

Officer Report

Application Number:	HGY/2022/4003
Application Type:	Full planning permission
Address:	Land to the East of Cross Lane, Hornsey, London, N8 7SA
Proposal:	Change of use of Commercial Units 2, 3 and 4 (Ground & First Floor Block A) from Business & Offices/Dentist (Use Classes B1a/D1) to Commercial, Business and Service (Use Class E)
Case Officer:	Valerie Okeiyi
Valid Date:	
Applicant:	c/o Agent
Agent:	Mr Ben Young

RECOMMENDATION

Approve with Conditions

1. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

2.1. This is an application for the change of use of commercial units 2, 3 and 4 on the ground and first floor of block A, from Business/Offices/Dentist (Use Class B1a/D1) to allow it to be occupied to a wider variety of commercial uses (Use Class E).

Site and Surroundings

2.2 The site forms part of the Cross Lane Industrial Estate and is located on land to the east of Cross Lane. The new mixed-use development known as Granita Court and Glace Apartments ranges from 5 to 7 storey's in height and was granted on the site in 2017 under appeal reference; APP/Y5420/W/16/31645389. The residential component of the development is occupied and the commercial units within the development have been constructed to shell and core and are currently vacant. Immediately south of the site is Cross House which is occupied by a two-storey brick building that fills the majority of the site and is currently occupied by Palm Recording studios. There was recently a resolution to grant planning permission for a mixed used development under planning reference HGY/2021/1909. Further south of the site is Pool Motors also known as 7 Cross Lane which recently received planning permission for a 5 and 6 storey mixed use development (HGY/2020/1724). To the west of the site is Smithfield Square ranging from 4 to 8 storey's in

height, and to the east and north is New River Village (Blake Building and Amazon building) ranging from 3 to 8 storeys

2.3 The site adjoins the Hornsey Water Works and Filter Beds Conservation Area to the north and south. There are two buildings to the south of the site on Hornsey High Street, over 50 metres away which are statutorily listed, as is the public house to the south-west of the site.

2.4 Access to the site is from Cross Lane, which leads to Hornsey High Street to the south. Pedestrians and cyclists can access New River Avenue to the north. The site has a PTAL level of 3, which is ranked as 'medium' access to public transport service.

2.5 The site falls within the designated Local Employment Area: Regeneration Area and Critical Drainage Area. The site also falls within Site Allocation SA47 'Cross Lane' of the Site Allocations DPD, which allocates the site for the redevelopment of the industrial estate for employment-led mixed use development with residential uses.

Relevant Planning and Enforcement history

2.6 The most recent planning history in relation to the site and its neighbours is as follows;

HGY/2016/0086 – Smithfield Yard (former land to the east of Cross Lane) - Erection of a part seven-storey, part five-storey development (plus basement parking) to create 69 residential dwellings and 1,009sqm of flexible business (B1a) floorspace with associated access, landscaping, car parking and other infrastructure – Allowed under appeal - reference APP/Y5420/W/16/3165389

HGY/2020/1724 – Pool Motors (7 Cross Lane)- Demolition of existing buildings and erection of two buildings of six storey (Block B) and five storey (Block A) comprising flexible commercial floorspace (Use Class A1, A2, B1(a-c), B8, D1 and D2) at ground floor level of Block A and housing including associated hard and soft landscaping, refuse and recycling storage and car parking and cycle storage – Granted 29/06/2021

HGY/2021/1909 – Cross House - Demolition of existing building; redevelopment to provide business (Class E(g)(iii)(light industrial) use at the ground, first and second floors, residential (Class C3) use on the upper floors, within a building of six storeys plus basement, provision of 7 car parking spaces and refuse storage – Resolution to Grant March 2023

HGY/2022/2457 – Smithfield Yard (former land to the east of Cross Lane) -Change of use of Commercial Unit 1, Ground Floor Block A, from Business/Offices (Use Class B1) to a children's nursery (Use Class E(f) – Grant – Granted 20/10/2023

3 CONSULTATION RESPONSE

3.1 The responses below were received following consultation on the application:
Internal:

1) LBH Waste Management:

As this is about the commercial activities at the address rather than any fundamental changes to the waste and recycling storage provision, I don't have any further comments to add to what's already been submitted through the planning application process.

2) LBH Transportation Team:

Proposed Development

Change of use of Commercial Units 2, 3 and 4 (Ground & First Floor Block A) from Business & Offices/Dentist (Use Classes B1a/D1) to Commercial, Business and Service (Use Class E)

Site Context

The site has a PTAL of 3, indicating it has 'moderate' access to public transport services. Controlled Parking Zone – the site is not currently located within a CPZ.

Car Parking and Access

The application will include provision for 2 disabled user parking spaces within the basement car park. This will be provided by converting three of the 23 standard residential car parking spaces into two 'Blue Badge' holder parking spaces. There is no standard car parking provision for the commercial units.

Servicing and Delivery

Cross Lane has a single lane access/egress from its junction with Hornsey High Street. However, there is room for vehicles to manoeuvre to be able to both enter and exit Cross Lane in forward gear. The existing servicing and delivery arrangements for the wider site will continue to be used.

The approved DSP outlines that commercial deliveries and refuse collections would be accommodated within a turning head and delivery bay accessed via Cross Lane shared with the residential users which is currently operating successfully. A Delivery and Servicing Plan manager has been appointed by the site management company and this role includes effectively managing the demands of multiple occupiers at the site. These arrangements should therefore remain suitable for the Class E units going forward.

Overall, it is not considered that the potential trips generated from the proposed change of use would have a detrimental or unacceptable impact on the highways.

Cycle Parking

The application site includes provision for cycle parking. The proposed change of use to Class E allows for a broad range of occupiers and potentially with corresponding variation in requirement for cycle parking.

The applicant will need to demonstrate that the cycle parking is compliant with the London Plan and London Cycle Design Standards for the specific occupier of each unit. This could be secured by condition.

A condition is recommended requiring provision of showers and lockers to be provided prior to occupation.

Decision

There are no transport objections regarding this application subject to the following planning conditions:

Conditions:

1. Cycle Parking

The applicant will be required to provide cycle parking and supporting provision for showers and lockers in line with the London Plan (2021) standards and the London Cycle Design Standards, for specific occupier of each unit.

Reason: Given the wide range of uses / occupiers permitted with Class E, to ensure suitability of occupier specific provision to promote travel by sustainable modes of transport and to comply with the London Plan (2021) minimum cycle parking standards and the London Cycle Design Standards.

4 LOCAL REPRESENTATIONS

4.1 The application has been publicised by way of letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 14

Objecting: 13

Supporting: 1

Neither: 0

4.2 The issues raised in representations that are material to the determination of the application are summarised as follows:

Land Use

- The commercial unit has been vacant for a long period of time
- Pressure on existing facilities
- The commercial units should benefit the community
- Use Class E proposed is too wide and should be restricted

Impact on neighbours

- Noise pollution from the commercial units

Parking, Transport and Highways

- Road safety concern
- Parking pressures
- Increased traffic generated
- Cross Lane is too narrow
- Access concerns

Environment and Public Health

- Waste management concerns
- Noise and disturbance from ongoing construction works
- Pressure on drainage system
- Flooding concerns
- Anti-social behaviour

4.3 The following issues raised are not material planning considerations:

- Impact on property values (Officer Comment: This is not a material planning consideration)

5 MATERIAL PLANNING CONSIDERATIONS

5.1 The main planning considerations raised by the proposed development are:

1. Background
2. Principle of development;
3. Design and appearance;
4. Impact on neighbouring amenity;
5. Parking and Highways;
6. Conclusion

5.2 Background

5.2.1 An appeal was upheld / allowed for the erection of a part seven-storey, part five-storey development to create 69 residential dwellings and 1,009sqm of flexible business floorspace with associated landscaping, car parking and other infrastructure (APP/Y5420/W/16/3165389) in November 2017.

5.2.2 Condition 23 of the appeal decision (APP/Y5420/W/16/31645389) restricted the use of the commercial units approved to B1 use class uses only, with use for any other purposes requiring the submission of a planning application. Planning permission was granted in July 2020 for the Variation of Condition 23 in order to allow an element of D1 use to be incorporated within Commercial Unit 2 on the ground floor of Block A (Planning Reference: HGY/2020/0633)

5.2.3 The original development that was granted planning permission in November 2017 has now been substantially completed with the first residential occupation of the development taking place in 2020. All of the commercial units within the development have been constructed to shell and core, however despite extensive marketing, they are yet to be brought into use.

5.2.4 Planning permission was recently granted in October 2023 for the change of use of unit 1 on the ground floor of Block A, from Business/Offices (Use Class B1) to a children's nursery (Use Class E(f)) (Planning Reference HGY/2022/2457. The D1 use granted under planning permission reference HGY/2020/0633 for unit 2 in Block A has never come to fruition and this unit has remained vacant. The change of use of units 2, 3 and 4 on the ground and first floor of Block A to Use Class E would bring these commercial units that has been vacant since its original construction into active use.

5.3 Principle of development

Class E

5.3.1 The current employment floorspace provision on this site, which comprises four commercial units on the ground and first floor of block A totals 1,009sqm. The proposal seeks to remove the restrictions with Use Class B1a/D1 and change the use of three of the four units (Unit 2, 3 and 4) which is located on the ground and first floor (as shown on drawing number 352.PA.03.04 and 352.PA.03.05) to wider Class E Commercial, Business and Service (Use Class E).

5.3.2 The proposal would not require an assessment against Site Allocation SA47 which identifies the site for a mixed-use development comprising employment and residential uses as the change of use would not result in the loss of B1a/D1 commercial floorspace as the former use class B1a has been replaced with the new Class E (g) and use class D1 has been replaced by new Classes E (e-g). Notwithstanding this, Class E more broadly covers other commercial uses.

5.3.3 The proposed changes of use is sought to allow the units to be more attractive to a wider variety of commercial uses, and more likely to be occupied for the first time since they were originally constructed in 2020

5.3.4 The planning statement states that 'in support of the application, the applicant has obtained specialist advice from Strettons, the commercial property agents who have been jointly marketing the commercial units since June 2018. They have considered each of the various sub-categories of uses within Class E and the suitability of each for the Cross Lane site. In summary, Stretton's considered that all of the uses are appropriate for commercial units 2, 3, and 4, albeit Class E(b) sale of food and drink for consumption (mostly) on the premises may only be suitable on the basis that such an occupier does not require any form of extraction or ventilation.

5.3.5 The proposals to allow the remaining Commercial Units 2, 3 and 4 to be occupied within wider Class E would make them significantly more attractive to the commercial property market and would provide significant and demonstrable economic benefit by bringing vacant commercial floorspace into active use (for the first time since its completion in Summer 2020), helping to contribute positively to the vitality and viability of the area by increasing the chances of introducing and maintaining an active commercial frontage to the mixed-use redevelopment of this site at Cross Lane. To support economic growth, Paragraph 86 (d) of the National Planning Policy Framework 2023 (hereafter referred to as the NPPF) seeks to be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances.

5.3.6 Paragraph 5.1.13 of Local Plan Policy SP8 states that Local Employment Areas will be treated more flexibly and uses that generate employment not included in the B use class will be considered. Some of these activities fall outside the confines of the B class uses that are characteristic of those in the Industrial Locations but, nevertheless, provide a source of employment and contribute to the local economy.

5.3.7 Paragraph 6.9 of Local Plan Policy DM38 states that new business floorspace needs to be designed to both support growth and respond to changing economic circumstances. Proposals should therefore incorporate flexible design features to ensure that development is adaptable to the needs of a range of employment uses and end users over its lifespan.

5.3.8 The proposed change of use to Class E would therefore bring the commercial units that have been vacant since its original construction into active use and Class E is considered to be an appropriate use for these units (Unit 2, 3 and 4) having exhausted the market for B1a purposes. The proposal would also contribute to employment generating uses which meets Local Plan Policy SP8 and the site allocation requirement (SA47). As such the principle of a Class E is acceptable in land use terms, subject to all other relevant planning policy and other considerations also being acceptable as discussed below.

5.4 Design and appearance

5.4.1 London Plan (2021) policies emphasise the importance of high-quality and seek to optimise site capacity through a design-led approach. Policy D3 of the London Plan 'Delivering good design' states that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to street hierarchy, building types, forms and proportions.

5.4.2 Local Plan Policy SP11 (2017) and Policy DM1 of the DM DPD seek to secure the highest standard of design which respects local context and character to contribute to the creation and enhancement of Haringey's sense of place and identity. Policy DM1 'Delivering High Quality Design' of the DM DPD requires development proposals to meet a range of criteria having regard

to the following: building heights; form, scale and massing prevailing around the site; urban grain; sense of enclosure and where appropriate following existing building lines; rhythm of neighbouring or local regular plot and building widths; active, lively frontages to public realm; and distinctive local architectural styles, detailing and materials.

5.4.3 Externally the building will remain unchanged. The entrances into the building and all other fenestration/openings will remain as existing.

5.5 Impact on neighbouring amenity

5.5.1 London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

5.5.2 Policy DM1 'Delivering High Quality Design' of the DM DPD states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

5.5.3 The proposal will not result in any material loss of amenity regarding loss of daylight / sunlight / enclosure or overshadowing as there are no extensions proposed. No new windows are proposed in the building therefore no material loss of privacy or overlooking would occur.

5.5.4 Noise pollution has been cited as a concern. Officers consider that Class E uses can be compatible uses within a residential area and this particular location is one of many 'commercial' land uses which has been a requirement for developments to provide as part of the Site Allocation. Furthermore, it is not unusual for Class E uses to operate within residential areas and can do so without causing material levels of nuisance and other material adverse impacts on the amenity of surrounding residents. The imposition of conditions relating to controlling noise levels and hours of use can further mitigate material impacts on amenity. Therefore, in order to address any noise and disturbance concerns from the Class E units a conditions will be imposed ensuring a noise management strategy is to be submitted and approved before each Class E unit first operates. Details of any ventilation or extraction systems to be used would also need to be provided before any new use commences (within Class E) to ensure that noise and disturbance levels are compatible with nearby residential properties. The hours of operation of each unit would also be secured by the imposition of a condition.

5.6 Parking and Highways

5.6.1 Local Plan Policy SP7 states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling. This approach is continued in Policies DM31 and DM32 of the DM DPD.

5.6.2 London Plan Policy T1 sets out the Mayor's strategic target for 80% of all trips in London to be made by foot, cycle or public transport by 2041. This policy also promotes development that makes the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport. Policy T6 sets out cycle parking requirements for developments, including minimum standards. T7 concerns car parking and sets out that 'car-free' development should be

the starting point for all development proposals in places that are well-connected by public transport. Policy T6.1 sets out requirements for residential car parking spaces.

5.6.3 The site is located within an area with a public transport accessibility level (PTAL) of 3, which is considered 'medium' access to public transport services. 3 different bus services are accessible within 3 to 8 minutes' walk of the site, and Hornsey National Rail station is a 7-minute walk away. While not within a CPZ, the Cross Lane has partial parking restrictions in the form of single and double yellow lines (between 08:00-18:30, Monday-Saturday). In addition, there is capacity for limited amounts of unrestricted parking spaces.

Car parking and Access

5.6.4 The Transport Officer has been consulted and notes that the application will include provision for 2 disabled user parking spaces within the basement car park. This will be provided by converting three of the 23 standard residential car parking spaces into two 'Blue Badge' holder parking spaces. There is no standard car parking provision for the commercial units.

Cycle parking

5.6.7 The application includes provision for cycle parking. The proposed change of use to Class E allows for a broad range of occupiers and potentially with corresponding variation in requirement for cycle parking. The design and arrangement of all cycle parking will need to meet the requirements of TfL's London Cycle Design Standards

5.6.8 As such, the cycle parking is acceptable subject to the relevant condition being imposed in respect of proposed cycle parking arrangements.

Deliveries and Servicing

5.6.9 In terms of servicing and delivery, the Transport Officer notes that Cross Lane has a single lane access/egress from its junction with Hornsey High Street. However, there is room for vehicles to manoeuvre to be able to both enter and exit Cross Lane in forward gear. The existing servicing and delivery arrangements for the wider site will continue to be used.

5.6.10 The Transport Officer notes that the approved Delivery Servicing Plan outlines that commercial deliveries and refuse collections would be accommodated within a turning head and delivery bay accessed via Cross Lane shared with the residential users which is currently operating successfully. A Delivery and Servicing Plan manager has been appointed by the site management company and this role includes effectively managing the demands of multiple occupiers at the site. These arrangements should therefore remain suitable for the Class E units going forward.

5.6.11 As such, it is not considered that the potential trips generated from the proposed change of use would have a detrimental or unacceptable impact on the highways.

5.6.12 Overall it is considered that the application is acceptable in transport and parking terms, and in terms of its impact on the public highway.

5.7 Conclusion

5.7.1 The proposed Class E use is considered acceptable in land use terms and will widen the scope of uses that will assist in helping avoid the commercial units being left vacant for extended periods of time – as is the current situation. The range of Class E uses are not anticipated to have a material impact on the amenity of neighbouring occupiers – but notwithstanding, imposing appropriate conditions, namely the requirement to submit a Noise Management Plan for each use

for each unit, (which would be a continuous requirement when a new use within Class E is proposed) and appropriate hours of operation will further protect the amenity of surrounding residents. The proposal will not have an adverse impact on the surrounding highway network or significantly increase the demand for car parking.

5.7.2 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

6. RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions:

- 1 The development hereby authorised must be begun not later than the 2 3 4 expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

- 2 2. The development hereby authorised shall be carried out in accordance with the following approved plans and specifications:
Drawings
352.PA.03.01, 352.PA.03.04, 352.PA.03.05
Documents
Planning Statement prepared by Bloomfields Chartered Town Planners dated November 2022

- 3 Details and the siting of cycle parking and supporting provision for showers and lockers in line with the London Plan (2021) – Cycle Parking and designed in line with the London Cycle Design Standards for specific occupiers of each unit shall be submitted to and approved by the local planning authority and thereafter shall be implemented in accordance with the approved scheme and before the use of the commercial unit first commences.

Reason: Given the wide range of uses / occupiers permitted with Class E, to ensure suitability of occupier specific provision to promote travel by sustainable modes of transport and to comply with the London Plan (2021) minimum cycle parking standards and the London Cycle Design Standard.

- 4 The use of each unit (Unit 2,3, and 4) hereby permitted shall not be operated before 07:30 hours or after 22:00 hours Monday to Saturday and before 07:30 hours or after

21:00 hours Sunday and Bank Holidays

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Policy DM1 of The Development Management DPD 2017

- 5 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the commercial units shall be occupied by flexible Use Class E only and shall not be used for any other purpose, unless approval is obtained to a variation of this condition through the submission of a planning application.

Reason: In order to restrict the use of the premises in the interest of the amenities of the area in line with DM1 of the Haringey DM DPD 2017.

- 6 A Noise Management Plan (NMP) setting out how noise levels from inside the premises will be minimised/managed shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each commercial unit. The NMP shall identify measures to reduce the impact of the noise on the amenity of neighbouring and surrounding residents.

Noise management measures will need to include details of any ventilation or extraction systems

The NMP shall be submitted to and approved prior to the commencement of the use to which this consent relates. The NMP shall be fully implemented and operated at all times in accordance with the approved details.

Reason: In order to safeguard the amenity of surrounding residents.

- 7 All deliveries and servicing of the use hereby approved shall be carried out in accordance with the approved Delivery and Service Plan (DSP) prepared by NRG consulting dated March 2019 under planning reference HGY/2019/2017