ALLEN PLANNING Ltd
Town Planning and Development Consultants

Planning, Design & Access Statement



Proposed conversion (and minor alterations to the building) of Part Ground and Part First Floor from Class B1A Offices to 2 apartments

Site at

Land at 79 High Cross Road
London
N17 9NR

1.0 Introduction

1.1 This Planning and Design Statement has been prepared by Allen Planning Ltd on behalf of the applicant to support a planning application for the proposed conversion and minor alterations on part of the ground and first floors from their permitted Class B1 (a) use to form 2 residential apartments

1.2 This Statement has been prepared in accord with the advice contained within the National Planning Policy Framework 2012 9supported by the NPPG), the London Plan 2011, and the Haringey LDF.

1.3 This Statement follows a detailed investigation of the site, including its constraints and opportunities, the proximity of neighbouring buildings and the diverse character of the local streetscape. Matters of access and car parking are also duly considered and addressed.

1.4 The scheme has been design in accordance with the space requirements contained within Table 3.3 of the London Plan and the Mayor's Design Guide.

1.5 The building was granted planning permission in 2013 its change of use (and alterations) from Class C2 to create mixed use development comprising Use Class B1 offices and 4 x 2 bed flats under reference HGY/2013/1998.

1.6 The building is currently vacant and clearly given previous planning history was not a use of the building supported by the LPA.

1.7 The building works have bene completed however the commercial space is vacant despite a prolonged period of marketing.

1.8 Whilst Permitted Development currently exists under Class J of the GPDO to convert office space to residential without benefit of planning permission one of the conditions of this permitted development is that the space itself was either used or last used the office space in May 2013. Clearly this space has never been used for such purposes despite its permission and therefore permitted development is not an option in this case.

1.9 This permitted development does however provide a clear indication of Government planning policy relating to the use of vacant office space for beneficial residential development especially in the city given the housing requirements of the capital

2.0 The Site & Surrounding area

2.1 The appeal site lies to the north of High Cross Road which constitutes a cul-de-sac serving a wide variety of properties including a school, apartments and various commercial premises.

2.2 The site lies to the west of Tottenham Hale which is a major public transport interchange and to its north lies Monument Way (the A10) one of the major distributor roads in the area.

2.3 To the east of the site lies a collection of buildings previously used as accommodation for persons with mental health issues however this is now vacant. A tall wall (constructed by the neighbours) currently defines the eastern boundary of the site.

2.4 A footpath with trees adjacent forms the western boundary and to the south, across the road, lies the Welbourne Primary School which has a high fence around its perimeter.

2.5 The building on the appeal site is L shaped sitting in a triangular plot and has no fencing or boundary treatment along its boundary with High Cross Road. The building rises from 2 storey fronting High Cross Road to 4 storeys at the rear of the site fronting Monument Way.

2.6 An open area, used for car parking, lies at the front of the site and an outdoor amenity area is provided to the east of the building.

2.7 A Google earth map identifying the site is produced in Figure 1 below



Figure 1 - A general overview if the site is shown in the "Google earth" image above.

2.8 In locational terms the application site is triangular in shape and located on the northern side of High Cross Road and south side of Monument Way. The site comprises a part three-storey, part two storey block with a single-storey side projection constructed under planning permission HGY/2000/1159.

2.9 In terms of policy this site has no specific land allocation or policy constraints within the Proposals Map, but Site Specific Proposal land 20 is situated immediately to the east of it.

2.10 The Welbourne Primary School is located in close proximity to the south and to the east lies two-storey terrace properties on the north side of High Cross Road and multi-storey, flatted development on the southern end.

3.0 Planning History

3.1 Planning permission was granted on this and the neighbouring site in 2000 for the "*demolition of existing buildings and erection of fourteen one bed units and one 8 bed residential care home*.

3.2 The care home became No.79 and the 14 units became 81–105 High Cross Road, those units are currently unoccupied. There were no conditions imposed upon this permission relating to the use or occupation of the buildings.

3.3 An appeal against against an Enforcement Notice relating to the use of the site as Class C2A was allowed and therefore the previous use of the building is as Class C2 albeit that it is currently vacant.

3.4 Under reference HGY/2013/1998 planning permission was granted for the proposed change of use and alterations of Use Class C2 building to create mixed use development comprising Use Class B1 offices and 4 x 2 bed flats.

3.5 This permission has been implemented.

4.0 Planning Policy

4.1 The policy context for this site includes the NPPF, The London Plan 2011 and the Haringey Local Plan 2015 including those UDP Policies saved post adoption of the Local Plan.

National Planning Policy Framework

4.2 Previous national policy relating to new housing and design issues etc. have now been superseded by the National Planning Policy Framework (NPPF). Whilst the NPPF does not supersede existing development plan policy, such policies should now be read in conjunction with it.

4.3 Paragraph 13 advises that the NPPF constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications

4.4 Paragraph 14 identifies the fundamental thrust of the guidance which states that; *at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking. For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

—any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
—specific policies in this Framework indicate development should be restricted

4.5 One of the Core principles of NPPF at paragraph 17 is to:
promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production

Housing

4.6 The NPPF, in paragraph 47, seeks to boost significantly the supply of housing, and paragraph 49 adds that housing applications should be considered in the context of the presumption in favour of sustainable development.

4.7 Paragraph 17 highlights the following, amongst other objectives, core principles of the NPPF:

encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value

Employment Land

4.8 Paragraph 22 of the NPPF deals directly with employment land and advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed.

4.9 Paragraph 22 adds also that: -

"*where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities"*

London Plan 2011

4.10 The London Plan 2011 forms up to date Regional Spatial Strategy and seeks amongst other matters to increase the City's supply of housing. In setting out the context and strategy for The London Plan 2011, it states in **Para 1.15**, that due to changes in household trends *"we will have to plan for more homes particularly meeting the accommodation needs of families and single person households, both of which are likely to increase in number"*

4.11 In **Policy 3.3** the Mayor "*recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford."* The policy states that The Mayor will seek to ensure that the identified housing need is met. The policy continues, setting out how the Boroughs should

"seek to achieve and exceed the relevant minimum borough annual average housing target" as set out in The London Plan 2011. The target for Brent is 1065 new dwellings per annum.

4.12 **Policy 3.3 E** states that *"Boroughs should seek to enable development capacity to be brought forward to meet these targets having regard to the other policies in this Plan and in particular the potential to realise brownfield housing capacity through the spatial structure it provides including:*

a. intensification (see policies 2.13, 3.4)
b. town centre renewal (see policy 2.15)
c. opportunity and intensification areas and growth corridors (see policies 2.13 and 2.3)
d. mixed use redevelopment, especially of surplus commercial capacity and surplus public land (see policies 2.7, 2.11, 4.2-4.4)
e. sensitive renewal of existing residential areas (see policies 3.4, 3.5, 3.14).

4.13 **Policy 3.4** deals with optimising housing potential taking into account matters such as local context and character, design principles and public transport capacity. The policy adds that development should optimise housing output for different types of location within the relevant density range shown in Table 3.2 and that development proposals which compromise this policy should be resisted

4.14 **Policy 3.8** seeks to achieve a genuine choice of homes that Londoners can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.

4.15 **Policy 4.1** deals with offices and states that in Part A that the Mayor will and boroughs and other stakeholders should:

a support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes including small and medium sized enterprises

b recognise and address strategic as well as local differences in implementing this policy to:
– meet the distinct needs of the central London office market, including the north of the Isle of Dogs, by sustaining and developing its unique and dynamic clusters of 'world city' and other specialist functions and business environments, and

– consolidate and extend the strengths of the diverse office markets elsewhere in the capital by promoting their competitive advantages, focusing new development on viable locations with good public
transport, enhancing the business environment including through mixed use redevelopment, and supporting managed conversion of surplus capacity to more viable, complementary uses
c encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility

d seek increases in the current stock where there is authoritative, strategic and local evidence of sustained demand for office-based activities in the context of policies 2.7, 2.9, 2.13 and 2.15-2.17.

Haringey Local Plan 2013

4.16 Local Development Plan policies are formed by the UDP Saved Policies Post Local Plan Adoption and the Haringey Local Plan Alterations to Strategic Policies' document which was adopted in February 2015

Local Plan

4.17 Turning initially to new housing **Policy SP2** seeks to meet and exceed the Borough target of 19,802 new homes over the Plan period. Paragraph 3.2.5 identifies that one of the methods of delivering such targets will be via

Development and redevelopment on large sites (over 0.25ha) and small sites (below 0.25ha), and conversions from residential and non-residential properties.

4.18 **Policy SP8** seeks to secure a strong economy for the Borough and this site is not within an identified employment area.

4.19 **Policy SP0** advises that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). The policy adds that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise t

Saved Policies of the UDP

4.20 **Policy HSG2** addresses the Change of Use to residential' and states that a change of use to housing will be considered provided:

a) the building does not fall within a defined employment area unless specified for housing in Table 4.1 and Schedule 1 or where a proposal satisfies the criteria in policy EMP4; or
b) it does not involve the loss of protected open space; or

c) it is not in a primary or secondary shopping frontage as shown on the proposals map (unless it is above ground-floor level): or
d) the building can provide satisfactory living conditions."

4.21 It is important to identify that the site is not located within a defined employment area and nor would it result in the loss of protected or open space. In addition the building is not within a primary or indeed secondary shopping frontage and as will be shown the two flats can be provided with satisfactory living conditions.

5.0 Issues

5.1 The issues and material considerations raised by this proposal are addressed below against the backdrop of the NPPF's presumption in favour of sustainable housing development.

Sustainable development

5.2 As a starting point, this proposal is considered to be for sustainable development within the meaning of the NPPF. Accordingly there is a presumption in favour of granting planning permission for this proposal without delay.

5.3 The majority of the existing property has already been converted to residential apartments from its previous Class C2 use and this application seeks to convert the permitted Class B1 a space which has remained unlet to form two further apartments.

Loss of B1 (a) Space

5.4 The application seeks a change of use of part of the ground and part of the first floor only from their permitted Class B1 (a) use to two apartments.

5.5 This permitted Class B1 (a) floorspace has never been occupied and there would therefore be no loss of activity or current employment as a result of this application, any loss would be in the form of B1 (a) space "with permission".

5.6 The application site does not fall within any of the Borough's designated town centres or "protected" employment areas with reference to the Local Plan Proposals Map.

5.7 In respect of the retail policies of the LPA the change of use of this space to alternative commercial uses, such as those falling within Classes A1/A2/D1 of the UCO would not be supported by the Council as such would seriously impinge on the retail functioning of existing and new town centres. Indeed to overcome such concerns raised by the Council as part of the previous application the Applicant removed the proposed alternative A1/A2/D1 uses from the description of the original development proposed.

5.8 The application proposes some 53.5m^2 of commercial space on the ground floor and 29m^2 on part of the first floor.

Marketing

5.9 The site has been marketed by a local Agent P4i and their Report forms part of the supporting information with this application

5.10 The Report advises that this floorspace has been market since early December 2013 via that Company's website as well as on "Rightmove". In addition the Company also "*directly targeted*

some local companies/individuals who are on our database and we are aware that they rent/purchase such space on a speculative basis"

5.11 This marketing exercise has resulted in no formal offers being made for the space.

5.12 The Marketing Agent's Report advises that whilst some interest has been shown in the floorspace the reason offered by those who have viewed the space is not in terms of its costs to either rent or buy the location of the development from a commercial perspective.

5.13 The site's location is of course a matter that simply cannot be altered. We therefore submit that this period of over 12 months marketing robustly identifies that the commercial floorspace in this original mixed used development is highly unlikely to be let for b1 (a) type occupation

5.14 In addition the planning history identifies that the LPA would not support, from a planning policy perspective, other commercial uses. There are also some uses which would be inappropriate within the building given that much of the building is already residential.

5.15 In light of the above and given the fact that the site is not within an identified employment area it is submitted that the most beneficial use of the space in accordance with paragraph 22 of the Framework and the Development Plan would be two residential units which comply with the Council's standards and which would result in additional residential accommodation within this development in a sustainable location.

Scale & Massing and townscape impact

5.16 There are only minor changes proposed to the external appearance of this building and the character of development in the immediate locality of the application site is within mixed use, displaying considerable diversity in the scale, height and design of its buildings, and is therefore an area which can, as a matter of its character, successfully accommodate well planned change.

5.17 This application does not seek to increase development form on the site and proposes only very minor external changes to the existing elevations.

5.18 The overall height and mass of the building remains unchanged.

Housing Mix & Affordable Housing

5.19 The application is a small scheme creating two apartments in a mix of one and two bedroom units.

5.20 The proposed apartments comply with the size requirements found in Table 3.3 of the London Plan. The one bedroom unit on the ground floor is a 2 person unit and would meet the minimum size requirement for such at 37m^2.

5.21 The two bedroom unit is located on both the ground and first floors, which is a 3 person unit of 62m^2.

5.22 Both proposed dwellings would have access to communal amenity space.

5.23 In terms of affordable housing on the 28th November 2014 the Government issued a Planning Obligations document relating to LPA's seeking contributions of "any sought" on small schemes on previously developed land such as this. P23 of the recently revised guidance states: -

• *Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions*.

5.24 P24 of this document adds that revised guidance is being published on the Planning Portal website to assist authorities in implementing these changes.

5.25 The content of this Ministerial Statement now forms part of the NPPG and therefore comprises a material consideration in the determination of this application in that at two dwellings the scheme falls well below the quantum of development where affordable housing should be sought**.**

5.26 Section 38 (6) of the Act requires this appeal be determined in accordance with the development plan "unless material considerations indicate otherwise".

5.27 The Appellant submits that very recent Government Guidance now enshrined within the NPPG is a significant material consideration which "indicates" a decision otherwise.

5.28 In addition this material consideration also contains at P24 that when calculating affordable housing: -

"A financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes. This will not however apply to vacant buildings which have been abandoned."

5.29 There is no increase in floorspace proposed and the change of use proposed involves vacant floorspace and therefore it is wholly appropriate to consider the "financial credit" in terms of affordable housing specified in this most material consideration.

5.30 We therefore submit that even if the Local Planning Authority consider that the principle of affordable housing should be considered, given the development plan, when one considers this most material consideration and the issue of viability the "financial credit" would deliver a non-affordable housing provision as no additional space from that which currently exists and which is vacant is proposed.

5.31 We therefore submit that to seek such contributions from this development would be fundamentally at odds with the very recent NPPG.

Impact upon neighbouring properties

5.32 The site has no immediate residential neighbours and indeed is bounded on three sides by either roads or footways and has a school opposite to the site. On its eastern boundary there was previously permission for "specialised residential units" however these currently remain vacant.

5.33 The proposed change of use to two apartments in this application would therefore have no unacceptable impact upon any nearby residential properties.

Car Parking & Transport

5.34 The site provides for 3 off street car parking spaces and it is proposed that all of the apartments would be "car free" with the spaces provided for visitors and maintenance/delivery vehicles.

5.35 The site lies in very close proximity to a large number of public transport opportunities and has a high PTAL rating of 4.

5.36 In close proximity to the site are a myriad of local bus services (all within 5 minutes' walk of the site) and Tottenham Hale station is a similar distance from the site which provides both frequent main line services to Liverpool Street, Stratford and East Anglia and also the Victoria underground line.

5.37 Paragraph 39 of the NPPF deals with setting local parking standards for residential and non-residential development and advises that local planning authorities should take into account:

- *the accessibility of the development;*
- *the type, mix and use of development;*
- *the availability of and opportunities for public transport;*
- *local car ownership levels; and*
- *an overall need to reduce the use of high-emission vehicles.*

5.38 In addition paragraph 95 adds; -

"To support the move to a low carbon future, local planning authorities should:

- *plan for new development in locations and ways which reduce greenhouse gas emissions"*

5.39 Whilst it is accepted that the introduction of the NPPF does not supersede local policy clearly local policy must now be read in conjunction with it. Development Plan policy would be complied with in this case given the sustainable location of the site and the provision of no on-site car parking (for residential) accords with a move to a low carbon future from city centre development.

5.40 Three car parking spaces are provided and parking in the immediate locality of the site on the local highway is unrestricted. If therefore a visitor is unable to park on the site then they can park safely on the street outside without any harm to the free flow or safety of traffic in the locality.

5.41 Given the scale and use of the proposal, its provision of some off street parking for the commercial development and its excellent local and wider transport links it is submitted that the site does not lack sufficient parking and is wholly compliant with national sustainable development guidance.

Amenity Space

5.42 Both of the proposed apartments would benefit of private external communal amenity space. The site lies within close proximity to Down Lane Park which is located about 5 minutes' walk from the site.

5.43 The Park consists of a large green sports field which accommodates two adult sized football pitches and a new outdoor gym was officially opened in 2012. To the south of the park lies the playground for children, four tennis courts, a basketball court and the bowling green.

5.44 A new playground was opened in July 2012 and facilities include a fenced under 8s zone, a separate over 8s play area, a natural play area with climbing logs and boulders and a mini BMX bike track

5.45 Given its sustainable location and its proximity to nearby public open space it is submitted that the quantum of external amenity space for the proposed apartments is entirely acceptable.

6.0 Conclusion

6.1 The NPPF establishes a presumption in favour of sustainable development and local planning policy states that new residential and mixed use development will be supported in this area subject to meeting certain criteria. Paragraph 47 seeks to boost the supply of housing. The London Plan seeks also, along with other matters to; optimise the housing potential of sustainable land.

6.2 The site has the opportunity to deliver a more efficient use by providing additional sustainable housing together with commercial floorspace.

6.3 The scheme has been designed to meet the criteria set out by planning policy on matters of design, neighbour amenity and access issues and also matters of room sizes and there are therefore no technical matters which have not been successfully identified or addressed.

6.4 Paragraph 14 of the NPPF identifies that in decision-making the presumption in favour means approving development proposals that accord with the development plan without delay and the Applicant submits that this scheme is wholly in accord with the development plan.

6.5 The benefits of the scheme include the creation of housing in a highly sustainable location adding to housing choice in the City in a manner which avoids harm to the amenities of neighbouring properties and preserves the character and appearance of the area.

6.6 The NPPF could not be clearer in its intentions that land which is not required for employment use should not be prevented from alternative beneficial use (P22) and indeed this is a site outside of the Council's defined employment protection areas.

6.7 This floorspace has been actively marketed for over 12 months and a Report supporting that marketing period is provided with the application. The advice of the company who have been marketing this space is that it is unlikely to be of any interest because of its location rather than other matters such as price and planning policy prevents an alternative "commercial use" of this space.

6.8 Given the above the alternative use of two residential apartments, especially given that the remainder of the building is already in residential use, would constitute a beneficial alternative use compared to vacant office space and such is supported by the development plan and the Framework.

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6.9 It is against such an impressive list of benefits and avoidance of harm, that the Council are asked to grant permission on the presumption in favour of sustainable housing development.