



Officer Report

Application Number: HGY/2026/1111
Application Type: Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Address: 85 St Anns Road, Tottenham, London, N15 6NJ
Proposal: Application to determine if prior approval is required for the proposed change of use of the ground floor of the building from commercial/business/service use (Class E) to residential use (Class C3) to provide two 1-bedroom/1-person studio flats. Application made under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
Case Officer: Neil McClellan
Valid Date: 20/04/2026
Applicant: Mr Twersky
Agent: Mr Shloime Godlewsky

RECOMMENDATION

Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposal

Application to determine if prior approval is required for the proposed change of use of the ground floor of the building from commercial/business/service use (Class E) to residential use (Class C3) to provide two 1-bedroom/1-person studio flats. Application made under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Site Description

Three storey, mid terraced property located within an undesignated retail/commercial parade on St Anns Road. This application relates to the ground floor of the property which was last in use as a local employment and training centre within the E Use Class. It was operated by the Train2Work Academy a voluntary not for profit organisation. The ground floor unit includes a small courtyard to the rear.

The upper floors of the building are in use as 3 studio-flats.

It is not in a conservation area and none of the buildings on or adjacent to the site are listed.

Planning and Enforcement History

HGY/2026/0446 – Planning permission granted for changes to the front elevation of the building, replacing the existing shop front with a new residential window, following the grant of prior approval under application reference HGY/2024/1286, for the change of use of the ground floor commercial unit to residential use.

HGY/2025/3606 – Prior approval refused for the proposed change of use of the ground floor of the building from commercial/business/service use (Class E) to residential use (Class C3) to provide two 2-bedroom/1-person flats. Application made under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Officer comment: This application was refused because it included the construction of a rear extension that would have fallen outside the scope of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

HGY/2024/1286 – Prior approval granted for the proposed change of use of the ground floor of the building from commercial/business/service use (Class E) to residential use (Class C3) to provide one 2-bedroom/3-person flat. Application made under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

HGY/2024/1544 – Planning permission refused for the erection of a ground floor rear extension. Appeal dismissed 17.12.2024.

In dismissing the appeal, the inspector made the following points:

1. The proposed extension would relate poorly to the host building and surrounding properties by virtue of its scale, bulk and design. The presence of other rear extensions in the area does not alter these findings.
2. The proposed roof light would cause an unacceptable level of light pollution to neighbouring properties.

HGY/2021/2235 – Planning permission refused for a ground floor extension and for the change of use of the ground floor from office to residential use.

HGY/2021/1181 – Planning permission refused for a ground floor extension and for the change of use of the ground floor from office to residential use.

HGY/2002/1814 – Planning permission granted for the change of use of the round floor from a hairdresser to a community association office.

Non-planning history

According to VOA records, the upper floors of the building have been in use as 3 separate studio-flats since 2000.

LOCAL REPRESENTATIONS

No representations have been received in response to notification and publicity of the application.

CONSULTATION RESPONSE

LBH Transport – Request that the developer enters into a legal agreement to prohibit future occupiers of the development from applying for parking permits within the local CPZ. Have also asked if the proposed vertical hanging bicycle storage could be altered to horizontal stage to aid ease of access.

ANALYSIS/ASSESSMENT

Relevant Legislation

Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') for changes of use from Commercial, Business and Leisure (Class E) to a dwellinghouse (Class C3).

This application seeks prior approval for a change of use from Commercial, Business, and Service to Dwellinghouses (Class C3).

Prior approval is an application to discharge the conditions pertaining to the permitted development right (PDR) so the scope of the issues which are material to the prior approval application are fixed and fixed exclusively by the terms of the order. Therefore, no consideration can be given to the statutory development plan or the National Planning Policy Framework (NPPF) unless the GPDO specifically provides for this. The relevant limitations and conditions are assessed as set out below.

Limitations

(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.

Comment. This paragraph has been omitted by the Statutory Instrument 2024 No.141 which came into force on 5th March 2024, and is therefore no longer relevant.

(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. The building has been under Class E use for a continuous period of at least 2 years.

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

Comment: This paragraph has been omitted by the Statutory Instrument 2024 No.141 which came into force on 5th March 2024 and is therefore no longer relevant.

(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.**

Complies. The site does not form part of any of the above areas.

(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.

Complies. The site does not form part of any of the above areas.

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

Complies. Site is not occupied under 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.**

Comment: The site does not fall within an area covered by an Article 4 direction.

Other Limitations

In assessing this application consideration also needs to be given as to whether the application site/ building/ the part of the building is subject to a condition of planning consent limiting it to purposes falling within Class C3.

Comment: The application site/ building is subject to no such restriction.

Conditions of Prior approval

Class MA development is permitted subject to the condition that before beginning the development, the developer shall 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 the building is located in a conservation area, and 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 a registered nursery, or 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.

(a) Transport impacts of the development

The TfL WebCAT calculator tool shows the PTAL rating of the centre of the site as 5, indicating that the site has a very good level of accessibility to public transport.

The latest version of the NPPF was published in December 2023 and sets out the Government's planning policies for England and how these are expected to be applied. Chapter 9 – 'Promoting Sustainable Transport', states at paragraph 115 that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The property has no front forecourt and there is no possibility of providing refuse storage accessible from the street. This stretch of St Ann's Road is covered by the Council's refuse bag collection service, with twice daily morning and afternoon collection of refuse sacks deposited on the street by the residents of flats above shops. The floor plans submitted show dedicated refuse storage within both flats,

No space exists for external cycle storage. The submitted plans show a single internal wall mounted bicycle storage space for each of the flats. While this would mean wheeling the bikes through the dwelling which would not normally be acceptable, given the site constraints this is considered an acceptable compromise.

Given the sites high PTAL rating and the low level of car ownership amongst Haringey residents, it is not anticipated that the additional residential unit would result in a materially significant increase in on-street parking.

Given the site's highly accessible location, existing on street refuse collection arrangements and the capacity within the site to accommodate an appropriate level of secure bicycle storage, it is considered that the proposed change of use complies with the objectives of the NPPF in achieving sustainable residential development.

The suggestion by Haringey's Transport Planning that the new units be subject to a formal car free agreement. However, given the limited scale of the development and the likely marginal, if any, increase in demand for on streetcar parking compared to the existing lawful commercial use, the scheme is not considered to meet the threshold for requiring a formal car free agreement.

Overall, the two new units would comply with Condition (a) given that there would be no material increase or material change in the character of traffic in the vicinity of the site, nor would it have any detrimental impact upon highway safety.

(b) Contamination risks

No comments have been received for the Council's pollution team. However, given the similarity of the current scheme to that granted prior approval previously (see history above), their comments on that scheme are considered to also apply to this case: No objection to the proposed change of use in respect of land contamination subject to the standard conditions regarding site investigation and mitigation and an informative regarding asbestos if it should be encountered.

Having regard to the above and paragraph W Part 3 of the GPDO 2015 (as amended), the potential impact of any contamination upon future residents from the development is considered to be acceptable.

LBH Pollution Team raise no objection subject to the standard conditions regarding site investigation and mitigation and an informative regarding asbestos if it should be encountered.

(c) Flood risk

Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems, and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The site falls within Flood Zone 1, is less than 1 hectare in size with no new building proposed, and there are no proposals to increased non-permeable surfaces. As such there would be no requirement for a Flood Risk Assessment.

It is considered that the proposed unit would be acceptable in regard to the National Planning Policy Framework in terms of flood risk.

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

The site is adjacent to a convenience store at 83 St Anns Road. This is open between 08:00 and 22:30. However given its relatively modest size and the nature of the commercial activity taking place it is not expected that it would generate noise to a level that would be of concern.

Taking into the context of the area, and the location of existing noise-sensitive properties the change of use to residential will not result in any further restrictions on the operation of existing commercial premises in the area, in line with para, 185 of the NPPF.

Having regard to the requirements of the GPDO it is concluded that the use of the site can be changed to residential without noise causing an unacceptable impact on future residents or causing unreasonable restrictions to the continued use of commercial premises in the area.

As such it is deemed that the proposal would be acceptable with respect to noise.

(e) Impact of change of use on character or sustainability of the conservation area

As the site is not located within a conservation area this condition is not relevant.

(f) The provision of adequate natural light in all hab the provision of adequate natural light in all habitable rooms of the table rooms of the dwellinghouses

Paragraph W.-(2A) of Part 3 of the GPDO 2015 states that “Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses”

A Daylight Assessment has been carried out in accordance with the BRE’s document ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’. It demonstrates that daylight to all rooms within the proposed flats exceeds the guide’s recommendations.

It is concluded that all habitable rooms of the dwellinghouses will benefit from adequate natural light.

(g) Impact in relation to nearby general or heavy industry, waste management, storage and distribution uses.

No such uses exist with the vicinity of the site and the proposed conversion of the ground floor to residential use will have no impact or relevance to condition (g).

(h) Impact in relation to loss of services provided by a registered nursery, or a health centre

The development does not involve the loss of any of these services.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

The building is not more than 18 metres in height and does not contain 7 or more storeys. The proposal therefore does not meet the fire risk condition, and the fire safety impacts are not required to be considered.

Other conditions

Space Standards

Both of the proposed 1-bedroom 1-person flats would meet or exceed the relevant minimum standards set out London Plan and Nationally Described Space Standard, with GIA's of 37sqm and 41 sqm.

Fire safety

As stated above, the size of the building does not require fire safety impacts on the intended occupants of the building to be considered as part of the assessment of this application. Building Regulations and other statutory fire safety requirements will apply.

Building operations

Class MA permits only a change of use and as such it is being brought to the attention of the application/agent that building operations involving external alterations will require separate planning consent.

The applicant has already gained planning permission for the necessary changes to the ground floor from elevation to facilitate the previous prior approval for residential conversion. The approved elevation also meets the requirements of the altered layout proposed in this current application.

Conclusion

The proposed change of use is considered acceptable in relation to the conditions and limitations detailed and discussed above.

6. CIL LIABILITY

No new floorspace is being created and the building has been occupied for a lawful use for at least six months continuously in the last three years, as such the proposal is not liable for CIL.

7. RECOMMENDATION

Prior approval be 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 10 dwellinghouse (Class C3) subject to the following conditions:

Conditions:

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

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

- 2 The prior approval hereby approved must be carried out in complete accordance with the following approved plans and drawings, other than where those details are altered pursuant to the conditions of this planning permission:

P01 – Proposed Ground & First Floor Plans;
P02 – Proposed Second Floor & Roof Plans;
P03 – Proposed Front & Side (Left) Elevations;
P04 – Proposed Rear & Side (Right) Elevations;
P05 – Proposed Sections; &
P06 – Proposed Bin & Cycle Storage Details.

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

- 3 The accommodation hereby approved shall 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.

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

- 4 The development shall not be occupied until the internal cycle storage arrangements shown on approved drawing numbers P01 and P06s have been provided. Once implemented the storage spaces shall be retained thereafter for the lifetime of the development, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan 2021 minimum cycle parking standards and the London Cycling Design Standards, policy T5 of the London Plan 2021, Policy SP7 of the Haringey Local Plan 2017 and to maximise the accessibility of the development.

- 5 Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information.
- b. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- c. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed 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.
- d. 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.
- e. Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out and 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.

- 6 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.

Reason: 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: Asbestos

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.