

## Planning Statement

November 2023

### Prior Approval Class MA

**716 Seven Sisters Road, Tottenham, London N15 5NE**

This application seeking prior approval follows a similar application approved by Haringey Council on 23 June this year- planning ref: HGY/2022/4313. That confirmed that prior approval was not required for the change from a plumber's materials shop to a residential flat. This application follows the same procedure but provides an improved internal layout for the ground floor. The upper floors are not affected by this application as already in residential use.

#### Proposed Development and Class of GDPO.

The proposed change of use is Permitted Development subject to Prior Approval of the Haringey Council by virtue of 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 - except offices in relation to certain parts of the Borough) to a dwellinghouse(s) (Class C3).

Prior Approval is sought for a change of use of the vacant ground floor retail premises (Use Class E) to residential use (Use Class C3) comprising one two-bedroom flat.

For simplicity a table below runs through the specific legislation of Class B and considers the limitations and any conditions.

|                                                                                                                                                                                                                                                                                                                                                                                                   |          |
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| Criteria against which the proposal is assessed:                                                                                                                                                                                                                                                                                                                                                  |          |
| The main consideration in this case is the compliance of the proposal with the criteria specified in Schedule 2, Part 3, (Development Within the Curtilage of a Dwellinghouse), Class MA (change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses)) of the Town and Country Planning (General Permitted Development) (England) Order 2015. |          |
| Development is NOT permitted by Class MA if:                                                                                                                                                                                                                                                                                                                                                      |          |
| MA.1 Criteria:                                                                                                                                                                                                                                                                                                                                                                                    | Complies |
| (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;<br><b>The site is still vacant since the last Prior Approval application. See also application form.</b>                                                                                                                                | Yes      |
| (b) unless the use of the building fell within Class E for a continuous period of at least 2 years prior to the date of the application for prior approval;<br><b>As confirmed by the extant permission and from the planning history and council records. Last use was West Point Plumbers Merchant shop from 2018 to 2022.</b>                                                                  | Yes      |
| (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;<br><b>The proposal is ground floor change of use of 68 sq m and confirmed on the proposed plans.</b>                                                                                                                                                                          | Yes      |
| (d) if land covered by, or within the curtilage of, the building—<br>(i) is or forms part of a site of special scientific interest;<br>(ii) is or forms part of a listed building or land within its curtilage;<br>(iii) is or forms part of a scheduled monument or land within its curtilage;<br>(iv) is or forms part of a safety hazard area; or                                              | Yes      |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |     |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|     | (v) is or forms part of a military explosives storage area;<br>None of the above designations cover or apply to the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |     |
| e)  | if the building is within an area of outstanding natural beauty/ National Park<br><b>Not applicable.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Yes |
| (f) | if the site is occupied under an agricultural tenancy<br><b>It is a shop.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Yes |
| (g) | before 1 August 2022, if—<br>(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<br>(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.<br><b>The proposed development is not office to resi and in any case the site was not covered by an Art 4 Direction.</b> | Yes |

MA.2 of the legislation confirms that if the proposal meets or complies with the limitations above then further conditions need to be considered as part of the prior approval process to confirm if approval by the Local Authority is required or not:

Development is permitted by Class MA subject to the following conditions –

- 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.

Each of these will be considered in turn.

### **Transport and access**

The site is highly accessible with bus routes serviced from the main road with Stops Elizabeth Road TR and TX within 100m of the site on Seven Sister Road. Access to tube and Overground services at Seven Sisters are less than 5 minutes walk to the north east with further services south from Manor House and Finsbury Park beyond. The proposed change of use does not give rise to a material increase or change in current likely traffic volumes in the vicinity and there would be no such

increase in traffic due to the proposed change of use. The proposed access to the site will not be changed. Refuse will continue by sack collection for the proposed occupiers as it already does for the existing residential unit above.

### **Contamination**

There are no known contamination risks. The site has been used as a plumbing merchants retail shop for many years, since around 2018 and prior to that a motor-factors shop. Members of the public have been accessing the shop from the main road and no contamination has been recorded nor any hazardous materials stored on site. No internal works would affect the foundations of the site. As confirmed by the previous Prior Approval granted earlier this year it was considered that the site should not be considered contaminated land as described in Part 2A of the Environmental Protection Act 1990 (a). Based on the above, there are considered to be no contamination risks in relation to the building.

### **Flooding**

The application site is not within a flood risk zone 2 or 3 and no known flooding from surface water, drains or rivers has occurred on site as confirmed by the previous Prior Approval. Only major sites that have critical drainage problems need to be notified to the Environment Agency, this being a minor application it complies with paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order so the EA do not need to be consulted.

### **Noise**

There are no known noise from commercial properties that would impact on future occupiers. There is a residential property in the building above and also adjacent and no known complaints have been made to Environmental Health.

### **Conservation Area**

The site is not within a conservation area so no further assessment of other uses is required.

### **Daylighting**

The proposed development will be dual aspect. All habitable rooms will have a window and in the case of the lounge and master bedroom will also have a door. The extant permission confirms that the site provides adequate daylighting to the ground floor flat. The lounge at the front corner will have to large windows which are 3m wide each on both elevations. The bedrooms will have side windows facing onto Gourley Street, those being 1m wide.

Impact in relation to nearby general or heavy industry, waste management, storage and distribution  
Uses also in relation to loss of services provided by a registered nursery, or a health centre

As confirmed by the Officer's Report these criteria are not relevant in relation to the assessment of this application and in any case there are other residential properties nearby, including above in the same building and opposite.

### **Space Standards**

The proposed two-bedroom, three person flat exceeds the minimum requirements laid out by the nationally described space standards. The overall GIA being 68 sqm when the minimum requirement is 61 sqm. Room sizes have also been detailed on the proposed plan.

### **Fire Safety**

The site is 3 storeys in height and less than 18m therefore no further fire safety impacts are required for assessment. Clearly Building Regulations will still be complied with and the proposed change of use is entirely on the ground floor and means of escape can be gained through the doors and windows directly to the street.

### **CIL**

No new floorspace is being created and part of 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.

### **Conclusion**

Therefore, the proposed works are considered lawful because they adhere to the limitations and conditions of Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval should again not be required.