



Officer Report

Application Number: HGY/2024/1107
Application Type: Prior approval Part 3 Class MA: Commercial, business and service uses to dwellinghouses
Address: 718-722 Seven Sisters Road, Tottenham, London, N15 5NH
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: Oskar Gregersen
Valid Date: 19/04/2024
Applicant: Martin Nathan
Agent: Stephen Birrell

RECOMMENDATION

Approve with Conditions

1. DESCRIPTION OF APPLICATION

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

2. PLANNING HISTORY

- HGY/2011/2160 | Conversion of a three-storey former industrial building into a ground floor commercial unit and four residential units on first and second floors
Approve w/ Conditions

- HGY/2012/0293 | Erection of a partial additional floor to provide 2 self-contained flats
Refuse

- HGY/2022/2787 | Prior approval of proposed: New dwellinghouses on terrace buildings in commercial or mixed-use Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class AB Prior Approval for four new flats on top of terraced commercial building under Permitted Development Class AB, comprising 2x 1B1P and 2x 1B2P flats.

Approve w/ Conditions

3. DESCRIPTION OF APPLICATION

The application site relates to a 3-storey commercial building, in the east of the Borough. The site is not located within any conservation area, nor it is locally listed. The site is located within site allocation SS4: Gourley Triangle as part of the Tottenham Area Action Plan (2017).

Proposal seeks prior approval for the conversion of a Commercial building (Class E) to 10 dwellinghouses (Class C3)

4. CONSULTATION RESPONSES

The following internal consultation responses were received:

- LBH Transport: The proposal should be car free, with a S106 agreement for car free required. 10% of the flats should be accessible, and include provision of one 'blue badge' holder parking space. Details of a construction logistics management plan prior to commencement of works.
- Transport for London: Development shall not be commenced until details have been submitted to and approved in writing by the LPA which: Provide building load change details, mitigates the effect of noise and vibration arising from adjoining railway operations. No claims to be made against TfL or LU by the Local Authority (e.g. Haringey), purchasers, tenants, occupants or lessees of the development for any noise or vibration resulting from LU running, operating and maintaining the adjacent railway.
- LBH Environmental Health: No objection, but recommended addition of one condition and informative.

In accordance with the procedure for applications for prior approval under Part 3 Paragraph W -

- A site notice was displayed in the immediate vicinity of the site;
- Adjoining owners/ occupiers of 25 neighbouring properties were consulted.

The following issues were raised in the representations received:
No responses.

5. ANALYSIS/ASSESSMENT

Relevant Legislation

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) to a dwellinghouse (Class C3).

This application seeks prior approval for a change of use from Commercial, Business, and Service to Dwellinghouses (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

(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;

Comment: This paragraph has been omitted by the Statutory Instrument 2024 No.141 which came into force on 5th March 2024. Therefore no longer relevant. Therefore: N/A

(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.

Comment: Complies. Building is use as fashion pattern making and design.

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

Comment: This paragraph has been omitted by the Statutory Instrument 2024 No.141 which came into force on 5th March 2024. Therefore no longer relevant. Therefore: N/A

(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;

Comment: Site does not form part of any of the above areas and complies

(e) if the building is within an area of outstanding natural beauty/ National Park

Comment: N/A

(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.

Comment: The site does not fall within an area covered by an Article 4 direction.

Other Limitations

In assessing this application consideration also needs to be given as to whether the application site/ building/ the part of the building is subject to a condition of planning consent limiting it to purposes falling within Class C3.

Comment: The application site/ building is subject to no such restriction.

Conditions of Prior approval

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.

Haringey Transportation have been consulted and confirm that site has a good PTAL(6a) there is close proximity to trains and underground stations. Additionally, given the relatively low levels of car ownership in the locality (0.53 cars per residential unit from the 2011 census), and the close proximity to bus and train services, it would be appropriate for the new flats to be designated as permit free/car free. It is not considered that there will be any adverse parking pressures arising from the development proposal.

No objection is raised, subject to conditions.

Contamination risks

Haringey Pollution were consulted on the proposal and advised that there was no objection.

However, it was recommended that a conditions should be added to the decision in relation to Asbestos, with an informative added in relation to any unexpected contamination.

Flood risk

Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The application site does not fall into Flood Zone 2 or Flood Zone 3 but is within a critical drainage area. As such, the environment Agency were consulted and no comment was given. However, the Agency were consulted on a prior approval at the same site (HGY/2022/2787) and raised no objection. It stands to reason that by virtue of being the same site there would not be any objection.

Impact of noise

Whilst the site is located in an area with nearby industrial uses, including an textile manufacture facility and car breakers yards, it is unlikely that the dwellings provided by this proposal would experience above average noise levels considering their distance from the sites in question. Further the industrial uses nearby are unlikely to operate at unsociable hours, mitigating noise issues.

As such it is deemed that the proposal would be acceptable with respect to noise.

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

This criteria is not relevant in relation to the assessment of this application. (If site not in a CA).

Provision of adequate natural light

Paragraph W.-(2A) of Part 3 of the GPDO 2015 states that “Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses”

The BRE Guide recognises the importance of receiving adequate daylight within new residential accommodation; it states that “Daylight provision in new rooms may be checked using either of the methods in BS EN 17037 Daylight in Buildings: direct prediction of illuminance levels using hourly climate data, or the use of the daylight factor (D). Both are measures of the overall amount of daylight in a space. The daylight factor (D) addresses daylight provision as a ratio of unobstructed external illuminance under overcast sky conditions.” (para 2.1.8).

A document has been submitted showing that all relevant rooms meet the required test for provision of daylight into rooms as per BRE guidelines. Notably, the submitted drawings show that two elevations will benefit from large, near floor to ceiling, windows which will allow ample light into rooms. Additionally, the applicant has submitted a draft drawing showing the front elevation, which will be implemented following an upcoming planning application to regularise the appearance of the site as a residential block with additional windows at ground floor level.

As per information submitted it is shown that all habitable rooms will be well served by natural light and meaningful outlook. Overall, the submitted information demonstrates the provision of adequate natural light in all habitable rooms of the proposed dwellinghouses.

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

The test here is whether the introduction of residential use likely to lead to a risk of noise and disturbance complaints due to locating an incompatible use next to one another, and hence causing negative impacts on the amenity of these businesses.

The area immediately behind the application site is home to textile manufacturing facility, as well as a number of vehicle breaking/repair sites and metalwork facilities. These businesses operate during traditional working hours, i.e 9am – 5pm, and as such the disturbance from noise during evening and night time would be mitigated.

The uses immediately adjacent to the site include an educational facility and a place of worship and food distribution centre. Across Gourley Street at 716 -714 Seven Sisters Road is additional residential development.

It is noted that the site is within a site allocation, SS4: Gourley Triangle, which aims to encourage redevelopment of the area to introduce a higher range of employment uses nearby to Seven Sisters Station. This site allocation does not limit provision of residential uses, and the application site is deemed to be located within this area such that there would not be limited impact on neighbouring industrial uses from complaints.

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

Floorplan(s) showing the total floorspace in square metres in relation to the dwelling unit(s) 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 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 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.

The applicant has acknowledged the need for an additional application for external alterations to the building, and in relation to this the agent has submitted a draft drawing of the proposed front elevation despite the LPA's inability to assess it at this stage.

Conclusion

The proposed change of use is considered acceptable in relation to the conditions and limitations detailed and discussed above.

6. CIL LIABILITY

No new floorspace is being created and 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.

7. RECOMMENDATION -

GRANT PRIOR APPROVAL subject to the following 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 10 dwellinghouse (Class C3) subject to the 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 15 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 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.

- 6 The development hereby permitted shall not commence until details of the existing party ceilings/floors and walls construction and any measures to be undertaken to upgrade the acoustic performance of the structure, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of the development. The level of sound insulation provided between residential and commercial use should be adequate for all types of uses permitted under Planning and should comply with building regulations.

Reason: To ensure that the impacts of noise from commercial premises on the intended occupiers of the development is satisfactory.

- 7 Prior to the occupation and any demolition/construction work on the existing building, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out. Where there is a need for any asbestos removal on the site, completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

- 8 The development hereby permitted shall not be commenced until the following, in consultation with London Underground, have been submitted to and approved in writing by the local planning authority which:
- Provide building load change details
 - Mitigates the effects of noise and vibration arising from the adjoining railway operations and maintenance within their structures and land.
 - No claims to be made against TfL or LU by the Local Authority (e.g. Haringey),

purchasers, tenants, occupants or lessees of the development for any noise or vibration resulting from LU running, operating and maintaining the adjacent railway.
Reason: To ensure that the development does not impact on existing London Underground transport infrastructure in accordance with the London Plan 2021 T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 9 The development hereby approved shall not commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of the following relevant measures:
I. A description of the demolition and construction programme which identifies activities likely to cause high levels of noise and disturbance;
II. Site logistics arrangements;
III. Details regarding parking, deliveries, and storage;
IV. Details regarding dust and noise mitigation measures to be deployed;
V. Details of any boundary hoarding;
VI. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area, on users of the Parkland Walk and safety of the highway network, and
VII. Details of a named person for residents to contact.
Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policies T4, T7 and D14 of the London Plan 2021
- 11 Within 3 months of commencement of the development hereby approved and prior occupation of any of the hereby approved homes, details of a scheme for securing the development as "car free" shall be submitted to the LPA for approval. The approved scheme/ agreement should ensure that all future occupiers of the approved development cannot apply for or obtain an on street parking permit to park a vehicle on the public highway in perpetuity. The approved scheme/ agreement shall be implemented prior to first occupation of the development hereby permitted. Reason: To promote sustainable transport and to reduce the potential for additional on street parking stress as a result of the development, consistent with Policy DM32 of The Development Management DPD 2017 and Policy T6 of the London Plan 2021.

Informatives:

INFORMATIVE: Residential Use Only

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.

INFORMATIVE: Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

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.

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.