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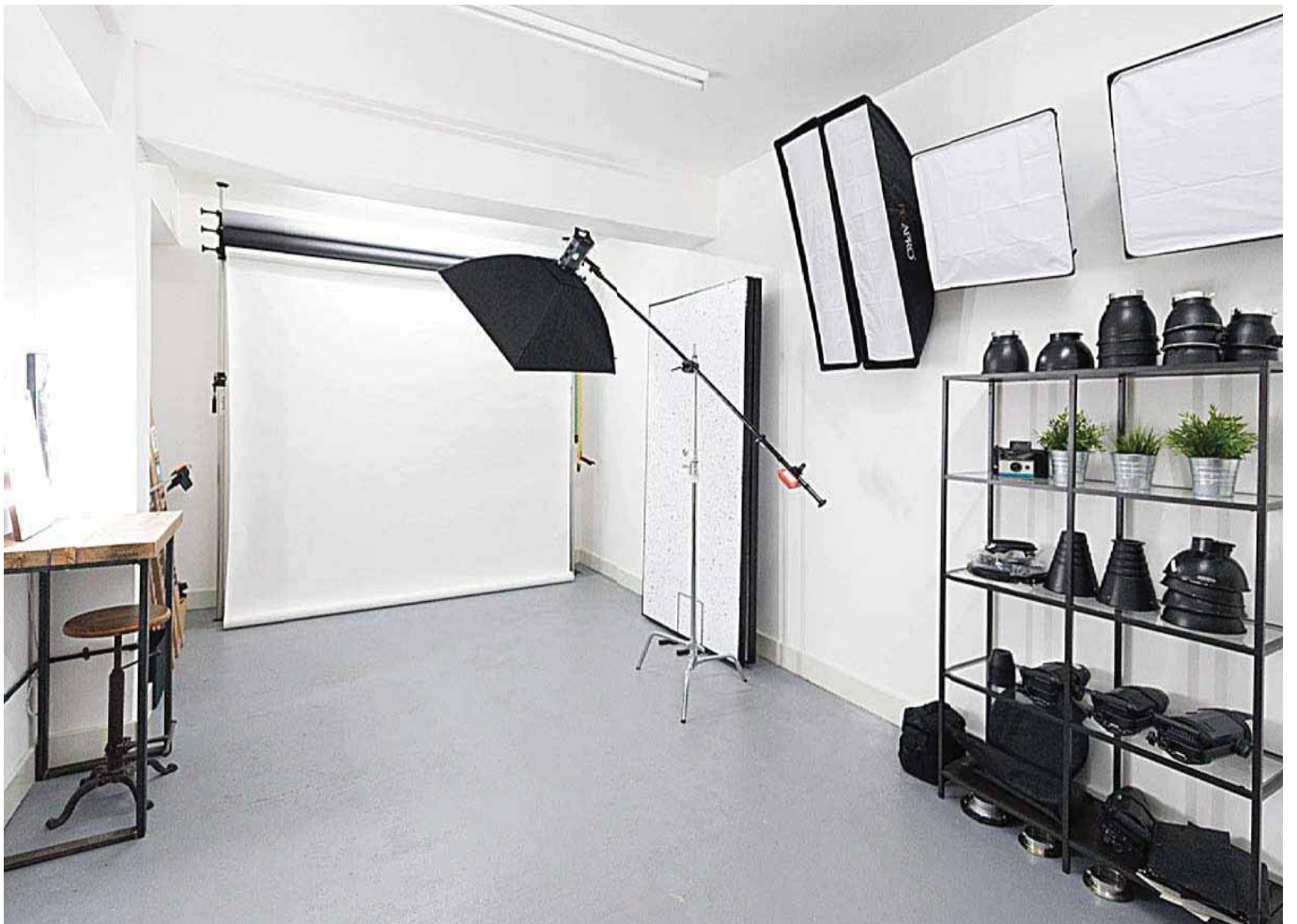


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APPENDIX 6







APPENDIX 7



	LAWRENCE CERTIFICATE
	COMMERCIAL USE
	NO CERTIFICATE

Arena Design Centre survey table

Unit Address	Current usage	Do premises have Lawful Use certificate/what for?	Planning Reference	Size of Unit (m2)	VOA description	VOA floorspace
ARENA DESIGN CENTRE						
A1 - ff	RESIDENTIAL	Yes for five self contained flats	2001/1069	102 sqm		
A2 - gf	RESIDENTIAL	Yes for five self contained flats	2001/1069	102 sqm		
A3 - g	RESIDENTIAL	Yes for five self contained flats	2001/1069	102 sqm		
A4 - g	RESIDENTIAL	Yes for five self contained flats	2001/1069	102 sqm		
A5 - g	RESIDENTIAL	Yes for five self contained flats	2001/1069	102 sqm		
B1	RESIDENTIAL	Yes for single dwelling house (C3)	2012/0640	approx. 110 sqm		
B2	RESIDENTIAL	Yes for single dwelling house (C3)	2012/0638	approx. 130 sqm		
B3	RESIDENTIAL	Yes for single dwelling house (C3)	2012/0618	110 sqm		
C	RESIDENTIAL	Yes for single residential dwelling unit	2012/1246	approx. 363 sqm		
D	COMMERCIAL	No	No	670 sqm	Workshop and premises	
E left	LIVE/WORK	No	No	408 sqm		
E right	COMMERCIAL	No	No	390 sqm		
E2 split into 2 units- left/right	LIVE/WORK	No	No	836 sqm		
F ground floor/mezzanine	LIVE/WORK	Yes for single residential unit	2012/1030	approx. 730 sqm		
G first floor /mezzanine	HMO	Yes for HMO	2012/0619	464 sqm		
H	RESIDENTIAL	Yes for single residential unit	2012/1040	approx. 230 sqm		
I /mezzanine	RESIDENTIAL	Yes for single self contained residential unit	2013/0416	approx. 462.5 sqm	Workshop and premises	
J	RESIDENTIAL	No	No	464 sqm		
K1	RESIDENTIAL	Yes for seven self contained residential units	2012/1147	185 sqm		
K2	RESIDENTIAL	Yes for seven self contained residential units	2012/1147	185 sqm		
K3/ mezzanine	RESIDENTIAL	Yes for seven self contained residential units	2012/1147	185 sqm		
K4/ mezzanine	RESIDENTIAL	Yes for seven self contained residential units	2012/1147	185 sqm		

Unit Key

	LAWFUL POSITION
	COMMERCIAL
	NO LAWFUL CERTIFICATE

K5	RESIDENTIAL	Yes for seven self contained residential units	2012/1147	185 sqm		
K6	RESIDENTIAL	Yes for seven self contained residential units	2012/1147	185 sqm		
K7	RESIDENTIAL	Yes for seven self contained residential units	2012/1147	185 sqm		
L6/ mezzanines	LIVE/WORK	No	No	464 sqm	Workshop and premises	
M	RESIDENTIAL	Yes for HMO	2012/0616	185 sqm		

Arena Design Centre

Lawful Residential	4589.5sqm
Commercial	1060sqm
Residential without lawful certificate	2172sqm

Environmental Services
639 High Road, Tottenham, London, N17 8BD
Tel: 020 8489 0000
Fax: 020 8489 5220
Minicom: 020 8489 5549

Planning & Environmental Control Service

To Ian Coward Weatherall, Green & Smith 22 Chancery Lane London WC2A 1LT	On behalf of Orangeleaf Limited C/O Agent
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Planning Application Reference No. **HGY/2001/1069**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN
BREACH OF A PLANNING CONDITION**

Location: Units A1 - A5 Arena Business Centre 71 Ashfield Road London N4 1NY

Proposal: Certificate of Lawfulness for the use of the property as five self contained flats.

In pursuance of their powers under the above Act and Order, the London Borough of Haringey Council as local planning authority hereby CERTIFY that the above proposal described in the application received on 30/07/2001 is **LAWFUL**.

Applicant's drawing number(s) if applicable : .

Anne Doherty
Assistant Director
Planning & Environmental Control Service

30/10/2001

- NOTE:**
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

LAWEXC
Certificate of Lawfulness
Existing
Lawful

DIRECTOR Peter Norton
ASSISTANT DIRECTOR - PLANNING & ENVIRONMENTAL CONTROL Anne Doherty

Mr Ben Frost
Unit B1 Areal Business Centre
71 Ashfield Road
London
N4 1FF

Planning Application Reference No. HGY/2012/0640

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit B1 Arena Business Centre 71 Ashfield Road N4 1NY**

Proposal: **Certificate of Lawfulness for use of property as single dwelling house (C3)**

In pursuance of their powers under the above Acts and Order of the London Borough of Haringey as local Planning authority hereby CERTIFY that the above proposal described by the applicant dated 28th March 2012 is LAWFUL, under Section 171B (1) of the Town and Country Planning Act because the supporting evidence is enough justification that the property has been in use as residential accommodation (C3) for a period more than 4 years.

Applicant's drawing number(s): Unnumbered

18/05/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

Director of Place & Sustainability **Lyn Garner**

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

- If you are aggrieved by the decision of your local planning authority refusing or partially refusing a Certificate of Lawful Use or Development, you may appeal to the Secretary of State for the Environment under Section 195 and 196 of the Town and Country Planning Act 1990 and paragraphs 32 and 33 of Schedule 7 of the Planning and Compensation Act 1991. Only the applicant may appeal.
- If you want to appeal then you must do so within six months from the date of the local planning authority's decision against which you are appealing or if the decision relates to the same or substantially the same land and development and is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 6 months from this decision whichever period expires earlier, using a form which you can get from:-

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

www.planning-inspectorate.gov.uk

- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Ms Harmony Boucher
Unit B2 Arena Business centre
71 Ashfield Road
London
N4 1FF

Planning Application Reference No. **HGY/2012/0638**

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit B2, Arena Business Centre 71 Ashfield Road N4**

Proposal: **Use of property as single dwellinghouse (C3).**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 28/03/2012, is **LAWFUL**.

Applicant's drawing number: unnumbered drawings.

18/05/2012

Paul Smith
Head of Development Management
Planning, Regeneration & Economy

- NOTE:
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
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APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

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- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr David Woosnam
Unit B/3 Arena Business Centre
71 Ashfield Road
London
N4 1FF

Planning Application Reference No. HGY/2012/0618

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit B3, Arena Business Centre, 71 Ashfield Road N4 1NY**

Proposal: **Certificate of Lawfulness for use of property as C3 (residential)**

In pursuance of their powers under the above Acts and Order of the London Borough of Haringey as local Planning authority hereby CERTIFY that the above proposal described by the applicant dated 27th March 2012 is LAWFUL, under Section 171B (1) of the Town and Country Planning Act because the supporting evidence is enough justification that the property has been in use as residential accommodation (C3) for a period more than 4 years.

Applicant's drawing number(s): Unnumbered

18/05/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

Director of Place & Sustainability **Lyn Garner**

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

- If you are aggrieved by the decision of your local planning authority refusing or partially refusing a Certificate of Lawful Use or Development, you may appeal to the Secretary of State for the Environment under Section 195 and 196 of the Town and Country Planning Act 1990 and paragraphs 32 and 33 of Schedule 7 of the Planning and Compensation Act 1991. Only the applicant may appeal.
- If you want to appeal then you must do so within six months from the date of the local planning authority's decision against which you are appealing or if the decision relates to the same or substantially the same land and development and is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 6 months from this decision whichever period expires earlier, using a form which you can get from:-

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- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Shulum Aksel
Proviewell Ltd
Unit C Arena Business Centre
71 Ashfield Road
London
N4 1FF

Planning Application Reference No. HGY/2012/1246

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit C, Arena Business Centre, 71 Ashfield Road N4**

Proposal: **Certificate of Lawfulness for use of property as single residential dwelling unit**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 20/06/2012, is **LAWFUL**.

Applicant's drawing numbers: Un numbered

Reason: The supporting evidence is sufficient justification that the property has been in use as single residential dwelling unit (C3) for a period more than 4 years.

14/08/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

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Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

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- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Shulum Aksel
Provewell Ltd
Unit F, Arena Business Centre
71 Ashfield Road
London
N4 1NY

Planning Application Reference No. HGY/2012/1030

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit F, Arena Business Centre 71 Ashfield Road N4 1NY**

Proposal: **Use of property as single residential unit (certificate of lawfulness for an existing use)**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 17/05/2012, is **LAWFUL**.

Applicant's drawing number: Unnumbered

Reason: The supporting evidence is sufficient justification that the property has been in use as a single residential unit for a period more than 4 years.

08/08/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

- NOTE:
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

- If you are aggrieved by the decision of your local planning authority refusing or partially refusing a Certificate of Lawful Use or Development, you may appeal to the Secretary of State for the Environment under Section 195 and 196 of the Town and Country Planning Act 1990 and paragraphs 32 and 33 of Schedule 7 of the Planning and Compensation Act 1991. Only the applicant may appeal.
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2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

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- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Abner Harris
Unit G Arena Business Centre
71 Ashfield Road
London
N4 1FF

Planning Application Reference No. **HGY/2012/0619**

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit G, Arena Business Centre, 71 Ashfield Road N4**

Proposal: **Use of property as a house in multiple occupation.**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 27/03/2012, is **LAWFUL**.

Applicant's drawing numbers: Un-numbered drawings

18/05/2012

Paul Smith
Head of Development Management
Planning, Regeneration & Economy

- NOTE:
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
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- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Shulum Aksel
Provewell Ltd
Unit H,
Arena Business Centre
71 Ashfield Road
London
N4 1NY

Planning Application Reference No. **HGY/2012/1040**

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF A PLANNING CONDITION

Location: **Unit H, Arena Business Centre, 71 Ashfield Road N4**

Proposal: **Use of property as single residential unit (certificate of lawfulness for an existing use)**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 17/05/2012, is **LAWFUL**.

Applicant's drawing number: Unnumbered

Reason: On the balance of probability, it is considered that the use of the property has been as a single residential unit for a period over four years.

20/08/2012

Paul Smith
Head of Development Management
Planning, Regeneration & Economy

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
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 1. the application made to the local planning authority;
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 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Shulume Axler
Provewell Ltd
Unit 1,
71 Ashfield Road
London
N4 1FF

Planning Application Reference No.HGY/2013/0416

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit I Arena Business Centre, 71 Ashfield Road N4 1NY**

Proposal: **Certificate of Lawfulness for use of property as single self contained residential unit**

In pursuance of their powers under the above Acts and Order of the London Borough of Haringey as Local Planning Authority hereby CERTIFY that the above proposal described by the applicant dated 11/03/2013 is LAWFUL, under Section 171B (1) of the Town and Country Planning Act because the supporting evidence is enough justification that the property has been in use as a single residential unit for a period more than 4 years.

Applicant's drawing number(s): Drawings un numbered

18/04/2013

**Marc Dorfman
Assistant Director
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

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 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Shulume Aksel
Provewell Ltd
C/O Unit K4 Arena Business Centre,
71 Ashfield Road
London
N4 1FF

Planning Application Reference No. HGY/2012/1147

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit K1-K7 71Arena Business Centre Ashfield Road N4 1NY**

Proposal: **Certificate of Lawfulness for use of property as 7 self contained residential units**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 01/06/2012, is **LAWFUL**.

Applicant's drawing number(s): First & Mezzanine floor

13/07/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

- NOTE:
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

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The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

www.planning-inspectorate.gov.uk

- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Cinzia Makinicci
Unit M Arena Business Centre
71 Ashfield Road
London
N4 1FF

Planning Application Reference No. HGY/2012/0616

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **Unit M, Arena Business Centre, 71 Ashfield Road N4 1NY**

Proposal: **Certificate of Lawfulness for use of property as a house in multiple occupation.**

In pursuance of their powers under the above Acts and Order of the London Borough of Haringey as local Planning authority hereby CERTIFY that the above proposal described by the applicant dated 27th March 2012 is LAWFUL, under Section 171B (1) of the Town and Country Planning Act because the supporting evidence is enough justification that the property has been in use as a house in multiple occupation for a period more than 10 years.

Applicant's drawing number(s): Unnumbered.

18/05/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

Director of Place & Sustainability **Lyn Garner**

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
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 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

APPENDIX 8



	LAWFUL CERTIFICATE
	COMMERCIAL USE
	NO CERTIFICATE

Overbury Road

1 OVERBURY ROAD

2 OVERBURY ROAD

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Old Ribbon Factory

Stonehouse

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Burton Factory

Cara House

Unit 4

Unit C

Unit D

Unit E

Overbury and Eade Road survey table						
Unit Address	Current usage	Do premises have Lawful Use certificate/what for?	Planning Reference	Size of Unit (m2)	VOA description	VOA Floorspace
EADE ROAD						
OVERBURY ROAD						
1 Overbury Road	RESIDENTIAL	Yes for retention of 4 x 3 bed apartments	2011/1191	240 sqm		
2 Overbury Road	RESIDENTIAL	Yes for 13 self contained flats	2006/0649	574 sqm		
3 Overbury Road	RESIDENTIAL	Yes for retention of 4 x 3 bed apartments	2011/1191	240 sqm		
5 Overbury Road	RESIDENTIAL	Yes for retention of 4 x 3 bed apartments	2011/1191	396 sqm		
7 Overbury Road	RESIDENTIAL	Yes for retention of 4 x 3 bed apartments	2011/1191	396 sqm	Workshop and premises	165.06sqm
9 Overbury Road	RESIDENTIAL	Yes for single self contained dwelling	2012/0778	396 sqm		
11 Overbury Road	RESIDENTIAL	Yes single self contained dwelling	2012/0779	396 sqm		
13 Overbury Road	RESIDENTIAL	No	No	396 sqm	Workshop (GF)	48.89sqm
17 Overbury Road	RESIDENTIAL	Yes for self contained residential unit	2013/0054	396 sqm		
19 Overbury Road	RESIDENTIAL	Yes for single self contained dwelling	2012/0775	396 sqm		
21 Overbury Road	RESIDENTIAL	Yes for single self contained dwelling	2012/0781	396 sqm		
23 Overbury Road	RESIDENTIAL	No	No	139 sqm	Workshop and premises	
25/27 Overbury Road	RESIDENTIAL	No	No	278 sqm	Workshop and premises	
CATWALK PLACE						
Old Ribbon Factory Flat A	RESIDENTIAL	Refused insufficient evidence	2013/0765	295 sqm		
Old Ribbon Factory Flat B	RESIDENTIAL	Refused insufficient evidence	2013/0765	195 sqm		
Old Ribbon Factory Flat C	RESIDENTIAL	Refused insufficient evidence	2013/0765	100 sqm		
Old Ribbon Factory Flat D	RESIDENTIAL	Refused insufficient evidence	2013/0765	100 sqm		
OLD BUTTON FACTORY						
Button Factory Flat 1	RESIDENTIAL	Yes appeal erection 4 storey building (Industrial units with residential above)	APP/Y5420/A/08/2080738	209 sqm		
Button Factory Flat 2	LIVE/WORK	Yes appeal erection 4 storey building (Industrial units with residential above)	APP/Y5420/A/08/2080738	209 sqm		
Button Factory Flat 3	RESIDENTIAL	Yes appeal erection 4 storey building (Industrial units with residential above)	APP/Y5420/A/08/2080738	209 sqm		
Button Factory Flat 4	RESIDENTIAL	Yes appeal erection 4 storey building (Industrial units with residential above)	APP/Y5420/A/08/2080738	209 sqm		
COTTON MILL						
Cotton Mill Flat 1	RESIDENTIAL	refused 4 self contained residential units	2013/1859	139 sqm		
Cotton Mill Flat 2	RESIDENTIAL	refused 4 self contained residential units	2013/1859	139 sqm		

Unit Key

	LAWFUL POSITION
	COMMERCIAL
	NO LAWFUL CERTIFICATE

Cotton Mill Flat 3	RESIDENTIAL	refused 4 self contained residential units	No	No	139 sqm		
Cotton Mill Flat 3c	RESIDENTIAL	refused 4 self contained residential units	2013/1859	2013/1859	approx.273.5 sqm		
Cotton Mill Flat 5	RESIDENTIAL	refused 4 self contained residential units	2013/1859	2013/1859	28 sqm		
STONEHOUSE							
Stonehouse Flat 5	RESIDENTIAL	No	No	No	125 sqm		
Stonehouse Flat 6	RESIDENTIAL	No	No	No	125 sqm		
Stonehouse Flat 7 & 8 are one unit	RESIDENTIAL	No	No	No	125 sqm		
Stonehouse Flat 9	RESIDENTIAL	No	No	No	125 sqm		
Stonehouse Flat 10	RESIDENTIAL	No	No	No	125 sqm		
Stonehouse Flat 11	RESIDENTIAL	No	No	No	125 sqm		
Stonehouse Flat 12	RESIDENTIAL	No	No	No	125 sqm		
Stonehouse Flat 13	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	55 sqm		
Stonehouse Flat 14	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	60 sqm		
Stonehouse Flat 15	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	78 sqm		
Stonehouse Flat 16	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	81 sqm		
Stonehouse Flat 17	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	60 sqm		
Stonehouse Flat 18	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	99 sqm		
Stonehouse Flat 19	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	61 sqm		
Stonehouse Flat 20	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	65 sqm		
Stonehouse Flat 21	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	83 sqm		
Stonehouse Flat 22	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	86 sqm		
Stonehouse Flat 23	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	68 sqm		
Stonehouse Flat 24	RESIDENTIAL	Yes for 12 self contained flats	2010/1743	2010/1743	115 sqm		
TWICKESBURY ROAD							
1-19 Twickesbury road flat 1	RESIDENTIAL	Yes for 4 self contained units	2007/0743	2007/0743	185 sqm	Workshop and premises (GF 6-10)	129,688sqm
1-19 Twickesbury road flat 2	RESIDENTIAL	Yes for 4 self contained units	2007/0743	2007/0743	185 sqm		
1-19 Twickesbury road flat/D/ ground floor	RESIDENTIAL	Yes for 4 self contained units	2007/0743	2007/0743	185 sqm		
1-19 Twickesbury road flat B/ upper floor	RESIDENTIAL	Yes for 4 self contained units	2007/0743	2007/0743	186 sqm		
199 EADE ROAD							
Unit C ground/199 Eade Road	LIVE/WORK	Yes/Appeal	APP/V5420/C/14/2212166	APP/V5420/C/14/2212166	287sqm		

Unit D first floor 199 Eade Road	COMMERCIAL	No	No	287sqm	
Flat A Unit E 1st Floor 199 Eade Road	RESIDENTIAL	refused for use as 3 self contained flats	2012/11529	278 sqm	
Flat B Unit E 1st Floor 199 Eade Road	RESIDENTIAL	refused for use as 3 self contained flats	2012/11529	278 sqm	
Flat C Unit E 1st Floor 199 Eade Road	RESIDENTIAL	refused for use as 3 self contained flats	2012/11529	278 sqm	
Ground floor Unit E 199 Eade Road	COMMERCIAL	No	No	278sqm	
EX-FED 4A 199 Eade Road	RESIDENTIAL	No	No	469.8 sqm	
EX-FED 4B 199 Eade Road	RESIDENTIAL	Yes/Appeal	APP/VS420/C/14/2212163	469.8sqm	
EX-FED 4C 199 Eade Road	RESIDENTIAL	No	No	469.8 sqm	
Unit 4 first floor	COMMERCIAL	No	No	3638.22sqm	Workshop and premises
Flat A cutting rooms ARBOREAL 5 199 Eade Road	RESIDENTIAL	No	No	353 sqm	
Flat B cutting rooms ZENITH 5 199 Eade Road	RESIDENTIAL	No	No	353 sqm	
Flat C cutting rooms TRIUMVIRATE 5 199 Eade Road	WORKSPACE	No	No	278 sqm	
CARA HOUSE					
CARA House ground floor basement	RESIDENTIAL	Yes prior approval COU offices to residential	2015/0213	202sqm	
CARA House 1st Floor	RESIDENTIAL	Yes for 5 self contained residential units	2013/0055	202 sqm	
CARA House second floor left	RESIDENTIAL	Yes prior approval COU offices to residential	2014/2344	103 sqm	
CARA house second floor right	RESIDENTIAL	Yes for 5 self contained residential units	2013/0055	103 sqm	
CARA house third floor	RESIDENTIAL	Yes for 5 self contained residential units	2013/0055	216 sqm	
CARA house fourth floor	RESIDENTIAL	Yes for 5 self contained residential units	2013/0055	202 sqm	
CARA house fifth floor	RESIDENTIAL	Yes for 5 self contained residential units	2013/0055	202 sqm	

Overbury and Eade Road

Lawful Residential	8300.8sqm
Commercial	3925.22sqm
Residential without lawful certificate	6132.1sqm

Mr A M Allen
Allen Planning Ltd
21a New Street
Salisbury
SP1 2PH

Planning Application Reference No. **HGY/2015/0213**

**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (as amended by SI 2013 No. 1101)
DETERMINATION UNDER PART 3, CLASS J OF SCHEDULE 2 (Changes of Use)**

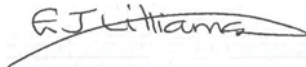
Location: **Cara House, 339A Seven Sisters Road, N15**

Proposal: **Prior approval for change of use from B1 (a) (offices) to C3 (residential)**

Haringey Council, as local planning authority, hereby confirm that their Prior Approval is given for the proposed development at the address shown above, as described by the description shown above, and in accordance with the information that the developer provided to the local planning authority and drawing numbers: 632-100

SEE SCHEDULE OF CONDITIONS ATTACHED

17/03/2015



**Emma Williamson
Head of Development Management
Planning Service**

Notes:

1. You can find advice in regard to your rights of appeal at:
www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent
2. This notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact Haringey Council Building Control Team by email building.control@haringey.gov.uk, telephone 020 8489 5504, or see our website at www.haringey.gov.uk/buildingcontrol.

HGY/2015/0213

The following conditions have been applied to this consent and these conditions must be complied with:

1. The development shall not be occupied until cycle parking has been provided in accordance with details submitted to and approved in writing by the local planning authority. Thereafter the approved facilities shall be retained permanently for these purposes only.

Reason: To promote sustainable modes of transport in accordance with Policies 6.1 and 6.9 of the London Plan 2011 and Policy SP7 of the Haringey Local Plan 2013.

2. The development shall not be occupied until a car parking management plan has been submitted to and approved in writing by the local planning authority. Thereafter the car parking facilities shall be operated in accordance with the approved management plan.

Reason: In order to ensure that the proposed development does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway consistent with Policy 6.13 of the London Plan 2011 and Saved Policies UD3 and M10 of the Haringey Unitary Development Plan 2006.

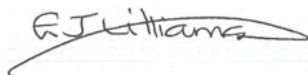
3. No development shall commence until such time as a Unilateral Undertaking has been agreed with the Local Planning Authority prohibiting future residents of the scheme from applying for permits to park within the surrounding Controlled Parking Zone.

Reason: To promote sustainable transport and to reduce the potential for additional on street parking stress as a result of the development, consistent with Saved Policy M10 of the Haringey Unitary Development Plan 2006 and Policy 6.13 of the London Plan 2011.

INFORMATIVE:

The applicant is advised that the use of the building for Class C3 (dwellinghouses) must begin before 30th May 2016.

17/03/2015



Emma Williamson
Head of Development Management
Planning Service

Mr Paul Stevenson
10A Overbury Road
London
N15 6RH

Planning Application Reference No.HGY/2013/0765

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH
OF A PLANNING CONDITION**

Location: 1-4 Old Robbon Factory, Catwalk Place, Overbury Road N15 6RH

Proposal: **Certificate of Lawfulness for four self contained residential units**

In pursuance of their powers under the above Acts and Order of the London Borough of Haringey as local Planning authority hereby that the above proposal described by the applicant dated 02nd May 2013 is NOT LAWFUL, under Section 171B (1) of the Town and Country Planning Act because the applicant has submitted insufficient documentary evidence to support his claim that the property has been in constant use as four (4) self contained flats for a period more than 4 years.

13/06/2013

**Marc Dorfman
Assistant Director
Planning, Regeneration & Economy**

- NOTE:
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

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TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

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- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
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 4. all other relevant documents and correspondence with the local planning authority.



Mr Shuiume Azier
Provewell Ltd
C/O 02 Coningsby Road
London
N4 1EG

Planning Application Reference No. HGY/2013/1859

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH
OF A PLANNING CONDITION

Location: 1, 2, 4 & 5 Cotton Mill, 10 Overbury Road, N15

Proposal: Certificate of Lawfulness for use of 1, 2, 4 and 5 Cotton Mill as four self contained residential units

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 03/09/2013, is NOT LAWFUL for the following reason:

Reason: It is considered that on balance of probability the evidence submitted together with the LPA's evidence the property has not been converted into four self-contained units for a period of 4 years or longer.

17/02/2015

Emma Williamson
Head of Development Management
Planning Service

NOTE: 1. You can find advice in regard to your rights of appeal at:
www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent

Environmental Services
639 High Road, Tottenham, London, N17 8BD
Tel: 020 8489 0000
Fax: 020 8489 5220
Minicom: 020 8489 5549

Planning, Environmental Policy and Performance

To Christofis Christoforou 2 Langley Row Hadley Highstone Barnet Herts. EN5 4PB	On behalf of Mr A Neophytou 23 Weirdale Avenue London N20 0AN
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Planning Application Reference No. **HGY/2006/0649**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN
BREACH OF A PLANNING CONDITION**

Location: **Units 3A, 6, 7, 8 At 2 Overbury Road N15**

Proposal: **Use of property as 13 self contained flats.**

In pursuance of their powers under the above Act and Order, the London Borough of Haringey Council as local planning authority hereby CERTIFY that the above proposal described in the application received on 30/03/2006 is **LAWFUL**.

Applicant's drawing number(s), if applicable: 0536/01, 02, 03, 04, 05 & 06.

Paul Smith
Head of Development Control South
Planning, Environmental Policy and Performance

29/05/2006

- NOTE:**
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
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Interim Director of Environmental Services **Andrew Travers**
Assistant Director Planning, Environmental Policy and Performance **Shifa Mustafa**

9LAWEXCS
North Certificate of Lawfulness
Existing Lawful



Mr Phillip Stylianou
9 Overbury Road
London
N15 6RH

On behalf of
Mr Phillip Stylianou
9 Overbury Road
London
N15 6RH

Planning Application Reference No. **HGY/2012/0778**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **9 Overbury Road N15 6RH**

Proposal: **Use of property as single self contained dwelling unit**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 11/04/2012, is **LAWFUL**.

Applicant's drawing number: no drawing

Reason: The supporting evidence is enough justification that the property has been in use as a single self contained dwelling unit (C3) for a period more than 4 years.

01/06/2012

Paul Smith
Head of Development Management
Planning, Regeneration & Economy

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

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Tel: 0117 372 6372 Fax: 0117 372 8782

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 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

To Weatherall, Green & Smith 22 Chancery Lane London WC2A 1LT	On behalf of Kempton Investment Ltd C/O Agent
--	--

Planning Application Reference No. **HGY/2001/0743**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN
BREACH OF A PLANNING CONDITION**

Location: Flats 1 - 4, 1 - 19 Tewkesbury Road London N15

Proposal: Use of the property as four self contained units.

In pursuance of their powers under the above Act and Order, the London Borough of Haringey Council as local planning authority hereby CERTIFY that the above proposal described in the application received on 25/05/2001 is **LAWFUL**.

Applicant's drawing number(s) if applicable : Site Plan..

**Anne Doherty
Assistant Director
Planning & Environmental Control Service**

22/06/2001

- NOTE:**
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

LAWEXC
Certificate of Lawfulness
Existing
Lawful

Mr Patrick Mayers
5th Floor Flat Cara House
341a Seven Sisters Road
London
N15 6RD

Planning Application Reference No. HGY/2013/0055

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **341a Seven Sisters Road N15 6RD**

Proposal: **Certificate of Lawfulness for use of property as five self contained residential dwelling units**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 10/01/2013, is **LAWFUL**.

Applicant's drawing number(s): Unnumbered

The applicant has submitted sufficient documentary evidence to support his claim that the property has been in constant use as 5 separate self- contained dwellings for more than 4 years. The affidavits, letter from UK Power Networks, tenancy agreements, electrical invoices and council tax record have been verified as original and are considered sufficient to substantiate the claim in accordance with the Certificate of Lawfulness Practice Note.

11/02/2013

**Vincent Maher
Interim Head of Development Management
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

Director of Place & Sustainability **Lyn Garner**

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

- If you are aggrieved by the decision of your local planning authority refusing or partially refusing a Certificate of Lawful Use or Development, you may appeal to the Secretary of State for the Environment under Section 195 and 196 of the Town and Country Planning Act 1990 and paragraphs 32 and 33 of Schedule 7 of the Planning and Compensation Act 1991. Only the applicant may appeal.
- If you want to appeal then you must do so within six months from the date of the local planning authority's decision against which you are appealing or if the decision relates to the same or substantially the same land and development and is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 6 months from this decision whichever period expires earlier, using a form which you can get from:-

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

www.planning-inspectorate.gov.uk

- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr A Allen
Allen Planning Ltd
21A New Street
Salisbury
SP1 2PH

On behalf of
Kempton Ltd

Planning Application Reference No. **HGY/2014/2344**

**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (as amended by SI 2013 No. 1101)
DETERMINATION UNDER PART 3, CLASS J OF SCHEDULE 2 (Changes of Use)**

Location: **Cara House, 339A Seven Sisters Road, N15**

Proposal: **Prior approval for change of use from B1 (a) offices to C3 (residential)**

Haringey Council, as local planning authority, hereby confirm that their Prior Approval is given for the proposed development at the address shown above, as described by the description shown above, and in accordance with the information that the developer provided to the local planning authority and drawing numbers: jw632-100H, jw632-101

INFORMATIVE:

The applicant is advised that the use of the building for Class C3 (dwellinghouses) must begin before 30th May 2016.

15/10/2014

**Emma Williamson
Head of Development Management
Planning Service**

Notes:

1. You can find advice in regard to your rights of appeal at:
www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent
2. This notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact Haringey Council Building Control Team by email building.control@haringey.gov.uk, telephone 020 8489 5504, or see our website at www.haringey.gov.uk/buildingcontrol.

Mr A M Allen
Allen Planning Ltd
21a New Street
Salisbury
SP1 2PH

Planning Application Reference No. **HGY/2015/0213**

**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (as amended by SI 2013 No. 1101)
DETERMINATION UNDER PART 3, CLASS J OF SCHEDULE 2 (Changes of Use)**

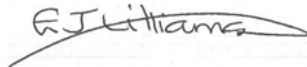
Location: **Cara House, 339A Seven Sisters Road, N15**

Proposal: **Prior approval for change of use from B1 (a) (offices) to C3 (residential)**

Haringey Council, as local planning authority, hereby confirm that their Prior Approval is given for the proposed development at the address shown above, as described by the description shown above, and in accordance with the information that the developer provided to the local planning authority and drawing numbers: 632-100

SEE SCHEDULE OF CONDITIONS ATTACHED

17/03/2015



Emma Williamson
Head of Development Management
Planning Service

Notes:

1. You can find advice in regard to your rights of appeal at:
www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent
2. This notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

For more information about making a Building Regulations application, please contact Haringey Council Building Control Team by email building.control@haringey.gov.uk, telephone 020 8489 5504, or see our website at www.haringey.gov.uk/buildingcontrol.

HGY/2015/0213

The following conditions have been applied to this consent and these conditions must be complied with:

1. The development shall not be occupied until cycle parking has been provided in accordance with details submitted to and approved in writing by the local planning authority. Thereafter the approved facilities shall be retained permanently for these purposes only.

Reason: To promote sustainable modes of transport in accordance with Policies 6.1 and 6.9 of the London Plan 2011 and Policy SP7 of the Haringey Local Plan 2013.

2. The development shall not be occupied until a car parking management plan has been submitted to and approved in writing by the local planning authority. Thereafter the car parking facilities shall be operated in accordance with the approved management plan.

Reason: In order to ensure that the proposed development does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway consistent with Policy 6.13 of the London Plan 2011 and Saved Policies UD3 and M10 of the Haringey Unitary Development Plan 2006.

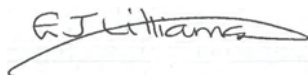
3. No development shall commence until such time as a Unilateral Undertaking has been agreed with the Local Planning Authority prohibiting future residents of the scheme from applying for permits to park within the surrounding Controlled Parking Zone.

Reason: To promote sustainable transport and to reduce the potential for additional on street parking stress as a result of the development, consistent with Saved Policy M10 of the Haringey Unitary Development Plan 2006 and Policy 6.13 of the London Plan 2011.

INFORMATIVE:

The applicant is advised that the use of the building for Class C3 (dwellinghouses) must begin before 30th May 2016.

17/03/2015



Emma Williamson
Head of Development Management
Planning Service

Mr Paul Stevenson
10A Overbury Road
London
N15 6RH

Planning Application Reference No.HGY/2013/0765

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH
OF A PLANNING CONDITION**

Location: 1-4 Old Robbon Factory, Catwalk Place, Overbury Road N15 6RH

Proposal: **Certificate of Lawfulness for four self contained residential units**

In pursuance of their powers under the above Acts and Order of the London Borough of Haringey as local Planning authority hereby that the above proposal described by the applicant dated 02nd May 2013 is NOT LAWFUL, under Section 171B (1) of the Town and Country Planning Act because the applicant has submitted insufficient documentary evidence to support his claim that the property has been in constant use as four (4) self contained flats for a period more than 4 years.

13/06/2013

**Marc Dorfman
Assistant Director
Planning, Regeneration & Economy**

- NOTE:
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

- If you are aggrieved by the decision of your local planning authority refusing or partially refusing a Certificate of Lawful Use or Development, you may appeal to the Secretary of State for the Environment under Section 195 and 196 of the Town and Country Planning Act 1990 and paragraphs 32 and 33 of Schedule 7 of the Planning and Compensation Act 1991. Only the applicant may appeal.
- If you want to appeal then you must do so within six months from the date of the local planning authority's decision against which you are appealing or if the decision relates to the same or substantially the same land and development and is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 6 months from this decision whichever period expires earlier, using a form which you can get from:-

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

www.planning-inspectorate.gov.uk

- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.



Mr Shuiume Azier
Provewell Ltd
C/O 02 Coningsby Road
London
N4 1EG

Planning Application Reference No. HGY/2013/1859

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH
OF A PLANNING CONDITION

Location: 1, 2, 4 & 5 Cotton Mill, 10 Overbury Road, N15

Proposal: Certificate of Lawfulness for use of 1, 2, 4 and 5 Cotton Mill as four self contained residential units

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 03/09/2013, is NOT LAWFUL for the following reason:

Reason: It is considered that on balance of probability the evidence submitted together with the LPA's evidence the property has not been converted into four self-contained units for a period of 4 years or longer.

17/02/2015

Emma Williamson
Head of Development Management
Planning Service

NOTE: 1. You can find advice in regard to your rights of appeal at:
www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent

Mr Jason Smith
55-57 Ravensdale Road
London
N16 6TJ

Planning Application Reference No. HGY/2012/1529

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH
OF A PLANNING CONDITION**

Location: **Flats A-C, Unit E, 199 Eade Road N4**

Proposal: **Certificate of Lawfulness for use of first floor as three self contained flats**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby **CERTIFY** that the above proposal, described in the application received on 31/07/2012, is **NOT LAWFUL** for the following reason:

Reason: The applicant has not provided evidence to show that the use of the property as 3 self-contained flats began more than 4 years ago.

24/09/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

- NOTE:
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

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- If you want to appeal then you must do so within six months from the date of the local planning authority's decision against which you are appealing or if the decision relates to the same or substantially the same land and development and is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 6 months from this decision whichever period expires earlier, using a form which you can get from:-

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Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

www.planning-inspectorate.gov.uk

- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Fred Butcher
91 Chatsworth Road
London
E5 0LH

On behalf of
Mr Fred Butcher
C/O Agent

Planning Application Reference No. HGY/2011/1191

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **1, 3, 5 & 7 Overbury Road N15**

Proposal: **Retention of 4 x three bed apartments**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 20/06/2011, is **LAWFUL**.

12/08/2011

Paul Smith
Head of Development Management
Planning, Regeneration & Economy

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

Environmental Services
639 High Road, Tottenham, London, N17 8BD
Tel: 020 8489 0000
Fax: 020 8489 5220
Minicom: 020 8489 5549

Planning, Environmental Policy and Performance

To Christofis Christoforou 2 Langley Row Hadley Highstone Barnet Herts. EN5 4PB	On behalf of Mr A Neophytou 23 Weirdale Avenue London N20 0AN
--	--

Planning Application Reference No. **HGY/2006/0649**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN
BREACH OF A PLANNING CONDITION**

Location: **Units 3A, 6, 7, 8 At 2 Overbury Road N15**

Proposal: **Use of property as 13 self contained flats.**

In pursuance of their powers under the above Act and Order, the London Borough of Haringey Council as local planning authority hereby CERTIFY that the above proposal described in the application received on 30/03/2006 is **LAWFUL**.

Applicant's drawing number(s), if applicable: 0536/01, 02, 03, 04, 05 & 06.

Paul Smith
Head of Development Control South
Planning, Environmental Policy and Performance

29/05/2006

- NOTE:**
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
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Interim Director of Environmental Services **Andrew Travers**
Assistant Director Planning, Environmental Policy and Performance **Shifa Mustafa**

9LAWEXCS
North Certificate of Lawfulness
Existing Lawful



Mr Phillip Stylianou
9 Overbury Road
London
N15 6RH

On behalf of
Mr Phillip Stylianou
9 Overbury Road
London
N15 6RH

Planning Application Reference No. **HGY/2012/0778**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **9 Overbury Road N15 6RH**

Proposal: **Use of property as single self contained dwelling unit**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 11/04/2012, is **LAWFUL**.

Applicant's drawing number: no drawing

Reason: The supporting evidence is enough justification that the property has been in use as a single self contained dwelling unit (C3) for a period more than 4 years.

01/06/2012

Paul Smith
Head of Development Management
Planning, Regeneration & Economy

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

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www.planning-inspectorate.gov.uk

- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Laurence Gascoigne
11 Overbury Road
London
N15 6RH

Planning Application Reference No. **HGY/2012/0779**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **11 Overbury Road N15**

Proposal: **Use of property as single self contained dwelling unit**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 11/04/2012, is **LAWFUL**.

Applicant's drawing number: un-numbered drawing

Reason: The supporting evidence is enough justification that the property has been in use as a single self contained dwelling unit (C3) for a period more than 4 years.

01/06/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

Director of Place & Sustainability **Lyn Garner**

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

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 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Shulume Askler
Provewell Ltd
C/O 17 Overbury Road
London
N15 6RH

Planning Application Reference No.HGY/2013/0054

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **17 Overbury Road N15 6RH**

Proposal: **Certificate of Lawfulness for use of property as self contained residential unit**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 10/01/2013, is **LAWFUL**.

Applicant's drawing number(s): Unnumbered

The applicant has submitted sufficient documentary evidence to support his claim that the property has been in constant use as 5 separate self- contained dwellings for more than 4 years. The affidavits, letter from UK Power Networks, tenancy agreements, electrical invoices and council tax record have been verified as original and are considered sufficient to substantiate the claim in accordance with the Certificate of Lawfulness Practice Note.

11/02/2013

Vincent Maher
Interim Head of Development Management
Planning, Regeneration & Economy

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

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- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
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 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Paul Waite
19 Overbury Road
London
N15 6RH

Planning Application Reference No. HGY/2012/0775

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **19 Overbury Road N15**

Proposal: **Use of property as single self contained dwelling unit**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 11/04/2012, is **LAWFUL**.

Applicant's drawing numbers: un-numbered drawings

Reason: The supporting evidence is enough justification that the property has been in use as a single self contained dwelling unit (C3) for a period more than 4 years.

01/06/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992

Notes for guidance about appeal procedures in England

- If you are aggrieved by the decision of your local planning authority refusing or partially refusing a Certificate of Lawful Use or Development, you may appeal to the Secretary of State for the Environment under Section 195 and 196 of the Town and Country Planning Act 1990 and paragraphs 32 and 33 of Schedule 7 of the Planning and Compensation Act 1991. Only the applicant may appeal.
- If you want to appeal then you must do so within six months from the date of the local planning authority's decision against which you are appealing or if the decision relates to the same or substantially the same land and development and is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 6 months from this decision whichever period expires earlier, using a form which you can get from:-

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Tel: 0117 372 6372 Fax: 0117 372 8782

www.planning-inspectorate.gov.uk

- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr Alex Polakoski
21 Overbury Road
London
N15 6RH

Planning Application Reference No. HGY/2012/0781

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH OF
A PLANNING CONDITION**

Location: **21 Overbury Road N15**

Proposal: **Use of property as single self contained dwelling unit**

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal, described in the application received on 11/04/2012, is **LAWFUL**.

Applicant's drawing number: Un-numbered Drawing

Reason: the supporting evidence is enough justification that the property has been in use as a single self contained dwelling unit (C3) for a period more than 4 years.

18/06/2012

**Paul Smith
Head of Development Management
Planning, Regeneration & Economy**

NOTE: 1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.

2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990

APPEALS TO THE SECRETARY OF STATE

REFUSAL OR PARTIAL REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
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- If you are aggrieved by the decision of your local planning authority refusing or partially refusing a Certificate of Lawful Use or Development, you may appeal to the Secretary of State for the Environment under Section 195 and 196 of the Town and Country Planning Act 1990 and paragraphs 32 and 33 of Schedule 7 of the Planning and Compensation Act 1991. Only the applicant may appeal.
- If you want to appeal then you must do so within six months from the date of the local planning authority's decision against which you are appealing or if the decision relates to the same or substantially the same land and development and is already the subject of an enforcement notice you must appeal within 28 days of the date of this notice. If an enforcement notice is subsequently served then you have 28 days from the date of the enforcement notice or 6 months from this decision whichever period expires earlier, using a form which you can get from:-

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- In accordance with the provisions of Article 29 (12) of the General Development Order 1998, the applicant must furnish the Secretary of State with the following documents:-
 1. the application made to the local planning authority;
 2. all relevant plans, drawings, statements and particulars submitted to them (including the certificate given under paragraph [4] of Article 29;
 3. the notice of decision;
 4. all other relevant documents and correspondence with the local planning authority.

Mr J Gordon
Asian Pacific P.T.Y. Ltd.
91 Chatsworth Road
London
E5 0LH

On behalf of
Orangeleaf Ltd
2A Lord Street
Douglas
Isle Of man
IM99 1HP

Planning Application Reference No. **HGY/2010/1743**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 191
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT (AMENDMENT) ORDER 1992**

**CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR OPERATION OR ACTIVITY IN BREACH
OF A PLANNING CONDITION**

Location: **Flats 13-24, Stone House, 199A Eade Road N4 1DN**

Proposal: **Use of property as 12 self-contained flats (Certificate of Lawfulness for an existing use).**

In pursuance of their powers under the above Act and Order, the London Borough of Haringey Council as Local Planning Authority hereby CERTIFY that the above proposal described in the application received on 24/09/2010 is **LAWFUL**, under Section 171B (1) of the Town and Country Planning Act because the supporting evidence is enough justification that the property has been in use as 12 self-contained flats for more than 4 years.

Applicant's drawing number(s): Unnumbered.

09/11/2010

Paul Smith
Head of Development Management
Planning and Regeneration

- NOTE:
1. Attention is particularly drawn to the Schedule AP4 attached to this notice which sets out the rights of Applicants who are aggrieved by the decisions of the Local Planning Authority.
 2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations 1991, and byelaws or any enactment other than the Town & Country Planning Act 1990.



Appeal Decisions

Hearing held on 2 September 2014

Site visit made on 2 September 2014

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2014

Appeal A: APP/Y5420/C/14/2212163 Unit 4, 199 Eade Road, London, N4 1DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Kempton Investments Ltd against an enforcement notice issued by the Council of the London Borough of Haringey.
- The Council's reference is PRJ/2013/00260.
- The notice was issued on 12 December 2013.
- The breach of planning control as alleged in the notice is "without planning permission for[sic] the unauthorised change of use to residential units."
- The requirement of the notice is to cease the use of the land for residential use.
- The period for compliance with the requirement is 6 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (e) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed subject to the enforcement notice being corrected in the terms set out below in the Decision.

Appeal B: APP/Y5420/C/14/2212166 Unit C, 199 Eade Road, London, N4 1DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Kempton Investments Ltd against an enforcement notice issued by the Council of the London Borough of Haringey.
- The Council's reference is PRJ/2013/00896.
- The notice was issued on 18 December 2013.
- The alleged breach of planning control, the requirement of the notice and the period for compliance with that requirement are all as per the notice under Appeal A above.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed subject to the enforcement notice being corrected in the terms set out below in the Decision.

Main Issues

1. The main issues in these appeals are:

- Re ground (e) (Appeal A only), whether copies of the notice were correctly served in accordance with section 174 of the 1990 Act and, if not, whether any defect in service resulted in substantial prejudice, having regard to section 176(5);

- Re ground (b), whether the appellant has proved on the balance of probability that the matters alleged in the notices, or either of them, have not occurred;
- Re ground (a)/the deemed applications for planning permission:
 - (i) the effect of the development on the supply of employment land within the Borough and the extent of any benefits delivered; and
 - (ii) (Appeal A only) whether the occupiers of Unit 4 enjoy satisfactory living conditions, in terms of access to sunlight and daylight, ventilation and external amenity space¹;
- Re ground (g), whether 6 months is a reasonable time for compliance, having regard to the need to find alternative accommodation.

Reasons

Ground (e) (Appeal A only)

2. The appellant maintains that the notice was not correctly served. However, at the hearing, it acknowledged that it had suffered no substantial prejudice as a result. Clearly, it has been able to submit a considered appeal and, having regard to section 176(5) of the 1990 Act, I am satisfied that ground (e) should not succeed, whether or not there was any defect in service.

Ground (b)

3. Both notices merely allege an “unauthorised change of use to residential units.” The Council acknowledges that, in each case, the residential use is a sui generis one. The number of residents, and the fact that they do not form single households, mean that the uses cannot fall within Class C3 and the number of residents also precludes Class C4².
4. However, beyond this, the appellant contends that there is a considerable employment element in the use of both Units 4 and C. Ms Nakamya, the Council’s Planning Enforcement Officer, said that when she inspected both units on 14 May 2013, she saw no evidence of work being undertaken on any significant scale and concluded that both units were in solely residential use. Furthermore, Building Regulations (BR) applications submitted in October 2013 and April 2014, relating to Units 4 and C respectively, each referred simply to residential conversions. Although Ms Nakamye did not specifically ask the Building Control Officers what they saw, she shares an office with them and they gave no indication that their inspections had revealed anything other than residential use.
5. Dealing first with the BR applications, I heard from Mr Gardiner, one of the residents of Unit 4. Assisted by a consultant, Mr Rimmer, he submitted the BR application for Unit 4. He explained that he had not known how to characterise the use of the building, but had been advised by the Building Control Officer to describe it as residential, because that would attract the highest level of safety requirements. That explanation is entirely plausible and, without hearing from the Building Control Officer in person, I am unable to conclude that he saw no evidence of employment activity, merely because he did not flag this up with Ms Nakamye. I did not hear similar evidence

¹ During the hearing, the Council confirmed that it no longer has concerns regarding the amount of internal space

² See Classes C3 and C4 in the Schedule to the Town and Country Planning (Use Classes) Order 1987.

concerning the BR application for Unit C, but it seems likely that the same approach was taken. In any event, that application was not made until April 2014, several months after the enforcement notice was issued, and there is other evidence of what was going on at the time of issue.

6. I have no reason to doubt that Ms Nakamye saw no evidence of significant employment activity when she inspected both buildings in May 2013. However, this was some 7 months before the notices were issued. The crucial thing is what was going on in December 2013 and the period immediately leading up to that. The Council was unable to offer any direct evidence to assist in that regard. However, I have a number of written statements from occupiers of both units³ indicating that, at the relevant time, the communal spaces within the units were in shared use for a range of work, mainly in creative industries, such as: music (performance and composition); painting; sculpture and installations; photography; video/film production; web graphics and illustration; textiles/fashion/garment making; drama; dance and circus skills; magic and illusion. I heard oral evidence from a number of residents who reinforced this. In addition, I am told that they also use their reasonably sized individual bedrooms for some work activities. Indeed, whilst this is rarely a selling point, the lack of natural light in the bedrooms of Unit 4 makes them particularly suitable for use as photographic dark rooms.
7. It has to be said that, whilst the units appeal primarily to people who need flexible work space, not all of the residents now, or at the time the notices were issued, work or worked in the units. Some have full time jobs elsewhere, or are students. The indications are that these people simply enjoy the creative, communal environment, as well as the relatively low rents. Some work in fields such as events management and one is an electrician, but they benefit and indeed feed off the activities of the other residents. Others are endeavouring to get creative businesses off the ground, whilst working in other fields, or are just trying to make the transition from full time study. Indeed I heard of at least one occupant of Unit C becoming a full time performer since moving into the unit.
8. It must also be said that the employment activity is subject to constant change. This was stressed by Mr Gardiner, who said that many of the activities and projects are of a temporary nature and the amount of space taken up will vary from time to time. The communal space may be full of music/studio equipment for rehearsals or recording one day, which is packed away the next. Someone may be working on a sculpture, which could then appear to be serving as decoration of the living space. This state of flux, in which activities crystallise and dissolve, only to be replaced by others, is inevitable, given that the communal space is subject to competing demands.
9. My inspection of the inside of the units took place well after 5:00 pm. Whilst I saw, musical instruments and equipment; art works in progress; sewing machines; part completed garments and jewellery, it was difficult to gain an impression of the scale of work activities undertaken. Any site inspection provides only a snap shot in time and it is entirely understandable that Ms Nakamye's visit in May 2013 led her to believe the use was purely residential. Of course things may have moved on between May and December 2013 anyway, and Ms Nakamye acknowledged that there was no

³ See appendices 12 and 13 of Mr Roe's statement and Hearing Documents 1 – 3.

evidence to contradict what residents told me about the extent of employment activities in the units around December.

10. On the evidence, I am satisfied that the use of both units goes beyond a pure residential use and involves a significant element of work, albeit that it is difficult to define with precision. Indeed, Mr Currell, a Chartered Surveyor with some 28 years of experience, said he had seen nothing like it before. He described the concept of occupation as “artistic, culturally entrepreneurial and intensively collaborative” and said it offers the ability for those starting businesses to “network and share ideas through the communal space.” All of that is apt but this style of living and working does not fit easily into any conventionally recognised land use category. On the evidence, the allegation of a change of use “to residential use” does not adequately describe the new use. The appellants initially commended the description “communal warehouse living.” However, whilst this captures the shared living aspect and the fact that the buildings were warehouses, it does not reflect the work element.
11. In a previous appeal, concerning a site at *Fountayne Road*⁴, the notice alleged a “change of use to residential use (C3) and live/work units (sui generis).” In relation to the live/work elements, the inspector eloquently described a pattern of use similar to that under consideration in these appeals. Although she granted permission for use of the premises as “live-work units”, she noted that they did not conform to the normal model of such units envisaged, for example, in paragraph 5.39 of the Haringey Unitary Development Plan (UDP), adopted July 2006, which supports saved Policy EMP7. Under that provision, a “live-work unit” is described as “a self contained unit with separate living and working floorspace.” The Inspector said she was dealing with “workspaces in which the operators of the business also live; and living spaces in which most of the residents also work.” That is what I find here.
12. In another appeal concerning *60 – 68 Markfield Rd*⁵, the notice alleged a change to “live/work units.” Though the appeal was dismissed, the Inspector acknowledged that the building did not comprise physically and functionally separate live-work units. He therefore found that the allegation was technically inaccurate and corrected it to refer to “a mixed use comprising the following elements: business and residential uses”. In another Haringey appeal concerning a site at *Mill Mead Road*⁶, the Inspector described a similar use as “a variant on the live/work concept”, but did not alter the allegation of a change of use “to live/work units”, before dismissing the appeal.
13. Whilst Units 4 and C clearly provide living accommodation, what has occurred here is not simply a change of use to residential. To that extent, the alleged change has not occurred, as a matter of fact. However, the appellant does not contend, and neither do I consider, that this would necessitate the notice being quashed under ground (b). The allegations should properly reflect the sui generis uses taking place when the notices were issued. Having regard to the evidence and submissions put to me and the comments made in other appeals, I consider that an accurate allegation would be “without planning permission, the material change of use of the premises to use as communal live/work accommodation.” This recognises the mix of uses and the fact that the

⁴ Appeal Ref APP/Y5420/C/08/2063420 – see Mr Roe’s appendix 17.

⁵ Appeal Ref APP/Y5420/C/13/2201618 – see appendix 4 to the Council’s statement re Unit 4.

⁶ Appeal Ref APP/Y5420/C/14/2212172 – This decision was issued the day before the hearing and I advised the parties that I had been made aware of it.

buildings do not comprise self contained units, with functionally and physically separate living and working elements. No doubt a better label could be devised, but neither party objected⁷ to my proposed description of the uses. I will correct the allegations accordingly and, to that extent, the appeals succeed on ground (b).

Ground (a)/the deemed applications

14. Policy 4.4 of The London Plan (July 2011) promotes a rigorous approach to industrial land management to ensure a sufficient stock. Subject to that, it prescribes a “plan, monitor and manage” approach to the release of surplus industrial land, so that it can contribute to strategic and local objectives, especially the provision of more housing. Consistent with this, Policy SP8 of Haringey’s Local Plan Strategic Policies 2013 – 2016 (HLP), adopted March 2013, sets out a hierarchy of industrial sites. The appeal sites lie within, but at the south-eastern end, of a Locally Significant Industrial Site (LSIS). This is the middle category in the HLP hierarchy, one below the Strategic Industrial Locations (SIL), which have additional protection under Policy 2.17 of The London Plan. Policy SP8 generally seeks to support local employment and regeneration aims, minimise travel to work and to support small and medium sized businesses that need employment land. However, it also specifically safeguards any LSIS for a range of industrial uses (B1(b), (c), B2 and B8), where they continue to meet the demand and the needs of modern industry and business.
15. The sui generis uses of Units 4 and C are not within Class B1(b), (c), B2 or B8 and, to that extent, they conflict with HLP Policy SP8, unless it can be said that the LSIS no longer meets the demands and the needs of modern industry and business. I shall return to that point but, in any event, I have found that the uses include a significant employment element, supporting small local businesses and, given the live/work character, minimising travel to work. To this extent these developments can be said to meet the wider aims of HLP Policy SP8 and these characteristics, together with the social benefits outlined by Mr Currell, are consistent with the hallmarks of sustainable development set out in the National Planning Policy Framework (the Framework).
16. The sites are also within an Industrial Location Defined Employment Area (DEA) under the UDP. Saved UDP Policy EMP4 lays down criteria for judging whether planning permission should be granted to redevelop or change use of land and buildings in employment generating use. Notwithstanding the element of employment use, having regard to the Inspector’s findings in the *Mill Mead Road* appeal, I consider that giving over a significant proportion of the space to residential use brings UDP Policy EMP4 into play.
17. For these developments to comply with Policy EMP4, it has to be shown: (a) that the appeal sites are no longer suitable for business or industry use on environmental, amenity and transport grounds; and (b) that there is well documented evidence of an unsuccessful marketing/advertisement campaign over a period of normally 3 years; or (c), as an alternative to (a) and (b), that these developments would retain or increase the number of jobs permanently

⁷ Notwithstanding that it could provide no direct evidence of the uses taking place as at December 2013, the Council did not accept the appellant’s and residents’ evidence regarding the scale of employment use, but said it does not object to the term “communal live/work accommodation”, in the event that I am convinced by that evidence.

- provided on site and result in wider regeneration benefits. Criteria (a) and (b) are clearly consistent with the statement in the Framework that planning policies should avoid the long-term protection of sites allocated for employment use when there is no reasonable prospect of a site being used for that purpose.
18. The appellant cannot meet the combined requirements of criteria (a) and (b) of EMP4 because Unit C has not been marketed and unit 4 was only marketed for 18 months, as a warehouse, prior to the start of the current use. Furthermore, the evidence of that marketing/advertisement campaign is insubstantial, consisting merely of an undated copy of the agent's brief particulars. However, for the appellant, 2 chartered surveyors expressed the opinion that the buildings are poorly suited to modern industrial use. This is because of the amount of surrounding incompatible, but lawful, residential development, as well as the steep access and restricted turning area. Notwithstanding the absence of any adequate marketing campaigns, on the basis of their experience, they say that these factors would make it extremely hard to let either of these units for modern industrial or warehouse purposes. Further support for that view is found in a letter from FedEx UK Ltd⁸, who occupied Unit 4 for B8 purposes between June 2007 and October 2010.
19. The appellant's unchallenged evidence⁹ is that the first floor of Unit C was last used for industrial purposes about 10 years ago, when 2 people were employed. Thereafter, it was used as a church meeting hall for several years without planning permission. The appeal premises at Unit 4 comprise about one third of the footprint of a larger building. The floor above the appeal premises at Unit 4 is occupied by Cole & Son, a wallpaper manufacturer, for warehousing and a few offices, the manufacturing work having ceased at this site. The remaining upper floors of the overall building are occupied by Alvin, a food distributor. However, both of these businesses have separate exclusive vehicular access off Eade Road¹⁰. Accordingly, the immediate vicinity of Units 4 and C is currently dominated by the unlawful communal live/work use of those units and, more importantly, the lawful residential use of Stone House, just to the north, to which there is free access from the appeal premises.
20. The Council did not put forward any expert evidence to counter the appellant's experts' views regarding the unsuitability of the Units for industrial or warehouse use, but stressed that the LSIS status of the site is set out in the recently adopted HLP. That designation was based on an Employment Land Study, first published in 2004 and updated in 2008 and 2012¹¹, which sought to predict need between 2006 and 2026. Whilst that study is currently under further review, the Inspector's report on the HLP¹² concluded that the evidence base was reasonable and proportionate and it supported robustly the thrust of the HLP. He found it appropriate to respond to the changing dynamics of London and the local economy through a "controlled release of employment land." A plan-led, strategic approach is clearly advocated in the Framework and this is reinforced by Policy 4.4 of the London Plan and in the supporting text for HLP Policy SP8.

⁸ Mr Roe's appendix 8.

⁹ Mr Roe's statement, paragraph 2.11.

¹⁰ Statement of Common Ground (Hearing Document 8), paragraphs 2.4 and 2.5.

¹¹ See paragraph 47 of the HLP Inspector's report (Hearing Document 4).

¹² Hearing document 4.

21. I have considerable sympathy for the Council's view that employment land should not be released on an ad-hoc, piecemeal basis. Nevertheless, it is trite law and policy that each case must be treated on its individual merits. Whilst the appellant cannot satisfy criterion (b) of UDP Policy EMP4 in any event, the expert evidence of 2 chartered surveyors, unchallenged by contrary expert evidence, does suggest that the appeal sites are no longer suitable for business or industry use, in accordance with criterion (a) and must be an important material consideration. In terms of the more general requirements of HLP Policy SP8, that evidence also tends to show that this part of the LSIS does not continue to meet the demand and needs of modern industry and business.
22. In an appeal concerning *Gaunson House, Markfield Road*¹³, the Inspector concluded that arguments under Policy EMP4 criterion (a), concerning the unsuitability of the building, were overstated. Whilst he found the premises to be "less than ideal", he considered that they were not obviously unfit for industrial purposes and did not suffer significant constraints in terms of location or accessibility. The evidence before me is somewhat different and comes from witnesses with specific, relevant expertise. In the *Mill Mead Road* appeal, the Inspector found that there was no substantial evidence that the building was either unsound or incapable of use on environmental grounds. Furthermore, it was within an area of employment uses, comprising industry, warehousing and similar uses with access and parking arrangements similar to others nearby. During my hearing, the Council did not dispute the appellant's evidence that the *Mill Mead Road* premises were on a thriving industrial site with good access. Whilst that might well be said of much of the LSIS, it cannot be said of these appeal sites, located towards its south-eastern extremity.
23. The Council did not accept that all of the residential uses indicated as lawful on the plan at Mr Roe's appendix 14 are indeed lawful, but the schedule included in that appendix indicates that a large proportion of them actually have planning permission for residential use, including Stone House, immediately to the north of Unit 4, and much of Cara House, to the east. In any event, when pressed by me, the Council was unable to respond to the appellant's contention that the extent of lawful residential uses in the vicinity of the appeal sites makes them unsuitable for industrial uses.
24. In addition, the Council published its Draft Site Allocations Development Plan Document (DPD) in January 2014¹⁴. In that document, the LSIS, which includes the appeal sites, forms the greater part of Site S3: Vale Road/Tewkesbury Road, and the proposed allocation recognises the scope for redevelopment, namely 97,000 m² residential (approximately 1,000 units) and 134,000 m² commercial. The document describes the site as "a wide area in mixed use, with some industrial units being converted over time into informal, unapproved live-work, as well as purely residential accommodation and continuing employment use." Consultation on the proposed submission draft is due to start this autumn, with the Examination in Public expected in 2015. The proposed S3 allocation could be subject to change and therefore carries limited weight, but it is a material consideration and one which did not arise in any of the other appeals drawn to my attention. The Council's apparent view of the nature of the area and its suitability for further residential development lends

¹³ Hearing document 5.

¹⁴ See the Statement of Common Ground, appendix 9.

- some support to the appellant's evidence regarding the appeal site's suitability for industrial uses.
25. In any event, the appellant contends that criterion (c) of UDP policy EMP4 is satisfied. Mr Roe said that the last industrial use employed 5 people on the whole of the ground floor of Unit 4, whereas 8 people now work in the floor space retained for communal employment use. As far as Unit C is concerned, the last industrial use of the ground floor ended in 2009, when 3 people were employed, whereas 5 now work there, in what remains of the space available for employment use.
26. I note the concern of the Inspector in the *Mill Mead Road* appeal that, notwithstanding the significant increase in the number of people employed at those appeal premises, it was difficult to establish what percentage of the increased floor space within the building was actually available for employment use, since it was not defined, or capable of being defined. Accordingly, and having regard to the plans provided, he concluded that there may well have been a decrease in employment space. However, he also noted the evidence of a neighbouring occupier that, had he been able to acquire the premises, he would have employed a similar number of people, without increasing the floor space. There is no such evidence before me. The Inspector in the *Gaunson House* appeal¹⁵ was also concerned that the residential element of the use resulted in a loss of space that could potentially generate more employment. I respect that conclusion, but I must consider what is likely to happen, on the balance of probabilities.
27. I do not know the precise layout of the premises in the *Mill Mead Road* appeal but, in the appeals before me, the appellant submitted plans¹⁶ identifying the areas available for communal working. Save that it was confirmed, during the site visit, that Room 1 in Unit C is not available for employment use, those plans conformed to what I saw on site. This is an unusual situation in that those areas will also be used for communal residential purposes, but conditions can be imposed to ensure that these areas are kept available for employment use during normal working hours.
28. The numbers of people working in both units is likely to fluctuate, but that would be true if the premises were in B1(b), (c), B2 or B8 use. The best evidence I have is that the numbers of people working in both units exceed the numbers working there previously, despite the significant reductions in floor space available for employment use. I acknowledge that economic conditions may have been worse at that time, but the evidence before me¹⁷ is that there is significant demand for communal live/work accommodation of this kind and that such demand is likely to continue. I contrast this with the evidence I have heard about the likely difficulty in securing occupiers of these units for industrial or warehouse purposes, even in the current climate. That evidence is more compelling than anything apparently presented in the *Mill Mead Road* or *Gaunson House* appeals. On the balance of probabilities, I am satisfied that, subject to appropriate conditions, these uses would at least retain and possibly increase the numbers of jobs permanently provided on the sites.

¹⁵ Hearing document 5.

¹⁶ Drawing Nos P_20_002/A (Hearing Doc 6) and P_20_003/A re Unit 4 and Drawing No P_20_001 Rev B (Hearing document 9) re Unit C.

¹⁷ See section 11 of Mr Currell's statement and paragraph 5.3 of Mr Matthews' statement.

29. In the *Mill Mead Road* appeal, the Inspector did accept that the live/work use of those premises had provided facilities for small enterprises, which might be regarded as a wider regeneration benefit. I accept the evidence before me, including that from the residents themselves, that the current use of Units 4 and C has provided valuable, flexible and affordable facilities for new businesses and fosters a creative, entrepreneurial and inspirational environment. That environment is consistent with the character of Overbury Road, immediately to the northeast, which appears to be dominated by residential and live/work units and where a sign has been erected saying "Artists Village." Furthermore, the combined live/work use will boost the local economy, as residents spend money in the locality. These are regeneration benefits in terms of EMP4(c) which, as I have said, also contribute to meeting the wider aims of HLP Policy SP8.
30. Saved UDP Policy EMP7 states that live/work units, as defined above, will only be permitted if specified criteria are met. As already stated, the uses in this case do not come within the definition of live/work units for the purposes of UDP Policy EMP7. In the *60 – 68 Markfield Rd*¹⁸ appeal, the Inspector noted that the single building, without physically and functionally separate live/work units, was not technically a live/work unit, but he nevertheless applied and found conflict with EMP7. In the *Fountayne Road*¹⁹ appeal, as the use did not fit the live/work definition in EMP7, the Inspector found that, though material, that policy could not be determinative in that case. Indeed the Council accepted that "the units as currently used did not fit comfortably within the parameters of that policy." In the *Mill Mead Road* appeal, the conclusion was that the difference between the use taking place and the live/work definition affected the application of criteria (b) and (c) of that policy, concerning residential room sizes, amenity standards and workspace areas.
31. In my view, standards relating to residential room sizes and workspace areas cannot be applied to communal use accommodation. I will return to general amenity issues later but, whilst sharing the view that EMP7 cannot be determinative in these appeals, I also agree with the Inspector's conclusion in the *Mill Mead Road* appeal that the departure from the definition of live/work units does not detract from the applicability of EMP7's objectives relating to location.
32. Criterion (a) of Policy EMP7, states that the live/work units must be outside a DEA. These sites are not, so these developments cannot strictly comply. However, paragraph 5.41 of the supporting text to the policy explains that, due to the nature of some of the activities that occur within DEAs, live work units are not appropriate, as the residential element may endanger the continued employment use within the area²⁰. In this case, I have already found that the appeal sites are no longer suitable for pure business or industrial use, partly because of the amount of lawful residential use already established in the vicinity. Accordingly, although these developments breach the letter of criterion (a), they do not compromise its objective.
33. Criterion (d) of EMP7 is that, where appropriate, the proposal complies with UDP Policy EMP5. In turn, that provides that: (a) any trips generated by the

¹⁸ Appeal Ref APP/Y5420/C/13/2201618 – see appendix 4 to the Council's statement re Unit 4.

¹⁹ Mr Roe's appendix 17.

²⁰ I note that, in the *Mill Mead Road* appeal, there was an objection from a neighbouring occupier on that basis. No such objection has been received in these appeals.

proposal are catered for by the most sustainable and appropriate means; and (b) if it is on the edge of, or adjacent to a DEA, it does not inhibit the continued operation of any existing employment generated uses or compromise the employment status of the area. With regard to (a), the live/work nature of the developments greatly limits the number of trips generated. In any event, Unit 4 has a high Public Transport Accessibility Level and Unit C has a moderate level, though it is very close to Unit 4. Criterion (a) is therefore met. Criterion (b) is not, in terms relevant, as the sites are actually within a DEA, but for the reasons already given, I am content that these developments do not breach it.

34. To conclude on the development plan in relation to the first main issue under ground (a), whilst London Plan Policy 4.4 and HLP Policy SP8 require a strategic approach, the appeal developments comply with Policy SP8, because they: support local employment and regeneration aims; minimise travel to work; and support small businesses that need employment land in a specific part of the LSIS, which does not otherwise continue to meet the demand and the needs of modern industry and business. They also comply with saved UDP Policy EMP4 because, subject to conditions, they would at least retain the numbers of jobs permanently provided on site. In addition, there is evidence that the appeal sites are no longer suitable for pure business or industry uses. Although, UDP Policy EMP7 cannot be determinative, the developments do not compromise its relevant objectives concerning location.
35. Given the constraints inherent in the specific appeal sites, these developments also contribute to sustainable economic growth, in line with the Framework. The Framework also encourages the facilitation of flexible working practices, such as the integration of residential and commercial uses within the same unit, and the avoidance of the long term protection of sites allocated for employment use, where there is no reasonable prospect of a site being used for that purpose. I have also given some weight to the direction of travel in the emerging Site Allocations DPD concerning this area.
36. For all the reasons given, **I conclude on the first main issue under ground (a)**, that these developments will not harm the supply of employment land within the Borough, whilst delivering some regeneration benefits.
37. Turning to living conditions in Unit 4, HLP Policy SP2 requires high quality residential development and UDP Policy HSG2 governs changes of use to residential, the relevant criterion in this context being (d), namely that the building can provide satisfactory living conditions. Neither policy was referred to in the *60 – 68 Markfield Road*²¹ or *Millmead Road* appeals, even though living conditions were in issue, and HSG2 was only mentioned in passing in the *Gaunson House*²² appeal. In my view, Like Policy EMP7, Policies HSG2 and SP2 cannot be determinative in these appeals, as they involve a change of use to communal live/work accommodation, rather than pure residential developments. Nevertheless, the Framework requires a good standard of amenity and achieving sustainable development involves improving the conditions in which people live. Living conditions must be satisfactory but, in these appeals, they need to be assessed in the context of communal living and working. Such communal use inevitably impacts on living and indeed working

²¹ Appendix 4 of the Council's statement re Unit 4.

²² Hearing Document 5.

conditions; people do not normally live in spaces where others work and vice versa.

38. In assessing residential amenity under UDP Policy EMP7 criterion (b), the Inspector in the *Mill Mead Road* appeal found the daylight to the living/kitchen spaces inadequate to work by or to satisfy general living standards and other open areas had no direct daylight. Furthermore, the daylight in the majority of the residential units inspected was significantly inadequate. He said: *"...the quality of light is poor and there is a complete lack of outlook from what is otherwise a very physically and visually confined space. Accordingly, I conclude that the occupants of the appeal development would be subject to inadequate daylight provision for normal day to day living."*
39. In the case before me, the bedrooms of Unit 4 do not have direct access to natural light, but rely on borrowed light from the communal areas, via small windows. At some 14 – 19 m², the individual bedrooms are a good size, but they are dark and this would normally result in unduly oppressive living conditions. However, this deficiency is outweighed in my view by the access to the generously proportioned communal areas at ground and mezzanine level, which are well lit by the large, high level windows on the front elevation. I am persuaded that, overall, the access to sunlight and daylight is satisfactory, taking account of the communal spaces, and the characteristics of the accommodation differ from those in the property at *Mill Mead Road*. Whilst the views of current occupiers would not normally be conclusive, they are a material consideration and, in this case, they support my conclusion that conditions are acceptable.
40. Turning to ventilation, I was advised that a ventilation system had been installed since the notice was served. Indeed, I was shown vents in one of the bedrooms, along with the heat exchanger unit upstairs. It was not easy to tell whether this system is adequate, but this can be addressed by a condition requiring details to be submitted for approval, together with implementation of any approved system.
41. The appellant contends that there is no policy requirement for outdoor amenity space for this kind of development. Paragraph 8.8 of the Haringey Local Development Framework Housing Supplementary Planning Document (SPD), adopted October 2008, says all new residential development, including conversions where appropriate, should provide external amenity space appropriate to the needs of the likely occupants. Although this is not purely a residential scheme, paragraph 1.4 of the SPD states that it also applies to mixed use proposals involving housing. I accept that the adequacy or otherwise of external amenity space is material in this case and no such space is currently provided for Unit 4. However, I was shown an area to the north of the unit, where a strip of amenity space could be provided on land within the appellant's control, in a similar fashion to that successfully achieved for Stone House. That provision could be required by condition. The space would be limited and north facing but, given that the Tewkesbury Road open space is nearby, Finsbury Park is within some 800m and the development is unlikely to be occupied by families with children, I consider it sufficient.
42. For all the reasons given, **I conclude on the second main issue under ground (a)** that, subject to conditions, the occupiers of Unit 4 will enjoy satisfactory living conditions, in terms of access to sunlight and daylight,

ventilation and external amenity space. Whilst HLP Policy SP2 and UDP Policies HSG2 and EMP7(b) are not determinative, in so far as they are relevant, the development satisfies their objectives and also complies with the SPD.

Overall conclusion

43. Having regard to my conclusions on the main issues and all other matters raised, I am satisfied that the appeals should succeed on ground (a) and planning permission should be granted on the deemed applications, as defined by the amended allegations, but subject to conditions, to which I turn next. That being the case, ground (g) does not fall to be considered.

Conditions

44. The retention of employment space is crucial to the acceptability of these developments. As with more conventional live/work units, it would not be reasonable to require vacation of the premises in the event that a resident ceases to work there, but it is reasonable to require that the employment floor space remains available for such use. I will therefore impose the appellant's suggested condition restricting the use of specified areas to specific purposes. I will however omit the words "or any other use as agreed in writing by the local planning authority". Any variation should be the subject of a formal application. In the interests of precision and enforceability, rather than merely specifying a percentage of the overall floor space, I will refer to the plans submitted by the appellant during the hearing²³, whilst taking note of the error in the plan relating to Unit C already referred to. Given that the workspace also serves as communal living space, the restriction shall apply during normal working hours only.
45. The appellant also proposed a requirement on the freeholders of the property to submit details to the Council annually, to include: plans showing the layout at the time; details of all business activities operating; and the names and details of all tenants. A similar condition was imposed in the *Fountayne Road*²⁴ appeal, but during my hearing, there was a debate as to the usefulness of these requirements, as it was not clear what the Council would do with the information. However, on reflection, some sort of annual return would serve a useful purpose. Conditions of the type referred to above can present local planning authorities with practical enforcement difficulties. If the owners are required to confirm that the employment floor space remains available for use as such and to provide details of the business operating from it, they would not subsequently be able to claim that the relevant conditions had become immune from enforcement action, without that claim necessarily involving positive deception on their part. Such deception would be likely to prevent the breach becoming lawful. This requirement is therefore necessary to ensure other conditions are enforceable but, rather than referring to the freehold owner, I will refer to the owner, as defined in the 1990 Act, as the lessee under a long lease may be in more direct control.
46. In the interests of residential amenity and safety and to promote sustainable transport, I will impose the appellant's suggested conditions requiring the provision of: an access for pedestrians and cycles, segregated from vehicles;

²³ Hearing documents 6, 7 and 9.

²⁴ Mr Roe's appendix 17.

cycle stands²⁵; amenity space for Unit 4; a screened external bin store and a segregated pedestrian route between the two units. The creation of a level threshold for Unit C was also proposed, but this has already been provided. For the reasons given, I will also require the submission of details of a scheme of ventilation for the bedrooms in Unit 4.

47. The appellant submitted a plan illustrating how some of these things could be achieved²⁶ and all of them can be achieved on land within the appellant's control. However, that plan shows insufficient details in relation to the proposed amenity area. Furthermore, whilst there is space for an alternative bin store, that plan shows the store where there is now a small outside seating area. Accordingly, I will require the submission of a new plan for approval. Given that the use is already operating, this condition will need to provide for the use to cease if a scheme is not approved or implemented. The period for cessation of the use in that event can reasonably be set at 28 days, given that further enforcement action would be necessary.

Decisions

Appeal A: APP/Y5420/C/14/2212163

48. The enforcement notice is corrected in section 3 by the deletion of the words "without planning permission for the unauthorised change of use to residential units" and the substitution of the words "without planning permission, the material change of use of the premises to use as communal live/work accommodation." Subject to that correction, the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the material change of use of the premises known as Unit 4, 199 Eade Road, London, N4 1DN to use as communal live/work accommodation subject to the following conditions:

- 1) Between the hours of 0900 to 1830 Mondays to Fridays (excluding public holidays) and 0900 to 1200 on Saturdays, the business floor space shown hatched black on drawing Nos P_20_002/A and P_20_003/A, submitted during the hearing on 2 September 2014 shall not be used for any purpose other than: (i) a use falling within Class B1 (Business) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, namely:
 - (a) as an office other than use within Class A2 (financial and professional services);
 - (b) for research and development of products and processes; or
 - (c) for any industrial processOR (ii) use as a workshop or studio for the design, storage, production and/or rehearsal of visual and/or performance arts.
- 2) On or before 1 January 2015, and at no less than annual intervals thereafter, the owner of the premises, as defined in section 336(1) of the

²⁵ I will not specify the numbers, as it is not clear from the suggested condition what number relates to each unit.

²⁶ Mr Roe's appendix 36

Town and Country Planning Act 1990, shall provide to the local planning authority in writing:

- (a) confirmation that the business floor space identified in condition 1 hereof remains available for business use as specified in that condition; and
 - (b) details of the nature of the business activities being carried on by residents of the premises at that time.
- 3) The use hereby permitted shall cease within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:
- i) within 3 months of the date of this decision a scheme for:
 - (a) ventilation of the bedrooms within Unit 4;
 - (b) the segregation of pedestrians and cycles from vehicles on the eastern part of the access ramp from Eade Road;
 - (c) the provision of cycle stands;
 - (d) the creation of external amenity space to the north of Unit 4, including hard and soft landscaping;
 - (e) the provision of a screened external bin store; and
 - (f) the provision of a segregated pedestrian route between Unit 4 and Unit C to the west,such scheme (save in so far as it requires ventilation) to be illustrated on detailed plans and hereafter referred to as the site improvement scheme shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
 - ii) within 11 months of the date of this decision the site improvement scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site improvement scheme shall have been approved by the Secretary of State; and
 - iv) the approved site improvement scheme shall have been carried out and completed in accordance with the approved timetable.

Appeal B: APP/Y5420/C/14/2212166

49. The enforcement notice is corrected in section 3 by the deletion of the words "without planning permission for the unauthorised change of use to residential units" and the substitution of the words "without planning permission, the material change of use of the premises to use as communal live/work accommodation." Subject to that correction, the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the material change of use of the premises known as Unit C, 199 Eade Road, London, N4 1DN to use as communal live/work accommodation subject to the following conditions:

- 1) Between the hours of 0900 to 1830 Mondays to Fridays (excluding public holidays) and 0900 to 1200 on Saturdays, the business floor space shown hatched black (but excluding the area identified as "Room 1") on drawing No P_20_001 Rev B, submitted during the hearing on 2 September 2014 shall not be used for any purpose other than: (i) a use falling within Class B1 (Business) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, namely:
 - (a) as an office other than use within Class A2 (financial and professional services);
 - (b) for research and development of products and processes; or
 - (c) for any industrial processOR (ii) use as a workshop or studio for the design, storage, production and/or rehearsal of visual and/or performance arts.
- 2) On or before 1 January 2015, and at no less than annual intervals thereafter, the owner of the premises, as defined in section 336(1) of the Town and Country Planning Act 1990, shall provide to the local planning authority in writing:
 - (a) confirmation that the business floor space identified in condition 1 hereof remains available for business use as specified in that condition; and
 - (b) details of the nature of the business activities being carried on by residents of the premises at that time.
- 3) The use hereby permitted shall cease within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme, including detailed plans, for:
 - (a) the segregation of pedestrians and cycles from vehicles on the eastern part of the access ramp from Eade Road;
 - (b) the provision of cycle stands;
 - (c) the provision of a screened external bin store; and
 - (d) the provision of a segregated pedestrian route between Unit C and Unit 4 to the east,hereafter referred to as the site improvement scheme shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
 - ii) within 11 months of the date of this decision the site improvement scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site improvement scheme shall have been approved by the Secretary of State; and
- iv) the approved site improvement scheme shall have been carried out and completed in accordance with the approved timetable.

J A Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Morag Ellis QC	Instructed by CgMs Consulting
Matthew Roe BA(Hons) MTP MRTPI	CgMs Consulting
John Ferguson Bsc (Hons), PG Dip TP, MRTPI	CgMs Consulting
Neal Matthews BSc MRICS	Strettons Chartered Surveyors
Christopher Currell MRICS	Currell Chartered Surveyors

FOR THE LOCAL PLANNING AUTHORITY:

Edward Grant of counsel	Instructed by the Solicitor to the London Borough of Haringey
Sumaya Nakamya	Planning Enforcement Officer for the London Borough of Haringey

INTERESTED PERSONS:

Lillie Jamieson	Resident of Unit C
Debbie Turner	Resident of Unit C
Peter Coleman	Resident of Unit 4
Jack Lynch	Resident of Unit 4
Waseem Akbar	Resident of Unit 4
Ellis Gardiner	Resident of Unit 4
Matt Rimmer	C108 Consultants
Adrian Gambier	Leaseholder of Unit C

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement Of Peter Coleman
- 2 Statement of Waseem Akbar
- 3 Statement of Debbie Turner
- 4 Extract from Inspector's report on the examination into the Haringey Local Plan: Strategic Policies Development Plan Document
- 5 Appeal decision Ref APP/Y5420/C/13/2207689 re Gaunson House, Markfield Road, London, N15 4QQ
- 6 Drawing No P_20_002/A showing the extent of the work space on the ground floor of Unit 4
- 7 Drawing No P_20_003/A showing the extent of the work space on the first floor of Unit 4
- 8 Signed Statement of Common Ground
- 9 Drawing No P_20_001 Rev B showing the extent of the work space in Unit C

APPENDIX 9

Proposals Map

wood green and harnagey near natus
AOC (SP1) (indicative area only, see
Local Plan Key Diagram)

Employment

- SIL 3 Strategic Industrial Location (SP8)
- LSIS 1 Locally Significant Industrial Sites (SP8)
- LEA 2 Local Employment Areas (SP8)

Town Centres

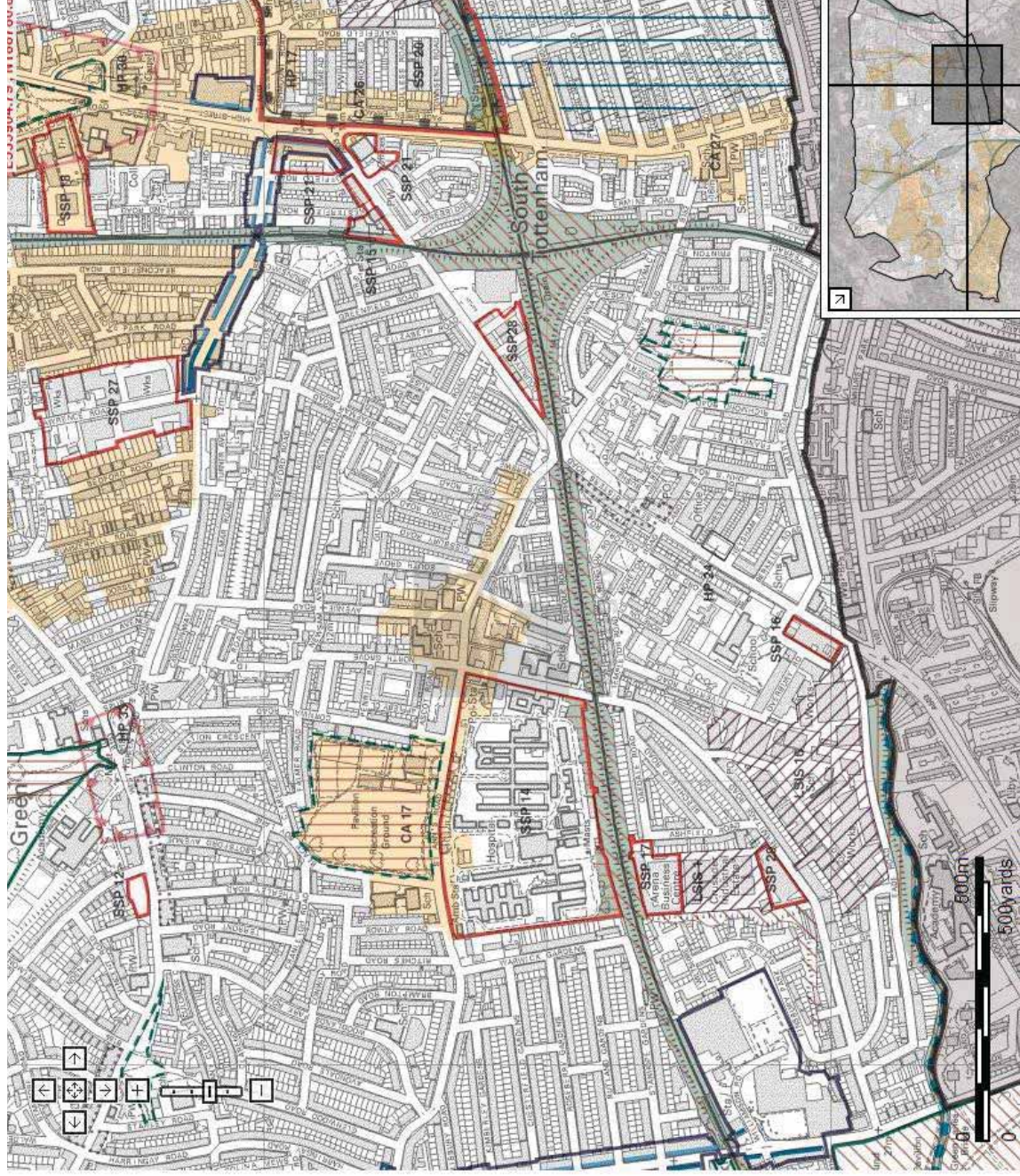
- Town Centre Boundary (SP10)
- Primary Frontage (SP10)
- Secondary Frontage (SP10)
- Local Shopping Centre (SP10)

Urban Design

- Strategic Views of St. Paul's - The Viewing Corridor (SP12)
- Strategic Views of St. Paul's - The Wider Setting (SP12)

Conservation

- Area of Archaeological Importance (SP12)



APPENDIX 10



Appeal Decisions

Hearing held on 2 September 2014

Site visit made on 2 September 2014

by John Murray LLB, Dip.Plan.Env, DMS, Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2014

Appeal A: APP/Y5420/C/14/2212163 Unit 4, 199 Eade Road, London, N4 1DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Kempton Investments Ltd against an enforcement notice issued by the Council of the London Borough of Haringey.
- The Council's reference is PRJ/2013/00260.
- The notice was issued on 12 December 2013.
- The breach of planning control as alleged in the notice is "without planning permission for[sic] the unauthorised change of use to residential units."
- The requirement of the notice is to cease the use of the land for residential use.
- The period for compliance with the requirement is 6 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (e) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed subject to the enforcement notice being corrected in the terms set out below in the Decision.

Appeal B: APP/Y5420/C/14/2212166 Unit C, 199 Eade Road, London, N4 1DN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Kempton Investments Ltd against an enforcement notice issued by the Council of the London Borough of Haringey.
- The Council's reference is PRJ/2013/00896.
- The notice was issued on 18 December 2013.
- The alleged breach of planning control, the requirement of the notice and the period for compliance with that requirement are all as per the notice under Appeal A above.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed subject to the enforcement notice being corrected in the terms set out below in the Decision.

Main Issues

1. The main issues in these appeals are:

- Re ground (e) (Appeal A only), whether copies of the notice were correctly served in accordance with section 174 of the 1990 Act and, if not, whether any defect in service resulted in substantial prejudice, having regard to section 176(5);

- Re ground (b), whether the appellant has proved on the balance of probability that the matters alleged in the notices, or either of them, have not occurred;
- Re ground (a)/the deemed applications for planning permission:
 - (i) the effect of the development on the supply of employment land within the Borough and the extent of any benefits delivered; and
 - (ii) (Appeal A only) whether the occupiers of Unit 4 enjoy satisfactory living conditions, in terms of access to sunlight and daylight, ventilation and external amenity space¹;
- Re ground (g), whether 6 months is a reasonable time for compliance, having regard to the need to find alternative accommodation.

Reasons

Ground (e) (Appeal A only)

2. The appellant maintains that the notice was not correctly served. However, at the hearing, it acknowledged that it had suffered no substantial prejudice as a result. Clearly, it has been able to submit a considered appeal and, having regard to section 176(5) of the 1990 Act, I am satisfied that ground (e) should not succeed, whether or not there was any defect in service.

Ground (b)

3. Both notices merely allege an “unauthorised change of use to residential units.” The Council acknowledges that, in each case, the residential use is a sui generis one. The number of residents, and the fact that they do not form single households, mean that the uses cannot fall within Class C3 and the number of residents also precludes Class C4².
4. However, beyond this, the appellant contends that there is a considerable employment element in the use of both Units 4 and C. Ms Nakamya, the Council’s Planning Enforcement Officer, said that when she inspected both units on 14 May 2013, she saw no evidence of work being undertaken on any significant scale and concluded that both units were in solely residential use. Furthermore, Building Regulations (BR) applications submitted in October 2013 and April 2014, relating to Units 4 and C respectively, each referred simply to residential conversions. Although Ms Nakamya did not specifically ask the Building Control Officers what they saw, she shares an office with them and they gave no indication that their inspections had revealed anything other than residential use.
5. Dealing first with the BR applications, I heard from Mr Gardiner, one of the residents of Unit 4. Assisted by a consultant, Mr Rimmer, he submitted the BR application for Unit 4. He explained that he had not known how to characterise the use of the building, but had been advised by the Building Control Officer to describe it as residential, because that would attract the highest level of safety requirements. That explanation is entirely plausible and, without hearing from the Building Control Officer in person, I am unable to conclude that he saw no evidence of employment activity, merely because he did not flag this up with Ms Nakamya. I did not hear similar evidence

¹ During the hearing, the Council confirmed that it no longer has concerns regarding the amount of internal space

² See Classes C3 and C4 in the Schedule to the Town and Country Planning (Use Classes) Order 1987.

concerning the BR application for Unit C, but it seems likely that the same approach was taken. In any event, that application was not made until April 2014, several months after the enforcement notice was issued, and there is other evidence of what was going on at the time of issue.

6. I have no reason to doubt that Ms Nakanye saw no evidence of significant employment activity when she inspected both buildings in May 2013. However, this was some 7 months before the notices were issued. The crucial thing is what was going on in December 2013 and the period immediately leading up to that. The Council was unable to offer any direct evidence to assist in that regard. However, I have a number of written statements from occupiers of both units³ indicating that, at the relevant time, the communal spaces within the units were in shared use for a range of work, mainly in creative industries, such as: music (performance and composition); painting; sculpture and installations; photography; video/film production; web graphics and illustration; textiles/fashion/garment making; drama; dance and circus skills; magic and illusion. I heard oral evidence from a number of residents who reinforced this. In addition, I am told that they also use their reasonably sized individual bedrooms for some work activities. Indeed, whilst this is rarely a selling point, the lack of natural light in the bedrooms of Unit 4 makes them particularly suitable for use as photographic dark rooms.
7. It has to be said that, whilst the units appeal primarily to people who need flexible work space, not all of the residents now, or at the time the notices were issued, work or worked in the units. Some have full time jobs elsewhere, or are students. The indications are that these people simply enjoy the creative, communal environment, as well as the relatively low rents. Some work in fields such as events management and one is an electrician, but they benefit and indeed feed off the activities of the other residents. Others are endeavouring to get creative businesses off the ground, whilst working in other fields, or are just trying to make the transition from full time study. Indeed I heard of at least one occupant of Unit C becoming a full time performer since moving into the unit.
8. It must also be said that the employment activity is subject to constant change. This was stressed by Mr Gardiner, who said that many of the activities and projects are of a temporary nature and the amount of space taken up will vary from time to time. The communal space may be full of music/studio equipment for rehearsals or recording one day, which is packed away the next. Someone may be working on a sculpture, which could then appear to be serving as decoration of the living space. This state of flux, in which activities crystallise and dissolve, only to be replaced by others, is inevitable, given that the communal space is subject to competing demands.
9. My inspection of the inside of the units took place well after 5:00 pm. Whilst I saw, musical instruments and equipment; art works in progress; sewing machines; part completed garments and jewellery, it was difficult to gain an impression of the scale of work activities undertaken. Any site inspection provides only a snap shot in time and it is entirely understandable that Ms Nakanye's visit in May 2013 led her to believe the use was purely residential. Of course things may have moved on between May and December 2013 anyway, and Ms Nakanye acknowledged that there was no

³ See appendices 12 and 13 of Mr Roe's statement and Hearing Documents 1 – 3.

evidence to contradict what residents told me about the extent of employment activities in the units around December.

10. On the evidence, I am satisfied that the use of both units goes beyond a pure residential use and involves a significant element of work, albeit that it is difficult to define with precision. Indeed, Mr Currell, a Chartered Surveyor with some 28 years of experience, said he had seen nothing like it before. He described the concept of occupation as “artistic, culturally entrepreneurial and intensively collaborative” and said it offers the ability for those starting businesses to “network and share ideas through the communal space.” All of that is apt but this style of living and working does not fit easily into any conventionally recognised land use category. On the evidence, the allegation of a change of use “to residential use” does not adequately describe the new use. The appellants initially commended the description “communal warehouse living.” However, whilst this captures the shared living aspect and the fact that the buildings were warehouses, it does not reflect the work element.
11. In a previous appeal, concerning a site at *Fountayne Road*⁴, the notice alleged a “change of use to residential use (C3) and live/work units (sui generis).” In relation to the live/work elements, the inspector eloquently described a pattern of use similar to that under consideration in these appeals. Although she granted permission for use of the premises as “live-work units”, she noted that they did not conform to the normal model of such units envisaged, for example, in paragraph 5.39 of the Haringey Unitary Development Plan (UDP), adopted July 2006, which supports saved Policy EMP7. Under that provision, a “live-work unit” is described as “a self contained unit with separate living and working floorspace.” The Inspector said she was dealing with “workspaces in which the operators of the business also live; and living spaces in which most of the residents also work.” That is what I find here.
12. In another appeal concerning *60 – 68 Markfield Rd*⁵, the notice alleged a change to “live/work units.” Though the appeal was dismissed, the Inspector acknowledged that the building did not comprise physically and functionally separate live-work units. He therefore found that the allegation was technically inaccurate and corrected it to refer to “a mixed use comprising the following elements: business and residential uses”. In another Haringey appeal concerning a site at *Mill Mead Road*⁶, the Inspector described a similar use as “a variant on the live/work concept”, but did not alter the allegation of a change of use “to live/work units”, before dismissing the appeal.
13. Whilst Units 4 and C clearly provide living accommodation, what has occurred here is not simply a change of use to residential. To that extent, the alleged change has not occurred, as a matter of fact. However, the appellant does not contend, and neither do I consider, that this would necessitate the notice being quashed under ground (b). The allegations should properly reflect the sui generis uses taking place when the notices were issued. Having regard to the evidence and submissions put to me and the comments made in other appeals, I consider that an accurate allegation would be “without planning permission, the material change of use of the premises to use as communal live/work accommodation.” This recognises the mix of uses and the fact that the

⁴ Appeal Ref APP/Y5420/C/08/2063420 – see Mr Roe’s appendix 17.

⁵ Appeal Ref APP/Y5420/C/13/2201618 – see appendix 4 to the Council’s statement re Unit 4.

⁶ Appeal Ref APP/Y5420/C/14/2212172 – This decision was issued the day before the hearing and I advised the parties that I had been made aware of it.

buildings do not comprise self contained units, with functionally and physically separate living and working elements. No doubt a better label could be devised, but neither party objected⁷ to my proposed description of the uses. I will correct the allegations accordingly and, to that extent, the appeals succeed on ground (b).

Ground (a)/the deemed applications

14. Policy 4.4 of The London Plan (July 2011) promotes a rigorous approach to industrial land management to ensure a sufficient stock. Subject to that, it prescribes a “plan, monitor and manage” approach to the release of surplus industrial land, so that it can contribute to strategic and local objectives, especially the provision of more housing. Consistent with this, Policy SP8 of Haringey’s Local Plan Strategic Policies 2013 – 2016 (HLP), adopted March 2013, sets out a hierarchy of industrial sites. The appeal sites lie within, but at the south-eastern end, of a Locally Significant Industrial Site (LSIS). This is the middle category in the HLP hierarchy, one below the Strategic Industrial Locations (SIL), which have additional protection under Policy 2.17 of The London Plan. Policy SP8 generally seeks to support local employment and regeneration aims, minimise travel to work and to support small and medium sized businesses that need employment land. However, it also specifically safeguards any LSIS for a range of industrial uses (B1(b), (c), B2 and B8), where they continue to meet the demand and the needs of modern industry and business.
15. The sui generis uses of Units 4 and C are not within Class B1(b), (c), B2 or B8 and, to that extent, they conflict with HLP Policy SP8, unless it can be said that the LSIS no longer meets the demands and the needs of modern industry and business. I shall return to that point but, in any event, I have found that the uses include a significant employment element, supporting small local businesses and, given the live/work character, minimising travel to work. To this extent these developments can be said to meet the wider aims of HLP Policy SP8 and these characteristics, together with the social benefits outlined by Mr Currell, are consistent with the hallmarks of sustainable development set out in the National Planning Policy Framework (the Framework).
16. The sites are also within an Industrial Location Defined Employment Area (DEA) under the UDP. Saved UDP Policy EMP4 lays down criteria for judging whether planning permission should be granted to redevelop or change use of land and buildings in employment generating use. Notwithstanding the element of employment use, having regard to the Inspector’s findings in the *Mill Mead Road* appeal, I consider that giving over a significant proportion of the space to residential use brings UDP Policy EMP4 into play.
17. For these developments to comply with Policy EMP4, it has to be shown: (a) that the appeal sites are no longer suitable for business or industry use on environmental, amenity and transport grounds; and (b) that there is well documented evidence of an unsuccessful marketing/advertisement campaign over a period of normally 3 years; or (c), as an alternative to (a) and (b), that these developments would retain or increase the number of jobs permanently

⁷ Notwithstanding that it could provide no direct evidence of the uses taking place as at December 2013, the Council did not accept the appellant’s and residents’ evidence regarding the scale of employment use, but said it does not object to the term “communal live/work accommodation”, in the event that I am convinced by that evidence.

- provided on site and result in wider regeneration benefits. Criteria (a) and (b) are clearly consistent with the statement in the Framework that planning policies should avoid the long-term protection of sites allocated for employment use when there is no reasonable prospect of a site being used for that purpose.
18. The appellant cannot meet the combined requirements of criteria (a) and (b) of EMP4 because Unit C has not been marketed and unit 4 was only marketed for 18 months, as a warehouse, prior to the start of the current use. Furthermore, the evidence of that marketing/advertisement campaign is insubstantial, consisting merely of an undated copy of the agent's brief particulars. However, for the appellant, 2 chartered surveyors expressed the opinion that the buildings are poorly suited to modern industrial use. This is because of the amount of surrounding incompatible, but lawful, residential development, as well as the steep access and restricted turning area. Notwithstanding the absence of any adequate marketing campaigns, on the basis of their experience, they say that these factors would make it extremely hard to let either of these units for modern industrial or warehouse purposes. Further support for that view is found in a letter from FedEx UK Ltd⁸, who occupied Unit 4 for B8 purposes between June 2007 and October 2010.
19. The appellant's unchallenged evidence⁹ is that the first floor of Unit C was last used for industrial purposes about 10 years ago, when 2 people were employed. Thereafter, it was used as a church meeting hall for several years without planning permission. The appeal premises at Unit 4 comprise about one third of the footprint of a larger building. The floor above the appeal premises at Unit 4 is occupied by Cole & Son, a wallpaper manufacturer, for warehousing and a few offices, the manufacturing work having ceased at this site. The remaining upper floors of the overall building are occupied by Alvin, a food distributor. However, both of these businesses have separate exclusive vehicular access off Eade Road¹⁰. Accordingly, the immediate vicinity of Units 4 and C is currently dominated by the unlawful communal live/work use of those units and, more importantly, the lawful residential use of Stone House, just to the north, to which there is free access from the appeal premises.
20. The Council did not put forward any expert evidence to counter the appellant's experts' views regarding the unsuitability of the Units for industrial or warehouse use, but stressed that the LSIS status of the site is set out in the recently adopted HLP. That designation was based on an Employment Land Study, first published in 2004 and updated in 2008 and 2012¹¹, which sought to predict need between 2006 and 2026. Whilst that study is currently under further review, the Inspector's report on the HLP¹² concluded that the evidence base was reasonable and proportionate and it supported robustly the thrust of the HLP. He found it appropriate to respond to the changing dynamics of London and the local economy through a "controlled release of employment land." A plan-led, strategic approach is clearly advocated in the Framework and this is reinforced by Policy 4.4 of the London Plan and in the supporting text for HLP Policy SP8.

⁸ Mr Roe's appendix 8.

⁹ Mr Roe's statement, paragraph 2.11.

¹⁰ Statement of Common Ground (Hearing Document 8), paragraphs 2.4 and 2.5.

¹¹ See paragraph 47 of the HLP Inspector's report (Hearing Document 4).

¹² Hearing document 4.

21. I have considerable sympathy for the Council's view that employment land should not be released on an ad-hoc, piecemeal basis. Nevertheless, it is trite law and policy that each case must be treated on its individual merits. Whilst the appellant cannot satisfy criterion (b) of UDP Policy EMP4 in any event, the expert evidence of 2 chartered surveyors, unchallenged by contrary expert evidence, does suggest that the appeal sites are no longer suitable for business or industry use, in accordance with criterion (a) and must be an important material consideration. In terms of the more general requirements of HLP Policy SP8, that evidence also tends to show that this part of the LSIS does not continue to meet the demand and needs of modern industry and business.
22. In an appeal concerning *Gaunson House, Markfield Road*¹³, the Inspector concluded that arguments under Policy EMP4 criterion (a), concerning the unsuitability of the building, were overstated. Whilst he found the premises to be "less than ideal", he considered that they were not obviously unfit for industrial purposes and did not suffer significant constraints in terms of location or accessibility. The evidence before me is somewhat different and comes from witnesses with specific, relevant expertise. In the *Mill Mead Road* appeal, the Inspector found that there was no substantial evidence that the building was either unsound or incapable of use on environmental grounds. Furthermore, it was within an area of employment uses, comprising industry, warehousing and similar uses with access and parking arrangements similar to others nearby. During my hearing, the Council did not dispute the appellant's evidence that the *Mill Mead Road* premises were on a thriving industrial site with good access. Whilst that might well be said of much of the LSIS, it cannot be said of these appeal sites, located towards its south-eastern extremity.
23. The Council did not accept that all of the residential uses indicated as lawful on the plan at Mr Roe's appendix 14 are indeed lawful, but the schedule included in that appendix indicates that a large proportion of them actually have planning permission for residential use, including Stone House, immediately to the north of Unit 4, and much of Cara House, to the east. In any event, when pressed by me, the Council was unable to respond to the appellant's contention that the extent of lawful residential uses in the vicinity of the appeal sites makes them unsuitable for industrial uses.
24. In addition, the Council published its Draft Site Allocations Development Plan Document (DPD) in January 2014¹⁴. In that document, the LSIS, which includes the appeal sites, forms the greater part of Site S3: Vale Road/Tewkesbury Road, and the proposed allocation recognises the scope for redevelopment, namely 97,000 m² residential (approximately 1,000 units) and 134,000 m² commercial. The document describes the site as "a wide area in mixed use, with some industrial units being converted over time into informal, unapproved live-work, as well as purely residential accommodation and continuing employment use." Consultation on the proposed submission draft is due to start this autumn, with the Examination in Public expected in 2015. The proposed S3 allocation could be subject to change and therefore carries limited weight, but it is a material consideration and one which did not arise in any of the other appeals drawn to my attention. The Council's apparent view of the nature of the area and its suitability for further residential development lends

¹³ Hearing document 5.

¹⁴ See the Statement of Common Ground, appendix 9.

some support to the appellant's evidence regarding the appeal site's suitability for industrial uses.

25. In any event, the appellant contends that criterion (c) of UDP policy EMP4 is satisfied. Mr Roe said that the last industrial use employed 5 people on the whole of the ground floor of Unit 4, whereas 8 people now work in the floor space retained for communal employment use. As far as Unit C is concerned, the last industrial use of the ground floor ended in 2009, when 3 people were employed, whereas 5 now work there, in what remains of the space available for employment use.
26. I note the concern of the Inspector in the *Mill Mead Road* appeal that, notwithstanding the significant increase in the number of people employed at those appeal premises, it was difficult to establish what percentage of the increased floor space within the building was actually available for employment use, since it was not defined, or capable of being defined. Accordingly, and having regard to the plans provided, he concluded that there may well have been a decrease in employment space. However, he also noted the evidence of a neighbouring occupier that, had he been able to acquire the premises, he would have employed a similar number of people, without increasing the floor space. There is no such evidence before me. The Inspector in the *Gaunson House* appeal¹⁵ was also concerned that the residential element of the use resulted in a loss of space that could potentially generate more employment. I respect that conclusion, but I must consider what is likely to happen, on the balance of probabilities.
27. I do not know the precise layout of the premises in the *Mill Mead Road* appeal but, in the appeals before me, the appellant submitted plans¹⁶ identifying the areas available for communal working. Save that it was confirmed, during the site visit, that Room 1 in Unit C is not available for employment use, those plans conformed to what I saw on site. This is an unusual situation in that those areas will also be used for communal residential purposes, but conditions can be imposed to ensure that these areas are kept available for employment use during normal working hours.
28. The numbers of people working in both units is likely to fluctuate, but that would be true if the premises were in B1(b), (c), B2 or B8 use. The best evidence I have is that the numbers of people working in both units exceed the numbers working there previously, despite the significant reductions in floor space available for employment use. I acknowledge that economic conditions may have been worse at that time, but the evidence before me¹⁷ is that there is significant demand for communal live/work accommodation of this kind and that such demand is likely to continue. I contrast this with the evidence I have heard about the likely difficulty in securing occupiers of these units for industrial or warehouse purposes, even in the current climate. That evidence is more compelling than anything apparently presented in the *Mill Mead Road* or *Gaunson House* appeals. On the balance of probabilities, I am satisfied that, subject to appropriate conditions, these uses would at least retain and possibly increase the numbers of jobs permanently provided on the sites.

¹⁵ Hearing document 5.

¹⁶ Drawing Nos P_20_002/A (Hearing Doc 6) and P_20_003/A re Unit 4 and Drawing No P_20_001 Rev B (Hearing document 9) re Unit C.

¹⁷ See section 11 of Mr Currell's statement and paragraph 5.3 of Mr Matthews' statement.

29. In the *Mill Mead Road* appeal, the Inspector did accept that the live/work use of those premises had provided facilities for small enterprises, which might be regarded as a wider regeneration benefit. I accept the evidence before me, including that from the residents themselves, that the current use of Units 4 and C has provided valuable, flexible and affordable facilities for new businesses and fosters a creative, entrepreneurial and inspirational environment. That environment is consistent with the character of Overbury Road, immediately to the northeast, which appears to be dominated by residential and live/work units and where a sign has been erected saying "Artists Village." Furthermore, the combined live/work use will boost the local economy, as residents spend money in the locality. These are regeneration benefits in terms of EMP4(c) which, as I have said, also contribute to meeting the wider aims of HLP Policy SP8.
30. Saved UDP Policy EMP7 states that live/work units, as defined above, will only be permitted if specified criteria are met. As already stated, the uses in this case do not come within the definition of live/work units for the purposes of UDP Policy EMP7. In the *60 – 68 Markfield Rd*¹⁸ appeal, the Inspector noted that the single building, without physically and functionally separate live/work units, was not technically a live/work unit, but he nevertheless applied and found conflict with EMP7. In the *Fountayne Road*¹⁹ appeal, as the use did not fit the live/work definition in EMP7, the Inspector found that, though material, that policy could not be determinative in that case. Indeed the Council accepted that "the units as currently used did not fit comfortably within the parameters of that policy." In the *Mill Mead Road* appeal, the conclusion was that the difference between the use taking place and the live/work definition affected the application of criteria (b) and (c) of that policy, concerning residential room sizes, amenity standards and workspace areas.
31. In my view, standards relating to residential room sizes and workspace areas cannot be applied to communal use accommodation. I will return to general amenity issues later but, whilst sharing the view that EMP7 cannot be determinative in these appeals, I also agree with the Inspector's conclusion in the *Mill Mead Road* appeal that the departure from the definition of live/work units does not detract from the applicability of EMP7's objectives relating to location.
32. Criterion (a) of Policy EMP7, states that the live/work units must be outside a DEA. These sites are not, so these developments cannot strictly comply. However, paragraph 5.41 of the supporting text to the policy explains that, due to the nature of some of the activities that occur within DEAs, live work units are not appropriate, as the residential element may endanger the continued employment use within the area²⁰. In this case, I have already found that the appeal sites are no longer suitable for pure business or industrial use, partly because of the amount of lawful residential use already established in the vicinity. Accordingly, although these developments breach the letter of criterion (a), they do not compromise its objective.
33. Criterion (d) of EMP7 is that, where appropriate, the proposal complies with UDP Policy EMP5. In turn, that provides that: (a) any trips generated by the

¹⁸ Appeal Ref APP/Y5420/C/13/2201618 – see appendix 4 to the Council's statement re Unit 4.

¹⁹ Mr Roe's appendix 17.

²⁰ I note that, in the *Mill Mead Road* appeal, there was an objection from a neighbouring occupier on that basis. No such objection has been received in these appeals.

proposal are catered for by the most sustainable and appropriate means; and (b) if it is on the edge of, or adjacent to a DEA, it does not inhibit the continued operation of any existing employment generated uses or compromise the employment status of the area. With regard to (a), the live/work nature of the developments greatly limits the number of trips generated. In any event, Unit 4 has a high Public Transport Accessibility Level and Unit C has a moderate level, though it is very close to Unit 4. Criterion (a) is therefore met. Criterion (b) is not, in terms relevant, as the sites are actually within a DEA, but for the reasons already given, I am content that these developments do not breach it.

34. To conclude on the development plan in relation to the first main issue under ground (a), whilst London Plan Policy 4.4 and HLP Policy SP8 require a strategic approach, the appeal developments comply with Policy SP8, because they: support local employment and regeneration aims; minimise travel to work; and support small businesses that need employment land in a specific part of the LSIS, which does not otherwise continue to meet the demand and the needs of modern industry and business. They also comply with saved UDP Policy EMP4 because, subject to conditions, they would at least retain the numbers of jobs permanently provided on site. In addition, there is evidence that the appeal sites are no longer suitable for pure business or industry uses. Although, UDP Policy EMP7 cannot be determinative, the developments do not compromise its relevant objectives concerning location.
35. Given the constraints inherent in the specific appeal sites, these developments also contribute to sustainable economic growth, in line with the Framework. The Framework also encourages the facilitation of flexible working practices, such as the integration of residential and commercial uses within the same unit, and the avoidance of the long term protection of sites allocated for employment use, where there is no reasonable prospect of a site being used for that purpose. I have also given some weight to the direction of travel in the emerging Site Allocations DPD concerning this area.
36. For all the reasons given, **I conclude on the first main issue under ground (a)**, that these developments will not harm the supply of employment land within the Borough, whilst delivering some regeneration benefits.
37. Turning to living conditions in Unit 4, HLP Policy SP2 requires high quality residential development and UDP Policy HSG2 governs changes of use to residential, the relevant criterion in this context being (d), namely that the building can provide satisfactory living conditions. Neither policy was referred to in the *60 – 68 Markfield Road*²¹ or *Millmead Road* appeals, even though living conditions were in issue, and HSG2 was only mentioned in passing in the *Gaunson House*²² appeal. In my view, Like Policy EMP7, Policies HSG2 and SP2 cannot be determinative in these appeals, as they involve a change of use to communal live/work accommodation, rather than pure residential developments. Nevertheless, the Framework requires a good standard of amenity and achieving sustainable development involves improving the conditions in which people live. Living conditions must be satisfactory but, in these appeals, they need to be assessed in the context of communal living and working. Such communal use inevitably impacts on living and indeed working

²¹ Appendix 4 of the Council's statement re Unit 4.

²² Hearing Document 5.

- conditions; people do not normally live in spaces where others work and vice versa.
38. In assessing residential amenity under UDP Policy EMP7 criterion (b), the Inspector in the *Mill Mead Road* appeal found the daylight to the living/kitchen spaces inadequate to work by or to satisfy general living standards and other open areas had no direct daylight. Furthermore, the daylight in the majority of the residential units inspected was significantly inadequate. He said: *"...the quality of light is poor and there is a complete lack of outlook from what is otherwise a very physically and visually confined space. Accordingly, I conclude that the occupants of the appeal development would be subject to inadequate daylight provision for normal day to day living."*
39. In the case before me, the bedrooms of Unit 4 do not have direct access to natural light, but rely on borrowed light from the communal areas, via small windows. At some 14 – 19 m², the individual bedrooms are a good size, but they are dark and this would normally result in unduly oppressive living conditions. However, this deficiency is outweighed in my view by the access to the generously proportioned communal areas at ground and mezzanine level, which are well lit by the large, high level windows on the front elevation. I am persuaded that, overall, the access to sunlight and daylight is satisfactory, taking account of the communal spaces, and the characteristics of the accommodation differ from those in the property at *Mill Mead Road*. Whilst the views of current occupiers would not normally be conclusive, they are a material consideration and, in this case, they support my conclusion that conditions are acceptable.
40. Turning to ventilation, I was advised that a ventilation system had been installed since the notice was served. Indeed, I was shown vents in one of the bedrooms, along with the heat exchanger unit upstairs. It was not easy to tell whether this system is adequate, but this can be addressed by a condition requiring details to be submitted for approval, together with implementation of any approved system.
41. The appellant contends that there is no policy requirement for outdoor amenity space for this kind of development. Paragraph 8.8 of the Haringey Local Development Framework Housing Supplementary Planning Document (SPD), adopted October 2008, says all new residential development, including conversions where appropriate, should provide external amenity space appropriate to the needs of the likely occupants. Although this is not purely a residential scheme, paragraph 1.4 of the SPD states that it also applies to mixed use proposals involving housing. I accept that the adequacy or otherwise of external amenity space is material in this case and no such space is currently provided for Unit 4. However, I was shown an area to the north of the unit, where a strip of amenity space could be provided on land within the appellant's control, in a similar fashion to that successfully achieved for Stone House. That provision could be required by condition. The space would be limited and north facing but, given that the Tewkesbury Road open space is nearby, Finsbury Park is within some 800m and the development is unlikely to be occupied by families with children, I consider it sufficient.
42. For all the reasons given, **I conclude on the second main issue under ground (a)** that, subject to conditions, the occupiers of Unit 4 will enjoy satisfactory living conditions, in terms of access to sunlight and daylight,

ventilation and external amenity space. Whilst HLP Policy SP2 and UDP Policies HSG2 and EMP7(b) are not determinative, in so far as they are relevant, the development satisfies their objectives and also complies with the SPD.

Overall conclusion

43. Having regard to my conclusions on the main issues and all other matters raised, I am satisfied that the appeals should succeed on ground (a) and planning permission should be granted on the deemed applications, as defined by the amended allegations, but subject to conditions, to which I turn next. That being the case, ground (g) does not fall to be considered.

Conditions

44. The retention of employment space is crucial to the acceptability of these developments. As with more conventional live/work units, it would not be reasonable to require vacation of the premises in the event that a resident ceases to work there, but it is reasonable to require that the employment floor space remains available for such use. I will therefore impose the appellant's suggested condition restricting the use of specified areas to specific purposes. I will however omit the words "or any other use as agreed in writing by the local planning authority". Any variation should be the subject of a formal application. In the interests of precision and enforceability, rather than merely specifying a percentage of the overall floor space, I will refer to the plans submitted by the appellant during the hearing²³, whilst taking note of the error in the plan relating to Unit C already referred to. Given that the workspace also serves as communal living space, the restriction shall apply during normal working hours only.
45. The appellant also proposed a requirement on the freeholders of the property to submit details to the Council annually, to include: plans showing the layout at the time; details of all business activities operating; and the names and details of all tenants. A similar condition was imposed in the *Fountayne Road*²⁴ appeal, but during my hearing, there was a debate as to the usefulness of these requirements, as it was not clear what the Council would do with the information. However, on reflection, some sort of annual return would serve a useful purpose. Conditions of the type referred to above can present local planning authorities with practical enforcement difficulties. If the owners are required to confirm that the employment floor space remains available for use as such and to provide details of the business operating from it, they would not subsequently be able to claim that the relevant conditions had become immune from enforcement action, without that claim necessarily involving positive deception on their part. Such deception would be likely to prevent the breach becoming lawful. This requirement is therefore necessary to ensure other conditions are enforceable but, rather than referring to the freehold owner, I will refer to the owner, as defined in the 1990 Act, as the lessee under a long lease may be in more direct control.
46. In the interests of residential amenity and safety and to promote sustainable transport, I will impose the appellant's suggested conditions requiring the provision of: an access for pedestrians and cycles, segregated from vehicles;

²³ Hearing documents 6, 7 and 9.

²⁴ Mr Roe's appendix 17.

cycle stands²⁵; amenity space for Unit 4; a screened external bin store and a segregated pedestrian route between the two units. The creation of a level threshold for Unit C was also proposed, but this has already been provided. For the reasons given, I will also require the submission of details of a scheme of ventilation for the bedrooms in Unit 4.

47. The appellant submitted a plan illustrating how some of these things could be achieved²⁶ and all of them can be achieved on land within the appellant's control. However, that plan shows insufficient details in relation to the proposed amenity area. Furthermore, whilst there is space for an alternative bin store, that plan shows the store where there is now a small outside seating area. Accordingly, I will require the submission of a new plan for approval. Given that the use is already operating, this condition will need to provide for the use to cease if a scheme is not approved or implemented. The period for cessation of the use in that event can reasonably be set at 28 days, given that further enforcement action would be necessary.

Decisions

Appeal A: APP/Y5420/C/14/2212163

48. The enforcement notice is corrected in section 3 by the deletion of the words "without planning permission for the unauthorised change of use to residential units" and the substitution of the words "without planning permission, the material change of use of the premises to use as communal live/work accommodation." Subject to that correction, the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the material change of use of the premises known as Unit 4, 199 Eade Road, London, N4 1DN to use as communal live/work accommodation subject to the following conditions:

- 1) Between the hours of 0900 to 1830 Mondays to Fridays (excluding public holidays) and 0900 to 1200 on Saturdays, the business floor space shown hatched black on drawing Nos P_20_002/A and P_20_003/A, submitted during the hearing on 2 September 2014 shall not be used for any purpose other than: (i) a use falling within Class B1 (Business) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, namely:
 - (a) as an office other than use within Class A2 (financial and professional services);
 - (b) for research and development of products and processes; or
 - (c) for any industrial processOR (ii) use as a workshop or studio for the design, storage, production and/or rehearsal of visual and/or performance arts.
- 2) On or before 1 January 2015, and at no less than annual intervals thereafter, the owner of the premises, as defined in section 336(1) of the

²⁵ I will not specify the numbers, as it is not clear from the suggested condition what number relates to each unit.

²⁶ Mr Roe's appendix 36

Town and Country Planning Act 1990, shall provide to the local planning authority in writing:

- (a) confirmation that the business floor space identified in condition 1 hereof remains available for business use as specified in that condition; and
 - (b) details of the nature of the business activities being carried on by residents of the premises at that time.
- 3) The use hereby permitted shall cease within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:
- i) within 3 months of the date of this decision a scheme for:
 - (a) ventilation of the bedrooms within Unit 4;
 - (b) the segregation of pedestrians and cycles from vehicles on the eastern part of the access ramp from Eade Road;
 - (c) the provision of cycle stands;
 - (d) the creation of external amenity space to the north of Unit 4, including hard and soft landscaping;
 - (e) the provision of a screened external bin store; and
 - (f) the provision of a segregated pedestrian route between Unit 4 and Unit C to the west,such scheme (save in so far as it requires ventilation) to be illustrated on detailed plans and hereafter referred to as the site improvement scheme shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
 - ii) within 11 months of the date of this decision the site improvement scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site improvement scheme shall have been approved by the Secretary of State; and
 - iv) the approved site improvement scheme shall have been carried out and completed in accordance with the approved timetable.

Appeal B: APP/Y5420/C/14/2212166

49. The enforcement notice is corrected in section 3 by the deletion of the words "without planning permission for the unauthorised change of use to residential units" and the substitution of the words "without planning permission, the material change of use of the premises to use as communal live/work accommodation." Subject to that correction, the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the material change of use of the premises known as Unit C, 199 Eade Road, London, N4 1DN to use as communal live/work accommodation subject to the following conditions:

- 1) Between the hours of 0900 to 1830 Mondays to Fridays (excluding public holidays) and 0900 to 1200 on Saturdays, the business floor space shown hatched black (but excluding the area identified as "Room 1") on drawing No P_20_001 Rev B, submitted during the hearing on 2 September 2014 shall not be used for any purpose other than: (i) a use falling within Class B1 (Business) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, namely:
 - (a) as an office other than use within Class A2 (financial and professional services);
 - (b) for research and development of products and processes; or
 - (c) for any industrial processOR (ii) use as a workshop or studio for the design, storage, production and/or rehearsal of visual and/or performance arts.
- 2) On or before 1 January 2015, and at no less than annual intervals thereafter, the owner of the premises, as defined in section 336(1) of the Town and Country Planning Act 1990, shall provide to the local planning authority in writing:
 - (a) confirmation that the business floor space identified in condition 1 hereof remains available for business use as specified in that condition; and
 - (b) details of the nature of the business activities being carried on by residents of the premises at that time.
- 3) The use hereby permitted shall cease within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme, including detailed plans, for:
 - (a) the segregation of pedestrians and cycles from vehicles on the eastern part of the access ramp from Eade Road;
 - (b) the provision of cycle stands;
 - (c) the provision of a screened external bin store; and
 - (d) the provision of a segregated pedestrian route between Unit C and Unit 4 to the east,hereafter referred to as the site improvement scheme shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation;
 - ii) within 11 months of the date of this decision the site improvement scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site improvement scheme shall have been approved by the Secretary of State; and
- iv) the approved site improvement scheme shall have been carried out and completed in accordance with the approved timetable.

J A Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Matthew Roe BA(Hons) MTP MRTPI	CgMs Consulting
John Ferguson Bsc (Hons), PG Dip TP, MRTPI	CgMs Consulting
Neal Matthews BSc MRICS	Strettons Chartered Surveyors
Christopher Currell MRICS	Currell Chartered Surveyors

FOR THE LOCAL PLANNING AUTHORITY:

Edward Grant of counsel	Instructed by the Solicitor to the London Borough of Haringey
Sumaya Nakamya	Planning Enforcement Officer for the London Borough of Haringey

INTERESTED PERSONS:

Lillie Jamieson	Resident of Unit C
Debbie Turner	Resident of Unit C
Peter Coleman	Resident of Unit 4
Jack Lynch	Resident of Unit 4
Waseem Akbar	Resident of Unit 4
Ellis Gardiner	Resident of Unit 4
Matt Rimmer	C108 Consultants
Adrian Gambier	Leaseholder of Unit C

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement Of Peter Coleman
- 2 Statement of Waseem Akbar
- 3 Statement of Debbie Turner
- 4 Extract from Inspector's report on the examination into the Haringey Local Plan: Strategic Policies Development Plan Document
- 5 Appeal decision Ref APP/Y5420/C/13/2207689 re Gaunson House, Markfield Road, London, N15 4QQ
- 6 Drawing No P_20_002/A showing the extent of the work space on the ground floor of Unit 4
- 7 Drawing No P_20_003/A showing the extent of the work space on the first floor of Unit 4
- 8 Signed Statement of Common Ground
- 9 Drawing No P_20_001 Rev B showing the extent of the work space in Unit C

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APPENDIX D

NOTE OF MEETING

Re: Eade Road and Arena Masterplanning
Job No: 17700
Client: Provewell
Date: 22nd December 2014
Venue: LB of Haringey, River Park House, Wood Green

Attendance:

Matthew Pattison	- Head of Planning Policy LB Haringey
Gavin Ball	- Planning Policy Officer LB Haringey
Fortune Gumbo	- Planning Enforcement Officer/Project Manager for warehouse living LB Haringey
Philip Atkins	- Planning Resolution
Matt Roe	- CgMs Consulting
John Ferguson	- CgMs Consulting

Purpose of meeting: *The purpose of the meeting was to discuss the draft policy wording for warehouse living, as issued to CgMs on 9th December 2014.*

MR set out an introduction to the site and planning context.

MR stated we were disappointed that it appeared all the positive progress with the masterplan had been undone. MR questioned the intentions behind the draft policy wording, and particularly the requirement of the draft policy to require provision of commercial floorspace to pre-conversion levels. MR stated this was unreasonable given the current state and nature of the employment sites, and the significant levels of lawful residential floorspace.

GB stated the sites were historically employment sites, therefore they are trying to achieve a mixed use position through the policy wording. GB stated officers still supported our vision for the future of the area but they couldn't expressly support residential development in writing.

SP stated through the policy they are trying to achieve a mechanism through the policy wording for a mixed use allocation with commercial at ground floor, that allows for residential above. SP stated they want re-instatement of better quality employment space, which would enable residential above.

PA stated we were disappointed that Provewell's sites had been lumped in the same category as other sites that have a lot less lawful residential floorspace and are better quality employment sites.

SP stated they want the proposals to come forward through masterplan led development, due to the complexities of each of the sites, and different characteristics and uses.

GB confirmed Eade Road is an existing employment designation, therefore they need stringent policy wording to ensure an element of the redevelopment is commercial and will remain commercial in the long term. The new designation as a Regeneration Area will allow mixed use redevelopment and our aspirations for significant residential on the sites.

PA questioned why there was no reference to a gateway scheme, allowance for buildings to exceed 6 storeys nor considerations of viability and cross subsidisation.

SP stated they will consider this and invited Provewell to make comments on the draft policy wording and to forward them on before a draft is finalised and taken to Cabinet on 16th January 2015.

CgMs Limited
December 2014

NOTE OF MEETING

Re: Eade Road and Arena Masterplanning
Job No: 17700
Client: Provewell Ltd
Date: 29th September 2014
Venue: Haringey Council, Wood Green

Attendance:

Lyn Garner (LG) - Director for Planning, Regeneration and Development LB Haringey
Gavin Ball (GB) - Planning Policy Officer LB Haringey
Fortune Gumbo (FG) - Planning Enforcement Officer/Project Manager for live/work uses LB Haringey
Steve Russell (SR) - Private Sector Housing officer, LB Haringey
Philip Atkins (PA) - Planning Resolution
David West (DW) - Studio Egret West
Matthew Roe (MR) - CgMs Consulting
John Ferguson (JF) - CgMs Consulting

Purpose of meeting: The purpose of the meeting was to present the typologies of various options of the live/work concept for the masterplan and to discuss the viability of the proposed masterplan with Lynn Garner, Director for Planning, Regeneration and Development.

Introduction

MR explained the context of the project and the sites, and summarised the progress made to date and following meetings held on 18th August 2014 and 11th September 2014 with the SK and GB.

LG stated she understood the majority of the sites were in lawful and unlawful residential and HMO uses. Some of the units were live work, but LG stated she had seen little evidence of work when she visited the sites. LG noted she had inspected every part of Arena and 221 rooms had been confirmed. She noted that some of the units had up to 18 residents and were thus HMOs and residential.

Presentation

DW ran through the presentation explaining the ideas of the different typologies that could be used at the site and drew on inspiration from other examples across London and Europe.

LG stated her interest in Hackney Wick and how this area worked, specifically the tenure and form of uses.

SR stated he was very interested in the typologies being presented and really liked the concept. SR stated the housing would need to meet the Housing Act 2004, and housing

standards. SR is currently concerned about the units and specifically the fire risk. SR appreciates the area will be redeveloped but would like to see some immediate short term improvements to address fire risk.

DW questioned with this being a pilot scheme and exploration of new typologies could there be a relaxation of housing standards to allow experimental forms of housing.

SR stated this would be a discussion for later down the line, but minimum safety standards would need to be met.

LG questioned how the estate would be managed, and is there demand for this type of living and employment space.

MR responded stating Provewell would manage the estate and are exploring options to manage individual units, such as cooperatives. MR stated Chris Currell (Currells) has undertaken research and advised there will be a demand for this type of employment use and residential use, at approx £10/ sq ft.

GB stated as London evolves the demand for this form of employment is increasing and is moving out to Haringey.

LG was very interested in the whole idea, but was keen to understand the existing position and how the masterplan compared. LG stated she had been to Arena and counted approx 200 beds. The proposal therefore appears to not provide much of an uplift in this number.

MR confirmed a survey was being undertaken and we would establish existing position, and seek to provide: 1. A retention/uplift in employment numbers, 2. Retention of existing community and 3. Uplift in market housing as PRS.

LG questioned affordable housing provision.

MR stated the communal live/work would be at around 40% of market rent and would therefore constitute affordable housing.

LG questioned the proposed rent levels and whether this would fall within housing benefit levels. LG noted the Council would be concerned if a 'ghetto' of accommodation for people on housing benefit was created.

JF and MR believed the proposed PRS would be above this level as the rental values are proposed at market rates.

LG was keen to see a transparent viability assessment of the site.

JF responded stating a very initial viability appraisal had been undertaken to demonstrate a scheme is viable, as requested early on by GB and SK. A more detailed assessment will be needed.

PA stated this is a PRS scheme that Provewell intend to retain ownership of, therefore it is a different viability model to conventional residential developments, that would need to be considered.

GB stated it would be useful to present to Members before publishing the Site Allocations Document.

LG stated she liked the concept and idea and considered it would be a good idea to present to Cllr Goldberg, Cllr Strickland, Cllr Kober, Lead and deputy leader of the Council, and lead members for Planning and Regeneration.

Next Steps

1. FG to organise presentation to Members. This could be within next 2 weeks
2. CgMs to establish existing position on number of residents and employment numbers.
3. Provewell to engage with SR on making units safe and removing fire risk.
4. Consider release of more detailed financial viability assessment.
5. GB to start to draft policy document using information from SEW presentation.

CgMs Limited
October 2014

NOTE OF MEETING

Re: Eade Road and Arena Masterplanning
Job No: 17700
Client: Provewell
Date: 12th September 2014
Venue: The Borough of Haringey

Attendance:

Stephen Kelly	- Assistant Director for Planning LB Haringey
Gavin Ball	- Planning Policy Officer LB Haringey
Fortune Gumbo	- Planning Enforcement Officer/Project Manager for live/work uses LB Haringey
Matthew Roe	- CgMs Consulting
Bethan Hawkins	- CgMs Consulting
Philip Atkinson	- Planning Resolution
Matt Rimmer	- C108 Consultants
David West	- Studio Egret West
Peter Croft	- Studio Egret West
Lester	- Studio Egret West

Purpose of meeting: The purpose of the meeting was to present the typologies of various options of the live/work concept for the masterplan and to discuss the viability of the proposed masterplan.

Introduction

MRO introduced the masterplan and the progress made to date following the last meeting held on 18th August 2014 with the SK and GB.

MRO explained that viability appraisals had been undertaken for both sites and confirmed that the masterplan proposals presented viable opportunities for Haringey. MRO highlighted that the schemes would bring forward an increase in flexible and modern employment floorspace.

PA expanded upon the above points and explained the aim was to capture the existing community and the way they work and live and bring this concept through the plans.

DW introduced the presentation and the background work to the concept of live/work, including:

- Briefing process to capture and form masterplan
- Exemplar prototype (Light touch framework for a collage/plan for the areas)
- Potential density and massing through existing buildings on site
- Collage framework for a series of spaces
- Viability – research
- 4/5 typologies proposed rather than 1 prototype

MRO explained the concept of the existing employment space and detailed the viability appraisals and attrition surveys that had been undertaken.

Presentation

Typologies and ratios for live/work

DW, PC and L presented the typologies and the initial stages of the masterplan. PC used examples of Fish Island in Hackney for an example of the success of live/work concepts.

SK queried the planning permission of the live work units in Hackney.

SK queried the ratio of live/work space and how to determine the appropriate ratio.

PC responded and explained the various typologies of the live/work concept and the design of modules and space.

PC/DW confirmed that an appropriate ratio was 8 bedrooms per module which included private studios within bedroom and a communal live/work space.

GB queried the relationship with the bedroom module and the workspace/employment floorspace.

DW explained the flexibility of the plan to balance employment space and living space and confirmed that the typologies that were presented were flexible. DW confirmed that quantity surveyors were working on the costs of each of the prototypes presented.

SK queried what the prototypes equated to in terms of new floorspace and new units.

PA confirmed that there would be an intensified and significant increase in flexible, modern and useable employment floorspace.

SK was concerned about employment areas and any provision that does not provide an increase in employment floorspace. SK stated that there are two threads to the proposal (financial model/rental level).

MRO confirmed that the employment space would be the lower end of market rent and 40% of market rent on live/work units.

PW explained the design would increase employment space through using the sites vertically and horizontally to intensify the uses.

Concept of a 'Destination'

PC, PW & L introduced the idea of the areas becoming a destination to visit (market areas) in the wider community and improving connectivity and accessibility to these areas.

SK sought further clarity on this concept querying whether the sites were evolving to become destinations or inclusive communities. SK was concerned about the connectivity of the sites to the surrounding areas. If the proposal was creating 'destinations' consideration is needed to the surrounding communities.

MRO confirmed that the existing communities wanted to expand to the wider areas.

PW used examples such as Broadway Market, Victoria Park, Maltby Street as examples where communities and people pass through the areas and confirmed the concept was not to create somewhere like Camden Market where people would specifically visit (tourist destination).

SK stated that spatially this would change the concept and clarity was needed on the 'destination' concept.

Planning Policy and Viability

SK confirmed that the pace of work was inline with the evolving policy. SK stated that it was an interesting presentation and would like to present it to the Planning Portfolio Holder and Corporate Director (Nature of the proposals needs to be run past these people).

DW confirmed the 'level of destination' was to be appropriate to the surrounding areas.

L explained that they were concentrating on this community aspect through site visits and extensive research.

SK stated that the proposal was interesting and exciting for Haringey. SK stated the need to consult the councillors and administration in the proposals.

SK left meeting.

GB explained the site allocation policy is to be drafted and go before cabinet in November. GB confirmed that he liked the presentation and would like to share it.

PA suggested that Egret West should add more text to the presentation so that it can be used in isolation.

GB suggested that he would like to use the typologies of live/work living to frame emerging policies. GB explained he would like to introduce the concepts to communities and members.

FG queried the viability and wanted to see the work undertaken. FG stated that the team would need to be prepared to defend the proposals. FG explained that Haringey did not want to reinvent the failures of Hackney.

PA confirmed each proposed typology was viable and used information from appraisals to explain. PA explained the benefits of the work undertaken to date and that other similar sites had not worked through this process.

Next Steps

Studio Egret West to edit the presentation so that it can be read and presented in isolation and send to SK, FG and GB.

SK, FG, GB to present the masterplan proposals and provide feedback from the council on typologies.

MRO and PA to discuss viability further with FG.

CgMs Limited
September 2014

NOTE OF MEETING

Re: Eade Road, Arena Masterplanning, Haringey Site Allocations DPD

Job No: 17700

Client: Provewell Estates

Date: 18th August 2014

Venue: Haringey Council

Attendance:

Stephen Kelly	- Assistant Director for Planning LB Haringey
Gavin Ball	- Planning Policy Officer LB Haringey
Fortune Gumbo	- Planning Enforcement Officer/ Project Manger for live/work uses LB Haringey
David West	- Studio Egret West
Philip Atkins	- Planning Resolution
Matt Rimmer	- C108 Consultants
Matt Roe	- CgMs Consulting
John Ferguson	- CgMs Consulting

The purpose of the meeting was to discuss the potential of masterplanning the Provewell Estate for mixed use redevelopment, and the upcoming Site Allocations Preferred Options Document consultation

MRO introduced the meeting and the progress made to date following the last meeting held on 15th July 2014 with the SK and GB. MRO explained viability was being considered as this was a concern previously raised and David West had now been appointed.

PA confirmed Provewell's serious intentions for the estate and money was being invested in a full topographical survey of the estate, to enable a deliverable and viable proposal.

SK outlined the key challenge at a macro level was the policy challenge of retention of pure employment land, demand and type of employment reprovion. SK stated early indications from Atkins' Employment Land Review suggests the need for 35 ha of new employment land to be allocated.

SK stated the key is to understand how to maximise employment densities. What is the existing density at Eade Road and how can this be maximised? How can employment drive other uses. SK questioned what employment figure for the estate would be used to asses replacement/reprovion, and how employment reprovion feeds into live/work policy. SK asked how amenity would be safeguarded through provision of industrial living accommodation.

SK commented that storage and distribution use was not the most efficient use of employment land in Haringey and they would therefore be after more people intensive employment such as creative industries, SMEs etc.

SK stated the enforcement investigations would continue, until a planning policy situation is reached for the sites.

SK stated they are open to the right response for the site that is viable and rational, and a robust evidence base is required to justify a policy response to allow reallocation of the sites. SK stated Haringey are keen to work with the landowner, design team and stakeholders to establish where the line is drawn regarding extent of employment provision, housing and industrial living.

GB recognised the mixed views of the wider community around the warehouse community, but there is some support for it.

SK outlined the challenges of creating a new policy for the site and industrial living that is robust and defensible to ensure other industrial sites in Haringey are not lost. SK stated the need to create a 'sustainable community', that involves accommodation for families as well as current residents who are typically in their 20s.

SK confirmed the need for the site and population to contribute economically, with a net increase in economic contribution of the site.

SK outlined a number of planning instruments that could be utilised to facilitate the re-development of the site including Local Development Order, Site Specific Supplementary Planning Document.

DW set out his understanding of the site and potential for the site to be a test case for communal living and working/ mixed use development. DW stated the need to find the thing that unlocks the site, and referred to the project as Estate Regeneration rather than redevelopment.

GB questioned how the community is retained and rehoused throughout the development and affordability of area is retained.

DW stated any development could be phased to allow relocation of residents on site as development proceeds.

SK and GB outlined affordable rent in Haringey as 60% of market rent for 1 / 2 beds and 50% of market rent for 3 beds (subject to confirmation from Haringey Housing team).

SK stated importance of design team and planners to clearly demonstrate what the model for the site looks like, and for any proposal to be evidentially sound and viable. This could allow a distinct allocation / policy framework. This is essential to ensure other industrial estates are not lost/exploited. SK stated he is looking to CgMs and Planning Resolution to work alongside them to create a new policy framework in which the site can come forward under.

SK reaffirmed their appetite for redevelopment but this depends on what is presented to them and what a viable proposition looks like.

PA stated this site could be a test case and market leader in communal living and mixed uses on a former industrial site. PA stated different configurations need to be explored to test viability, which can then be presented and discussed with Haringey.

GB stated he would be interested in seeing the site as a destination, which the South Tottenham area currently lacks. GB stated Haringey would be keen to pursue community spin offs and facilities that residents need and want to visit.

SK stated the importance of political support and getting Members onside to allow an experimental, innovative scheme. SK stated industrial living is on the radar of the leader of the council and it may help to show them examples eg Fish Island.

SK mentioned it may prove worthwhile undertaking a research exercise of similar sites/projects where this has been done .e.g. Custard Factory, Birmingham.

SK outlined timeframes and next steps. The Preferred Options Document will be out for consultation in November 2014, and a decision will need to be made September/October regarding the policy direction for the site. This will require evidence and economic modelling to demonstrate what is achievable, as well as community engagement.

SK agreed a follow up meeting for 3pm, 12th September 2014. By this date SK and GB need to be convinced by the credibility of a scheme that results in loss of pure employment land and an idea of viable output options. This needs to be demonstrated robustly through evidence to allow parameters to be set. SK would like ideas on how we would write the policy for the site to allow industrial living here as a pilot, whilst opening the floodgates for other industrial sites in Haringey.

SK stated more time could be available if a broad policy framework for the site is agreed in the Site Allocations which would subsequently allow for a detailed SPD to set the detailed policy for the redevelopment of the site or a Local Development Order.

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6th March 2014

Dear Sir / Madam,

**GREATER ASHFIELD ROAD, ASHFIELD ROAD, N4 1NY
LB HARINGEY – SITE ALLOCATIONS DPD (REG 18)
CONSULTATION DOCUMENT
REPRESENTATIONS ON BEHALF OF PROVEWELL ESTATES**

I write on behalf of my client, Provevell Estates, with regard to the Council's draft Site Allocations document which is currently out for public consultation. Our client wishes to make representations to the draft allocation at Greater Ashfield Road (Site S2).

Provevell own the majority of Arena Business Centre, the northern third of this site, and welcome the inclusion of the site within the Site Allocations document. Provevell welcome the consideration of 37,000 m² of potential residential floorspace across the site.

Council's approach to redevelopment of the site

Greater Ashfield Road

Greater Ashfield Road is allocated for development. Within the site allocation it is noted that the site can be split into three; the Crusader Industrial Estate, the Arena Business Centre to the North and Omega Works to the south. Potential development capacity has been assessed on the site and this outlines capacity for 37,000sqm residential and 52,000sqm commercial.

Notwithstanding this the document states the following;

'The nature of development possible on these sites is dependent on decisions on the future of the current industrial uses, but if a wider mix of more people-intense development is permitted, it is likely that some continued employment generating uses would also be required'.

Representations

These representations have been made to support the proposed residential capacity of the site, and the potential the site can make towards meeting the overall housing need in Haringey.

It is understood the floorspace figures broadly correlate to the London Plan's housing requirements for Haringey and the ultimate overall need for new housing in the borough. These are subject to review pending the findings of the latest Employment Land Review that is currently being undertaken.

In light of the above and though we welcome the Council's allocation of the site, we seek to argue and promote greater capacity for residential development at the site. This is in line with historic and existing uses and the nature and condition of current built development on the site.

Principle of residential at the site

Arena Business Centre holds a significant residential element with a degree of some active business use. Though the site allocation states that there is unpermitted residential use at the site, many units have been in residential use for some time and have therefore been legalised through Certificates of Lawfulness. The document also recognises there is vacancy at the site and we consider these buildings to be outdated and no longer suitable for continued commercial use.

Additionally the site is surrounded predominantly by residential uses to the east, west and south and despite its industrial legacy, would be better suited to more complementary uses such as denser residential in the area or mixed use development.

In light of this we would argue that many of the commercial premises on site are no longer of a standard that would support modern economic uses.

As such we focus your attention to the Haringey Employment Study 2004, prepared by Atkins which provides an assessment of employment land supply and demand in Haringey. Having provided detailed commentary of each designated industrial site, this report has been updated in 2009 and subsequently 2012 to assess changes in demand and the wider market.

The study identifies the majority of the defined employment areas in Haringey are more than 20 years old and in 'fair' or 'poor' condition. In addition to this, the study confirms access to the DEAs is generally poor, particularly for HGVs and the situation is compounded by congestion and inadequate site access, circulation and parking provision.

As stated in the Site Allocations Document, '*none of the existing buildings on this site need to be retained for heritage reasons, although the Hermitage Road facades of Omega Works have some appeal*'. This supports our consideration of the buildings as being outdated and no longer appropriate for modern commercial operations.

A core principle of the NPPF at paragraph 17 is to *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*. Our site meets this principle and would be more effectively utilised for alternative uses, notably residential.

The site thus provides a principal development opportunity that can reutilise previously developed land and also contribute towards Council aims to regenerate the area.

Opportunity for intensification of residential development

As aforementioned, we are of the opinion that the site holds a greater capacity for residential use beyond the floorspace figures forecasted within the Site Allocations DPD. Indeed, developing the site for housing could significantly contribute to meeting local housing targets including affordable housing as set out in Strategic Policy SP2.

London Plan Policy 3.3, Increasing Housing Supply sets out the pressing need for more homes in London. As part of this, it is noted at part E that, '*Boroughs should identify and seek to enable development capacity to be brought forward to meet these targets having regard to the other policies of this Plan and in particular the potential to realise brownfield housing capacity through the spatial structure it provides including: a. intensification, b. town centre renewal, c. opportunity and intensification areas and growth corridors, d. mixed use redevelopment, especially of surplus commercial capacity and surplus public land, e. sensitive renewal of existing residential areas.*'

Draft further alterations to the London Plan were released in January 2014. Within this, alterations have been made to the annual average housing supply targets for each borough during the period 2015-2025. With regards to LB Haringey, the Borough has experienced an increase both in terms of their expected minimum ten year target and their annual monitoring target. Originally, 8,200 the minimum ten year target is now set at 15,019. Similarly where the annual monitoring target was originally 820 units per annum, this is now 1,502 units per annum.

In light of the above we would suggest that the site holds a greater potential for housing development and to an extent this ties in with the existing nature of parts of the site which have been in residential use for some years. It is clear that Haringey needs to release more land for housing to meet this demand.

Currently the site holds a significant residential feel and an established residential stock. This is best exemplified by the Arena Business Centre with much of the built development on site being in lawful residential use. Additionally there are residential areas surrounding the site to the east, west and south.

We thus consider that there is an opportunity for intensification of residential uses at the site that could not only be incorporated on the northern part of the site, but across the whole of the site. As the document notes, the PTAL level is currently 1-2 and '*due to these sites industrial legacy, connection through and between the sites is poor*'.

Essentially residential redevelopment of the site could therefore enhance permeability onto and through the site through the provision of new access points beyond that currently provided at Ashfield Road. This extends to long term aspirations to improve access to public open space at the site which could be brought forward in conjunction with access and amenity improvements.

Massing and density

As surplus industrial land, this can be released for higher density residential development in line with London Plan strategic objectives. Though the site currently has a PTAL rating of 1-2, there are opportunities to enhance access and permeability onto the site.

Therefore in the long term, and given its urban location, density levels could be optimised to provide for a higher density development such as 200-450 hr/ha.

The document further states the following;

'Massing could be higher in the centre of the site but should drop down to close to the 2 storey terraces on Ashfield and across Hermitage Road, but the two storey houses to the west are on higher land and it may be possible to use this level difference'.

Existing warehouses, particularly within the centre of the site, are equivalent to 2-3 storeys. We thus consider there is potential for denser, higher development which would accord with longer term aspirations to improve access at the site.

Though the document outlines support for continued employment generating uses at the site, we consider that this can be effectively met by retaining and enhancing existing live/work units at the site and also incorporating small flexible creative workspace.

Consequently residential led redevelopment would thus provide an opportunity to viably meet increased housing targets that would also enhance the current layout of the site. We thus believe that the above should be reflected in changes to the site allocations document which would see an increase in the potential capacity for higher and denser residential development at the site.

Please acknowledge receipt of all representations made above in line with the consultation draft of the Haringey Site Allocations DPD. We look forward to discussing matters with you further.

Yours faithfully,



John Ferguson
Senior Planner

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6th March 2014

Dear Sir / Madam,

**VALE ROAD/TEWKESBURY ROAD, VALE ROAD, HARINGEY,
LONDON N4 1DJ
LB HARINGEY – SITE ALLOCATIONS DPD (REG 18)
CONSULTATION DOCUMENT
REPRESENTATIONS ON BEHALF OF PROVEWELL ESTATES**

I write on behalf of my client, ProveWell Estates, with regard to the Council's draft Site Allocations document which is currently out for public consultation. ProveWell own the south eastern corner of the Vale Road/Tewksbury Road site (Site Allocation S3), and want to make representations on the development potential for this part of the site (a site ownership plan can be found at **Appendix A**).

Our client welcomes the current allocation as set out by Haringey Council in this document and the potential of the site to contribute towards the residential need in the borough.

Council's approach to redevelopment of the site

Vale Road/Tewkesbury Vale Road

The wider Vale Road/Tewksbury Road is allocated as Site S3 within the document. The site covers 7.15ha. The draft Haringey Site Allocations DPD acknowledges some existing residential, live/work uses in the area and outlines the potential development capacity of the site for 97,000sqm residential (approx. 1,000 units) and 134,000 sqm commercial development, with the potential for a gateway, landmark building for the south eastern corner of the site.

Representations

It is understood through conversations and a meeting with Gavin Ball, LB Haringey planning policy officer, the floorspace figures as forecasted in the Site Allocations document are not based on any concrete evidence base. Instead they broadly correlate to the London Plan's housing requirements for Haringey and the ultimate overall need for new housing in the borough. These are subject to review pending the findings of the latest Employment Land Review that is currently being undertaken.

In light of the above Provevell welcome the Council's allocation of the site, and consideration for redevelopment of the site. Provevell consider there is considerable capacity and potential for residential development for the south-eastern part of site in Provevell's ownership given the significant existing lawful residential use at this part of the site and the residential nature of the site.

Given Provevell's ownership of the south eastern corner of the site and the residential nature of this part of the site, which differs considerably to the western part of the site which is still commercial in nature, we consider it would be beneficial for the purposes of the Site Allocations document to split the site up into 2 sub areas.

These representations apply to the south eastern corner which is in Provevell's ownership.

Principle of residential use at the site

The site covers a wide area which is in mixed use. In the south eastern corner many industrial units are no longer in continued use and have been converted into purely residential accommodation. As such a significant proportion of this sub area is in lawful residential use and approximately 700 residents are known to inhabit this area. Though there are instances of continuing employment use at the site, the site no longer holds its designation as a Locally Significant Industrial Site (LSIS), and is no longer suitable for industrial uses.

As such we would argue that many of the commercial premises on site are no longer of a standard that would support modern economic uses.

The Haringey Employment Study 2004, as prepared by Atkins, provides an assessment of employment land supply and demand in Haringey. Having provided detailed commentary of each designated industrial site, this report has been updated in 2009 and subsequently 2012 to assess changes in demand and the wider market.

Importantly and relevant to our case, the study identifies that the majority of the defined employment areas in Haringey are more than 20 years old and in 'fair' or 'poor' condition. In addition to this, the study confirms access to the DEAs is generally poor, particularly for HGVs and the situation is compounded by congestion and inadequate site access, circulation and parking provision. Our site Vale Road/Tewksbury Road has 100% of buildings over 20 years old and the condition of the estate is rated as 'fair' as is its appearance.

A core principle of the NPPF at paragraph 17 is to *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*. Our site meets this principle and would be more effectively utilised for alternatives uses, either for residential or mixed use development.

The site provides a principal development opportunity that can reutilise previously developed land and also contribute towards Council aims to regenerate the area.

Contribution to meeting Haringey's housing targets

In terms of site dynamics the site currently holds a significant degree of residential despite its DEA designation. It is evident that the south eastern corner of the designated industrial site in particular has a significant residential element and feel.

We support the allocation for residential uses in this part of the site. The only operational industrial use in this location is a wall paper distributor and food distributor, these themselves having a separate access point and thus being self contained relative to residential uses. Employment uses currently in operation at the site are low-level but have a high environmental impact.

As such we do not consider the site to be suitable for traditional industrial uses going forward.

As aforementioned, we are of the opinion that the site holds a greater capacity for residential use beyond the floorspace figures forecasted within the Site Allocations DPD. Indeed, developing the site for housing could significantly contribute to meeting local housing targets including affordable housing as set out in Strategic Policy SP2.

London Plan Policy 3.3, Increasing Housing Supply sets out the pressing need for more homes in London. As part of this, it is noted at part E that, *'Boroughs should identify and seek to enable development capacity to be brought forward to meet these targets having regard to the other policies of this Plan and in particular the potential to realise brownfield housing capacity through the spatial structure it provides including: a. intensification, b. town centre renewal, c. opportunity and intensification areas and growth corridors, d. mixed use redevelopment, especially of surplus commercial capacity and surplus public land, e. sensitive renewal of existing residential areas.'*

The draft further alterations to the London Plan were released in January 2014. Within this, alterations have been made to the annual average housing supply targets for each borough during the period 2015-2025. With regards to LB Haringey, the Borough has experienced an increase both in terms of their expected minimum ten year target and their annual monitoring target. The FALP identifies a need to increase housing numbers in Haringey from 8,200 to 15,019. Similarly where the annual monitoring target was originally 820 units per annum, this is now 1,502 units per annum.

In light of the above we consider that the site holds a greater potential for housing development and to an extent this ties in with the existing nature of parts of the site which have been in residential use for some years. It is clear that Haringey needs to release more land for housing to meet this demand.

Gateway Development

Within the document, it is stated that, *'the Seven Sisters Road frontage and south eastern corner of the site also form an important gateway to the borough and a notable landmark building of especially high architectural quality would be desirable here'*.

We support the potential for a significant landmark building on the south eastern corner of the site. As noted the south eastern corner forms an important gateway and represents a suitable location for a high quality building that can incite some prominence along the Seven Sisters Road. This would naturally derive interest into the site which would enable a commercially viable scheme to come forward on the rest of the site. Further to this it would also establish a strong sense of identity which would enhance legibility in and around the site.

Please acknowledge receipt of all representations made above in line with the consultation draft of the Haringey Site Allocations DPD. We look forward to discussing matters with you further.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'John Ferguson', is positioned above the printed name.

John Ferguson
Senior Planner

NOTE OF MEETING

EADE ROAD AND ARENA DESIGN CENTRE MASTER PLANNING

Job No: 17700
Site: Unit 4 and Unit C, 199 Eade Road, Haringey, N4 1DN
Venue: Haringey Council
Date: 15th July 2014

Attendees:

Stephen Kelly	-	Assistant Director for Planning LB Haringey
Gavin Ball	-	Planning Policy Officer LB Haringey
Matt Rimmer (MRi)	-	C108 Consultants
John Ferguson (JF)	-	CgMs Limited

Purpose of Meeting

The purpose was an informal conversation about the masterplanning of Provewell's Eade Road Estate and Arena Design Centre to inform representations to the Site Allocations DPD.

MR and JF set out Provewell's position. JF described Provewell are about to instruct an architect to work up two masterplans for the sites to inform representations to next stage of Site Allocations DPD. Provewell were keen to retain existing community, retain commercial use and provide new housing, and want to work with the Council.

GB outlined the Site Allocations DPD is dependent on Employment Land Review findings, with the message so far being there is a serious need to retain employment land.

GB stated that we can't look at 2 sites individually without talking about whole area.

Regarding Arena, GB mentioned the need for exploring opening up link at Arena with St Anne's hospital site with tunnel under railway.

SK outlined concerns regarding viability of vertically stacked mixed use schemes with creative/employment uses at ground floor and residential above. He mentioned Islington have looked at this and affordable workspace, and he is not convinced it is viable. SK outlined his concerns on delivery and supply of masterplan scheme, and does not want to be at the EiP with a plan that is not deliverable or viable.

SK outlined Haringey need more employment land and there is a debate on whether they provide more B8 space or more space for SMEs and creative space. There is a clear need for both and London has a significant need for B8 floorspace. SK mentioned Hackney would also be concerned at loss of this site for B8 employment. SK mentioned the importance of understanding the warehouse community, i.e. economic benefits, how many have gone on to successfully transition to medium sized enterprises.

SK commented a horizontally stacked mixed use scheme may work better here with residential/Private rented sector on the edges transitioning to more commercial at the western boundary of Eade Road.

GB commented there is a need for this site to produce an increase in employment, by employment numbers rather than strictly floorspace.

SK recognised Eade Road masterplanning could be undertaken in a more piecemeal way, where as Arena needs to consider more holistically with Crusader and Omega Works.

JF explained the extent of lawful planning uses on both sites and talked through the map of lawful uses.

SK commented regardless of planning situation with lawful residential units, many of the units do not comply with the Housing Act and building regulations, thus technically they could be shut down. SK acknowledged short term work had been undertaken to improve present situation, but many of the units are a long way short of the Housing Act standards for resi and HMO.

SK confirmed they can't allocate all industrial sites to SMEs.

GB confirmed the challenge here was how to retain the creative community and increase commercial uses.

SK questioned what financial tools were available to retain community and employment uses.

SK confirmed they are very keen to support the creative community here, but viability of any masterplan needs careful consideration. Clarity is needed on the type of product to be delivered i.e. Pocket Living, Private rented sector, naked house.

SK stated that housing land is less needed than employment land in Haringey, as a significant amount of new housing will go to Tottenham Hale, where as there are real problems of where the increased future employment needs will go.

SK stated importance of deliverability and economics of any proposals. SK was keen to get understanding of current position, economic activity of residents, through the auditing of the sites to quantify economic and social benefits. Any masterplan would need to be underpinned by this economic evidence. GB advised an economist of viability consultant would be needed to justify any plan.

SK stated the potential for transition between residential and employment on edges of estates to more pure employment towards the centre.

GB stated the need to demonstrate the story of the place and community.

SK confirmed the direction of the London Plan is all about sustainable communities and private rented sector and this could feed very well into a masterplan for the sites.

APPENDIX E