



21 Great Cambridge Road

# Supporting Statement

*to support a Prior Approval application under Schedule 2, Part 3, Class MA of the General Permitted Development Order (2015, as amended)*

**all**Planning

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## 1. Introduction

- 1.1 This statement has been prepared by allPlanning Ltd on behalf of Mr Siraj Ud Din ('the Applicant') to support a prior approval submission under the provisions of Class MA, Part 3, Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended) (the "GPDO").
- 1.2 It is considered that the change of use of the long-term vacant ground floor commercial space to residential use is of benefit to Haringey. Namely it:
- *Provides 3x additional residential units to help meet Haringey Borough Council's housing need; and*
  - *Brings back into use the vacant building and introduces passive surveillance to the site and local area.*
- 1.3 The report below deals with all relevant issues, including any exclusions that may apply to the site and the key criteria on which applications for Prior Approval can be assessed:
- transport impacts of the development, particularly to ensure safe site access;
  - contamination risks in relation to the building;
  - flooding risks in relation to the building;
  - impacts of noise from commercial premises on the intended occupiers of the development;
  - the impact of the change of use on the character or sustainability of the conservation area [when located within one];
  - the provision of adequate natural light in all habitable rooms of the dwellinghouses;
  - 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
  - the impact of 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(4); where applicable.
- 1.4 This report will set out the proposed change of use against all the relevant criteria within Class MA. Accordingly, this statement sets out details of the site's location in Section 2, and its relevant planning history in Section 3. Details of the compliance of the proposals with the requirements of the relevant parts of the aforementioned Order are outlined in Section 4 and the relevant conclusions are provided in Section 5.

## 2. Site and surroundings

- 2.1 The application site comprises a mixed use commercial/residential building located on the western side of Great Cambridge Road, within a small parade of shops and former shops, in the London Borough of Haringey.
- 2.2 The site has a Public Transport Accessibility Level of 3 (moderate). It is located within Flood Zone 1, where there is less than 1 in 1,000 annual probability of river or sea flooding.



Figure 1: Aerial view showing the application property (credit: Google)

### 3. Relevant planning history

3.1 With regards to the current application, there are two applications of relevance at this property. These are:

#### 3.1.1 HGY/2023/0265

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).

**Refused** on 23 March 2023 for the following reason:

*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).*

#### 3.1.2 HGY/2022/2025

Erection of first floor extension to rear building, including the installation of a Juliet balcony together with 4x flank windows and 2x rear windows at ground floor level and 2x rooflights to facilitate the change of use of from ancillary office to a 1 bedroom dwelling with dedicated amenity space and refuse/recycling storage.

**Refused** on 12 September 2022 for the following reason:

The proposed development would introduce a built form of poor design, cramped within this site and its surroundings, inhibited by its poor means of access and poor outlook, overall providing a poor living environment for future occupiers, as such representing an overdevelopment of this site, in conflict with Policies D3 and D6 of the London Plan 2021, Policy SP11 of Haringey's Local Plan Strategic Policies 2017 and Policies DM1, DM7 and DM12 of the Haringey Development Management Development Plan Document 2017.

#### 3.1.3 HGY/2022/2218

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).

**Approved** on 27 September 2022.

**3.1.4 HGY/2022/0358**

Installation of windows and doors to rear and side elevations at ground floor level.

**Approved** on 28 March 2022.

**3.1.5 HGY/2018/0098**

Prior Approval for change of use ground floor from A1 (retail) to C3 (dwellinghouse).

**Refused** on 12 June 2018 for the following reason:

1. *The prior approval for the change of use is not supported as the Local Planning Authority view it has not been adequately demonstrated that there is no reasonable prospect of the building being used to provide other services falling within Class A1(shops) of the Schedule and in the absence of such evidence 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).*

## 4. Relevant legislation and assessment

- 4.1 This section of the statement sets out how the proposed change of use of part of the ground and first floors of the application property complies with the requirements of Class MA, Part 3, Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended) [the “GPDO”].

### Article 3 (9A) of the GPDO

- 4.2 In addition to the requirement to meet the specific provisions of Class MA; Article 3 (9A) of that Order also stipulates that:

‘Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27<sup>th</sup> March 2015’

- 4.3 As shown in the submitted drawing set, the units would meet all aspects of the Nationally Described Space Standards (2015), including the ceiling height requirement (100% of the GIA would exceed 2.3m). As such, the proposal is acceptable in this regard.

- 4.4 Class MA of the GPDO states that the following development is permitted;

***‘MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.’***

- 4.5 The planning history of the site indicates that the whole ground floor of the property was in commercial use in 2018 (as noted in the officer’s report for application reference HGY/2018/0098), with the officer noting in their report: ‘the property has a commercial use on the ground floor’.

- 4.6 By January 2021, a banner had been erected at the premises, indicating that a community centre would be ‘opening soon’, but this never came to fruition.

- 4.7 In any case, it is evident that the whole ground floor of the property has been in use for a commercial purpose that would now fall under use class E for at least two years and that it has now been vacant for at least three months.

- 4.8 Previous officer assessments have not disputed these facts.

- 4.9 In light of the above, the property can be considered against the criteria set out in Class MA of the GPDO, subject to a number of criteria which are set out below.

### The ability to use Class MA

4.10 MA.1 of Class MA of the GPDO states that development is not permitted by Class MA;

- (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;*
- (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;*
- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;*
- (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;*
- (e) if the building is within—*
  - (i) an area of outstanding natural beauty;*
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3);*
  - (iii) the Broads;*
  - (iv) a National Park; or*
  - (v) a World Heritage Site;*
- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*
- (g) before 1<sup>st</sup> 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 1<sup>st</sup> August 2021; and*

(ii) the development would not have been permitted under Class O immediately before 1<sup>st</sup> 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.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1<sup>st</sup> September 2020—

(iii) Class A1 (shops);

(i) Class A2 (financial and professional services);

(ii) Class A3 (food and drink);

(iii) Class B1 (business);

(iv) Class D1(a) (non-residential institutions – medical or health services);

(v) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vi) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1<sup>st</sup> September 2020, Class E (commercial, business and service) of Schedule 2.

4.11 In terms of the general requirements which dictate whether Class MA is applicable, none of the stated exclusions apply to the application site. Namely:

- The site has been **vacant** for a continuous period of at least 3 months immediately prior to the date of the application for prior approval, with the weight of evidence pointing to it having been vacant since at least 2018 (this is evidenced by the fact that the business rates were taken on again by the applicant at this time (with it having been paid up to that point by tenants), and that no COVID relief was claimed);
- The site has **been used** for a use falling under use class E continuously for a period of time **in excess of two years** prior to the date of the application for prior approval, having been in commercial use in 2014 (as attested to by lease agreements (which can be provided if required) and in various officer reports, including ref: HGY/2014/0090);
- The cumulative floor space of the proposed application site **does not** exceed 1,500 square metres;
- The site **does not** form part of a site of special scientific interest; **is not or does not** form part of a listed building or land within its curtilage; **is not or does not** form part of a scheduled monument or land within its curtilage; **is not or does not** form part of a safety hazard area; **is not or does not** form part of a military explosive's storage area;

- The site **is not** within an area of outstanding natural beauty; an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3); the Broads; a National Park or a World Heritage Site;
- The site is not, and never has been, occupied under an agricultural tenancy;
- The site is not affected by any Article 4 Directions.

4.12 In light of the above, none of the criteria within MA.1 of Class MA of the GPDO would prevent the change of use of the application site.

### **Class MA Conditions**

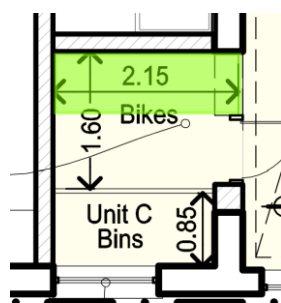
4.13 This section will deal with the Conditions imposed by MA.2 of Class MA of the GPDO and how such conditions are satisfied, thereby enabling the application site to change use to residential (Use Class C3).

4.14 Development under Class MA.2 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 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—*
  - (i) the building is located in a conservation area, and*
  - (ii) 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—*
  - (i) a registered nursery, or*
  - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(4), the impact on the local provision of the type of services lost.*

**(a) transport impacts of the development, particularly to ensure safe site access***Car and cycle parking*

- 4.15 The site is located within 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.
- 4.16 The site is highly 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 use of part of the site for residential use will not alter access to the building.
- 4.17 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.
- 4.18 Policy T6 (Car parking) of the London Plan confirms that car-free development should be the starting point for all development proposals that are well-connected by public transport. The site has a public transport accessibility level (PTAL) rating of 5, and for all areas with PTALs of 5-6, the London Plan requires developments to be car-free. 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.
- 4.19 In any case, it is considered that the proposed accommodation will be occupied by people who would make use of local public transport network and would not require a motor vehicle.
- 4.20 for occupiers of the proposed Units A and B, the site has ample capacity for the provision of cycle parking in the courtyard to the side, and for the occupiers of the proposed Unit C, provision has been made for internal provision within the unit, as shown below:



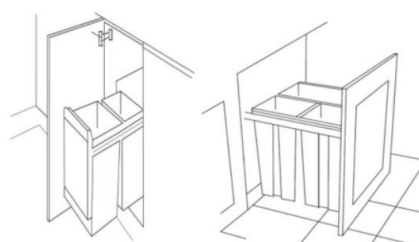
- 4.21 The applicant would accept an appropriately worded condition requiring such storage to be provided in accordance with London Cycle Design Standards prior to the occupation of the accommodation.
- 4.22 Overall, the site allows for the proposed development to accord with the Mayor's policy aims to reduce car ownership by reducing 250,000 cars registered in London by 2041 (equating to 12,500 fewer cars each year for 20 years) and as far as practically possible, will support the use of more sustainable forms of travel including walking and cycling.

### Safe site access

- 4.23 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 and egress conditions on site will not change and as such, it is considered that the proposal guarantees safe site access.
- 4.24 In light of the above, using an existing access (no amendments proposed) for a use that would generate lower traffic movements than the daily movements produced by the former commercial use, it is considered that there will be no negative impact from the development on the highway or on parking capacity in the area, making the proposal acceptable on transport and highways grounds.

### Waste management

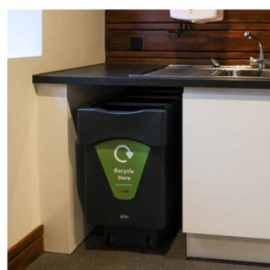
- 4.25 Regarding waste management, local policy DM4 requires all proposals to make on-site provision for general waste, the separation of recyclable materials and organic material for composting.
- 4.26 The refuse arrangements for Units A and B will be as those found to be acceptable under application rwef: HGY/2022/2218.
- 4.27 Waste arising from the proposed Unit C will first be stored within the proposed unit (where a dedicated storage area is now proposed, as shown in the figure below), and then removed to the existing side access, which is easily accessible to residents and operatives. This is shown on a drawing (ref: 1030/A002) specifically created to illustrate this, submitted along with this application. As such, the proposed waste collection process would be in line with Haringey Waste Management guidance.
- 4.28 The previous application was refused partly due to the perceived inadequacy of the refuse arrangements; as mentioned above, this has been addressed via the addition of a dedicated internal storage area, which will be vented to the outside.



Source: City of Westminster<sup>8</sup>

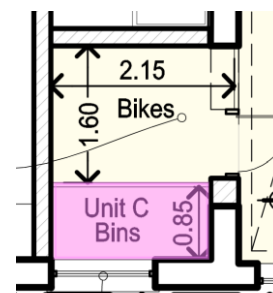
Left:

Diagram of suggested internal refuse/recycling storage, with photographs of suggested layouts



Right:

The proposed internal refuse and recycling storage



### Summary

- 4.29 Overall, taking due account of the constraints of the site, the proposal provides adequate cycle parking and waste storage, with safe access/egress to the site maintained as current. As such, it is considered that no adverse transport impacts arise from the proposed development, in accordance with part a) of Class MA.

**(b) contamination risks in relation to the building**

- 4.30 As discussed elsewhere in this report, the ground floor of the property has been vacant for several years, having been previously occupied as a retail unit. The rear parts were used as an ancillary office.
- 4.31 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, noting the floor slab is not to be broken or removed.
- 4.32 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).
- 4.33 In summary, there would be no contamination risks on the site as a result of the proposed use.

**(c) flooding risks in relation to the building**

- 4.34 The site is within Flood Zone 1 meaning there is less than 1 in 1,000 annual probability of river or sea flooding. This is the lowest probability of flooding and therefore represents a location the NPPF seeks to direct development towards.
- 4.35 Other than surface landscaping works, ground conditions will remain as existing. It is considered therefore that there will be no material change on surface water runoff within the site or in the immediate vicinity. As such, it is not considered that the proposal gives rise to any flooding risks to future occupiers. There would therefore be no increased impact upon or as a result of the proposed change of use.

**(d) impacts of noise from commercial premises on the intended occupiers of the development**

- 4.36 The site is located on Great Cambridge Road, a busy route in an area of commercial activity. The proposed unit is likely to attract young professionals who want to live in a central location close to services and amenities.
- 4.37 It is considered that the levels of noise and disturbance prevailing in the area at present are due to the nature of its fairly central location and would be at a level expected by residents choosing to live in such an area that is, as opposed to a more rural or even suburban location). It is worth noting that the property is set well back from the road.
- 4.38 There is a mix of retail and services in the area, which generally have daytime opening hours. The adjacent fish and chip shop closes at 9pm. The predominant proximate noise sources would be operational at times when occupants would be outside their property or inside and not as sensitive to external noise sources.

- 4.39 Therefore, the proposed change of use will not give rise to unacceptable living conditions for future occupiers. Nor would the proposed change of use would have any detrimental impact upon the residential amenity of neighbouring occupiers.
- 4.40 The conversion will take place in accordance with Building Regulations that relate to conversions to residential accommodation, as set out in Part E, Section 4, which includes wall, floor, stairs treatment and any junction(s) to achieve performance standards set out in Section 0: Performance-Table 1a.
- 4.41 The Spatial Vision of Haringey's Local Plan confirms that housing growth will be delivered where it can be most readily accommodated and where it can most effectively support regeneration and revitalisation of local communities, through inter alia the intensification of land uses and the promotion of mixed uses.
- 4.42 In light of the above analysis, the proposal is acceptable in noise impact terms.

**(e) where the building is located within a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of the change of use on the character or sustainability of the conservation area**

- 4.43 Not relevant.

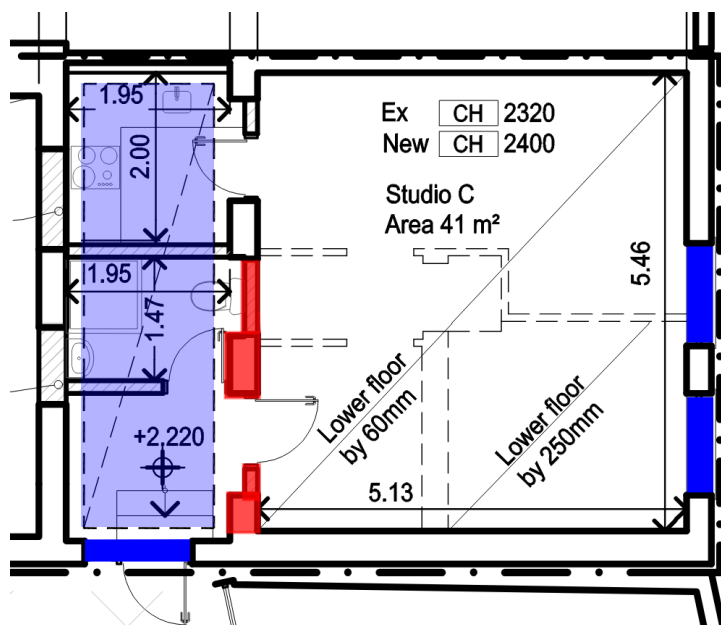
**f) provision of adequate natural light in all habitable rooms of the dwellinghouses**

- 4.44 The previous application was refused partly due to concerns raised by officers with regards to internal lighting standards, with officer writing in their report:

'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.'

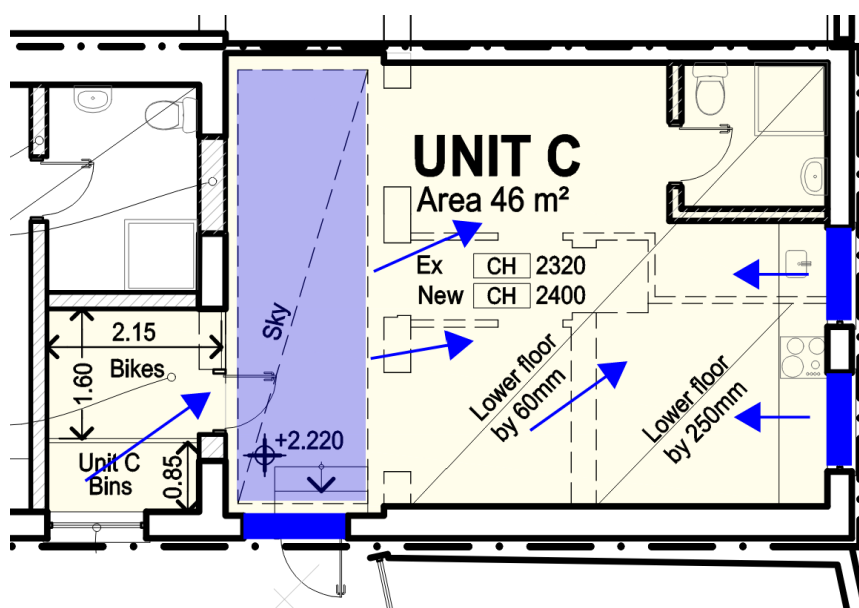
- 4.45 To overcome the concerns raised by officers, several alterations have been made to the proposed scheme; these changes are:
- Removal of internal walls, as shown on the plans below;
  - The enlargement of the unit has allowed for the incorporation of a new cycle and (vented) bin storage area, which features a window that would provide additional light to the habitable space;
  - Relating to the above, the overall size of the unit has been increased, leading to the creation of a far more open and light-filled space.

4.46 Please see below for a comparison of the refused scheme (first figure, below) and the current scheme (second figure, below).



Left and below:

Internal layout of refused scheme and proposed scheme



4.47 Importantly, an amended daylight/sunlight report prepared by NRG Consulting Ltd, which has re-assessed the internal lighting standards for the proposed flats using the methodology recommended in the BRE guidelines, Site Layout Planning for Daylight and Sunlight: A guide to good practice BR 209 (third edition, 2022) 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; it concluded that:

*'The Illuminance Factor (E) for the internal spaces of the proposed development located at 21, Great Cambridge Road, London, N17 7LH. has been carried out as part of this assessment. We conclude that daylight levels within the proposed habitable rooms are adequate and exceed the target criteria set within BS EN 17037:2018 and BRE publication "Site Layout Planning for Daylight & Sunlight – A guide to good practice" [Section 5.1].*

4.48 As such, it is considered that the proposed development is consistent with the Council's local planning policy on daylight and sunlight, having particular regard to paragraph 125(c) of the National Planning Policy Framework (2021) and paragraphs 1.3.45 and 1.3.46 of the Mayor of London's Housing SPG, and policy D6 of the London Plan 2021.

4.49 Overall, the daylight and sunlight provision to the new units should be considered acceptable for an urban location such as this.

**(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**

4.50 The application site is located within an established commercial/residential area and as such, the proposal will have no detrimental impact on the area within which the site is located.

**(h) the impact of 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(4)**

4.51 The application site is currently vacant, being most recently occupied as a retail unit with ancillary office accommodation at the rear. As such, there will be no 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(4).

## 5. Conclusion

5.1 The above assessment has demonstrated the following:

- *The whole of the application site qualifies for consideration under Class MA;*
- *The lawful use of the site is a commercial space within use class E, and the proposed residential use would cause no increased impact in terms of highways, noise, contamination, flood risk;*
- *The revised proposal would create good quality accommodation for future residents, comprising as it does an adequately sized benefitting from good light levels and natural ventilation;*
- *There are now no material reasons why this prior approval application should not be granted.*

5.2 This application has been submitted under the provisions of Class MA, Part 3, Schedule 2 of the GPDO and complies with all criteria set out within MA.1(a) – (g) as set out in this report. Further, it has been demonstrated that the proposed change of use would fully comply with the requirements of Conditions MA.2.

5.3 The change of use of the ground and first floors of the application site from vacant commercial space to residential use is of benefit to the London Borough of Haringey and the locality of Tottenham by virtue of the provision of 3x additional residential units to help meet Haringey's housing need.

5.4 The proposal has been considered in respect of transport and highways impacts, contamination risks, flooding risks, impact of noise and the provision of adequate natural light to the proposed residential unit are all considered to be acceptable in the context of the proposals.

**5.5 *Crucially, an amended daylight/sunlight assessment has been prepared, with this demonstrating that and the provision of adequate natural light to the proposed residential units would meet and exceed required standards, and the proposed accommodation would therefore be acceptable with regards to the provision of natural light.***

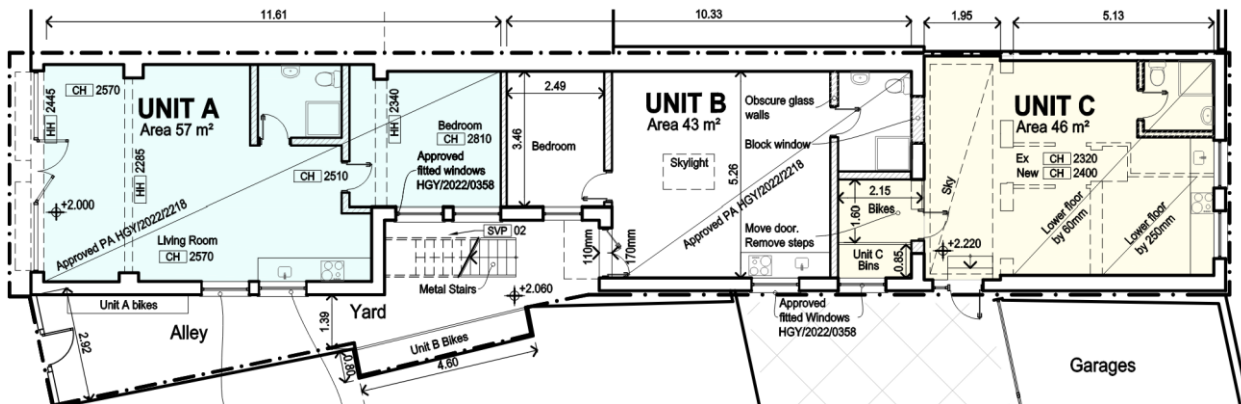
5.6 Moreover, the impact of the proposal on the local area has been assessed and no material reason has been found that would impede this prior approval application from being granted.

5.7 Accordingly, considering the above assessment and associated documents submitted with this application, the Council's confirmation is sought that Prior Approval (in line with Schedule 2, Part 3, Class MA of the abovementioned Order) will not be required for the proposed development as set out.

5.8 Alternatively, if a Prior Approval is required, it is respectfully requested that Prior Approval is given.

## 6. Appendix

## 6.1 Floorplans:





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