

Officer's Report

Application Number	HGY/2022/4239
Type	Change of use
Location	374 Lordship Lane, Tottenham, London, N17 7QX
Proposal	Flexible Change of Use under Class D of Part 4 of Schedule 2 (Temporary Buildings and Uses) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the proposed temporary change of use of the ground floor premises from Class E(c) 'provision of appropriate services in a commercial, business or service locality' to Class E(b) 'Sale of food and drink for consumption (mostly) on the premises' - for a period of up to 2 years commencing from 15/12/2022.
Case Officer	Laina Levassor
Valid Date	28/11/2022
Applicant	Mr. Mehmet Dari
Agent	Mr. Eser Gungor

RECOMMENDATION

PLANNING HISTORY

The planning history of the site has been taken into account when coming to this decision.

RELEVANT PLANNING LEGISLATION

The application has been made under Schedule 2, Part 4 'Permitted Development Rights' of the Town and Country Planning (General Permitted Development) (England) Order 2015 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed change of use is considered lawful under Class D, Part 4 'Temporary buildings and uses'.

Class D – shops, financial, cafes, takeaways, pubs etc to temporary flexible use

Permitted development

D. Development consisting of a change of use of a building and any land within its curtilage—

(a) from—

(i) a use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways), Class B1 (business), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, or

(ii) a use as a betting office or pay day loan shop,

(b) to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule,

for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.

Development not permitted

D.1 Development is not permitted by Class D if—

(a) the change of use relates to more than 150 square metres of floor space in the building;

(b) the site has at any time in the past relied upon the permission granted by Class D;

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area;

(e) the building is a listed building or a scheduled monument; or

(f) the building is a specified building and the development is undertaken during the specified period, regardless of whether any notification has been given in accordance with paragraph D.2(a).

Conditions

D.2 Development is permitted by Class D subject to the following conditions—

- (a) the developer must notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;
- (b) at any given time during the 2 year period referred to in Class D the site is used for a purpose or purposes falling within just one of the use classes comprising the flexible use;
- (c) the site may at any time during the 2 year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);
- (d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;
- (e) the site reverts to its previous lawful use at the end of the period of flexible use;
- (f) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, the conditions set out in paragraphs C.2(f)(i) to (iii) apply.

Interpretation of Class D

D.3 For the purposes of Class D—

“community asset”, “specified building” and “specified period” have the meaning given in paragraph C.3; and “flexible use” means use of any building or land for a use falling within the list of uses set out in Class D(b) and change of use (in accordance with Class D) between any use in that list.

ANALYSIS/ASSESSMENT OF THE APPLICATION

On the basis of the information provided, the proposed temporary change of use is Permitted Development Under Class D, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

This temporary change of use will expire on 15 December 2024.

You should note that the change of use must be no more than 150 square metres of floor space in the building and is subject to the following conditions:

1. At any given time during the two year period the site shall be used for a purpose, or purposes, falling within just one of the use classes comprising the flexible use;
2. The site may at any time during the two year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification to the Local Planning Authority
3. During the period of flexible use the site retains the use class it had before changing to any of the flexible uses
4. The site reverts to its previous lawful use at the end of the period of flexible use. A separate application for consent will be required for the installation of a new shopfront, the erection of extraction equipment or the display of any illuminated signs – see www.haringey.gov.uk/planning for the relevant forms and guidance

You are advised to contact the Environmental Health Department (tel. 020 8489 1000) regarding the provision of adequate sanitary facilities, mechanical extract ventilation, refuse storage facilities, fire requirements and compliance with the Food Safety (General Food Hygiene) Regulations 1995 that may be required in conjunction with this approval.

The Licensing Team (tel. 020 8489 8232) should be contacted regarding the requirement for a separate license for; the sale of or supply of alcohol or the supply of hot food or drink between the hours of 11pm and 5am. Approval may also be required under the Building Regulations. For more information, please contact building.control@haringey.gov.uk (tel 020 8489 5504).

Conditions:

- 1 You should note that the change of use must be no more than 150 square metres of floor space in the building and is subject to the following conditions:
 1. at any given time during the two year period the site shall be used for a purpose, or purposes, falling within just one of the use classes comprising the flexible use;
 2. the site may at any time during the two year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification to the Local Planning Authority
 3. during the period of flexible use the site retains the use class it had before changing to any of the flexible uses
 4. the site reverts to its previous lawful use at the end of the period of flexible use.

Informatives:

- A separate application for consent will be required for the installation of a new shopfront, the erection of extraction equipment or the display of any illuminated signs – see www.haringey.gov.uk/planning for the relevant forms and guidance

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