



Officer Report

Application Number:	HGY/2024/0663
Application Type:	Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Address:	107 Mayes Road, Wood Green, London, N22 6UP
Proposal:	Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to two self-contained flats (Use Class C3) under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.
Case Officer:	Roland Sheldon
Valid Date:	04/04/2024
Applicant:	4 UK Property Group
Agent:	Mr Michael Bukowski

RECOMMENDATION

Approve with Conditions

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 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.

Site and Surroundings

The site contains the ground floor of a three-storey building located on the western side of Mayes Road, N22. The surrounding uses are a mix of commercial and residential.

The ground floor is shown within the submission to be a vacant office space. The site is located within the Wood Green Growth Area as designated within the Local Plan. It is also located within site SA20 Wood Green Cultural Quarter (East) site specific allocation as identified within the Haringey Site Allocations DPD (2017). The site does not contain a listed building and is not located within a conservation area. The site is also located within a Local Employment Area as identified within the Haringey Development Management DPD (2017).

The site is not located within a flood zone or a critical drainage area.

Planning and Enforcement history

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

Unit A 107 Mayes Road Wood Green London N22 6UP

HGY/2023/0956: Details to discharge Conditions 3 (Material Samples) & 5 (Cycle Parking) of planning permission with ref: HGY/2020/1198 dated 25/06/2020 – Pending determination

107 Mayes Road London N22 6UP

HGY/2024/0011: Application to determine if prior approval is required for the proposed change of use of the property's ground floor 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, in order to provide 2 self-contained flats – Prior approval refused 04/03/2024

Insufficient evidence has been provided that the relevant part of 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, contrary to part MA.1 (a) of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

HGY/2020/1198: Construction of two additional floors to facilitate the creation of 4 x self-contained flats – Approved 25/06/2020

HGY/2011/0970: Change of use of the upper parts of the building from B1 (Office) to Residential (C3) involving the conversion of the first and second floors and the roofspace to provide six self-contained flats, together with enhancement of the ground floor B1 Employment space. Alterations and landscaping of the front car parking area – Approved 18/07/2011

HGY/2002/1207: Erection of new hipped roof to front of building. Alteration to planning permission HGY/2000/1319 granted on 12/12/2000 for a first and second floor extension to incorporate hipped roof instead of flat roof – Refused 15/10/2002

HGY/2000/1319: First and second floor rear extension, rear extension to be inline with adjoining buildings. (Amended proposal to withdrawn application HGY/058155) – Approved 12/12/2000

2. CONSULTATION RESPONSES

Adjoining owners/ occupiers of neighbouring properties were consulted.

Internal consultations:

- LBH Transportation: No comments received.

- LBH Planning Policy: No comments received.

External Consultations:

- None

The number of representations received during the consultation were as follows:

No. representations received: 0

Support:

Objection:

Neither:

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 to a dwellinghouse (Class C3).

This application seeks prior approval for a 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. The proposal would see what is shown as office floorspace converted into 2 x self-contained flats, occupying 94.5m² of the ground floor space.

A change of use prior approval application is an application that seeks confirmation that the proposal complies with the restrictions and conditions set out within the Permitted Development Order relating to that particular change of use, so the scope of the issues which are material to the prior approval application are fixed exclusively by the terms of the order. Therefore, no consideration can be given to the statutory development plan.

Part W, 10(b) of Schedule 2, Part 3 of the Town & Country Planning GPDO outlines that Local Planning Authorities must have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application however.

A prior approval application for the same development was recently refused under planning reference HGY/2024/0011, for the following reason for refusal:

Insufficient evidence has been provided that the relevant part of 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, contrary to part MA.1 (a) of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Since the previous refusal, there has been a change to the legislation however, which removes the requirement for it to be demonstrated that the building has been vacant for at

least 3 months for a continuous period immediately prior to the date of the application for prior approval.

The relevant limitations and conditions are assessed as set out below.

Limitations

MA.1.—(1)Development is not permitted by Class MA—

Criteria	Comment	Complies
(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;	The Planning Statement states the ground floor was in use as an office unit for at least 2 years prior to submission. No other supporting information is provided. However, the previously approved plans for application HGY/2020/1998 indicate the ground floor was in use as offices and there are still office placards for 6 business placed outside the premises at the time of officer site visit for the previous prior approval application. On the balance of probabilities, the relevant floorspace was in use as offices for 2 years prior	Yes

	to the relevant period.	
(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;	The proposed floor space is less than 1,500m ² .	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.	Whilst the unit in question was understood to be in office use before August 2022 and there was previously an Article 4 Direction removing permitted development rights for office to residential, this article 4 direction was removed on 31 st July 2022.	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 building is currently occupied by the commercial space at ground floor level with 6 residential units on the first and second floors, understood to be 4 x 1-bed and 2 x 2-bed units. There are 2 off-street spaces in the front garden area of the site.

The site has a PTAL value of 6a, considered 'excellent' access to public transport services. 10 different bus services are accessible within 4 to 8 minutes walk of the site, Wood Green Underground station is a 7-minute walk away and Alexandra Palace National Rail station a 9-minute walk away. Wood Green shopping centre with multiple shops and services is also only a short walk away. It is also located within the Wood Green Inner CPZ, which has operating hours of 0800 – 2200 Monday to Sunday providing comprehensive formal parking controls in the locality.

There is no scope for any further off-street parking to be provided on site. The proposal would increase the number of residential units currently on site by 2, from 6 to 8 units. The proposed units are 1-bedroom units and there are excellent public transport links available within the locality in addition to very close proximity to Wood Green town centre services. As only 2 small residential units are proposed to be added to the site, it is not considered to be a large enough development to require that the development is car-free to be secured via a section 106 agreement.

Given the excellent public transport links, close proximity to a variety of services and size of units, it is envisaged to be less likely that future occupants would rely on car ownership, and that the proposal would have an adverse impact on parking conditions within the locality. The means of access into the site would provide a safe and suitable means for future occupants.

The submitted floor plans indicate that 4 additional cycle parking spaces would be provided for the 2 additional units, which would equate to 2 spaces per unit for the which is deemed an acceptable level of cycle space provision.

As such, the proposal is considered to be acceptable with regards to the transport impacts of the development.

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 or a Critical Drainage Area. As such, there is no concern to the proposal in terms of flood risk.

Impact of noise

The upper floors of the existing building are already in residential use. To the immediate north of the site is a self-storage centre. To the west is a block of apartments (Cambridge House) and the rear of a light-industrial premises to the south-west. The surrounding uses would not give rise to an unacceptable impact on the intended residential occupiers of the development from nearby commercial premises.

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

The property is not located within a conservation area.

Provision of adequate natural light

The applicant has submitted a daylight/sunlight report prepared by Atelier architects. The report 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). The assessment confirms that the proposal will provide an adequate level of internal lighting when measured against the 'Average Daylight Factor', meeting the minimum recommended lighting levels for kitchen/dining areas and bedrooms.

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

Whilst the site is located within a Locally Significant Industrial Location as designated within the Haringey Development Management DPD, it is also within a Regeneration Area and forms part of a site specific allocation that encourages a mixed-use redevelopment of residential and employment land. The proposal would not have any adverse impact in relation any heavy industry, waste management, storage and distribution uses.

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. No external alterations or extensions to the building are shown on the submitted plans.

Conclusion

The proposal complies with the criteria as set out within Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, prior approval is approved.

4. CIL

No new floorspace is being created and part of the building. As such the proposal is not liable for CIL.

5. RECOMMENDATION

PRIOR APPROVAL APPROVED subject to following conditions:

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).

- 4 The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure, covered and well-lit parking storage of bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2023.

- 5 The development hereby permitted shall not commence until a scheme detailing the proposed waste and recycling management arrangements has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full prior to the first occupation of the development and maintained thereafter at all times.

Reason: In the interests of amenity and to ensure the appropriate provision of waste infrastructure.

Informatives:

In addition to restrictions of condition 3 above, the applicant is reminded that any conversions under Class MA must be for residential use only and cannot be converted to an HMO.

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.

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.