

Officer Report

Application Number:	HGY/2026/1779
Application Type:	Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Address:	Aztec House, 397-405 Archway Road, Hornsey, London, N6 4EY
Proposal:	Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA
Case Officer:	Anna Anderson
Valid Date:	23/06/2026
Applicant:	6 Stolitsa Limited
Agent:	Eliana Glazer

RECOMMENDATION

Approve with Conditions

1. DESCRIPTION OF APPLICATION

This is an application to determine if prior approval is required for a proposed Change of Use from commercial/business/service (Class E) to dwellinghouses (Class C3). The application is submitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically Schedule 2, Part 3, Class MA.

The proposal includes the change of use of the upper floors on the first, second and third floor from office (Class E(g)(i), formerly B1(a)) to residential dwellings (Class C3) with associated cycle and car parking in the rear yard.

2. PLANNING HISTORY

The relevant planning history in relation to this site is as follows:

397-405 Archway Road, Hornsey, London, N6 4EY

OLD/1984/0037 – Erection of 4 storey office building with 16 car spaces – Approved 20/03/1984

OLD/1988/0046 – Change of use of ground floor from office to car showroom – Approved 29/11/1988

HGY/2005/0538 – Change of use of car showroom to retail (Class A1) – Approved 12/05/2005

3. SITE DESCRIPTION

The application site relates to a four-storey building located on the corner junction of Archway Road and Bishops Road, with retail use at the ground-floor level and office space above on the first, second and third floors (Class E(g)(i), formerly B1(a)). The ground-floor level provides active frontage onto Archway Road and is currently operating as a Topps Tiles store.

The building is not listed nor adjacent to any listed buildings, however it is located within the Highgate Conservation Area.

The site has a Public Transport Accessibility Level (PTAL) of 4. It is close to Highgate Underground station (0.32km away) with excellent bus links.

4. CONSULTATION RESPONSES

The following consultation responses were received:

- LBH Conservation:
 - o Concern that submitted planning statement does not discuss conservation area conditions
 - o No information on sustainability impact of commercial part of conservation area has been provided, however given already separate nature of rear access this is not considered to be likely
 - o The main issue would be impact on character of Conservation Area
 - o Rear yard is open to the street and the proposals would include more ancillary structures within the yard and alterations to the hard landscaping to facilitate these
 - o This would have an impact on appearance of Conservation Area and its character
 - o Wording of GPDO does not specify the nature, nor amplitude of the impact of the conservation area as criteria in this assessment, but that if it has an impact then this requires a further assessment to be carried out

Officer comment: These matters are dealt within the report below.

- LU/DLR Infrastructure Protection: No comment

In accordance with the procedure for applications for prior approval under Part 3 Paragraph W, letters were sent to adjoining owners/occupiers of neighbouring properties; no comments were received in response.

3. ANALYSIS/ASSESSMENT

Relevant Legislation

The application is being made pursuant to 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 dwellinghouses (Class C3).

This application seeks prior approval for a change of use of the upper floors on the first, second and third floor from office (Class E (g)(i), formerly B1(a)) to residential dwellings (Class C3) with associated cycle and car parking in the rear yard.

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

(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;

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

Comment: The relevant part of the building is understood to have been within a form of Class E use for a continuous period of at least 2 years; the Agent has provided evidence in the form of a Business Rate Bill, gas invoice and link to an online listing marketing the premises as office space. Whilst there is ambiguity with regards to when the marketing took place, the building was originally granted planning consent to be used as offices, and there is no evidence before the Council to counter the claim that the relevant part of the building has not been used as one of the use classes within Class E for the relevant period.

(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;**

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

(e) if the building is within—

- (i) an area of outstanding 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.**

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

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

Comment: The 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 part of the building is subject to a condition of planning consent limiting it to purposes falling within Office use.

The original planning consent for the site is reference OLD/1984/0037 and does not contain any conditions restricting the use of the upper floors of the building to Office use.

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.

Transport impacts of the development

The transport impacts of the development, particularly to ensure safe site access have been considered.

Policies TR3, TR4 and TR6 of the National Planning Policy Framework (NPPF 2026) are focused on ensuring that development is located where it can support sustainable patterns of movement, give priority first to walking, wheeling and cycle movements, minimise scope for conflict between pedestrians, cyclists and vehicles and provide a suitable number of parking spaces.

Policy TR6 sets out that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.

The site has a Public Transport Accessibility Level (PTAL) of 4 and is close to Highgate Underground station (0.32km away) with excellent bus links. The means of access into the site do not give rise to safety concerns from a highway safety perspective, with pedestrian access to the rear entrance possible from the public highway on Bishops Road.

The submitted Transport Statement also finds that the residential use is anticipated to generate a lesser overall level of travel demand than the office use.

As part of the proposal future residents will not be permitted to apply for on-street parking permits, secured by a legal agreement between the owner and the LPA. A Grampian condition is attached to ensure the legal agreement is made prior to commencement of the development. Two disabled car parking spaces in the rear car park will be allocated for the residential units, which represents 11.1% provision.

22 long stay and 4 short stay cycle parking spaces will be provided meeting the requirements of Policy T5 of the London Plan. A condition is attached to ensure the 26 cycle parking spaces will be added and retained in perpetuity.

The proposal is deemed acceptable regarding transport impact.

Contamination risks

The LPA are required to assess any contamination risks, taking account of any proposed mitigation measures, and in this instance, there are no heavy industrial uses nearby, with the site being in an area that is predominantly office, commercial and residential. On this basis there are no contamination risks in relation to the building or proposed development.

Flood risk

There are no flooding risks in relation to the building or proposed development, given that the proposed conversion would be located at upper floor level in an existing building.

Impact of noise

There are no identified adverse impacts of noise from commercial premises nor nearby commercial mechanical equipment so as to negatively affect the intended occupation of the residential units created by this change of use.

Impact of change of use on character or sustainability of the conservation area

The development must involve a change of use of the whole or part of the ground floor for the impact of that change of use on the character or sustainability of the conservation area to be a consideration.

The Heritage Officer raised some concern that the submitted planning statement did not discuss conservation area conditions, including impact on the sustainability of the existing commercial use; however, given the already separate nature of the residential use rear access this is not considered to be likely. Notwithstanding this, the proposals include ancillary structures in the form of waste/recycling and cycle storage within the yard, and alterations to the hard landscaping to facilitate these, which would have an impact on the appearance and character of the conservation area.

More information was requested from the Agent to address the impact of the change of use on the character of the conservation area. A response from Allsop dated 12th August 2026 highlighted the

existing ground floor premises will be largely be retained as existing, with the development not involving the loss of retail use at the ground floor. The increase in refuse and cycle facilities to the rear of building in the car park would comprise changes to hard landscaping, however, the statement argued that these would not adversely affect the character of the conservation area but instead provide a positive impact by removing the existing car park barrier, commercial signage, plant and smoking area facilities. There would be no external changes impacting the appearance of the building itself.

Given the ground floor would retain its original retail use and there would be no changes to the external appearance of the building, with only minor ancillary changes in the form of ancillary at the far end of the rear service yard area, the change of use would not materially harm the character or appearance of the conservation area, satisfying requirement (e) of Class MA.

Conditions shall be imposed on the development for further details of the bin and cycle storage to be submitted and approved prior to commencement of works on the development.

Provision of adequate natural light

Paragraph W.-(2A) of Part 3 of the GPDO 2015 states that "Where the application related 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 habitable rooms of the dwellinghouses."

The BRE Guide recognises the importance of receiving adequate daylight within new residential accommodation; it states that "Daylight provision in new rooms may be checked using either of the methods in BS EN 17037 Daylight in Buildings: direct prediction of illuminance levels using hourly climate data, or the use of the daylight factor (D). Both are measures of the overall amount of daylight in a space. The daylight factor (D) addresses daylight provision as a ratio of unobstructed external illuminance under overcast sky conditions." (para 2.1.8).

As per the drawings and Internal Daylight Assessment submitted it is shown that all habitable rooms will be well served by natural light and outlook. Overall, the submitted information demonstrates the provision of adequate natural light in all habitable rooms of the proposed dwellinghouses.

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

The criteria is not relevant in relation to the assessment of this application.

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

The criteria is not relevant in relation to the assessment of this application.

Space standards

The floorplans showing the total floorspace in square metres in relation to the dwelling unit(s) has been submitted with this application and complies with the nationally described space standards, which require 37m² of floorspace for a new one bed flat with a shower room and 39m² for a new one bed flat with a bathroom.

Of the 18 total units:

10 x 1 bed 1 person units: the one with a shower room is 37m² with 1m² built in storage, and the nine with a bathroom are at least 40m² with 1m² built in storage.

8 x 1 bed 2 person units with a bathroom: are all at least 50m² with 1.5m² of storage space.

Fire safety

There is a requirement for fire risk to be considered in relation to certain building types. The size of the building here does not require fire safety impacts on the intended occupants of the building to be considered at planning application stage; Building Regulations and other statutory fire safety requirements still however will apply. A Fire Statement has been submitted to satisfy the requirements of London Plan Policy D12 (A and B) and BS9991: 2015 and BS9999:2017 have been used to demonstrate compliance with the Part B (Fire Safety) functional requirements of the Building Regulations 2010 (as amended).

Building operations

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

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 it is understood that the building has been occupied for a lawful use for at least six months continuously in the last three years, as such if this is the case, the proposal would not be liable for CIL.

7. RECOMMENDATION

GRANT PRIOR APPROVAL subject to the following conditions:

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 (GPDO) for the change of use from commercial/business/service (Class E) to 18 dwellinghouses (Class C3) subject to the following conditions:

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Approved drawings list:

Site Location Plan;
ARC_C01a6;
ARC_C02a6;
ARC_C03a6;
ARC_C05a6;
ARC_C06a6;
ARC_C07a6;
ARC_C08a6;
ARC_C09a6;
ARC_C10a6; and
ARC_C11a6.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The accommodation hereby approved shall be used as dwellinghouses by virtue of Class MA and are to remain in use as dwellinghouses 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 Notwithstanding the approved plans, prior to the commencement of works on site, further details of cycle parking spaces that meet the London Cycle Design Standards for 22 long-stay and 4 short-stay cycle spaces, shall be submitted to, and approved in writing by the Local Planning Authority. The approved cycle parking shall be fully installed prior to the first occupation of the dwellings and maintained thereafter.

Reason: To promote travel by sustainable modes of transport and to comply with policies TR3, TR4 and TR6 of the National Planning Policy Framework 2026.

- 5 No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy D4 of the London Plan 2021.

- 6 Prior to commencement of all works on site, the Owner shall enter into a legal agreement with the Council to secure that the occupiers of the additional residential units created by the development shall not be eligible to obtain residents' parking permits or visitor parking permits within the local Controlled Parking Zone, save for persons who are entitled to such permits by virtue of a statutory disability exemption or any successor legislation.

Reason: To promote sustainable travel patterns, minimise reliance on the private car, and ensure the development does not generate additional on-street parking demand, in accordance with London Plan Policies T6 and T6.1, Policy SP7 of the Haringey Local Plan (2017), and Policy DM31 of the Development Management DPD (2017).

- 7 Prior to the occupation and any demolition/construction work on the existing building, 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. Where there is a need for any asbestos removal on the site, 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.

- 8 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: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (street.naming@haringey.gov.uk) to arrange for the allocation of a suitable address. In order to proceed with 'Street Naming and Numbering', please use the following web link: <https://www.haringey.gov.uk/streets-roads-travel/street-licences-applications/streetbuilding-naming-numbering>

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: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.