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2 April 2024

Planning, Regeneration & Economy
Level 6
River Park House
Wood Green
N22 8HQ

Our reference: 4185
Planning Portal reference: PP-12934488

Dear Sir / Madam

Town and Country Planning (General Permitted Development) (England) Order - Application for prior approval under Class MA for the change of use from retail (Class E) to residential use (Class C3) to provide 1 x 2-bedroom, 3-person residential unit at 47 Eldon Road, London N22 5DX

We are instructed by Warrenshaw (2000) Ltd., (the applicant) to apply for determination as to whether Prior Approval is required and, if so whether it may be granted, for the change of use of the ground floor of 47 Eldon Road, London N22 5DX (the site) from Class E (commercial) to Class C3 (residential) under Class MA of Town and Country Planning (General Permitted Development) (England) Order (as amended).

This letter considers the key issues associated with the Prior Approval for the proposed change of use in relation to Class MA, in accordance with the procedure set out in Paragraph W of the Order.

In addition to this letter, the application comprises the following:

- Prior Approval Application Forms
- Site Location Plan – 1909-001
- Existing Site Plan – 1909-002
- Existing Floor Plans -1909-003
- Existing Elevations – 1909-004
- Proposed Site Plan – 1909 SK01-01-A
- Proposed Floor Plans – 1909-SK01-2-A
- Proposed Elevations - 1909-SK01-3-A

The application has been submitted via the Planning Portal (reference PP-12934488) and the application fee (£125) paid via the online payment system.

The Site

47 Eldon Road comprises a two-storey building located within the administrative boundary of Haringey London Borough Council. The site's ground floor is currently in commercial use as a newsagent (Use Class E) whilst the first floor comprises a separate 2-bed residential flat.

The site is not located within a conservation area. The site does not contain, nor is it adjacent to, any statutorily or locally listed buildings.

The site is not within an area subject to an Article 4 Direction precluding changes of use from a building falling within Class E to a use falling within Class C3 (dwelling houses) under Class MA.

The site is considered to be within a sustainable location due to its proximity and accessibility to a range of services, employment and public transport.

The site is entirely within Flood Zone 1, land assessed as having a less than 1 in 1000 annual probability of river or sea flooding (<0.1%) and is at low risk of flooding from surface water. The site is located within a locally identified Critical Drainage Area (as defined in the Local Plan) but outside of any Local Flood Risk Zone.

Planning History

There is no recent planning history associated with the site.

Proposed Development

The application seeks Prior Approval to change the use of the ground floor from commercial floorspace (Use Class E) to provide 1 x 2-bedroom, 3-person residential flat (Use Class C3) under Class MA of the Order.

No external alterations to the building or internal structural alterations are proposed. No changes are proposed to the existing vehicular access arrangements.

The proposed unit will meet the minimum floor area as per the Nationally Described Space Standards for 2-bedroom units. All habitable rooms will be served by windows.

Assessment

Class MA permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order is permitted development.

A 'building' can mean any part of the building, as per the 'Interpretation' section in Article 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015¹.

Class MA.1 states that development is not permitted by Class MA –

Requirement	Comments
(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;	Requirement removed via the Town and Country Planning (General

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 - <https://www.legislation.gov.uk/uksi/2015/596/article/2/made>

	Permitted Development) (England) (Amendment) Order 2024
(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 - The building was in commercial use for a continuous period of at least 2 years prior to this application.
(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;	Requirement removed via the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 ²
(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 – none of these constraints apply to the site
(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 ⁵⁵ ; (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;	Complies – none of these constraints apply to the site
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	Complies – the site is not occupied under an 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	Not applicable

² Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 - <https://www.legislation.gov.uk/uksi/2024/141/made>

Class MA.2 states that where the development proposed is development under Class MA development is permitted subject to the condition that before beginning the development, 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;
This is assessed below
- (b) contamination risks in relation to the building;
This is assessed below
- (c) flooding risks in relation to the building;
This is assessed below
- (d) impacts of noise from commercial premises on the intended occupiers of the development
This is assessed below
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) 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;***Not applicable – the site is not located in such an area.***
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
This is assessed below
- (g) the impact on intended occupiers of the development from 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
Not applicable – the site is not located in such an area.
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) 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.***Not applicable – the proposal does not result in the loss of such a use.***

Transport impacts of the development, particularly to ensure safe site access

Located between Wood Green and Tottenham in north London, the site is situated within a highly sustainable location within walking and cycling distance of day-to-day facilities and public transport services. In particular, the site is well located for convenient access to local bus services (walkable within circa 5 minutes) with numerous bus stops along Lordship Lane to the south and along Perth

Road to the east/north. In addition, Wood Green Underground Station is located approximately 1km to the west of the site (16-minute walk) and provides access to the Piccadilly Underground line. The local shops and services within the vicinity of the site and the ample public transport options means that residents at the proposed site can access all necessary services without reliance upon a car.

Access to the site will remain as per the existing arrangements. The proposals also include external bin stores and external space in which cycles can be stored. There is no existing on-site parking provision associated with the current retail use – staff and customers either walk/cycle or use on-street parking bays. No on-site parking is proposed as part of the change of use either and it is considered this would not impact on parking, or more widely on local transport, since it reflects the existing situation.

Having regard to above, it should be concluded that the proposed change of use would not have an unacceptable impact in regard to transport and highways.

Contamination risks in relation to the building

The site is occupied by an existing commercial use and there are no known historic uses which would pose particular risks of contamination. The proposals do not involve any building works. As such, there is no reason to suspect that there is a contamination risk which would impede prior approval being granted.

Flooding risks in relation to the building

The Environment Agency's flood map identifies the site as being located within Flood Zone 1 which is the zone of lowest flood risk. There is no built form proposed and it is not proposed to change the existing surface and foul water drainage arrangements at the site. The site is located within a locally identified Critical Drainage Area (as defined in the Local Plan) but outside of any Local Flood Risk Zone and is therefore not considered to be at direct risk of flooding itself. Since no new development is proposed and the exiting drainage arrangements maintained, the proposal would not exacerbate flood risk relative to the existing situation within the CDA. Flood risks are therefore considered to be minimised, and the proposed change of use would not result in an increase in flooding to the building or surrounding properties.

Impacts of noise from commercial premises on the intended occupiers of the development

The neighbouring uses are residential and not noisy uses. There are no noisy or late-night commercial premises in close proximity. There are no extract flues or plant equipment close to the property which could affect future occupiers of the site. Accordingly, there would be no adverse impacts on residential amenity. Clearly a residential use can sustain from this site without any noise disturbance.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020³ defines habitable rooms:

“habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;”

As shown by the proposed floor plans, all habitable rooms of the building would be served by one or more windows such that there would be adequate natural light.

Nationally Described Space Standards (NDSS)

Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse where the gross internal floor area is less than 37m² in size or that does not comply with the NDSS issued by the Department for Communities and Local Government on 27 March 2015. As shown by the proposed floor plans, the proposals meet the minimum space standards set out within the NDSS for 2-bed, 3-person residential units.

Paragraph W(2) states that the application to the local planning authority must be accompanied by:

Requirement	Comments
A written description of the proposed development	Provided above
A plan indicating the site and showing the proposed development	Provided on submitted drawings
The developer's contact address	Provided on the application form
The developer's email address if the developer is content to receive communications electronically	Provided on the application form
Where sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment,	The property is in Flood Zone 1 and therefore at low risk from flooding. The Environmental Agency is not required to be consulted and a FRA is not required
Any fee required to be paid	The application fee of £125 has been paid

Conclusion

It is proposed to change the use of 47 Eldon Road, London N22 5DX from a Class E (commercial) to Class C3 (residential) use under Class MA of Town and Country Planning (General Permitted Development) (England) Order 2021 ('the Order').

The application considers the proposed change of use in relation to the criteria and conditions set out in Class MA and demonstrates that the change of use should be granted Prior Approval.

³ The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 - <https://www.legislation.gov.uk/uksi/2020/632/regulation/19/made?view=plain>

We look forward to hearing from you prior to the expiry of 56-day following the date on which this application is received. If you have any questions in relation to this matter, please contact me directly.

Yours sincerely

Seth Williams MRTPI
Director
Smith Jenkins Ltd

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