

Delegated Report Prior Approval GPDO Part 3, Class MA		Analysis sheet		Expiry Date:		12/05/23	
		N/A / attached		Consultation Expiry Date:		14/05/23	
Officer				Application Number(s)			
Brendan Versluys				2023/1514/P			
Application Address				Drawing Numbers			
191 King's Cross Road London WC1X 9DB				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of part ground floor from commercial, business and service (Class E) to residential (Class C3) to provide additional accommodation to existing basement studio flat.							
Recommendation(s):		Prior Approval Not Required					
Application Type:		GPDO Prior Approval Class MA Commercial, business and service uses to dwellinghouses					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	0	No. of responses	0	No. of objections	0	
			No. electronic	0			
CAAC groups comments:		N/A					
Site Description							
<p>The site comprises a three-storey building with a basement, as part of a longer terrace of ten, three-storey buildings extending from extending 187-205 King's Cross The ground floor level of the building is understood to have previously accommodated a drycleaners, having since ceased operations in recent years. The basement level, first floor level and second floor each accommodate a self-contained studio flat, with shared entrance stairs to the flats accessed from the ground floor. The basement studio flat is single aspect, with a window from the bathroom area onto the rear courtyard. The upper two studio flats are dual aspect.</p> <p>The existing shopfront includes a large glazed window, with the exterior presently covered by closed metal roller shutters.</p> <p>The adjoining southern property at 189 Kings Cross Road accommodates flats over the basement, ground and upper floors.</p> <p>The adjoining northern property at 193 Kings Cross Road accommodates a retail unit at the basement level and ground floor, with a self contained residential unit to the rear at ground floor, and flats at the upper two floors.</p>							

The site is not listed and is located within the King's Cross Conservation Area.

The site is not subject to an Article 4 direction.

Relevant History

N/A

Relevant policies

The Camden Local Plan 2017

Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015

Explanatory Memorandum to the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 No. 564

The Environmental Protection Act 1990(a) part IIA

The Contaminated Land Statutory Guidance issued by the SoS for Environment, Food and Rural Affairs in April 2012

The National Planning Policy Framework 2021

Assessment

Proposal

The application relates to the existing ground floor retail unit and basement level studio, at of 191 King's Cross Road.

The proposal seeks to convert the existing ground floor retail unit to residential use, as part of an extension to the existing basement level studio flat.

The existing basement is currently laid out as the bedroom and lounge area in a single room, with the cooking area adjacent to the staircase, and a separate bathroom. The layout would be reconfigured to have a kitchen and dining area in the existing bedroom/lounge space, with the bedroom and lounge space being provided on the ground level within the space currently occupied by the retail unit.

As part of the ground floor conversion works, existing metal roller shutters over the existing shopfront would be removed. The shopfront glazing would be treated with a privacy screen.

Assessment:

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 Part 3 Class MA allows for development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) of the Schedule.

The application is to ascertain whether the proposed change of use would constitute permitted development ('pd') within the General Permitted Development ('GDPO') and therefore be "lawful development" and whether prior approval is required. Development is not permitted by Class MA -

- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

- (b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;
- (d) if land covered by, or within the curtilage of, the building—
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area;
- (e) if the building is within—
 - (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1);
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;
- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
- (g) before 1 August 2022, if—
 - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
 - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

The application complies with each of the above criteria.

Conditions

The applicant has submitted information in order for the Council to make a determination as to whether prior approval is required as to:

- a) transport and highways impacts of the development;
- b) contamination risks on the site; and
- c) flooding risks on the site
- d) impacts on the character and change of use of the conservation area
- e) impacts of noise from commercial premises on the intended occupiers of the development;
- f) provision of adequate natural light in all habitable rooms of the dwelling houses
- g) impact on intended occupiers of the development on the introduction of residential use in an area the authority considers to be important for general or heavy industry etc
- h) impacts of any loss of registered nursery or health centre

Each of these criteria will be considered below.

a) Transport and highways impacts

Parking facilities

The application site, including the existing basement studio flat and upper floor studio flats, are accessed directly from King's Cross Road.

It is understood neither the existing flats or the existing commercial unit are provided with any dedicated on-site cycle storage facilities, noting the communal areas being limited to the

internal constrained circulation areas which do not provide adequate space for cycle storage. In addition, the basement level courtyard cannot be easily accessed for bicycles.

As the proposal is only to increase the floor area of an existing studio and does not provide a new residential unit nor additional bedrooms and as opportunities for cycle storage to be provided onsite are very constrained, the non-provision of on-site cycle parking for the extended basement studio flat is considered acceptable.

The applicant is unsure whether the existing basement flat or the ground floor commercial unit holds an on-street car parking permit. If there is an existing car parking permit associated with either of these uses and the permit is to be retained and held with the proposed maisonette, this would be acceptable as no new residential units are being created. Therefore, it is not necessary to secure the proposed maisonette as 'car free' via a s106 legal agreement.

Highway network impact

The proposal would not have any implications with Highway infrastructure, with the majority of the construction works being internal. The proposed works are therefore, not considered to have a significant impact on local transport networks and so a construction management plan is not considered necessary.

b) Contamination risks on the site

Considering the age of the building, there is a low risk that asbestos containing material (ACM) may be present within the building fabric. Therefore, an informative is attached accordingly.

c) Flooding risks on the site

The site is within flood zone 1 (low risk) and the building itself has a low risk of surface water flooding.

The proposal would relocate the existing bedroom space from the basement level to the ground floor, where occupants would be less at risk of flooding.

Given the minimal risk of flooding, and that the proposed conversion only involves a change of use at ground floor with no new bedroom spaces provided at the basement level and no increase to the existing built form, the proposal is considered to not impact upon or be affected by flooding.

d) Noise Impacts

In relation to the impacts of noise on the intended occupiers of the development, the site is located in a mixed area including residential properties with some existing commercial uses also. There are also existing residential flats on the top two floors of the building and in the basement.

It is not uncommon for residences to be located adjacent to other commercial uses in central locations and therefore the proposal would not give rise to any noise-related reverse sensitivity effects. The adjoining property at 189 King's Cross Road accommodates residential use at ground floor and has a similar shopfront glazing as the subject building.

It is considered that the existing window units will provide suitable internal noise levels for the residential accommodation and can be upgraded with secondary glazing as necessary. The scheme is considered to provide a satisfactory noise environment for future occupiers of the flats within the building.

e) Impact on the character or sustainability of the conservation area

The Kings Cross Conservation Area Audit (para. 4.2.131) states that nos. 187-205 King's Cross Road form a terrace of 10, three-storey buildings of mid to late 19th century date that are constructed of red brick and have suffered from a high degree of poor quality reconstruction following WW2 bomb damage. The audit goes further to state they have modern windows with concrete lintels and unsympathetic commercial frontages at ground floor level.

The ground floor of the adjacent property at 189 King's Cross Road is used for residential purposes, with the traditional shop frontage retained and privacy screen installed over the shopfront glazing (consistent with the proposal for 191 King's Cross Road) and therefore the proposal would be in character with the adjacent property.

The proposed works would also result in the removal of the external security shutter whilst ensuring the ground floor of the property can be brought back into active use, improving the character of the conservation area.

On this basis, the introduction of a residential use within part of the ground floor would not have a material adverse effect on the character and appearance of the King's Cross Conservation Area.

f) Natural light in all habitable rooms

The proposal involves the retention of all existing windows at the property, including the existing large shopfront glazing and smaller window at the ground floor on the rear elevation.

While the proposed privacy screen over the lower part of the shopfront glazing may limit the amount of natural light to the proposed ground floor bedroom space, the remainder of the open shopfront glazing along with the rear elevation window, are considered adequate to provide natural light to the proposed ground floor bedroom space.

Given that all habitable rooms have at least one window, and given the building's orientation, the proposed units are considered to receive a good level of natural light in all habitable rooms. This scheme would also improve natural light to the existing flat through extending its living accommodation to the ground floor as at present it only has accommodation at basement level.

g) Introduction of residential use in an area the authority considers to be important for general or heavy industry etc.

This criterion is not applicable in this case since there are no general or heavy industrial uses within the vicinity of the site and many existing residential properties in close proximity.

h) Loss of services provided by a registered nurse or health centre

The part of the building to be converted to residential does not accommodate a nursery or health centre, therefore this criterion is not applicable.

Conclusion

The proposal would be in accordance with The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 Part 3 Class M. Which allows for development consisting of a change of use of a building to a use falling within Class C3 (dwellinghouses) of the Schedule.

Recommendation

Prior approval not required.