



Officer Report

Application Number:	HGY/2024/0659
Application Type:	Full planning permission
Address:	153 Philip Lane, Tottenham, London, N15 4HQ
Proposal:	Proposed change of use of vacant property to a day care nursery (Class E), for up to 50 children and 14 members of staff.
Case Officer:	Neil McClellan
Valid Date:	11/03/2024
Applicant:	4 HAWA MARRIOTT
Agent:	Mr Shairaz Yasin

RECOMMENDATION

Approve with Conditions

OFFICERS DELEGATED REPORT

HGY/2024/0659 - 153 Philip Lane, Tottenham, N15 4HQ

Proposed change of use of the property from two self-contained flats (Class C3) to a day care nursery (Class E), for up to 50 children and 14 members of staff.

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 Proposed change of use of the property from two self-contained flats (Class C3) to a day care nursery (Class E).

1.2 The facility would accommodate 50 children in line with Ofsted and Department of Education space requirements. It would have a staff of 14. The proposed hours of operation are Monday to Friday from 07:30 to 18:30. The nursery would be open for 50 weeks a year. The age of children attending will range from between 6 months to 5 years.

1.3 Site and Surroundings

1.4 153 Philip Lane is a two-storey double-fronted property, detached at the front, with some additions to the rear that abut the neighbouring building at 155 Philip Lane. It has a substantial rear garden and large forecourt/front garden area.

1.5 Based on the site's planning history and council tax records it's last authorised use was as two self-contained flats. However, it is now vacant and in a poor state of repair. It appears that it may have been used as an HMO for a significant period before falling vacant. An enforcement investigation was carried out last year, and a site visit revealed that at least part of the building had been converted into an HMO without the landlord's consent. That use has now ceased. Given the poor state of the building's interior it would require significant investment in order to bring it back into residential use.

1.6 This stretch of Philip Lane comprises a mixture of residential and commercial uses. There is a small cluster of commercial uses, including retail shops, converted pub, car tyre and general repair use within very close vicinity. To the east of the property is a residential development of 2 storeys containing several flats. On the opposite side of the road is a row of Victorian terraced houses.

1.7 The site lies within the Clyde Circus conservation area. It is not listed or near to any listed buildings.

1.8 It is not within a designated town centre but lies between the Philip Lane West and Philip Lane East Local Shopping Centres which are approximately 120 and 40 metres from the site respectively.

1.9 The site has a moderate public transport access level (PTAL) of 3.

Relevant Planning and Enforcement History

Planning Applications

HGY/2016/3250 – Planning permission refused for a two-storey rear extension, a mansard roof extension with front and rear dormers and for the conversion of the property to three 2-bedroom, one 1-bedroom and one studio flats.

HGY/1997/0805 – Planning permission granted for conversion of property into two 3-bedroom self-contained flats. (Renewal of previous lapsed consent).

HGY/1990/0855 – Planning permission granted for conversion of property into two 3-bedroom self-contained flats.

Tree Works

CON/2014/0393 – Application for works to trees in a conservation area. No objection raised to the felling of 4 sycamore trees (2 in the front and 2 to the rear).

CON/2014/0370 – Application for works to trees in a conservation area. No objection raised to the felling of 5 sycamore trees.

Enforcement

ENF/2023/0027 – Enforcement investigation into the suspected use of the property as an unauthorised HMO. It appears that one of the tenant's had subdivided their flat and had been using it as an HMO without the landlord's consent. The unauthorised use has ceased, and the property is now vacant. No further action required, and the investigation has been closed (05/07/2023).

UNW/2021/00449 – Enforcement investigation into the unauthorised erection of a fence and gate around the property's front garden. The authorised works have been removed and the investigation has been closed (30/06/2022).

Council Tax

Council Tax records conform that the property has been registered as two separate residences since (Flats A & B) 1998.

4.1 Neighbouring Amenity

4.2 As stated above, based on the information provided, officers are satisfied that any potential noise impacts are likely to be limited, confined to the main part of the day, and can be affectively mitigated to prevent any materially harmful impact on the amenity of neighbouring occupiers.

4.3 No extensions are proposed nor any other external alterations that might impact on the privacy or other amenities of neighbouring occupiers.

4.4 The proposed development will have an acceptable relationship with neighbouring properties and is not considered materially harmful to neighbouring residential amenity.

4.5 Conclusion

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

5. CIL APPLICABLE

5.1 No new floor space is proposed and therefore the proposal is not liable for the Mayor of London and Haringey Community Infrastructure Liability (CIL).

8. RECOMMENDATION

GRANT PERMISSION subject to conditions.

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building, unless otherwise stated on the plans hereby approved.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 Prior to their installation, detailed drawings, including sections, material specification, including samples where necessary, to confirm the detailed design of all replacement windows shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out solely in accordance with the approved details.

Reason: To safeguard and enhance the visual amenities of the locality in compliance with Policies DM1, DM8 and DM9 of the Development Management Development Plan Document 2017.

- 5 Prior to the carrying out of any landscaping works, further details of the landscaping and treatment of the outside areas of the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the following:

- a) Boundary treatment, including acoustic fencing to the rear and any boundary hedges.
- b) The size and species of trees to be planted within the site, including one appropriately sized specimen tree in the front garden.
- c) All other hard landscaping.
- d) The timescale for the planting of trees and/or shrubs.

The approved boundary treatment shall be completed/planted prior to the opening of the

nursery. The approved trees shall be planted within the first growing season of the nursery opening. Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 6 Prior to the opening of the nursery a detailed travel plan shall be submitted to, and approved in writing, by the Local Planning Authority. The submission should be supported by TRICS (Trip Rate Information Computer System) data from the applicants existing nursery (Dorset Hall Nursery Parkside) at 336 Philip Lane. The approved travel plan document, should comply, with the Transport for London STAR Accreditation Framework and include measures to prevent the dropping off and picking up of pupils and staff within the vicinity of the site, including if necessary, entering into an agreement with the local highway authority under Section 278 of the Highways Act 1980 to amend the Traffic Management Order (TMO) to introduce additional on street parking controls within the vicinity of the site.

Reason: To protect the amenity of neighbouring properties and to maintain traffic safety.

- 7 Notwithstanding the approved plans, further details of a secure shelter that meets the London Cycle Design Standards for the proposed 6 long-stay cycle spaces and the 16-pupil cycle/scooter pods to the rear of the site, and details of a minimum of two Sheffield stands to the front of the site, shall be submitted to, and approved in writing by the Local Planning Authority. The approved cycle parking shall be fully installed prior to the first use of the nursery and maintained thereafter.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan 2021 minimum cycle parking standards and the London Cycling Design Standards, policy T5 of the London Plan 2021, Policy SP7 of the Haringey Local Plan 2017 and to maximise the accessibility of the development.

- 8 The owner shall be required to submit a Delivery and Servicing Plan (DSP) for the local authority's approval. The DSP must be in place prior to occupation of the development. The service and delivery plan must also include a waste management plan which includes details of how refuse is to be stored and collected from the site, the plan should be prepared in line with the requirements of the Council's waste management service which must ensure that all bins are within 10 metres carrying distances of a refuse truck on a waste collection day. It should demonstrate how the development will include the consolidation of deliveries and enable last mile delivery using cargo bikes.

Details should be provided on how deliveries can take place without impacting on the public highway, the document should be produced in line with TfL guidance.

The final approved DSP must be reviewed annually in line with the travel plan for a period of 3 years unless otherwise agreed by the highway's authority.

Reason: To ensure that the development does not prejudice the free flow of traffic or public safety along the neighbouring highway and to comply with the TfL DSP guidance 2020

- 9 Further details, including plans and elevations, of the proposed refuse and waste storage and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved storage area shall be fully installed prior to the first use of the nursery and maintained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy D4 of the London Plan 2021.

- 10 No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of:

- a) parking and management of vehicles of site personnel, operatives and visitors;
- b) loading and unloading of plant and machinery;
- c) details of measures to protect pedestrians and other highways users from construction activities on the highway.

Reason: To protect the amenity of neighbouring properties and to maintain traffic safety.

- 11 The use hereby permitted shall not operate before 07:30 hours or after 18:30 hours Monday to Friday.

It shall not operate on Saturdays, Sundays or Bank Holidays.

Reason: in the interests of the amenities of neighbouring occupiers.

Informatives:

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours: -

8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.