
SUPPORTING PLANNING STATEMENT

Property Address:

20 and 21 AYLMER PARADE AYLMER ROAD N2 0AT

Proposal: CONVERSION OF CLASS E (OFFICE) AT FIRST FLOOR TO 1 FLAT (1 Person 1
BEDROOM) WITH REFUSE AND RECYCLING FACILITIES AND CYCLE STORAGE:

On behalf: APPLICANT:

Shrubglade Limited

F.P.S.(UK) LTD



1.0 INTRODUCTION

- 1.1 This Planning Statement accompanies an application to determine if prior approval is required for a proposed: Change of Use from Class E (formerly Opticians) to one, 1 bedroom unit (Class C3) as allowed under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.
- 1.2 As set out in the accompanying drawings the proposal is to convert this office to residential. The documents and drawings submitted are as follows:
- Planning Statement
 - Drawings By APT Consulting

Figure 1: Site Location

20 and 21, Aylmer Parade, Hornsey, London, Haringey, N2 0PE



2.0 SITE AND SURROUNDINGS

- 2.1 The application site is situated within Aylmer Parade which is a terrace and is set back from the main road Aylmer Road. It is very close to the junction with Aylmer Road and the Great North Road. The terrace continues north along Cherry Tree Hill (Great North Road) towards East Finchley.
- 2.2 The parade consists of commercial properties on the ground floor with residential above, except for the application site being office at first floor. I am not aware of any other commercial use at first floor.

3.0 PLANNING HISTORY

- 3.1 A review of the Council's records did not reveal any history of relevance in the parade. (Appendix 1 provides a list from the planning website)

4.0 THE PROPOSAL

- 4.1 The proposal is to convert the first floor from office use to residential. The offices are currently operated by the accountants at ground and basement level. The offices are now surplus to the business and therefore the conversion to residential is requested.
- 4.2 The access will be provided from the adjoining property at 20 Aylmer Parade, which currently provides access to 4 existing flats. 20 Aylmer Parade is in the same ownership as 21 Aylmer Parade.

5.0 RELEVANT LEGISLATION

- 5.1 This section provides a review of relevant guidance.

General Permitted Development Order (GPDO) 2015 (as amended)

- 5.2 Part 3, Schedule 2, Class MA of the GPDO 2015 confirms that the following change of use qualifies as permitted development: The legislation below has been examined and the proposal can take advantage of the prior approval and permitted development.

Legislation

- 5.3 **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 (dwelling houses) of Schedule 1 to that Order.**

For any application submitted on or after 5th March 2024, there is now no limit to the floor space that can be converted under Class MA and there is no requirement for the building to be vacant for 3 months.

Development not permitted

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;

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(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;

The property had been occupied as an office continuously. The premises is still used as offices.

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

Deleted and no longer applicable

- (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;

The site does not fall within any of these categories.

- (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;

The site does not fall within any of these categories.

- (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

Not applicable

- (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.
- (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.

Current use is Class E

Conditions

MA.2.—

- (1) **Development under Class MA is permitted subject to the following conditions.** (these are considered under planning considerations)

These points have been dealt with in the main body of this report.

(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.
- (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 —

(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,”; **[see interpretation of Class MA below]**

(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.”; **[see interpretation of Class MA below]**

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

(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.”.

Interpretation of Class MA

MA.3

Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 *[see below]*

Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015)

Fire Statements

9A – (3) The height condition is that—

- (a) the building is 18 metres or more in height; or
- (b) the building contains 7 or more storeys.

.....

(7) For the purpose of paragraph (3)—

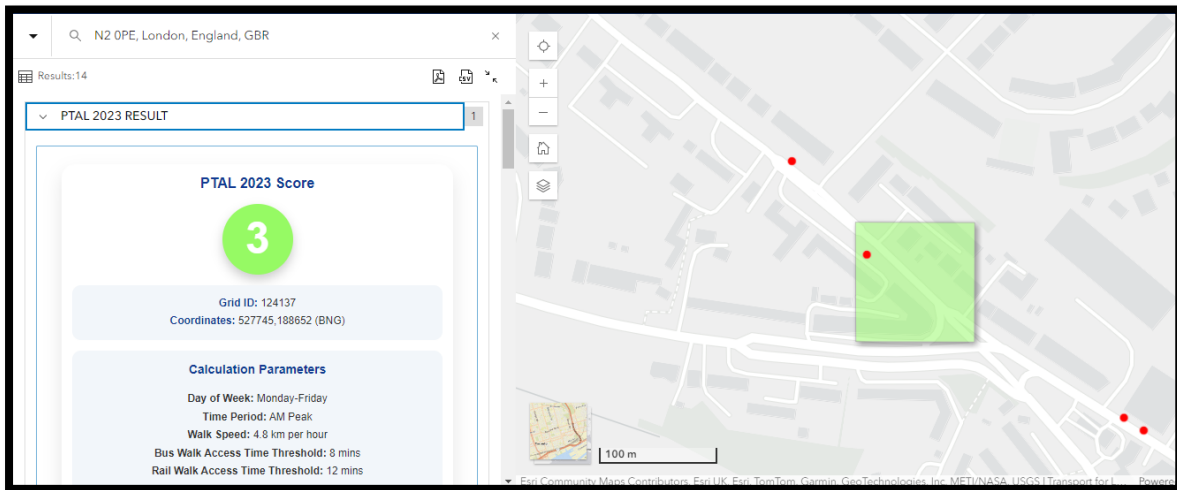
- (a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);
- (b) when determining the number of storeys a building has—
 - (i) any storey which is below ground level is to be ignored; and
 - (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.

6.0 PLANNING CONSIDERATIONS

- 6.1 The planning issues relevant to the determination of this ‘prior approval’ application as prescribed by the legislation, are considered in more detail below as presented in section MA.2 of the above legislation.

Transport and highway impacts of the development

- 6.2 The site is very well connected to public transport and is within walking distance of Highgate and East Finchley Tube Stations , and for the less mobile there are bus stops within a minutes walk of the site, linking to the tube station and further afield.
- 6.3 PTAL are shown below:



- 6.4 The location of cycle parking for the proposed new flat would be as seen in the photograph below.
- 6.5 In relation to **refuse and recycling** an area has been provided within the existing yard at rear. Where also cycle provision can be made.



Figure 1 Yard to rear of Application site providing safe storage for refuse and recycling bins

Contamination risks in relation to the building

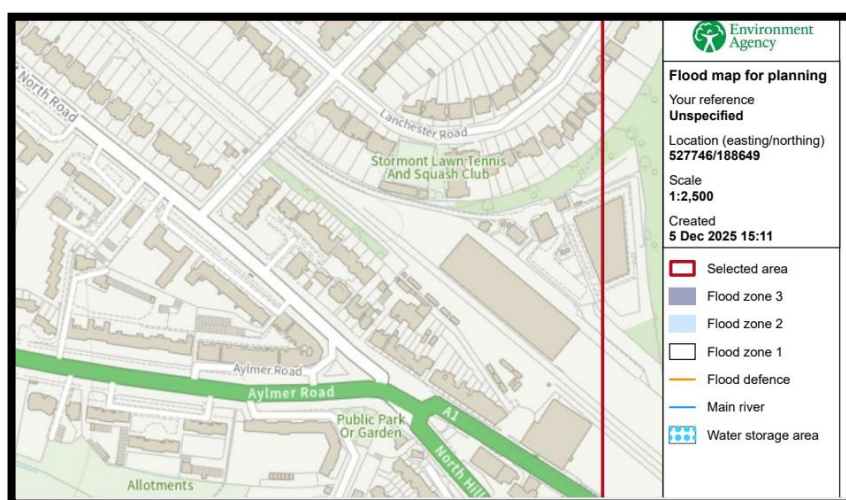
- 6.6 The Change of use is from offices. There is no planning history which suggests the site was in industrial use in the past especially as the surrounding area is

predominantly retail and residential in character. Indeed it is well documented the original building was residential.

- 6.7 The purely residential use of the site is not viewed to create any risk of contamination. There is no historic or cogent evidence to the effect to show that the site is contaminated.

Flooding risks in relation to the building

- 6.8 The application site falls within Flood Zone 1 which is defined as being outside a floodplain and / or an area liable to flooding. It is also noted that the building level is higher than the road and therefore flooding from other sources are extremely unlikely and low.



- 6.9 The application site is at first floor so there are no flood implications. I have also checked the surface water maps and again there is none close to the application site.

Impacts of noise from commercial premises on the intended occupiers of the development.

- 6.10 A noise impact assessment is not considered necessary as there are only accountants office below the premises which are unlikely to cause any noise therefore noise from commercial premises would be minimal. Either side of the proposed flats would be other residential flats.

**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.**

- 6.11 The subject site is not located within a Conservation Area.

Provision of adequate natural light in all habitable rooms of the dwellinghouses

- 6.12 The proposed unit would receive a good level of natural light with windows to all rooms at rear and front . The number of windows will allow for good ventilation. It would be of a generous size and has a rational layout and outlook, responding to the constraints imposed by the building/ terrace.

The legislation requires that proposals must ensure the provision of adequate natural light in all habitable rooms of the dwellinghouses.

In this case all the habitable rooms have adequate fenestration which do not require further investigation. I have provided a plan showing the light sources to the habitable rooms. It is clear there is adequate daylight and it is unnecessary to provide a full daylight survey.

Impacts from Industrial Areas and on Nurseries and Health Centres

- 6.13 The subject site is not located in an area considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses, nor would the proposal result in the loss of a nursery or a health centre. Hence, it is not considered that the local planning authority's prior approval is required with respect to the impacts on the proposal's intended occupiers from industrial areas or on nursery or health centre provision.

Fire Risk

- 6.14 The subject building is less than 18 metres high and consists of fewer than 7 storeys. Therefore, the local planning authority's prior approval is not required with respect to the fire safety impacts of the development.

Nationally Described Space Standards

- 6.15 Nationally Described Space Standards Per paragraph 9A of article 3 of the GPDO, no dwelling can be created through permitted development rights if its gross internal floor area is less than 37 m² or it does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015

The proposed dwelling for a 1 bed 1 person flat would have a floor area of 44 sqm.

Hence, the proposal would result in dwellings that would all comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. The development would, therefore, be lawful in this regard.

7.0 CONCLUSION

- 7.1 For the reasons given above the proposal qualifies in principle for the change of use to residential and meets the requirements of Class MA. It is accepted that an approval granted is subject to the statutory conditions set out at Paragraph M.2 (3) of Schedule 2, Part 3, and Class MA of the GPDO.
- 7.2 If clarification or further information in relation to this change of use/ prior approval here is required please do not hesitate to contact me.

APPENDIX 1

Application Reference	Proposal	Application Status	Site Address	Date Valid	Decision	Decision Notice Sent Date
<u>OLD/1968/0516</u>	21 Display of illuminated fascia sign.	Decision Made	21-21 A Aylmer Parade N2		Refuse	13/12/1968
<u>OLD/1946/0007</u>	21 Use as retail shop, wholesale depot & office.	Decision Made	21-21 A Aylmer Parade N2		Approve with Conditions	13/6/1946
<u>OLD/1946/0008</u>	21 Use of shop premises as a wholesale depot and office and for the manufacture of chemist's plastic sundries.	Decision Made	21-21 A Aylmer Parade N2		Approve with Conditions	04/5/1946
<u>OLD/1946/0009</u>	21 A Use as offices, stockroom and showrooms.	Decision Made	21-21 A Aylmer Parade N2		Approve with Conditions	21/10/1946
<u>OLD/1949/0041</u>	21 A Use of office suite by commercial photographer.	Decision Made	21-21 A Aylmer Parade N2		Approve with Conditions	03/12/1949
<u>OLD/1969/0028</u>	21 Display of illuminated fascia sign.	Decision Made	21-21 A Aylmer Parade N2		Approve with Conditions	07/7/1969
<u>OLD/1983/0047</u>	19/5/83 Use of basement and ground floor as 'take away'.	Decision Made	21-21 A Aylmer Parade N2		Approve with Conditions	10/10/1983
<u>OLD/1946/0114</u>	21 A Use of office accommodation for industrial purposes.	Decision Made	21-21 A Aylmer Parade N2		Refuse	27/3/1946
<u>HGY/1998/0062</u>	Erection of rear dormer window to provide additional office space.	Decision Made	21 Aylmer Parade Aylmer Road London N2 0PE London	21/1/1998	Approve with Conditions	10/3/1998