

Officer's Report

Application Number	HGY/2022/4215
Type	Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Location	Shop, 523 Seven Sisters Road, Tottenham, London, N15 6EP
Proposal	Application to determine if prior approval is required for the proposed change of use of the premises from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3). Application under the Part 3 Class MA of The Town and Country (General Permitted Development) (England) Order 2015 as amended.
Case Officer	Neil McClellan
Valid Date	21/11/2022
Applicant	Mr Isaac Reich, AMBER INVESTMENTS LIMITED
Agent	Shulem Posen, Eade Planning Ltd

RECOMMENDATION

Refuse

1. SUMMARY OF RECOMMENDATION

REFUSE PRIOR APPROVAL

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

2.1 This is an application to determine if prior approval is required for a proposed Change of Use from commercial/business/service (Class E) to a dwellinghouse (Class C3). The application is submitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically Schedule 2, Part 3, Class MA.

Site and Surroundings

2.2 The application site is a commercial occupying the ground floor of a three-storey building forming part of a wider commercial parade that makes up the Seven Sister Local Centre. Formerly a café/restaurant the premises is currently vacant. Residential uses occupy the floors above.

2.3 Permission was granted last year for roof extension to building.

2.4 The building is not listed and is not within a conservation area. It is however located within Flood Risk Zone 3 and a Critical Drainage Area.

Planning and Enforcement history

2.5 The site has an extensive planning history. The following recent decisions are considered relevant to the current application:

HGY/2021/0255 Roof extensions including a new pitched roof with front gable over the flat roof of the existing 2nd floor bridge section, and linked rear dormer windows over existing and new roof dormer windows over existing and new roof sections, 1st floor infill extension of undercroft, 1st floor side infill extension to side of existing 2-storey rear storey rear extension and the reconfiguration and extension of the four existing residential units to create four larger self-contained residential units comprising one 3-bedroom flat; one 2-bedroom flat and two studio flats.

HGY/2005/2337 Planning permission granted for the installation of new shopfront with canopy/awning and security roller shutters.

3. CONSULTATION RESPONSES

3.1 In accordance with the procedure for applications for prior approval under Part 3 Paragraph W adjoining owners/occupiers were consulted.

3.2 No internal consultation responses have been received.

3.3 No responses have been received from adjoining/neighbouring owners/occupiers or from any amenity groups.

4. ANALYSIS/ASSESSMENT OF THE APPLICATION

4.1 Application under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') for changes of use from Commercial, Business and Leisure (Class E - except offices in relation to certain parts of the Borough) to a dwellinghouse (Class C3).

4.2 This application seeks prior approval for a change of use of the vacant ground floor retail premises (Use Class E) to residential use comprising two one-bedroom flats (Use Class C3).

4.3 Prior approval is an application to discharge the conditions pertaining to the permitted development right PDR) so the scope of the issues which are material to the prior approval application are fixed and fixed exclusively by the terms of the order. Therefore, no consideration can be given to the statutory development plan or the National Planning Policy Framework (NPPF) unless the GPDO specifically provides for this. The relevant limitations and conditions are assessed as set out below.

Limitations

Criteria	Comment	Complies
(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;	Complies	Yes
(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	Complies	Yes
(c) if the cumulative floor space of the existing	Approximately	Yes

building changing use under Class MA exceeds 1,500 square metres;	42 sqm of floorspace would be changing use.	
(d) if land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest; (ii) is or forms part of a listed building or land within its curtilage; (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area;	N/A	Yes
(e) if the building is within an area of outstanding natural beauty/ National Park	N/A	Yes
(g) before 1 August 2022, if— (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	N/A. The proposed development does not fall within Class O.	Yes

Conditions of Prior approval

4.4 Class MA development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- a) transport impacts of the development, particularly to ensure safe site access;
- b) contamination risks in relation to the building;
- c) flooding risks in relation to the building;
- d) impacts of noise from commercial premises on the intended occupiers of the development;
- e) where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- g) the impact, on intended occupiers of the development, of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

h) where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.

Transport impacts of the development

4.5 The transport impacts of the development, particularly to ensure safe site access have been considered.

4.6 Whilst this application is made pursuant to Class MA of the GDPO (2022, as amended), Haringey Local Plan policy DM31 states that in order to promote sustainable growth in Haringey and reduce the impact of car parking, new development must reduce the impact of car parking in any development located in areas of good public transport accessibility. This approach is supported by Policy T6 of the London Plan which requires car-free development to be the starting point for all development proposals that are well-connected by public transport. The site has a moderately good PTAL rating of 4. However, it is considered sufficiently accessible by non-car modes of travel and there are no barriers to walking and cycling, with extensive pedestrian and cycle infrastructure in the vicinity of the site. The site is located within a local shopping parade, with good access to services, shops, and public transport links. There are nearby bus stops/routes, on Seven Sisters Road and St Ann's Road. and Seven Sisters Underground and Railway Station is just 520 metres away. The site is located on a red route and there is little opportunity for on street parking within the vicinity of the site. Given its modest size and the difficulty occupiers would have in finding a convenient on street parking space the proposal is not anticipated to generate any materially harmful overspill parking.

4.7 Minimum residential cycle parking requirements are 1 cycle space per studio, 1.5 space per 1-bedroom unit and 2 cycle spaces for all other units. This would generate a requirement of a minimum of 1 cycle spaces. The site has no external space but indicates that a wall mounted cycle storage space will be provided with the unit. Given that the proposed studio exceeds the minimum floor space standard this solution is considered acceptable.

4.8 Waste is collected daily by the Council's refuse sack collection service.

4.9 The proposed change of use does not give rise to a material increase or change in current likely traffic volumes in the vicinity and there would be no such increase in traffic due to the proposed change of use. The proposed access to the site will not be changed.

4.10 In light of the above, it is considered that there will be no negative impact from the development highway conditions or on parking capacity in the area and that safe access into the site for future occupiers and visitors will be provided. The proposal is therefore considered acceptable on transport and highways grounds.

Contamination risks

4.11 The development is for a change of use of the existing floorspace; no external works are proposed, and no internal alterations would affect the foundations of the buildings are proposed. The applicant state in their submission that the floor slab is not to be broken or removed. It is stated by the applicant that the site has no history of contamination; therefore, it is considered that the site should not be considered contaminated land as described in Part 2A of the Environmental Protection Act 1990 (a). Based on the above, there are considered to be no contamination risks in relation to the building.

Flood risk

4.12 The application site lies within a Critical Drainage Area and with Flood Risk Zone 3. No flood risk assessment, management or mitigation has been submitted by the applicant and therefore this condition has not been satisfied.

Impact of noise

4.13 There are no identified impacts of noise from commercial premises so as to negatively affect the intended occupation of the residential unit/ units created by this change of use.

Impact of change of use on character or sustainability of the conservation area

4.14 This criteria is not relevant in relation to the assessment of this application.

Provision of adequate natural light

4.15 The applicant has submitted a daylight/sunlight report prepared by ASJ Plans has assessed the internal lighting standards for the proposed flat using the methodology recommended in the BRE guidelines, Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition, 2011) and adopted BS EN17037:2018 'Daylight in buildings'. The assessment confirms that the proposal will provide good quality accommodation including adequate internal daylight and sunlight levels.

4.16 As per the drawings and information submitted with this application the proposed change of use is considered acceptable in relation to the provision of adequate natural light.

Impact in relation to nearby general or heavy industry, waste management, storage and distribution uses

4.17 This criteria is not relevant in relation to the assessment of this application.

Impact in relation to loss of services provided by a registered nursery, or a health centre

4.18 This criteria is not relevant in relation to the assessment of this application.

Space Standards

4.19 A floorplan showing the total floorspace in square metres in relation to the dwelling has been submitted with this application and complies with the nationally described space standards.

Fire safety

4.20 There is a requirement for fire risk to be considered in relation to certain building types. The size of the building here does not require fire safety impacts on the intended occupants of the building to be considered at planning application stage; Building Regulations and other statutory fire safety requirements still however will apply.

Building operations

4.21 Class MA permits only a change of use and as such it is being brought to the attention of the application/ agent that building operations involving external alterations will require separate planning consent.

Conclusion

4.22 The proposed change of use is does not meet the conditions and limitations detailed and discussed above.

5. CIL

5.1 No new floorspace is being created and part of the building has been occupied for a lawful use for at least six months continuously in the last three years, as such the proposal is not liable for CIL.

6. RECOMMENDATION

REFUSE PRIOR APPROVAL

Refusal Reasons:

Prior approval is required and refused under the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) England) Order 2015 (GPDO) for the change of use from commercial/business/service (Class E) to a dwellinghouse (Class C3), due to lack of any assessment and management of flood risk in relation to the proposal.