

Officer's Report

Application Number	HGY/2023/1142
Type	Prior approval Part 3 Class M: Retail or betting office or pay day loan shop to dwellinghouses
Location	Shop A, 80 White Hart Lane, Tottenham, London, N17 8HP
Proposal	Application to determine if prior approval is required for a proposed change of use of the existing launderette (Sui Generis Use) to a one-bedroom flat (Class C3). Application under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class M.
Case Officer	Neil McClellan
Valid Date	26/04/2023
Applicant	Mr Brian Maguire
Agent	Mr Nicholas Stockley

RECOMMENDATION

Refuse

RECOMMENDATION

PRIOR APPROVAL REQUIRED AND REFUSED

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

Application to determine if prior approval is required for a proposed change of use of the existing launderette (Sui Generis Use) to a one-bedroom flat (Class C3). Application under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class M.

Site and Surroundings

The building is a three-storey end of terrace property with a launderette (sui-generis use) on the ground floor. An existing one-bedroom flat is located to the rear of the launderette, accessed from White Hart Lane via a side corridor. A further two flats are located on the floor above.

The laundrette is part of a short commercial parade including a bakery, a hot-food takeaway, and a social club. It is not part of a designated town centre.

The site is within Flood Zone 2 and a Critical Drainage Area.

It is not within a conservation area or close to any listed buildings.

Relevant Planning and Enforcement History

HGY/2018/2224 - Removal of condition 4 (Domestic refuse and recycling storage) attached to planning permission reference HGY/2014/3456. Granted.

HGY/2014/3456 - Planning application for the extension and conversion of the rear of the ground floor to create a one-bedroom studio flat. Granted.

CONSULTATION RESPONSE

In accordance with the procedure for applications for prior approval under Part 3 Paragraph W adjoining owners/occupiers of neighbouring properties were notified of the application, along with the local highway authority (LBH Transportation) and Environment Agency.

No responses have been received.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Application under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') for changes of use 'certain uses to residential (Class C3)'.

Class M was updated in 2021 and given the new title of 'certain uses to residential'. The reason for the change is that retail and all other Class E uses are now covered under Class MA.

Class M now applies solely to betting offices, payday loan shops, hot food takeaways and launderettes and, subject to prior approval allows up to 150 square metres of floor space to be converted to residential use.

This application seeks prior approval for a change of use of a launderette (Sui-Generis Use) to a one-bedroom flat (C3 Use Class) of approximately 52 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

M.1 Development is not permitted by Class M if -

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The premises to which this application relates has been in uses a launderette since at least 2008. Complies.

(b) This limitation no longer applies to Class M.

NA,

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

Complies.

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

Complies.

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

Complies.

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

Complies.

(g) the building is—

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

(v) a listed building; or

(vi) a scheduled monument.

Complies.

Conditions

M.2 - (1) Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted subject to the condition that before beginning the development, the developer must 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 and highways impacts of the development,

No space existing within the site for external refuse storage, however twice daily refuse bag collection is in operation to serve those properties, such as flats above shops, that have no option other than to leave their waste on the public footpath. This service is utilised by the other flats in the same building.

No scope existing either for external secure cycle parking, however the propped unit exceeds minimum internal space standards and has 5sqm built in storage in which a bicycle could be stored.

Given the minor scale of the development, and its high public transport accessibility, the proposed change of use is considered unlikely to result in any significant impact on transport and highway conditions.

(b) contamination risks in relation to the building,

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.

(c) flooding risks in relation to the building.

The site lies within Flood Risk Zone 2 and a Critical Drainage Area. It is also noted that the adjacent roadway is in Flood Risk Zone 3.

The submitted flood risk assessment is not considered thorough enough to adequately assess the risk to future occupants of the proposed dwelling. It acknowledges that it is in Zone 2 but does not note that it is also in a Critical Drainage Area. It simply states that as this is an existing building, with no changes proposed to interior or exterior floor or ground levels or to existing doors the proposal results in no additional flood risk. However the proposed residential use is defined under the Government's flood risk vulnerability classification as a 'more vulnerable' while the existing use is defined as 'less vulnerable'.

Given the increase in vulnerability, a more thorough assessment is required along with any necessary mitigation covering the following;

- The estimated flood level for the development.
- A flood resistance and resilience plan.
- Evacuation procedures, if applicable.
- Emergency escape plans for any part of the building that is below the estimated flood level.
- Finished floor level of the lowest habitable room which should be 300mm above the general ground level of the site or 600mm above the flood level, whichever is higher.
- Extra flood resistance and resilience measures, as applicable.

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services.

Not all households have access to their own washing machines. A recent survey published in 2020 by national poverty charity 'Turn2us' reveals that in the UK 1.9 million (1 in 20) people are living without a washing machine. The same study notes that certain demographics including private renters and regions including London are more affected than others.

Given the site's location and the high level of private rented property in the area the number of people dependent on laundrettes is likely to be higher than the national average. No information has been provided by the applicant setting out the availability of alternative laundrette facilities within the area.

No information has been provided regarding how regularly the laundrette is used or its continuing viability. No marketing information has been provided.

(e) the design or external appearance of the building, and

No changes proposed to the exterior of the building.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

The bedroom is reliant on very small high-level window for natural light. In the absence of a daylight assessment, it has not been demonstrated that all habitable rooms will receive adequate natural light.

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 for the following reason(s):

Refusal Reasons:

Prior approval is required and refused under the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) England) Order 2015 (GPDO) for the change of use from 'certain uses' to dwellinghouses (Class C3), in relation to the assessment and management of flood risk, the provision of adequate natural light to habitable rooms, and on the impact the proposal would have on the adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette).