

ALLEN PLANNING Ltd
Town Planning and Development Consultants

Barnet Council
Planning Department
By email only

19th February 2021

Dear Sirs

Prior Notification requirement – Class M of the GPDO 2015 as amended - Change of use of “outbuilding” to rear of ground floor only from Class A1 to form 1 apartment (Class C3)

Site at “outbuilding” to the rear of Ground Floor only at 815-819 High Road, Finchley N12 8PR

We submit a Prior Notification submission which relates to a “linked outbuilding” to the rear of the ground floor of this building only. It is proposed to convert this Class A1 space into one apartment.

The floorspace the subject of this application is effectively a connected outbuilding to the rear of the store itself and whilst this has been used for storage and staff “breakout” etc the proposed conversion would not impact on the current “trading floor space” of the store.

The part of the building the subject of this application whilst being accessed through the shop also has a separate pedestrian access into the rear courtyard and it would be proposed to utilise this for the residential conversion proposed.

In addition to this letter, accompanying this submission, are the existing and proposed plans and a site plan of the building identifying the site the subject of this Notification. The appropriate application fee will be paid and the application form will be completed via the portal and we also attach to this submission the completed CIL forms.

The overall area is predominantly commercial in character being located within North Finchley Town Centre. The frontage building is three storey within a terrace with a yard at the rear with access onto the side road (Lodge Lane).

It is the connected “outbuilding” to the rear of the main building which is the subject of this application only and this floorspace comprises a single storey flat roofed building with access onto the courtyard.

The site is located close to a tube station and is located within an area with a PTAL rating of 4 (good).

The site does not lie within a conservation area and is not listed and is also located within an area where controlled parking measures are in place.

A photograph of the building the subject of this application is shown below.



This site is not covered by any of the Article 4 Direction removing the ability to enact Part M conversion rights as set out within the GPDO and therefore permitted development rights in principle apply.

GPDO

The revision to the General Permitted Development Order (GPDO) of 2015 created a new Class M into Part 3 of the GPDO. This authorises the residential conversion of a building falling within Class A1 (shops) or A2 (financial and professional services), or which is in combined use as a dwelling and a use falling within Class A1 or A2 to unlimited residential units. This new Class also includes the authorisation of building operations reasonably necessary to convert the building to residential use. Part M states

Development consisting of—

(a) a change of use of a building from—

(i) a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order;

(ii) a use as a betting office or pay day loan shop, or

(iii) a mixed-use combining use as a dwellinghouse with—

(aa) a use as a betting office or pay day loan shop, or

(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule

Permitted Development

Class M permits the change of use of the ground and lower ground floors of this building to form residential apartment(s). Paragraph M.1 advises that such development is not permitted by Class M where—

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The rear outbuilding the subject of this application which is physically linked to the ground floor of the large retail parade along the High Road is utilised as a storage and staff breakout area for the shop but not for trading floor space. That being said its use given the fact that it is physically linked and connected to the frontage shop would fall within the former Class A1 of the UCO.

(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;

Not the case

(c) The cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

the floor area involved for residential conversion is 61m² and thereby less than the permitted 150m²

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

The floor area to be converted is 61m² and thereby less than the permitted 150m²

(e) The development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

No increase in size of the building is proposed

(f) The development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

No demolition is proposed

(g) the building is—

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

- (v) a listed building; or
- (vi) a scheduled monument

None of these restrictions apply to this site.

The previous applications on the site, given the sole reason for refusal in each case, clearly identify that this building is wholly compliant with all of the criteria of Paragraph M1 of the Order.

This permitted development is also subject to conditions as identified in paragraph M.2 as follows: -

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 and highways impacts of the development;*
- (b) contamination risks on the site; and*
- (c) flooding risks on the site,*

(iv) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and

(e) the design or external appearance of the building,

The amendments to the GPDO of 2020 introduced an additional “test” as to whether the prior approval of an Authority will be required as to:

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

The matters prevalent to prior notification are therefore contamination, flooding, transport/highway impacts, “provision of services” and the issue of natural light.

Contamination

Turning initially to matters of contamination the site lies in area where matters of land and ground contamination have not previously been identified on a number of planning applications close. In addition, the proposal is for change of use only and no “ground break” is proposed. As the building is used for purposes falling under Class A1 of the former UCO it is expected that there are utilities and other services already in place.

The development would involve no excavation or disturbance of the existing concrete slab which forms the building floor and consequently, there would be no pathways for any potential contaminants to reach the potential receptors comprising humans, controlled waters or the wider environment. The Class A1 space has been the subject of human use and occupation; as such the potential receptor use of the building does not change.

We therefore respectfully suggest that there are no material issues to prevent the granting of this Prior Notification application relating to the change of use proposed on matters of ground contamination.

Design

Permitted development allows for alterations to be made to the building if necessary, for residential conversion under Part M of the Order. In this case no external alterations to the building are proposed. It may be necessary to repair parts of one wall and the roof however such would not alter the size or height of the building and as such we confirm that there are no proposed design changes as a result of this application.

Flood Risk

The site lies within Flood Zone 1 and therefore there are no material issues to prevent the granting of this application relating to the change of use proposed on matters of Flooding. The relevant EA flood risk map is shown in Figure 2 below.

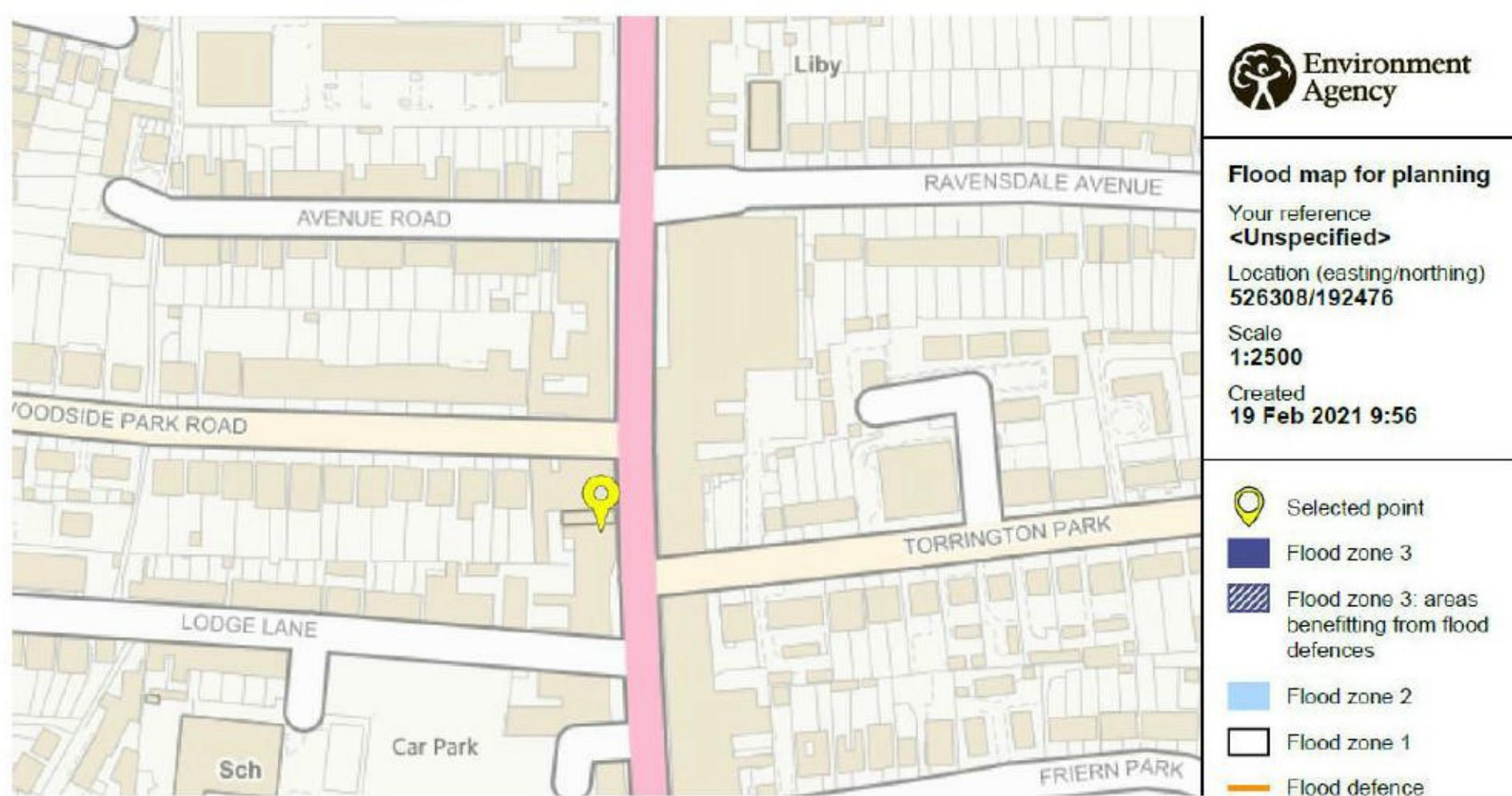


Figure 2 - EA Flood Map

Given its overall size at substantially less than 1 hectare there is no requirement to consult the EA in terms of these proposals or indeed submit an FRA.

Given the above there are clearly no issue pursuant to flood risk in respect of this application proposal.

Transport

Given the permitted Class A1 use of the “linked outbuilding”, which is the subject of this application, and given the scale of the development proposed namely one apartment, then the traffic generation from this scheme would not have a detrimental impact upon the local highway network.

In terms of car parking the revised NPPF in matters of sustainable development, transport and car parking advises at paragraph 105 that: -

"105. If setting local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development;

b) the type, mix and use of development;

c) the availability of and opportunities for public transport;

d) local car ownership levels; and

e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles."

Importantly Paragraph 109 of the Framework 2019 advises that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"

In terms of its sustainable location the site has a PTAL rating of 4 which is good.

The proposed flat can be allocated a car parking space within the existing rear courtyard area and we have shown on the block plan the availability of car parking.

On the basis that one off street car parking space can be provided for the proposed apartment served by the existing access to Lodge Lane it is submitted that the development proposed would not result in any harm to any matters of highway safety.

Impact and Provision

Paragraph M.2 (e) (iv) of the Order advises that an assessment should be made as to whether it is undesirable for the building to change to a use because of the impact of the change of use on:

(i) an adequate provision of services but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area.

A key Shopping Area?

The site is located within the North Finchley Town Centre and as such would form land within a key shopping area. The GPDO therefore requires an assessment as to whether the change of use proposed would impact upon the sustainability of that shopping area.

The proposed change of use would occur in a building which is at the rear of the main shop premises albeit physically linked.

The building to be converted is not used as trading space but solely as ancillary storage/staff usage. On that basis the change of use would result in the loss of currently operating trading space fronting the High Road.

Whilst therefore the site is within a key shopping area given the location of the outbuilding upon which this application is submitted its conversion to a flat would not impact upon the sustainability of that shopping area.

Impact of provision

In terms of the impact of provision as we have set out above the change of use proposed would not impact upon the trading conditions of the premises fronting the High Road and indeed it is highly unlikely that this building would be used to separate retail enterprise because it has no street frontage with access only to an internal courtyard served from Lodge Lane.

The conversion of this part of the site to a single residential unit would not therefore impact upon the current town centre uses in the main part of the building and as such would have no adverse impact on the provision of services in the local area.

On this basis we conclude that there is no conflict in terms of the compliance of this proposal when assessed against this criterion of Part M.

Adequate Natural Light

The new criteria identified in the recent changes to the GPDO also requires an assessment in terms of each flat to be created relating to:

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,";

It is proposed to create one apartment within this building which would be dual aspect and would have three habitable rooms, being a two bedroomed unit.

The two proposed bedrooms would each be served by a single window in the principal elevation whereas the living space would be dual aspect provided by two windows with one in the side and one on the principal elevation of the building.

These windows generally look out onto an open courtyard area and thereby the proposed apartment would receive adequate natural light into all of its three habitable rooms.

Part W requirements

Part W advises that the following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

Part (2) requires that the application shall be accompanied by—

(a) a written description of the proposed development;

use of building to rear from Class A1 to form 1 apartment (Class C3)

(b) a plan indicating the site and showing the proposed development;

-attached to this letter as are the detailed floor plans and elevations

(c) the developer's contact address;

Finchley Estates Ltd C/O Allen Planning, The Old Fire Station EC, Salt Lane, Salisbury SP1 1DU

(d) the developer's email address if the developer is content to receive communications electronically; -

Finchley Estates Ltd via Allen Planning Ltd – tony.allen@allenplanning.co.uk

together with any fee required to be paid. –

£96 to be paid by Card via the planning portal

Conclusions

In light of the information contained within this letter we submit that the change of use of the existing building to the rear at ground floor of these premises **from Class A1 use to form 1 apartment** is wholly in accord with Class M of the amended General Permitted Development Order 2015, as amended, and the Prior Notification Procedure.

If the Council require any further information then please do not hesitate to contact us.

Yours sincerely



Mr A.M Allen
Managing Director

The Old Fire Station Enterprise Centre, Salt Lane, Salisbury, Wiltshire. SP1 1DU

www.allenplanning.co.uk

Tel: 01722 503527 or 07827 446075

tony.allen@allenplanning.co.uk