

**Demolition of the existing building and the erection of a new mixed-use development up to five storeys high with commercial uses (Use Class E) at ground level, 12no. self-contained flats (Use Class C3) to upper levels and plant room at basement level. Provision of cycle parking, refuse, recycling and storage. Lift overrun, plant enclosure and pv panels at roof level**

**at**

**13 Bedford Road. London N22 7AU**

### **Proposed Class E Use**

#### **Introduction**

1. With regard to the planning application, submitted by CG Architects, for the demolition of the existing building and the erection of a new mixed-use development up to five storeys high with commercial uses (Use Class E) at ground level, 12no. self-contained flats (Use Class C3) to upper levels and plant room at basement level. Provision of cycle parking, refuse, recycling and storage. Lift overrun, plant enclosure and pv panels at roof level at 13 Bedford Road. London N22 7AU ref HGY/2023/2584At Bedford Road, London. The following statement outline our opinion of the proposed ground floor Class E uses in relation to the existing uses on site.

#### **Planning Policy**

2. Policy DM40 of the Haringey Development Management Plan states,  
  
“A On non-designated employment sites within highly accessible or otherwise sustainable locations, the Council will support proposals for mixed-use, employment-led development where this is necessary to facilitate the renewal and regeneration (including intensification) of existing employment land and floorspace. All proposals for mixed-use development must satisfy the requirements of Policy DM38.A (a-f).  
  
B On all other non-designated employment sites (i.e. those which do not meet the location criteria of (A) above), the loss of employment land and floorspace will only be permitted where it can be demonstrated that the building or land is no longer suitable for continued employment use having regard to:  
  
a Feasible alternative employment uses;

b The age and condition of the existing building(s) and the potential for refurbishment or adaptation, in particular to more flexible unit sizes;

c Site layout, access, and relationship to neighbouring uses;

d Periods of long-term vacancy; and

e Evidence of recent, continuous and suitable marketing, covering a minimum period of 3 years.

C Subject to (B) above, where the Council is satisfied that the loss of non-designated employment land or floorspace is acceptable, support will be given to proposals that deliver community uses either as the sole use or as part of a mixed-use development.

D Where proposals involve the total loss of employment floorspace a financial contribution towards employment related initiatives may be sought, in line with Policy SP9 and DM48”.

3. Policy E2 of the London Plan states,

“Boroughs should include policies in local Development Plan Documents that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand.....

“Development proposals that involve the loss of existing B Use Class business space (including creative and artists’ workspace) in areas identified in a local Development Plan Document where there is a shortage of lower-cost space or workspace of particular types, uses or sizes, should:

1) demonstrate that there is no reasonable prospect of the site being used for business purposes, or

2) ensure that an equivalent amount of B Use Class business space is reprovided in the proposal which is appropriate in terms of type, use and size, incorporating existing businesses where possible, and include affordable workspace where appropriate (see Policy E3 Affordable workspace).

4. NPPF paragraph 87 states,

“e) be flexible enough to accommodate needs not anticipated in the plan and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.”

## Application proposal

5. The application site currently comprises a car repair business/ MOT testing centre. The current use is not currently in operation. Notwithstanding it is considered that the current land use in planning terms would be a B2 general industrial use, albeit there is reasonable case that an MOT centre alone would be a former B1(c) use and as such Class E, under the current amended Use Classes Order. Given the nature of the current use the site would not be a significant employer with only a small number of staff required to operate the business. Furthermore the site is only partially covered with a building, approximately 138 sq.m. a large part of the site provides hardstanding parking for vehicles.

6. The proposed use would be a mix use of residential on the upper floors and Class E uses on the ground floor. The Town Country Planning (Use Classes) Order 1987 (as amended) title Class E uses as Commercial, Business and Service and lists the following uses under class E:

Use, or part use, for all or any of the following purposes:

- a) Shop other than for the sale of hot food
- b) Food and drink which is mostly consumed on the premises
- c) The following kinds of services principally to visiting members of the public
  - i. financial services
  - ii. professional services (other than medical services)
  - iii. any other services which it is appropriate to provide in a commercial, business or service locality
- d) Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)
- e) Medical services not attached to the residence of the practitioner
- f) Non-residential creche, day centre or nursery
- g)
  - i) office
  - ii) the research and development of products or processes or
  - iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area).

7. Firstly, it is noted that some of the Class E uses have replaced the former B1 uses, as detailed in criteria g), which were previously considered as an employment use. Furthermore, all the uses within the Class E use class would generate employment albeit of varying levels depending upon the particular sub category of the class.

8. The changes to the use classes order were implemented after the adoption of the Council's Development Management Plan. Policy DM40, as detailed above, seeks to retain employment uses on existing sites. The DM Plan advises at that time that employment uses were considered to fall under the former Class B uses. Therefore, B1 uses would have been acceptable in principle on the site based on that policy. As this class has now been incorporated into Class E it is considered equally applicable that use class E(g) would be acceptable and not conflict with Policy DM40 of the Development Management Plan. As such, criteria B (a) – (e) of policy DM40 would not be applicable.
9. Notwithstanding our opinion that Class E (g) would comply with the Development Management Policy DM40. We would note that class E (a), (b), (d), and (f) are not considered to be uses that would likely be explored. Use classes E(c) and (e) uses would be an appropriate use on the ground floor of the proposed building and such uses would likely generate a similar level of employment to class E(g), thereby also providing an employment use on the ground floor to replace the existing employment use. We also note that the community engagement, undertaken before the application submission, suggested that the local community would be keen to see cafes or boutique shops at ground floor level. The applicant would be pleased to consider these uses if the Council considered them acceptable. However, the community feedback does support the view that the community were not suggesting the provision of the former B type employment uses, particularly B2.
10. Further in support of our opinion above, the site is not identified as designated or strategically important employment site. It is an isolated use in close proximity to residential properties and the commercial uses along Palace Gates Road and Crescent Road. Therefore, whilst it is a scheme that provides employment to replace the existing specific employment albeit of a different type of employment use the proposal does not undermine the Council's current overall employment strategy particularly with regard to strategic and designated sites or wider employment needs and strategy.
11. It is also considered that as the current proposal is designed to provide a mix of flexible employment space at ground floor level this could provide for a range of class E uses. Indeed the proposal provides 246 sq.m of ground floor commercial space this includes units that could accommodate class E(g) uses, that would exceed the existing building floorspace and could exceed the existing number of employees. The remaining units could be restricted to class E(g), E(c) and E(f) or even E(b) to provide greater flexibility of user still providing employment and meeting community aspirations.
12. Looking at London Plan policy E2, which also postdates the Development Management Plan, it is noted that this also seeks to safeguard B uses where appropriate, as outlined above it is considered the proposal can meet this requirement. In addition, the ground floor as shown on the proposed plans and also the further plans prepared by the architects, ref 1544/14A would

provide flexible commercial/employment space and provide a more appropriate means to meet the London Plan requirement for the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand”.

13. Turning to National Planning Policy in the NPPF issued in December 2024. This up to date policy offers clear policy guidance on the need for a flexible approach to such matters “e) be flexible enough to accommodate needs not anticipated in the plan and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.” It is considered that the proposal will meet this ambition by providing modern, flexible and sustainable business space to meet the current employment needs. At the same time removing the potentially unneighbourly development of a B2 use which is in close proximity to residential properties.
14. Therefore on the basis of an analysis of planning policies and the proposed development, which can be controlled by means of planning conditions, if required, it is considered that the loss of the B2 repairs business will not be prejudicial to the aims of the Councils’ employment planning strategies. Indeed, it is considered that this existing use is replaced with another employment generating use which is more appropriate to its location and the modern needs of potential business owners. Therefore, the other criteria of Policy DM40 need not be considered.

#### **Other Issues**

15. In line with other Local, London Plan and national planning policies which seek to make best use or effective use of the land the current proposal will achieve this. It will provide a mixed use scheme which meets both employment and housing needs.
16. As has been referred to previously and in the application submission the proposal will allow for replacement of a potentially unneighbourly B2 use and replacement with a more appropriate use which also provides high quality employment space.
17. Finally, the NPPF encourages a flexible approach to looking at land and uses, even in some cases where it is subject to a designation. Para 127. States “Planning policies and decisions need to reflect changes in the demand for land” and Para 128 states “ Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs”.

## **Conclusion**

18. Therefore, in conclusion it is considered that the proposed development with the provision of flexible ground floor business space will provide an appropriate high quality employment replacement to the existing B2 use. Based on the analysis above it is considered, particularly with regard to later policy and regulations changes that the proposal would comply with planning policies and the Council's overall employment strategy for the Borough.