



Officer Report

Application Number: HGY/2024/0114
Application Type: **Prior approval Part 3 Class M: Retail or betting office or pay day loan shop to dwellinghouses**
Address: Shop A, 80 White Hart Lane, Tottenham, London, N17 8HP
Proposal: Application to determine if prior approval is required for a proposed change of use of the existing launderette (Sui Generis Use) to a one-bedroom flat (Class C3). Application under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class M.
Case Officer: Oskar Gregersen
Valid Date: 16/01/2024
Applicant: Mr Brian Maguire
Agent: Mr Nicholas Stockley

RECOMMENDATION

Approve with Conditions

PLANNING HISTORY

The planning history of the site is as follows:

HGY/2023/1142 – Refused - Application to determine if prior approval is required for a proposed change of use of the existing launderette (Sui Generis Use) to a one-bedroom flat (Class C3). Application under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class M.

HGY/2018/2224 - Removal of condition 4 (Domestic refuse and recycling storage) attached to planning permission reference

HGY/2014/3456. Granted. HGY/2014/3456 - Planning application for the extension and conversion of the rear of the ground floor to create a one-bedroom studio flat. Granted.

CONSULTATION RESPONSE

In accordance with the procedure for applications for prior approval under Part 3 Paragraph W adjoining owners/occupiers of neighbouring properties were notified of the application, along with the local highway authority (LBH Transportation) and Environment Agency.

No responses have been received.

RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development of the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

ANALYSIS/ASSESSMENT OF THE APPLICATION

Class M: Commercial, business and service uses to dwellinghouses

Application under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') for changes of use 'certain uses to residential (Class C3)'.

Class M was updated in 2021 and given the new title of 'certain uses to residential'. The reason for the change is that retail and all other Class E uses are now covered under Class MA.

Class M now applies solely to betting offices, payday loan shops, hot food takeaways and launderettes and, subject to prior approval allows up to 150 square metres of floor space to be converted to residential use.

This application seeks prior approval for a change of use of a launderette (Sui-Generis Use) to a one-bedroom flat (C3 Use Class) of approximately 52 sqm.

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.

Permitted Development -

M.1.—(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;

The premises to which this application relates has been in uses a launderette since at least 2008. Complies.

(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

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

Complies

(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

(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

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

Complies

(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.

Complies

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a)the following classes of the Schedule as it had effect before 1st September 2020—

(i)Class A1 (shops);

(ii)Class A2 (financial and professional services);

(iii)Class A3 (food and drink);

(iv)Class B1 (business);

(v)Class D1(a) (non-residential institutions – medical or health services);

(vi)Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii)Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

Complies

CONDITIONS

M.2.—(1) Development under Class M is permitted subject to the following conditions.

(2) Before beginning development under Class M, the developer must 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;

No space existing within the site for external refuse storage, however twice daily refuse bag collection is in operation to serve those properties, such as flats above shops, that have no option other than to leave their waste on the public footpath. This service is utilised by the other flats in the same building.

No scope existing either for external secure cycle parking, however the propped unit exceeds minimum internal space standards and has 5sqm built in storage in which a bicycle could be stored.

Given the minor scale of the development, and its high public transport accessibility, the proposed change of use is considered unlikely to result in any significant impact on transport and highway conditions.

(b)contamination risks in relation to the building;

The development is for a change of use of the existing floorspace; no external works are proposed, and no internal alterations would affect the foundations of the buildings are proposed. The applicant state in their submission that the floor slab is not to be broken or removed. 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.

(c)flood risk in relation to the building;

The site lies within Flood Risk Zone 2 and a Critical Drainage Area. It is also noted that the adjacent roadway is in Flood Risk Zone 3.

An updated flood risk assessment has been submitted from the previously refused application of the same type as this one (HGY/2023/1142). The assessment submitted with this application addresses the previously raised complaints, highlighted low levels of flood risk at the site, despite being adjacent to a zone of high flood risk.

As such, the submitted updated flood risk assessment demonstrates that the flooding risks at the site would be minimal.

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use— (i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (launderette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services

Not all households have access to their own washing machines. A recent survey published in 2020 by national poverty charity 'Turn2us' reveals that in the UK 1.9 million (1 in 20) people are living without a washing machine. The same study notes that certain demographics including private renters and regions including London are more affected than others. Given the site's location and the high level of private rented property in the area the number of people dependent on launderettes is likely to be higher than the national average.

On the recommendation of the previous application (HGY/2023/1142) information has been submitted with this application demonstrating that the application site is in an area abundant with laundrette services, and as such there would not be any demonstrable harm to the local area with respect to their access to laundrette services and the proposal complies with this condition.

(e) the design or external appearance of the building

No changes proposed to the exterior of the building.

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

The bedroom is reliant on very small high-level window for natural light, but the submitted daylight/sunlight assessment expresses that the access to light to habitable rooms would meet the required quantum, and as such the proposal meets the requirements for this condition.

CONCLUSION:

The proposal meets all of the requirements for development under Class M of the General Permitted Development Order, and as such prior approval is not required and the proposal is considered to be lawful.

SUMMARY AND CONCLUSION

The proposed development constitute[s] permitted development by virtue of Schedule 2, Part 3, Class M, of the Town and Country Planning (General Permitted Development) Order 2015 and is considered to be lawful.

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 only in accordance with the plans as numbered above.

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).

- 5 INFORMATIVE: Residential Use Only - In addition to restrictions of condition 3 above the applicant is reminded that any conversions under Class M must be for residential use only and cannot be converted to an HMO.

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 (tel. 020 8489 3472) to arrange for the allocation of a suitable address.

INFORMATIVE: External alterations - The consent hereby approved relates only to the change of use, any external alterations to the building to facilitate the change of use which as 'operational development' require express permission