

Officer's Report

Application Number	HGY/2023/0265
Type	Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Location	21 Great Cambridge Road, Tottenham, London, N17 7LH
Proposal	Application to determine if prior approval is required for the proposed change of use of the property from Commercial, Business and Service use (Use Class E) to Dwellinghouse use (Use Class C3). Application made under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
Case Officer	Neil McClellan
Valid Date	26/01/2023
Applicant	Mr Siraj Ud Din
Agent	Mr Rob Hewson, allplanning Ltd

RECOMMENDATION

Refuse

SUMMARY OF RECOMMENDATION

REFUSE PRIOR APPROVAL

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

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

The application site is a three-storey gable fronted building, with the third storey of space located within the converted roof space. A vacant commercial unit occupies the property's ground floor, although prior approval was granted last year for the majority of it to be converted to two one-bedroom flats. A two-bedroom flat occupies the upper floors.

A small ground floor office was retained in a single storey annexe to the rear of the converted commercial unit. The current application relates to this last remaining commercial space.

Great Cambridge Road is a trunk road and forms part of TfL's strategic road network. It is a red route but there is a dedicated loading bay located in front of the unit. There is no vehicular access into the site from Great Cambridge Road. The limited existing vehicle parking within the site is accessed from White Hart Lane. It will not be accessible by occupiers of the proposed flats.

The building is not listed and is not within a conservation area.

Planning and Enforcement history

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

HGY/2022/2218 Prior Approval granted for the change use of a large part of the vacant ground floor commercial unit to two one-bedroom residential units. Decided 27.09.2002.

HGY/2022/2025 Planning permission refused for the erection of a first-floor extension to the rear of the building, to facilitate the change of use of part of the building from an ancillary office to a 1-bedroom dwelling with dedicated amenity space. Decided 12.09.2022.

Reason: Poor design, cramped layout, poor means of access and poor living environment for future occupiers.

HGY/2022/0358 Planning permission granted for the installation of windows and doors to rear and side elevations at ground floor level.

HGY/2018/0098 Prior approval refused for the change of use of the ground floor from A1 (retail) to C3 (dwellinghouse). Decided: 12.06.2018.

Reason: Applicant failed to demonstrate that there was no reasonable prospect of the building being used to provide other services falling within Class A1(shops) and therefore the proposal fails to meet the test set out in paragraph M.2 (1) (d) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Officer comment: *Amendments to the Use Classes order and the GPDO now means that such changes of use are dealt with under class MA, Part 3, Schedule 2 of the GPDO (changes of use from Class E (offices, shops, gyms, cafes, restaurants etc.) to residential dwellings). It is no longer a requirement for applicants to demonstrate the viability of the unit for continuing retail or similar use or for the LPA to consider the impact of the change of use on the provision of retail services within the local area.*

HGY/2014/1983 Planning permission granted for a loft conversion including side dormers and first floor rear addition to facilitate the extension of the existing one-bedroom flat to a two-bedroom flat. Decided 02.09.2014.

CONSULTATION RESPONSES

In accordance with the procedure for applications for prior approval under Part 3 Paragraph W adjoining owners/occupiers of 7 neighbouring properties were consulted.

No internal consultation responses have been received.

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

ANALYSIS/ASSESSMENT OF THE APPLICATION

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).

This application seeks prior approval for a change of use of a small ground floor office (Use Class E) located to the rear of the site, behind a former commercial unit that recently had prior granted for change of use to two dwellings (Use Class C3) (see site description and planning history above). The intention is to provide a self-contained 1-bedroom studio dwelling of approximately 41 sqm.

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

(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;

The unit has been vacant since at least 2018. **Complies.**

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The premises has been in use Class E since the expiry in 2006 of a temporary consent for minicab use for the larger former commercial use that the current application site formed a part of.

Complies.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

Approximately 41 sqm of floorspace would be changing use. **Complies.**

(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. **Complies**

(e) if the building is within an area of outstanding natural beauty/ National Park

N/A. **Complies.**

(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. **Complies**

Conditions of Prior approval

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

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

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 3. 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 behind a local shopping parade, with good access to services, shops and public transport links. There are several nearby bus stops/routes, on Great Cambridge Road and White Hart Lane. The site is located on a red route and there is little opportunity for on street parking within the vicinity of the site. There is no vehicular access into the site from Great Cambridge Road. The limited existing vehicle parking within the site is accessed from White Hart Lane. It will not be accessible by occupiers of the proposed flats. 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.

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 space. The applicant states that site has ample capacity for the provision of cycle parking in the courtyard to the side. Of their main building. However, the current application does not have any direct access through to this part of the site. A user would have to walk along the access road serving the adjoining local parade and round the front of the shops to access the cycle store. A distance of over 90 metres. This is not considered a practical or desirable solution. And the applicant has failed to demonstrate that cycle parking for the proposed unit can be provided in accordance with the above London Plan standards or London Cycle Design Standards.

The applicant states that waste will be stored within a dedicated area within the existing courtyard. However, this would suffer from the same access difficulties as the proposed cycle parking. The applicant has therefore failed to demonstrate that appropriate arrangements for the storage and collection of waste can be made in relation to the proposed dwelling.

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.

In light of the above, it is considered that due to the lack of suitable cycle parking and refuse storage provision. The proposal is therefore considered unacceptable on transport and highways grounds.

Contamination risks

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

There are no flooding risks in relation to the building.

Impact of noise

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

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

Provision of adequate natural light

The applicant has submitted a daylight/sunlight report prepared by NRG Consulting Ltd has assessed the internal lighting standards for the proposed dwelling 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 states that the proposal will provide good quality accommodation including adequate internal daylight and sunlight levels. However, the unit will be solely dependent for light (and outlook) on two new windows to be installed on the rear elevation of the building, granted permission under an earlier planning application (Ref: HGY/2022/0345. These windows are on the boundary of the site and look onto an area of open public space. The applicant has no control over the maintenance of the land immediately adjacent to the rear of their site. While the large part of the open space is regular maintained and mowed, the area along its fringe immediately adjacent to the site is often allowed to become overgrown, as was the case when the officer made their site visit and as can be seen in various historic street view images of the site. There is also nothing to prevent a fence being erected under permitted development along this boundary, blocking the

approved windows. The approved dwelling with therefore not be able to rely on these windows to provide its only daylight.

The proposed change of use is therefore not 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

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

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

Space Standards

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

Fire safety

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

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.

New windows indicated in the proposal were granted planning permission earlier this year (Ref: HGY/2022/0358).

Conclusion

The proposed change of use is not considered acceptable in relation to the conditions and limitations detailed and discussed above.

CIL

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.

RECOMMENDATION

REFUSE PRIOR APPROVAL

Refusal Reasons:

The proposed development fails to provide adequate natural light to the proposed dwelling and

fails to make appropriate arrangements for the parking bicycles or the storage of refuse and is therefore unacceptable on transport and amenity grounds. As such, the prior approval is required and refused granted 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).