

Officer's Report

Application Number	HGY/2022/4068
Type	Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Location	74B Myddleton Road, Wood Green, London, N22 8NQ
Proposal	Application to determine if prior approval is required for the proposed change of use of 74B Myddleton Road (Ground floor office r/o 74-76 Myddleton Road) from Commercial, Business and Service use (Use Class E) to a one bedroom self-contained flat (Use Class C3) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.
Case Officer	Sarah Madondo
Valid Date	23/11/2022
Applicant	
Agent	5E Ltd

RECOMMENDATION

Approve with Conditions

SUMMARY OF RECOMMENDATION

PRIOR APPROVAL REQUIRED AND APPROVED

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 site lies on the corner Myddleton Road and Marlborough Road and works relates to rear ground floor of no. 74A Myddleton Road.

The immediate surrounding area is pre-dominantly residential in nature above Ground Floor Retail along Myddleton Road. The site is Bowes Park Conservation Area.

Planning and Enforcement history

The planning history in relation to the application site is as follows:

CONSULTATION RESPONSES

In accordance with the procedure for applications for prior approval under Part 3 Paragraph W -
A site notice was displayed in the immediate vicinity of the site;
Adjoining owners/ occupiers of neighbouring properties were consulted.

- Transportation Team
- Pollution Team
- Conservation Team

The following internal consultation responses were received:

- LBH Transport: No comments received
- LBH Pollution Team: No objection
- LBH Conservation Team- no comments

The following responses were received from the adjoining/ neighbouring owners.

No responses received

PROPOSED DEVELOPMENT AND LOCATION DETAILS

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 Class E(a) into residential C3 accommodation.

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;

The building has been vacant for over 3 months prior to the date of the application.

Yes

(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 application site

fell within use Class A1 retail before 1st September 2020. **Yes**

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres; The cumulative floor space would not

exceed 1,500m2 **Yes**

(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;

The application site does not form part of any of the aforementioned. **Yes**

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

The site does not fall within an area covered by an Article 4 direction.

The proposed development is not of a description falling within Class O. **Yes**

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 Council's Transportation Officers were consulted and do not raise an objection subject to condition.

Contamination risks

There are no contamination risks in relation to the building. It is noted that from previous Prior Approval applications at the site that no concerns were raised in relation to contamination at the site. The site circumstances have not changed significantly to give rise to any further concern following the previous assessments made

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

Policies relating to conservation areas within the London Plan 2021 and Haringey Local Plan are relevant to assessing this application, specifically the impact of any change of use on the character or sustainability of the conservation area. (See Advice Note for suggested reason for refusal).

The applicant submitted photographic evidence of the side elevation with a roof plan indicating that a number of rooflights, a side door and windows have been installed prior to the submission of the this application therefore action cannot be taken as these alterations are now lawful.

Provision of adequate natural light

Rooflights have been installed in order to ensure the bedroom to the rear if the proposed unit receives adequate natural light. Officers are satisfied that the proposed flat will receive adequate natural light. adequate natural light will be provided to the proposed dwelling.

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.

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.

The internal area as measured on the submitted plans show that the flat would be 42 sq.m which exceeds the requirement set out the London Plan Plan Policy D6. The proposed flat would comply with the London Plan standards set out in Table 3.1 of the London Plan Policy D6, which specifies that 1 bed 1 person should be 37 sq.m

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.

The proposal only involves two units and the building is not within the base of 18m high building /or 7 or more storeys and therefore does not meet the criteria for the fire risk condition.

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. The proposal, as shown on the submitted plans, includes the insertion of windows replacing doorways. As such, these have not been considered as part of the proposed change of use.

Conclusion

The proposed change of use is considered acceptable in relation to the conditions and limitations detailed and discussed above.

CIL

No new floorspace is being created and 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.

Conditions:

- 1 Prior approval is 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 X dwellinghouse (Class C3) subject to the following conditions:

- (1) The development must be completed within a period of 3 years starting with the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the approved plans set out in this decision notice.
- (3) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
- (4) The flat hereby approved shall not be occupied until the refuse storage enclosure shown on the approved plans has been installed.
- (5) The flat hereby approved shall not be occupied until details of a secure cycle store for at least one bicycle has been submitted to and approved in writing by the Local planning Authority, and has been fully installed.

Informatives:

- INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.
- INFORMATIVE: Hours of Construction Work
The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-
8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.