

This matter is being dealt with by
Karen Brightman
Two Colton Square
Leicester LE1 1QH
DX 744174 Leicester 41
T: +44 (0)116 254 5454

Planning Department,
Planning, Regeneration & Economy
Haringey Council
Level 6
River Park House
Wood Green
N22 8HQ

Our ref: 1452055.1

27th July 2023

By email only to: Planningsupport@haringey.gov.uk

Dear Planning,

Application for Prior Approval for Change of Use of former Bowling Clubhouse and Bowling Green (ClassD2 (e)) to Dwellinghouses under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

At Glencairn Bowls Club, Blake Road, Southgate, London, N11 2AF

Introduction

1. We are instructed by Lousada PLC ("the applicant") in relation to an application for prior approval at Glencairn Bowls Club, Blake Road, Southgate, London, N11 2AF. The submitted drawings show the location of the site.
2. The application is for prior approval of the proposed change of use under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is a resubmission of refused Prior Approval application HGY/2021/2685 and replaces application HGY/2022/0667 which was withdrawn following a fire at the building.
3. This submission letter supports the application together with the following drawings and documents:

- Location Plan 1:1250

- Survey elevations 01E prepared by Dusek Design Associates
- Survey Floor Plans 01FP prepared by Dusek Design Associates
- Existing Club House, drawing no. 1235/P3/2 B, prepared by Dusek Design Associates
- Proposed Floorplans and Elevations, drawing no. 1235/P3/3C, prepared by Dusek Design Associates
- Highway Impact Assessment, prepared by Highway Access Solutions (*includes Site Layout Plan with reduced parking levels*)
- Phase 1 Land Contamination Risk Assessment, prepared by Castledine Environmental Ltd
- Daylight and Sunlight Report 14th February 2022, prepared by CHP Surveyors Ltd
- Legal opinion from Jonathan Easton KC

Background and Site Description

4. The building subject of this application is a vacant Bowling Clubhouse and its associated green, previously known as the Glencairn Bowling Club. It has been vacant for in excess of 6 years on the date of this application. The site is in private ownership and is not accessible to members of the public. Access into the site is taken from Blake Road, to the south-east of the application site and is via a private access road that serves both the bowls club and St. Martin of Porres Roman Catholic Primary School which lies to the north-west.
5. In 2021, prior approval ref: HGY/2021/0228 was granted for the change of use of the former clubhouse and curtilage to a registered nursery. This application considered highway impacts, noise impacts and contamination and concluded that even for this more intensive use the proposal was acceptable on those grounds. This permission has not been implemented.
6. In October 2021 prior approval was refused for the change of use of the clubhouse to a dwelling, (HGY/2021/2685). This refusal was for a single reason:

“The proposed use is considered unacceptable in relation to the provision of adequate natural light in connection with a conversion to residential use contrary to living

conditions requirements of policy D6 of the London Plan 2021, policies SP2 and SP11 of the Haringey Local Plan 2017 and policy DM12 of the DPD.”

7. It is important to note that this reason for refusal is technically incorrect. Applications for prior approval are not planning applications taken in accordance with section 70(2) of the TCPA and therefore are not taken in accordance with the development plan. Planning permission is in fact granted in principle by the GPDO and the application for prior approval is in effect an application to discharge conditions pertaining to that permitted right.
8. The reason offered no explanation as to why the provision of natural light was deemed “unacceptable” although the accompanying report suggests that this is because the proposal relies on the insertion of new windows to the rear elevation which would not be permitted development, because the southern boundary is shaded and because there has been no formal assessment.
9. We addressed these concerns in a subsequent application HGY/2022/0667, submitted in March 2022, which included the following:
 - a. Clarification that the southern elevation windows are existing windows and that no changes to the exterior of the building are planned
 - b. Clearance of the overgrown vegetation to the rear to allow accurate plotting of the windows
 - c. Provision of a formal sunlight and daylight appraisal
 - d. Revisions to the layout to allow full use of existing glazing and the existing roof lights
10. In March 2022 and during consideration of HGY/2022/0667 the building was subject to an arson attack which caused significant damage to its roof. Legal opinion confirmed that the MA could not succeed as the necessary repairs to the roof required planning permission. This was because this work would alter the appearance of the building, (from its fire damaged state to its previous appearance).

11. HGY/2022/0667 was subsequently withdrawn and planning permission secured for the repair work. This was granted in April 2023. All pre commencement conditions associated with this have now been discharged and work is due to commence shortly.
12. This current application repeats that made and withdrawn in March 2022 and is as set out at paragraph 10. It is made with the request that the decision is issued subject to a condition that the roof repairs must be carried out prior to occupation of the building. This is because there were substantial delays in determining the planning application to repair the roof and such a condition will allow the Class MA to be submitted and considered prior to the repair work being implemented. We include a legal opinion from Jonathan Easton KC at Kings Chambers that acknowledges this approach is lawful.

Description of the Development

13. The proposed development is for the conversion of the existing clubhouse to a single storey 2-bed residential dwelling. As set out above, this application seeks prior approval for this change of use. The proposed development is a strict change of use to the building; no internal alterations to the exterior of the building are proposed. The bowling green is to become residential garden land within the curtilage of the proposed dwelling. The proposals would result in a net increase of one dwellinghouse.
14. Internally, a large kitchen/dining/family area is proposed, along with a cinema room, store and a separate sitting area to the front elevation of the proposed dwelling. Two en-suite bedrooms are proposed along with a family bathroom. The conservatory to the front elevation will be retained.
15. The existing access to the site is to remain as present. Two parking spaces are to be provided, one disabled space, along with charging facilities for an electric vehicle.

Analysis of Proposals against Part 3, Class MA of the GPDO

16. Schedule 2, Part 3, Class MA of the GPDO permits 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, (dwelling houses) of Schedule 1 to that Order.

17. The legislation 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

18. The building has been vacant for in excess of 6 years.

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 uses listed in paragraph (2) are the following classes of the Use Classes Order—

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

(i) Class A1 (shops);

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

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

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

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

(vii) 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 1st September 2020, Class E (commercial, business and service) of Schedule 2.

19. The building was used for a continuous period of 2 years as a bowls clubhouse, which falls within use class D2 (e).

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

20. The building measures approximately 370sq.m, which is well below this threshold.

(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;

21. The building is not part of a Site of Special Scientific Interest, nor is it listed or within the curtilage of a listed building. It is not part of a scheduled monument, or within the curtilage of one. Finally, it is not within a safety hazard area nor 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;
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site

22. The building is not within any of these five listed area designations.

- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

23. The site is not occupied under an agricultural tenancy.

- (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.

24. The building was not in use as B1(a) offices and consequently is not subject to an article 4 direction in this regard.

25. The proposed conversion falls within permitted development as defined by Schedule 2, Part 3, Class MA of the GPDO.
26. However, this is subject to specific conditions, which condition (1), (of those conditions), states must be complied with. The remaining conditions are as follows:

- (2) Before beginning development under Class MA, 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;
 - (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,the impact on the local provision of the type of services lost *and*
 - (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.
- (3) An application for prior approval for development under Class MA may not be made before 1 August 2021.
- (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub paragraph (5) for “and highways impacts of the development” there were substituted “impacts of the development particularly to ensure safe site access”

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) 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

27. This application is made after 1st August 2021 and has been made pursuant to the procedure within part W. The development will commence within 3 years and relates only to a dwelling within Use Class C3. As the building is not within a conservation area, or an area of heavy or mixed industry and does not involve the loss of a recognised service, criteria (e), (g) and (h) do not apply.
28. As the application is for a single dwelling it does meet the fire condition set out in paragraph MA.2(2)(i) and no assessment of fire safety impacts is required.
29. In addition, Article 3 of the GPDO states that any new dwelling permitted by way of Schedule 2 must not have a gross internal floor area that is less than 37sq.m, or be of a design that does not comply with the National Space Standards. In this case the proposed building is well in excess of 37sq.m and therefore complies with the National Space Standards.
30. The remainder of this letter is concerned with the areas for which prior approval must be obtained and sets out why prior approval should be given for each of these matters.

Transport Impacts of the Development

31. The proposed change of use relates to a two bedroom unit within an established residential area that falls within Public Transport Accessibility Level (PTAL) 1a, which means that public transport accessibility is comparatively low for London. This reflects the outer London nature of the site and the relatively long walk time to bus stops, stations and the underground. As a result the proposal provides two parking spaces for the dwelling (1 standard space and one disabled space) and ample space for bicycle

storage. This is on the basis that this single storey unit has the potential to meet the needs of a person with limited mobility and seeks to find the balance between this and encouraging more sustainable modes of transport.

32. The attached Highways Impact Assessment, prepared by Highway Access Solutions, carries out an evaluation of the impact of the change of use on the local highway network. This reveals that as the as the proposed change of use will be a de-intensification of both the most recently permitted use of the site and its former use that there are considered to be no highway capacity grounds upon which a reason for refusal can be sustained, as outlined at paragraph 111 of the Framework.
33. This assessment also considers in detail the design and layout of the arrangements for access and finds that safe and suitable access would be achieved via the existing entrance to the bowls club. Visibility splays onto Blake Road are in excess of those required by the speed limit for the road.
34. Detailed tracking calculations have been carried out and the Highway Impact Assessment sets these out along with commentary relating to servicing and waste collection. It concludes that safe access by the range of vehicles likely to attend this residential unit will be achievable.
35. In conclusion, as the attached Highway Impact Assessment demonstrates, the proposal would not have an adverse impact upon traffic, and the proposal provides an adequate level of parking for the location and allows for safe and suitable access as per paragraph 110(b) of the National Planning Policy Framework (July 2021).

Contamination risks in relation to the Building

36. Paragraph 10 (c) of Part 3 Paragraph W states that when determining an application for prior approval in relation to contamination risks, the Local Planning authority must:

“(c) in relation to the contamination risks on the site— (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 199067, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012”

37. A Phase 1 Land Contamination Risk Assessment, prepared by Castledine Environmental Ltd, accompanies this application. This finds a low to moderate risk of soil contamination based on previous land use and practices at the site and nearby. This includes the possibility of metals, hydrocarbons and asbestos being present in the soil due to made ground during construction of the bowling green. Whilst the likelihood of significant contamination is low the report recommends that further invasive survey work is carried out to establish whether remediation is needed. Further investigation and any mitigation could be secured by way of a condition attached to any prior approval granted. It is noted that this approach was accepted in the granting of the previous prior approval for a nursery use at the site (ref: HGY/2021/0228).

Flooding Risks in relation to the Building

38. The tests from the NPPF preclude inappropriate development within Flood Zones 2 and 3a, only allowing water compatible uses and essential infrastructure in Zone 3b, whilst seeking to ensure that development is adequately drained. The site is within Flood Risk Zone 1 meaning a low risk of flooding (see Figure 2 below) and is not within a critical drainage area (see Figure 3 below), and therefore does not give rise to any flood risk issues.

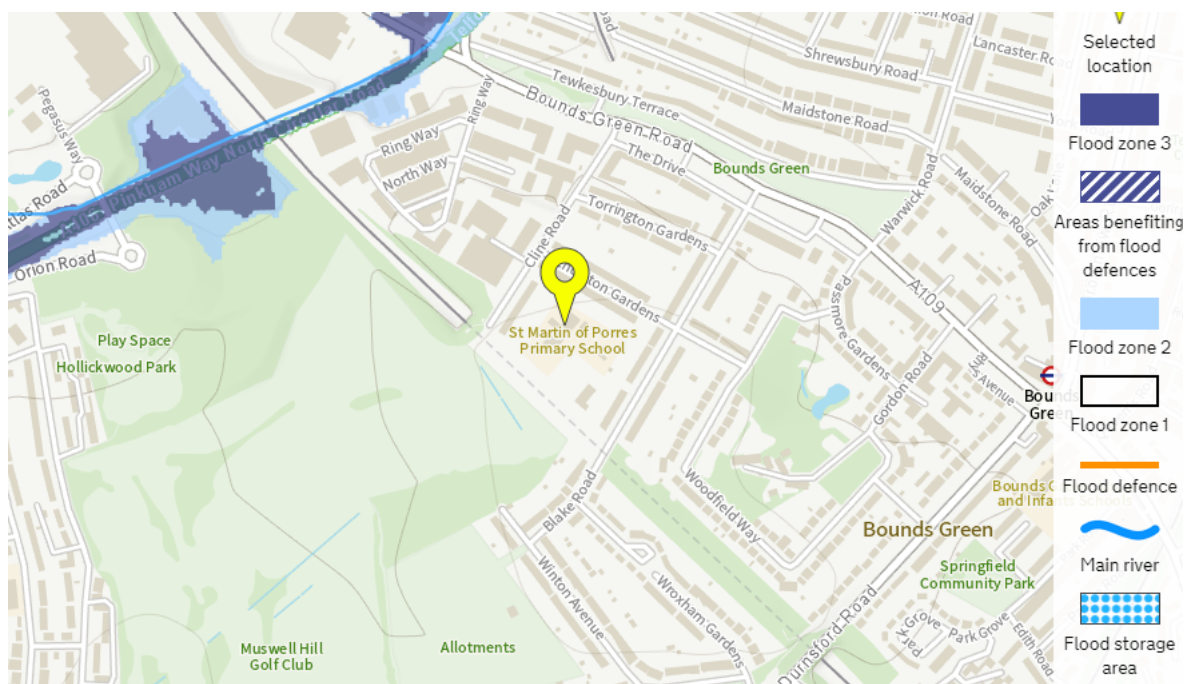


Figure 2 (above) - Environment agency Flood Risk Map

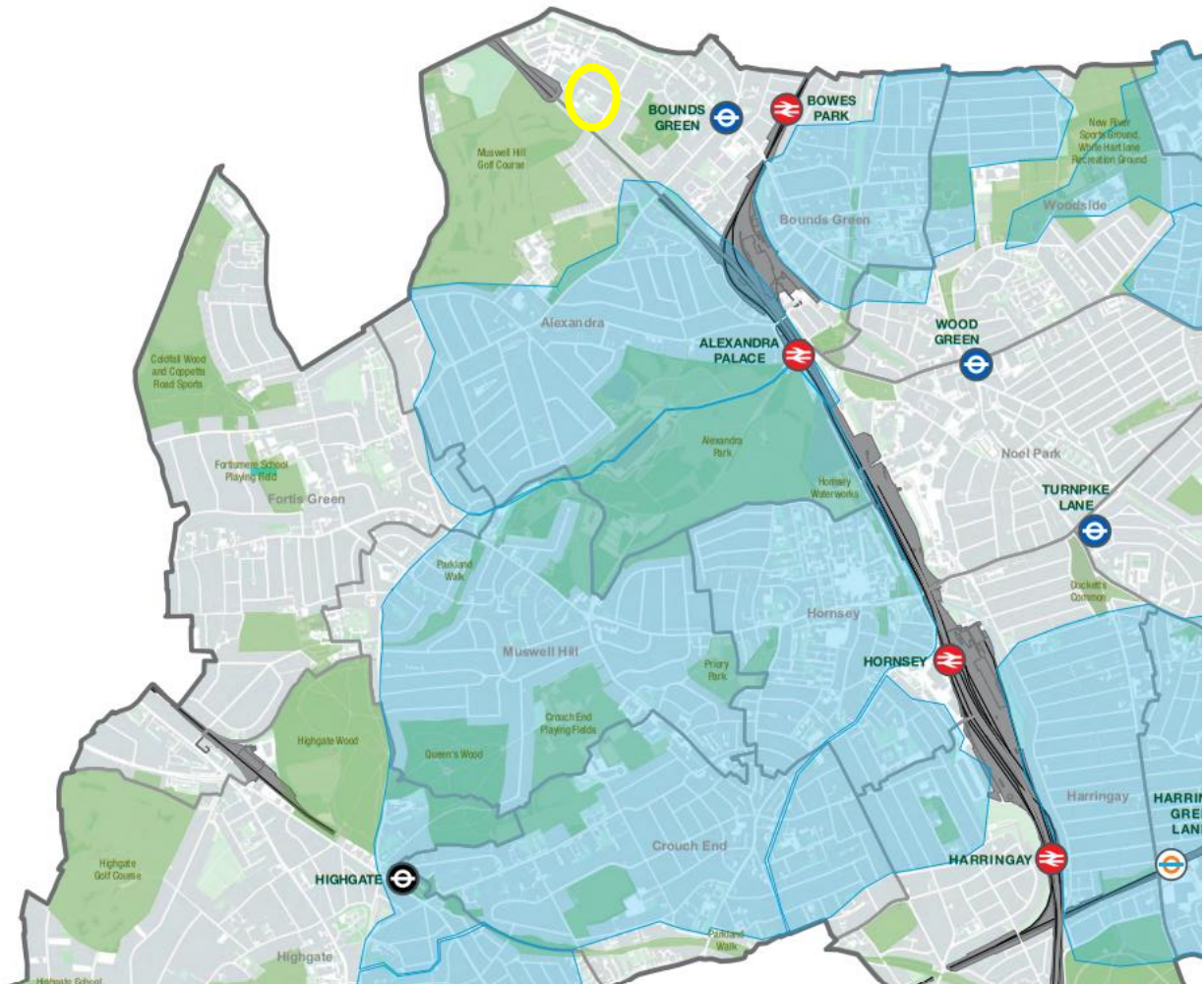


Figure 3 (above) - Critical Drainage Areas taken from Haringey Local Plan (site location shown by yellow circle)

Impacts of Noise from Commercial Premises

39. With regard to the impacts of noise from commercial premises on the intended occupiers of the development, the site is located within a residential area and is not close to commercial premises.
40. There is a primary school to the north-west but the outdoor area associated with this are located well away from the bowls club building, as they are largely located to the rear of the school building.
41. The railway line to the south and west is below ground as it passes the site and for a considerable distance in both directions. It sits below a substantial landscaped corridor

(Tunnel Gardens), meaning any noise associated with it would not have a significant adverse impact on this building or indeed the many residential properties which lie closer. Additionally it should be noted that there are no windows serving habitable rooms which face the railway corridor and that sleeping accommodation is to be located on the opposite side of the building.

The Provision of Adequate Natural Light in all Habitable Rooms

42. The NPPF emphasises the need to create better places in which to live and increased emphasis has recently been placed on ensuring good standards of amenity for future occupiers. The requirement to consider natural light within all **habitable** rooms within the prior approval process is a reflection of this. Habitable rooms are now defined within the GPDO as; *“rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms hallways or utility rooms.”*. For this conversion that would include the central living area, the two bedrooms and the conservatory. The bathrooms, storeroom and cinema room are excluded as service areas and because, for the cinema room, there is a functional need for it to be dark.
43. The accompanying Daylight and Sunlight Report provides full analysis of all the proposed habitable rooms and shows that levels of sunlight, (Annual Probable Sunlight Hours – APSH), and daylight, (Average Daylight Factor - ADF), to these rooms are all in excess of the BRE guidelines. The table below summarises:

Habitable Room	BRE ADF	Scheme ADF	BRE APSH	Scheme APSH
Living Area	2%	2.1%	25%	87%
Conservatory	1.5%	11.1%	25%	42%
Bedroom 1	1%	3.1%	25%	46%
Bedroom 2	1%	1.2%	25%	45%

44. This shows that a high level of amenity for future occupiers in terms of natural lighting would be provided, which complies with the advice at paragraph 130 of the National Planning Policy Framework.

Other Criteria for Consideration under Class MA

45. Paragraph 3 (9A) of the Town and Country Planning Act states that permission is not authorised by way of permitted development rights for any new dwellinghouse below 37sq.m, or if it does not comply with the National Space Standards. The unit exceeds 300sq.m in area, which is well in excess of the aforementioned 37sq.m, and in excess of 70sq.m, which is the nationally prescribed space standard for a 2-bed, 4-person single-storey unit.

Conclusion

46. Given that the change of use falls under Part 3 Class MA of the General Permitted Development Order and that there would be no harm arising in terms of transport impacts, contamination risk, flood risk, noise from surrounding commercial uses or lack of light within habitable rooms, we trust that prior approval will be forthcoming. However if you have any queries or concerns, please do not hesitate to contact me on the details below.

Yours faithfully,

Karen Brightman MRTPI

M: 07976414365

E: karen.brightman@marrons-planning.co.uk