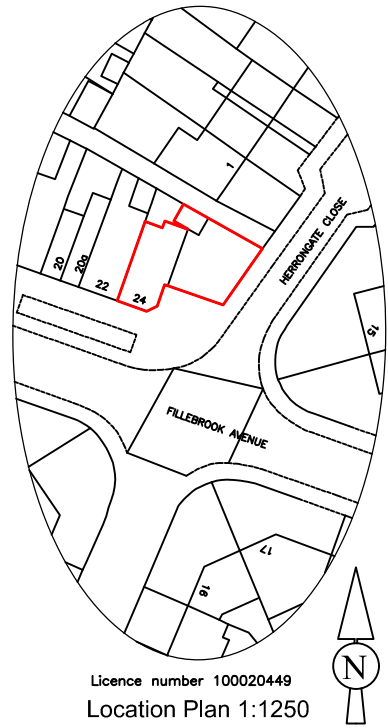
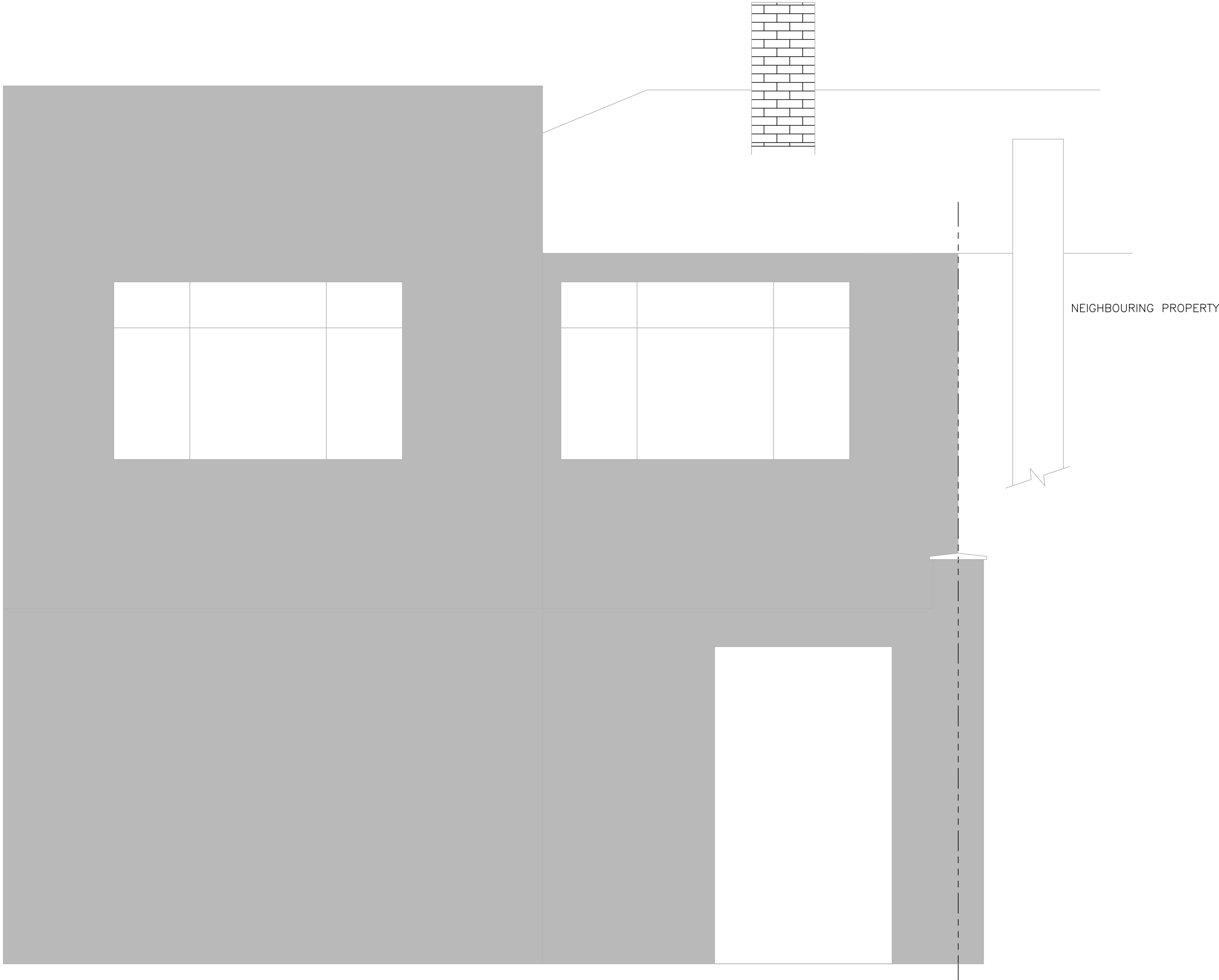
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Lease Plan


Ground Floor

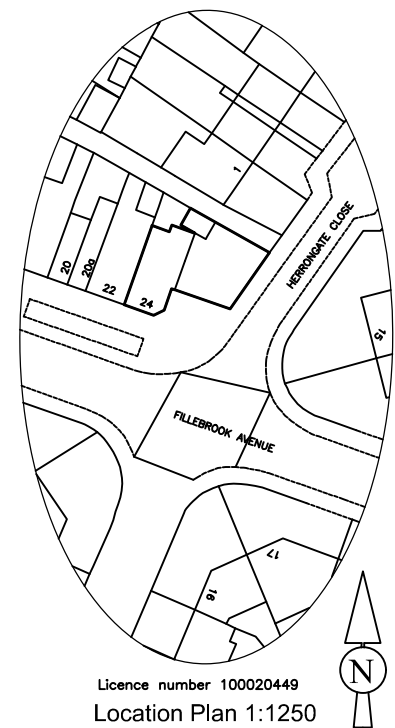





IMAGES_OF_EXISTING_BUILDING

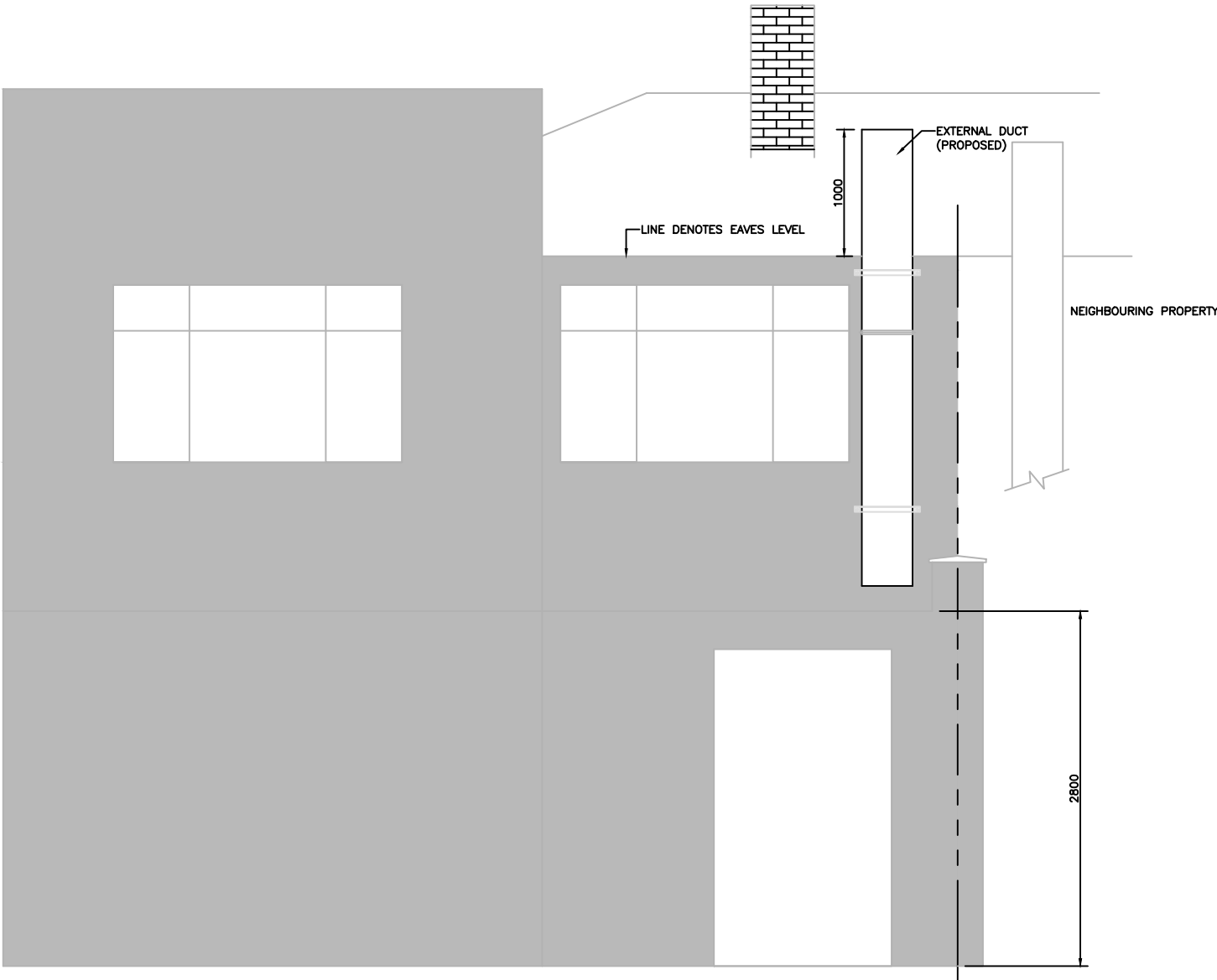
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Enfield EN1 3BB			
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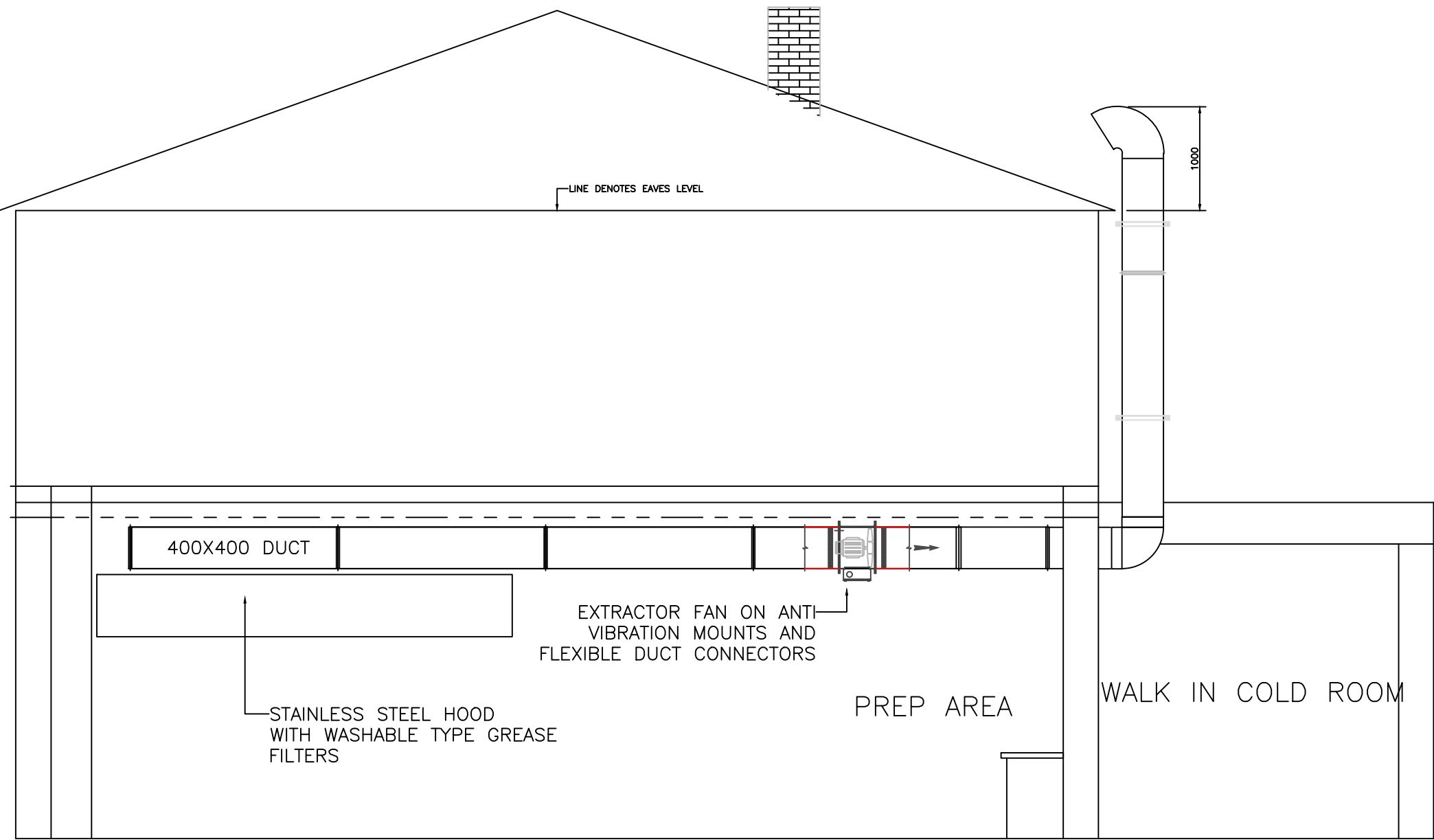


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Enfield EN1 3BB			
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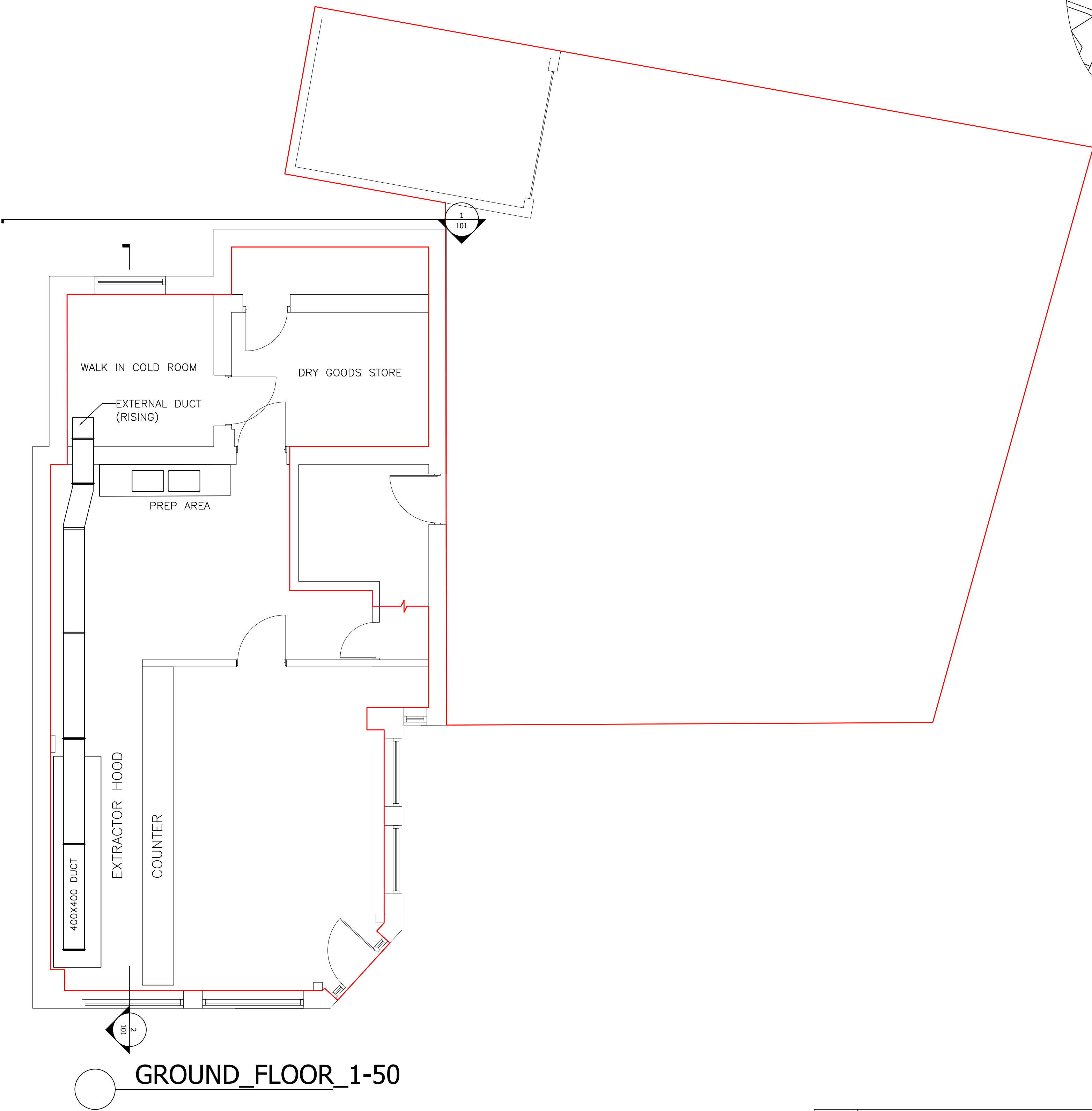
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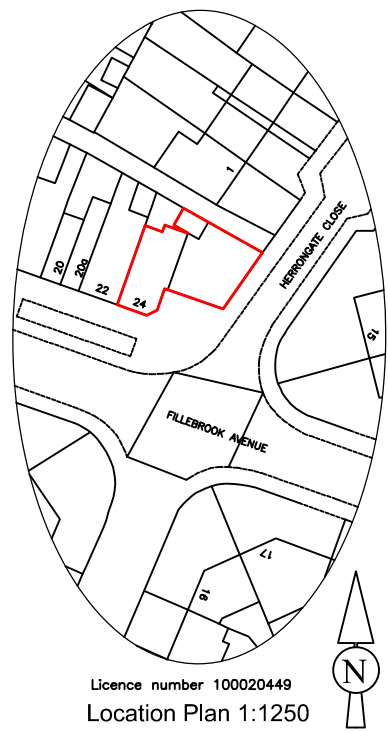
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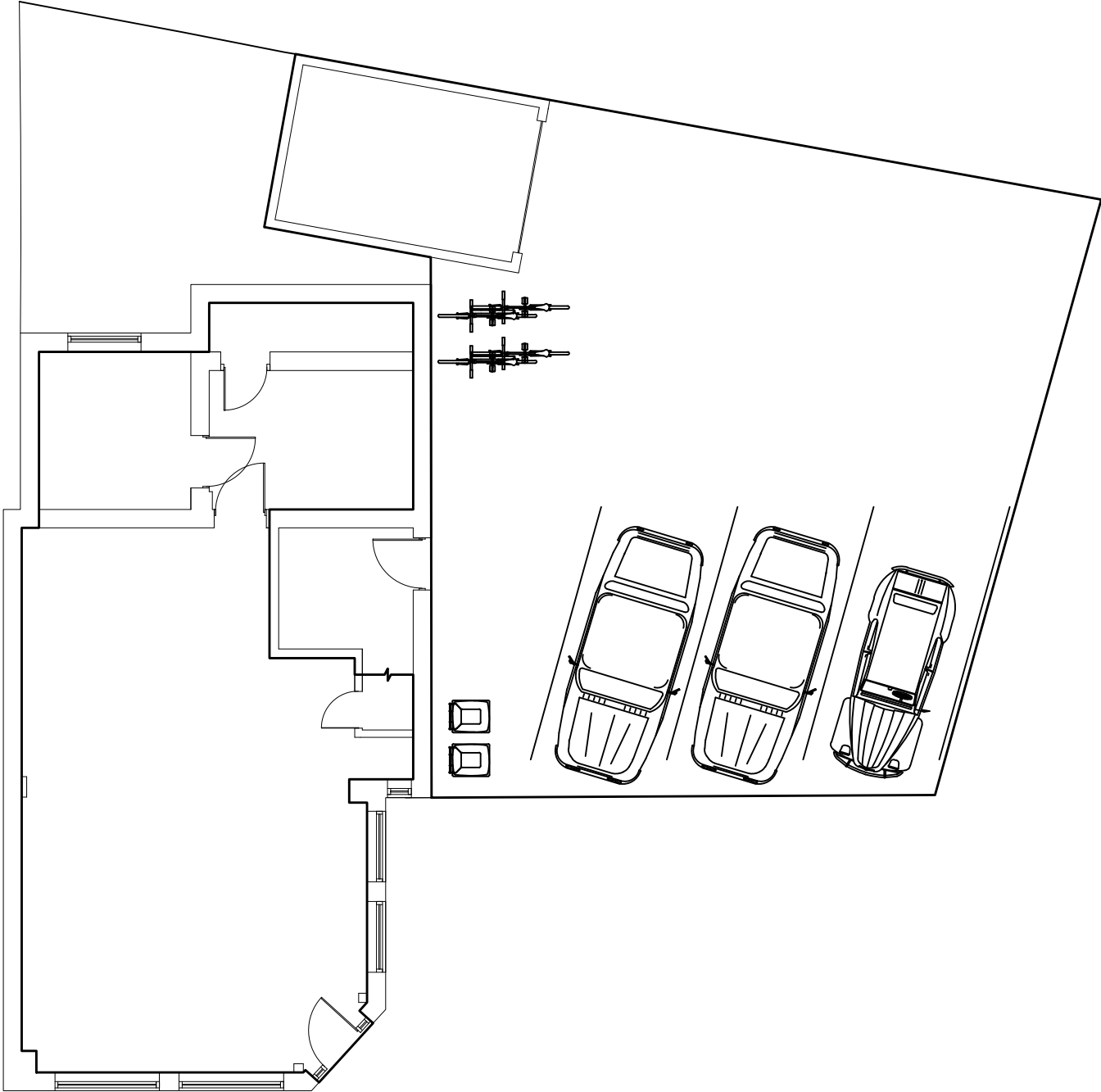
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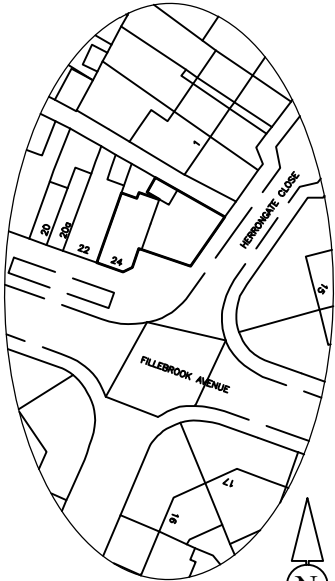
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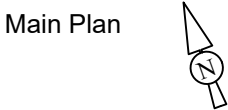
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Ground Floor



Licence number 100020449
Location Plan 1:1250



LEASE

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REV	DESCRIPTION	BY	DATE
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