



Officer Report

Application Number: HGY/2023/2094
Application Type: Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Address: Glencairn Sports Club, Blake Road, Wood Green, London, N11 2AH
Proposal: Application to determine if prior approval is required for a proposed the change of use of the site from Commercial, Business and Service Use (Class E) to a Dwellinghouse (Class C3) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.
Case Officer: Josh Parker
Valid Date: 01/08/2023
Applicant: Simon Lousada PC
Agent: Mrs Karen Brightman

RECOMMENDATION

Approve with Conditions

PLANNING HISTORY

HGY/2021/0228 – Prior Notification under Schedule 2, Part 3 Class T of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the Change of Use of Former Clubhouse and Curtilage (Class F2(c)) to Registered Nursery (Class E(f)) - Approved 08/03/2021.

HGY/2021/2685 - Prior Approval for Change of Use of Former Bowling Clubhouse and Bowling Green (Class D2 (e)) to Dwelling House under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Refused 29/10/2021.

Reason for refusal: The proposed change of use is considered unacceptable in relation to the provision of adequate natural light in connection with a conversion to residential use.

HGY/2022/0667 - Prior Approval for Change of Use of Former Bowling Clubhouse and Bowling Green (Class D2 (e)) to Dwelling House under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Withdrawn.

HGY/2023/0364- Repair of building following fire damage. - Approved 20/4/2023

HGY/2023/1318 - Approval of details reserved by condition 3 - Construction Plan - pursuant to planning permission ref: HGY/2023/0364 granted on 20/4/2023 for repair of building following fire damage. – Approved 27/06/2023.

CONSULTATION

The application has been publicised by the way of letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

Objections: 4

Support: 0

Objections summarised:

- *Shared access with school can be dangerous with traffic generation for construction.*

Officer comments: A traffic management plan has been submitted and assessed by a Transport Officer. Construction activity will be temporary in nature and cannot be in itself a reason to refuse prior approval. Long term the use of this site as a single-family dwelling would generate very limited traffic movement.

- *If the permission were granted, what would inhibit further development through the means of permitted and or full application.*

Officer Comment: Officers accepts that there are levels of 'permitted development rights' as prescribed by the Town and Country Planning (General Permitted Development) (England) Order. Outside of 'permitted development rights' proposals for further works would require consent and would have to be assessed accordingly.

- *Noise generated through construction.*

Officer comment: As mentioned earlier construction would be temporary in nature and cannot be a reason to withhold consent. Equally construction noise is controlled under separate legislation (Control of Pollution Act (CoPA) 1974) as opposed to planning legislation.

- *The site has not been left empty for 2 years. Vacancy has been due to arson therefore should be assessed differently.*

Officer comment: The site needs to be vacant by at least 3 months prior to the date of the application for prior approval, as per the legislation. The applicant has stated that the building has been vacant for the excess of 6 years.

- *This needs to be assessed as a full application because of the sensitive nature of the site.*

Officer comment: The LPA has to assess this application under the legislative framework it was applied for, taking account of the provisions and the materials considerations prescribed by the legislation in question.

- *Change of use means habitable rooms will now be closer to the neighbouring rear garden and needs assessing.*

Officer comment: As above the LPA must assess this application under the legislative framework it was applied for, taking account of the provisions and the materials considerations prescribed by the legislation in question.

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 dwelling houses.

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 -

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

(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 – The application 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 subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Complies, was in use as a bowling club for over 2 years which falls within class D2 (e)

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

The building measures approximately 370 sq.m

(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; an

(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, with space for parking, bike storage and servicing etc. Two car parking spaces have been added to the site with wide splays for safety. Visibility splays have previously been accepted by the LPA as suitable to support a small nursery, which would have had much higher levels of trip generation than the proposed Class MA conversion.

Although it is not ideal that access is shared with a school, the LPA has approved a nursery use with a higher trip generation, as mentioned earlier and equally the historic use would have generated movement. The LPA cannot change conditions beyond what they are at the moment, but note that a use as a single family dwelling will generate minimal movement, as such not affecting highways safety and access for other users.

(b)contamination risks in relation to the building;

Contamination risk low to moderate however, conditions have been added for further assessment, as imposed below.

(c)flood risk in relation to the building;

Officers deem that there would be low risk of flooding in the area.

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

N/A

(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 dwelling houses;

Officers note that there has been a daylight/sunlight assessment submitted with this application. All habitable rooms comfortably comply with the BRE (BR209 2022) guidance.

(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.

(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 [F4as 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. Prior approval is granted subject to the following conditions:

Conditions:

- 1 The development must be completed within a period of 3 years starting with the prior approval date.

Reason: To comply with the full limitations, requirements and conditions of Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved drawings except where these may be modified by any other conditions attached to this approval.

Reason: To ensure that the development is carried out in accordance with the approved plans.

- 3 Before development commences other than for investigative work:
 - a) Using the information already submitted on the Phase 1 Land Contamination Risk Assessment with reference 3067D P1V2 Lousada PLC prepared by Castledine Environmental Ltd dated 23rd July 2021, an intrusive site investigation shall be conducted for the site using information obtained from the desktop study and Conceptual Model. The site investigation must be comprehensive enough to enable; a risk assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.□
 - b) The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority which shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.
 - c) Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out and;

d) A report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

- 4 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

Informatives:

INFORMATIVE: The consent hereby approved is given in relation to the use of this property as a single-family dwelling. The subdivision of this property into self-contained flats or use as a House in Multiple Occupation (Use Class C4) would require planning permission as permitted development rights have been withdrawn through an Article 4 Direction (30th November 2013). Please refer to the link below for further information:

http://www.haringey.gov.uk/index/housing_and_planning/planning-mainpage/policy_and_projects/article_4_direction.htm

INFORMATIVE: Asbestos survey

Prior to demolition or any construction work of the existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.

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.

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.