

Planning Statement

April 2024

Prior Approval Class MA

718 - 722 Seven Sisters Road, Tottenham, London N15 5NE

This application seeks prior approval for the change of use to residential dwellinghouses for the entire building, arranged over three floors, which is currently in use as a commercial building. Internally the building is sublet to small companies and individuals working primarily in the fashion and design sector using the office spaces (former B1 use) which now fall within Use Class E as of the amendment to the use classes order on 1st September 2020.

Proposed Development and Class of GDPO.

The proposed change of use is Permitted Development subject to Prior Approval of the Haringey Council by virtue of 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 (Use Class E) to a dwellinghouse(s) (Use Class C3).

Prior Approval is sought for a change of use of the ground, first and second floor commercial premises (Use Class E) to residential use (Use Class C3) comprising 3 x Studio flats, 3 x 1bed flats and 4 x 2bed flats.

For simplicity a table below runs through the specific legislation of Class MA and considers the limitations and any conditions.

Criteria against which the proposal is assessed:		
The main consideration in this case is the compliance of the proposal with the criteria specified in Schedule 2, Part 3, (Changes of Use), Class MA (change of use from Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses)) of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2021. A recent further amendment has removed paragraph (a) and (c) of the Class MA Criteria- see below.		
Development is NOT permitted by Class MA if:		
MA.1 Criteria:		Complies
(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; This paragraph has been omitted by the Statutory Instrument 2024 No.141 which came into force on 5th March 2024. Therefore no longer relevant.	N/A
(b)	unless the use of the building fell within Class E for a continuous period of at least 2 years prior to the date of the application for prior approval; As confirmed by the extant permission for a proposed residential use on top of the commercial building (HGY/2022/2787) and from the planning history and council records. Current use is design office with fashion studio and workshops.	Yes
(c)	if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres; This paragraph has been omitted by the Statutory Instrument 2024 No.141 which came into force on 5th March 2024. Therefore no longer relevant.	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;	Yes

	(iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area; None of the above designations cover or apply to the site.	
e)	if the building is within an area of outstanding natural beauty/ National Park Not applicable.	Yes
(f)	if the site is occupied under an agricultural tenancy It is a commercial property, not agricultural.	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. The proposed development site was not covered by an Article 4 Direction.	Yes

MA.2 of the legislation confirms that if the proposal meets or complies with the limitations above then further conditions need to be considered as part of the prior approval process to confirm if approval by the Local Authority is required or not:

Development is permitted by Class MA subject to the following conditions –

- 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.

Each of these will be considered in turn.

Transport and access

The site is highly accessible with a PTAL of 6a (Excellent) with bus routes serviced from the main road with Stops Elizabeth Road TR and TX within 100m of the site on Seven Sister Road. Access to tube and Overground services at Seven Sisters are less than 5 minutes walk to the north east with further services south from Manor House and Finsbury Park beyond. The proposed change of use does not give rise to a material increase or change in current likely traffic volumes in the vicinity and

there would be no such increase in traffic due to the proposed change of use. The proposed access to the site will not be changed. There are no on site car parking spaces and none are proposed, this is a car free scheme so there will be no change in the number of vehicles arriving or leaving the site. Refuse will continue for the proposed occupiers as it already does for the existing commercial uses.

Contamination

There are no known contamination risks. The site has been used as a commercial premises for many years. Employees and also members of the public have been accessing the units from the main road (both Seven Sisters Road and Gourley Street) and no contamination has been recorded nor any hazardous materials stored on site. No internal works would affect the foundations of the site. As confirmed by the previous Prior Approval granted on 14th April 2023 (HGY/2022/2787) under Class AB it was 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.

Flooding

The application site is not within a flood risk zone 2 or 3 and no known flooding from surface water, drains or rivers has occurred on site as confirmed by the previous Prior Approval. Only major sites that have critical drainage problems need to be notified to the Environment Agency, this being a minor application it complies with paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order so the EA do not need to be consulted.

Noise

There are no known noise from commercial properties that would impact on future occupiers. There are residential properties in the building adjoining at 724 Seven Sisters Road and also adjacent and recently approved at no.716. The Prior Approval under Class AB for four residential flats above this commercial building also found that noise levels are acceptable in this area for further residential occupier; and no known complaints have been made to Environmental Health.

Conservation Area

The site is not within a conservation area so no further assessment of other uses is required.

Daylighting

The proposed development will have many dual aspect flats and have been assessed using the BRE Methodology. All habitable rooms will have a window and the bedrooms and living/dining rooms all exceed the minimum daylighting levels. A supporting statement by T16 Design is submitted in support of the application.

Other Uses impact on future occupiers

The council have not designated the surrounding land as important to general or heavy industry, waste management, storage and distribution uses. It does not have policy allocation or protection for those uses. There have been various studies and draft site specific development briefs made for the redevelopment of the area into a residential-led scheme. This supports the use of this building as residential and therefore there is no impact on the proposed occupiers as residential users from those other uses.

There is no loss of services provided by a registered nursery, or a health centre by the change of use of this commercial building.

As confirmed by the Council's decision to grant the additional residential uses above the topmost storey on this building, these criteria are not relevant in relation to the assessment of this application and in any case there are other residential properties nearby.

Space Standards

The proposed flats meet or in many cases exceed the minimum requirements laid out by the nationally described space standards.

Fire Safety

The site is 3 storeys in height and less than 18m therefore no further fire safety impacts are required for assessment. Clearly Building Regulations will still be complied with and the proposed change of use is entirely on the ground floor and means of escape can be gained through the doors and windows directly to the street.

CIL

No new floorspace is being created and part of 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. The CIL Additional Questions Form has been submitted with the application.

Conclusion

Therefore, the proposed works are considered lawful because they adhere to the limitations and conditions of Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval should again not be required.