LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/1314 **Ward:** Northumberland Park

Date received: 22/04/2016

Drawing number of plans: 16/13/1; 16/13/2; Design and Access Statement.

Address: 4 Park Lane N17 0JT

Proposal: Change of use from retail unit (A1) to residential flat at ground floor level (C3)

Applicant: Watchacre Properties

Ownership: Private

Officer contact: David Farndon

2. SUMMARY OF RECOMMENDATION

REFUSE PERMISSION

Reasons for refusal:

1. The change of use of the ground floor retail unit to provide a residential flat, by reason of the inadequate floorspace provided, will result in a sub-standard level of accommodation, contrary to policy HSG2 of Haringey's UDP (2006), policy SP2 of Haringey's Local Plan 2013, draft policy DM12 of Haringey Council's Development Management DPD, and policy 3.5 of the London Plan 2016 (Minor Alterations).

2. The change of use of the ground floor retail unit to provide a residential flat, by reason of the lack of annotated plans, may give rise to an inadequate internal layout and therefore sub-standard level of accommodation, contrary to policy HSG2 of Haringey's UDP (2006), policy SP2 of Haringey's Local Plan 2013, draft policy DM12 of Haringey Council's Development Management DPD, and policy 3.5 of the London Plan 2016 (Minor Alterations).

3. The change of use of the ground floor retail unit to provide a residential flat, by reason of a lack of clear evidence to justify the loss of non-designated employment floorspace, including evidence of a marketing campaign for the site for a minimum continuous period of three years, will result in the loss of a employment generating use, contrary to policy SP8 of Haringey's Local Plan 2013, draft policy DM40 of Haringey's Development Management DPD, and policy 4.8 of the London Plan 2016.

4. The change of use of the ground floor retail unit to provide a residential flat, by reason of the contradictory and insufficient information contained within the supporting documents, may result in an inadequate alteration to the appearance of the building,

detrimental to the visual amenity of the existing building and street scene, contrary to policies 7.4 and 7.6 of the London Plan 2016, policy SP11 of the Haringey Local Plan 2013, and draft policies DM1 and DM12 of Haringey's Development Management DPD.

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

The application is for the change of use of the ground floor shop into a residential unit (although the works appear to have already been undertaken – planning enforcment case currently open).

Site and Surroundings

The subject site is a semi–detached building comprising of a ground floor shop. The building is located on the southern site of Park Lane, approximately 20m east of the junction with High Road. The area is characterised by a mix of commercial and residential uses, and lies in close proximity to the Tottenham Hotspur Football Ground The application building is not listed and is not located within a conservation area.

Relevant Planning and Enforcement history

- Planning Enforcement case open – FCV/2016/00009 (for change of use of retail unit to residential flat).

4. CONSULTATION RESPONSE

Haringey's Waste Management Team – general comments offered.

5. LOCAL REPRESENTATIONS

No representations received.

6. MATERIAL PLANNING CONSIDERATIONS

The main planning issues raised by the proposed development are:

1. Principal of conversion into two flats
2. The impact of the proposed development on the character and appearance of the area
3. The impact on the amenity of adjoining occupiers
4. Living conditions for future occupants

Principal of conversion

Draft Policy DM40 of Haringey's Development Management DPD states that the loss of non-designated employment land and floorspace to a non-employment use will only be permitted where it is demonstrated that the site is no longer suitable or viable for the existing business use and where there is clear evidence of an open and recent campaign

to market the site, covering a continuous period of 3 years, that has been undertaken without success.

Furthermore, draft policy DM40 states that where the council is satisfied that the loss of non-designated employment floorspace is acceptable, the new development proposals must apply a sequential approach to delivering an alternative use through redevelopment as follows: a) strategic community infrastructure, b) mixed use development that includes employment generating and/or community uses, C0 residential use.

The established use of the property is as a ground floor shop (use class A1). According to the information submitted in the Design and Access Statement, the proposal seeks to provide a two bedroom unit (use class C3). However, this is not detailed in the submitted plans which effectively show the existing and proposed layout and usage as being the same (despite claims in the Design and Access Statement that the new works, new materials and windows will match existing). Furthermore, no information is provided as to the marketing of the shop unit. It is stated in the Design and Access Statement that the unit is has been with agents for 'some months without takers'. This is insufficient clear evidence to justify the loss of the C1 unit and, furthermore, it should be noted that *this is a retrospective application*. A Planning Enforcement case is currently open due to the use of the property as two flat (across the three floors of the building). The limited and unsubstantiated general statements provided in the Design and Access Statement to support the application, including suggestions that the works are proposed rather than already undertaken, also calls into the question the veracity of these claims.

For the reasons stated above, the change of use of the unit is considered unacceptable.

Character and appearance of the area

Policy SP11 requires development to enhance and enrich Haringey's built environment and Saved Policy UD3 seeks to ensure that development proposals are of a high design quality and are of a nature and scale that is sensitive to the surrounding area. Local Plan Policy SP12 seeks to ensure the conservation of heritage assets, their setting, and the wider historic environment. CSV5 states that the Council requires applications within Conservation Areas to preserve or enhance the character of the conservation area. Draft DM Policy DM1 'Delivering High Quality Design' continues this approach and requires development proposals to relate positively to their locality, with draft policy DM 12 'Housing Design and Quality' stating that new housing/residential extensions should be of a high quality.

The applicant's Design and Access Statement provides contradictory information in stating that there will not be any alterations to the building but that 'works, new materials and windows will match existing'. The absence of elevations submitted by the applicant within the application does not assist in clarifying what is proposed (or indeed has already been undertaken).

Thus, this insufficient information may result in an alteration to the building which is unacceptable. For this reason, the application cannot be supported.

Impact on the amenity of adjoining occupiers

The London Plan 2016 Policy 7.6 *Architecture* states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Saved Policy UD3

also requires development not to have a significant adverse impact on residential amenity in terms of loss of daylight, or sunlight, privacy overlooking, aspect noise, pollution and of fume and smell nuisance. Draft DM Policy DM1 'Delivering High Quality Design' requires developments to ensure a high standard of privacy and amenity for its users and neighbours. Draft DM12 'Housing Design and Quality' also requires residential extensions to be of a high quality, taking account of the privacy and amenity of neighbouring uses.

No consultation responses have been received to object about the change of use. The change of use to residential is unlikely to (have) impact(ed) on the amenity of neighbouring occupiers.

The enforcement officer notes that an outbuilding exists within the site that may be associated with the residential unit that does not have permission. This may be detrimental to neighbouring amenity. However, this is not subject to this application and therefore enforcement action will be undertaken to ensure the regularisation of its use.

Living conditions for future occupants

Policy HSG2 of Haringey's UDP states that, with regard to this proposal, a change of use to housing must ensure that the building can provide satisfactory living standards. Policy DM12 of Haringey Council's Development Management DPD, states that all new housing must be of a high quality. The Minor Alterations to the London Plan ('intend to publish'), which were accepted by the London Assembly on 10 February 2016, includes Policy 3.5 Housing Standards which states that housing developments must be of a high-quality internally and externally. This policy also includes Table 3.3 which sets out space standards for dwellings (the relevant standards are discussed below with regard to each of the proposed units).

The rooms in the ground floor unit have not been annotated and therefore it is not possible to determine the exact layout of the unit as proposed. However, the ground floor unit has a floorspace of 53sqm. This falls well below the required 61sqm for a 2 bedroom/3 person/1 storey and the required 70sqm for a 2 bedroom/4 person/1 storey as set out in the Housing Standards in the Minor Alterations to the London Plan 2016. As such, the proposal provides a sub-standard level of accommodation and is considered unacceptable.

7 Conclusions

1. The change of use of the ground floor retail unit to provide a residential flat, by reason of the inadequate floorspace provided, will result in a sub-standard level of accommodation, contrary to policy HSG2 of Haringey's UDP (2006), policy SP2 of Haringey's Local Plan 2013, draft policy DM12 of Haringey Council's Development Management DPD, and policy 3.5 of the London Plan 2016 (Minor Alterations).

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4. The change of use of the ground floor retail unit to provide a residential flat, by reason of the contradictory and insufficient information contained within the supporting documents, may result in an inadequate alteration to the appearance of the building, detrimental to the visual amenity of the existing building and street scene, contrary to policies 7.4 and 7.6 of the London Plan 2015, policy SP11 of the Haringey Local Plan 2013, and draft policies DM1 and DM12 of Haringey's Development Management DPD.

All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

8. CIL APPLICABLE

N/A given refusal of application.

9. RECOMMENDATION

REFUSE permission (see 'Summary of Recommendation')

Registered No. HGY/2016/1314

Applicant's drawing No.(s) 16/13/1; 16/13/2; Design and Access Statement.

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