



Officer Report

Application Number:	HGY/2023/2816
Application Type:	Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Address:	852-858 High Road, Tottenham, London, N17 0EY
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:	Zara Seelig
Valid Date:	19/10/2023
Applicant:	Mr B Spivack
Agent:	Mr Jamie Campbell

RECOMMENDATION

GRANT PRIOR APPROVAL

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application to determine if prior approval is required for a proposed Change of Use from commercial/business/service (Class E) to a dwellinghouse (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.

Site and Surroundings

The site is a three storey building located on the Eastern side of High Road and works relates to the first and second floors. The immediate surrounding area is pre-dominantly residential in nature above Ground Floor Retail along this part of High Road. The site is located within the THRHC/North Tottenham Conservation Area, it is not a listed building, there are locally listed buildings adjacent to the site.

Planning and Enforcement history

The planning history in relation to the application site is as follows:

PRE/2023/0077 - Conversion of the first and second floor office space into 8 residential units under Permitted Development or Planning Permission (suitability to be advised). Extension at second floor/roof level to provide additional 9th residential unit under Planning Permission. – The prior approval element could be largely considered acceptable with some minor layout/design changes.

2. CONSULTATION RESPONSES

Adjoining owners/ occupiers of neighbouring properties were consulted.

Internal consultations:

- Transportation Team: Consulted – comments in the transport section of the report

External Consultations:

- Greater London Archaeological Advisory Service: Consulted – comments as follows:

On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England's Greater London Archaeological Advisory Service under their consultation criteria, details of which are on our webpage.

The following responses were received from the adjoining/ neighbouring owners.

1 response received:

Objection:

This application is for Barclays Bank which will be a major loss if this building is not kept as a bank as it has been a major part of customers lives for so long and is very busy, where will people go for Business/personal banking if this bank closes.

Strong objection on the following grounds:

- 1) We believe that the planning committee should have regard to the benefit and amenity to the local community of the pub and the beer garden which has operated from the premises for many years. The proposed change of use to turn this property into dwellinghouses are likely to create difficulties with our license and threaten a community asset.
- 2) Because of the 10 no. windows at the side facing onto our garden area and the 24 no. windows at the rear looking into the rest of our garden if these premises were turned into residential, there will be an impact of noise from our premises and garden area especially on match days and regular days as we open till 01:30 on the intended occupiers of the development.

Officer comment: The proposal is for the conversion of the upper floors from offices to residential, the Barclays Bank unit on the ground floor remains as is, as far as this application is concerned.

3. ANALYSIS/ASSESSMENT OF THE APPLICATION

Application under 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 (Class C3).

This application seeks prior approval for a change of use of the two vacant upper floor office premises (Use Class E) to residential use comprising 8 self contained flats (Use 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

Criteria	Comment	Complies
(a) unless the building has been vacant for a	Complies	Yes

continuous period of at least 3 months immediately prior to the date of the application for prior approval;		
(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	Yes
(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;	Approximately 652 sqm of floorspace would be changing use.	Yes
(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	Yes
(e) if the building is within an area of outstanding natural beauty/ National Park	N/A	Yes
(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.	N/A. The proposed development does not fall within Class O.	Yes

Conditions of Prior approval

4.4 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.

Whilst this application is made pursuant to Class MA of the GDPO (2022, as amended), Haringey Local Plan policy DM31 states that in order to promote sustainable growth in Haringey and reduce the impact of car parking, new development must reduce the impact of car parking in any development located in areas of good public transport accessibility. This approach is supported by Policy T6 of the London Plan which requires car-free development to be the starting point for all development proposals that are well-connected by public transport.

The transport officer commented as follows:

- They will need to provide the 14 bikes, which should be secured via a condition to be in accordance with the London Plan 2021 T5 Cycle and designed to TfL's LCDS. Plans should be submitted for approval.
- They should sign a S106 agreement so that they cannot enter into any of the local CPZs for parking permit. This is to comply with DM32.
- The developer will need to provide a Construction Management Plan (CMP) in detail and scope that is proportional to the size of the development for approval to the Highway Authority. Although, as it is within the area within Tottenham that Mark Thirkell looks at it could need a Construction Logistics Plan (see wording Below) which would be secured via a S106 obligation.
- The standard stuff around refuse collection.

Comment: In respect of the comments concerning a CMP, given the limitations with 'prior approval', specifically in the case here that it relates to the conversion of existing accommodation, with the site here also benefiting from a large parking area to the rear, there is no policy basis to ask for a CMP.

Contamination risks

The development is for a change of use of the existing floorspace; no external works are proposed, and no internal alterations that would affect the foundations of the buildings are proposed. It is stated by the applicant that the site has no history of contamination; therefore, it is 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.

Flood risk

The application site does not lie within a flood risk zone and as the proposal relates to the upper floors, there is no concern to the proposal in terms of flood risk.

Impact of noise

There is going to be an element of harm in terms of noise impact on the proposed residential units due to the commercial uses adjacent to the site, however, the impact is not considered to be any greater than that to the residential properties adjacent to the garden area of the coach and horses pub in Cooperage Close etc. There are numerous residential properties adjacent to the pub. The future occupiers of the development would be aware the pub is located adjacent, and it is at the discretion of future buyers/occupiers to inhabit these properties.

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

The principle of converting the upper floors of this building to residential would not adversely impact the conservation area, there is consistent residential use within this area of the high road on upper floors and so would not be out of character. There are no external works proposed under this application other than a bin store and cycle store that would be located in the car park to the rear of the building and an additional door to the front elevation to facilitate a separate residential entrance from the commercial ground floor unit. This is not considered to alter the character or appearance of the conservation area.

Provision of adequate natural light

The applicant has submitted a daylight/sunlight report prepared by Hawkins Environmental has assessed the internal lighting standards for the proposed flats using the methodology recommended in the BRE guidelines, Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition, 2011) and adopted BS EN17037:2018 'Daylight in buildings'. The assessment confirms that the proposal will provide good quality accommodation including adequate internal daylight and sunlight levels.

As per the drawings and information submitted with this application the proposed change of use is considered acceptable in relation to the provision of adequate natural light.

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

This 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

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

Space Standards

Floorplans showing the total floorspace in square metres in relation to the proposed self contained units has been submitted with this application and complies with the nationally described space standards.

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.

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.

Conclusion

The proposed change of use does meet the conditions and limitations detailed and discussed above.

4. 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.

5. RECOMMENDATION

GRANT PRIOR APPROVAL subject to 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 8 no. self contained flats (Class C3) subject to the following conditions:

- (1) The development must be completed within a period of 3 years starting with the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the approved plans set out in the decision notice.
- (3) 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.
- (4) No occupation of the flats hereby approved shall take place until details of waste/refuse storage has been submitted to and approved by the Local Planning Authority.
- (5) No occupation of the flats hereby approved shall take place until details of 14 no. secure and sheltered cycle storage has been submitted to and approved by the Local Planning Authority.
- (6) The residential units hereby permitted shall not be occupied until such time as the relevant Traffic Management Order (TMO) controlling on-street parking in the vicinity has been amended so that the residential units are defined as 'car free' and therefore no residents therein will be entitled to apply for on street residents parking permit.

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.

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.

Conditions:

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Informatives:**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.

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