



Officer Report

Application Number: HGY/2023/2046
Application Type: **Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses**
Address: 3 The Mews, Truro Road, Wood Green, London, N22 8EL
Proposal: Application to determine if prior approval is required for the proposed change of use of a single storey commercial building from Commercial, Business and Service Use (Class E) to a one-bedroom studio dwelling (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: Oskar Gregersen
Valid Date: 26/07/2023
Applicant: Mr Arjun Popat
Agent: CG Architects

RECOMMENDATION

Approve with Conditions

PLANNING HISTORY

The planning history of the site has been taken into account when coming to this decision.

RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development of the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Class MA: Commercial, business and service uses to dwellinghouses

A certificate of lawfulness for 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 can be issued if the proposal meets all the criteria under The Town and Country Planning (Generally Permitted Development) (England) Order 2015 – Schedule 2, Part 3, Class MA '*commercial, business and service uses to dwellinghouses*'

The current proposal will be assessed against these requirements as follows:

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.

Permitted Development -

MA.1.—(1) 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;

Complies – Application form states site has been vacant for a period of more than 3 months

(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;

Complies

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

N/A

(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

(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;

N/A

(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

N/A

(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

(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 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.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(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;

The proposed residential unit would introduce a single dwelling to a mews occupied by storage units and 4 residential units. There appears to be space for off-street vehicle parking and details of cycle storage have been provided with submitted drawings. Further the application site has a PTAL value of 4 and as such would have sufficient access to transport.

(b) contamination risks in relation to the building;

Due to the predominantly residential nature of the surrounding development, Officers deem that the contamination risk of the site is low-none.

(c) flooding risks in relation to the building;

Documents submitted show the site to be in an area of low risk with respect to flooding, being in flood zone 1. Officers deem that there would be no risk of flooding in the area.

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

The commercial use of the area is located predominantly on Truro Road, the character of The Mews appears to be predominantly that of residential/storage units. As a result, Officers deem that there would not likely be any adverse impact due to noise on any potential resident of the proposed.

(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;

N/A

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

Officers note that there was not a daylight/sunlight assessment submitted with this application, whilst this is not a specific requirement of submissions made under Schedule 2, Part 3, Class MA, the assessment of access to light without a daylight/sunlight assessment is more difficult.

The proposed studio flat would benefit from a two south facing windows (one two pane unit and one single pane), and one small east facing window, that would look into the proposed bedroom and living area respectively, additionally the site would benefit from two large pyramid style skylights that would assist in illuminating the kitchen/living/dining area.

Officers deem that the siting of the windows facing south, and the provision of skylights would likely provide an adequate level of light to the habitable spaces and would comply with BRE guidelines for access to light. Therefore the proposal is deemed lawful with respect to access to light.

(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;

In this instance the site is not considered to be in an area that relates to either general or heavy industry, waste management, or storage. The surrounding area appears largely residential in character.

(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 [F3; and
(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]

The site is not considered to require a fire safety assessment by virtue of the scale of development.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

Complies

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph [F4 as if—

(a) for paragraph (e) of sub-paragraph (2) there were substituted—

“(e) where—

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;

(b) 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”;

(c) after sub-paragraph (6) there were inserted—

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

N/A

(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.]

SUMMARY AND CONCLUSION

The proposed development constitutes permitted development by virtue of Schedule 2, Part 3, Class MA, of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be lawful.

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 (as amended) for the change of use from commercial/business/service (Class E) to a one bedroom studio flat (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 the 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 approved drawing number 1667/04 has been fully installed in accordance with the details shown on the approved plans.

(5) The flat hereby approved shall not be occupied until the secure cycle store shown on approved drawing number 1667/04 has been fully installed in accordance with the details shown on the approved plans.

Informatives:

INFORMATIVE: Street Naming & Numbering

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.