

Delegated Report Prior Approval GPDO Part 3, Class MA		Analysis sheet		Expiry Date:	12/09/23
		N/A / attached		Consultation Expiry Date:	26/08/23
Officer			Application Number(s)		
Brendan Versluys			2023/2988/P		
Application Address			Drawing Numbers		
62-64 Churchway London NW1 1LT			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from ground floor commercial, business and service (Class E) to residential (Class C3) to provide 2 x dwelling houses (ground floor flat and a maisonette)					
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	1	No. of objections	0
			No. electronic	0		

	<p>One comment was received from a neighbouring resident. The objection has raised a number of matters that relate to historic planning applications and building permits,</p> <p><i>Officer's response: These matters are not material considerations for this application for Prior Approval.</i></p> <p>The comment has also raised whether the proposed study room of the proposed maisonette dwelling could be utilised as a bedroom (and the maisonette subsequently be split into separate flats).</p> <p><i>Officer's response: The application has been submitted on the basis that it complies with the nationally described space standard as required under Schedule 2 of the GDPO. If the study was utilised as a bedroom, this would fail to comply with permitted development under Class MA and planning permission would be required. The application has therefore been assessed on the basis of the proposed study being exclusively used for this purpose and not as a bedroom, as is shown on the submitted plans.</i></p> <p>The comment has also raised that the current and proposed ceiling heights may be too low for habitable rooms.</p> <p><i>Officer's response: The submitted Long Section drawing indicates both the lower and upper ground floors have ceiling heights of at least 2.3m, complying with the nationally described space standards which sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling.</i></p> <p>The comment has also raised that the noise impact assessment does not assess noise impacts from the existing flats within the building, or nearby rail tunnels.</p> <p><i>Officer's response: The prior approval conditions require the applicant to submit information in order for the Council to make a determination as to whether prior approval is required as to 'impacts of noise from commercial premises on the intended occupiers of the development' – there is no requirement relating to noise from existing residential uses or railway infrastructure. In any case no significant impact from these sources of noise is expected.</i></p> <p>Lastly, the commentator has noted that excavation and underpinning is required to facilitate the proposed works, and that this should then be confirmed whether this is permitted against the Freehold and Leasehold titles, as well as in view of any water, gas, and/or other utilities passing under the building, and proximity of the underground/railway tunnels.</p> <p><i>Officer's response: Any third party approvals required to undertake any external works at the site or excavations, are not a material consideration for this planning application.</i></p>
CAAC groups comments:	N/A
Site Description	

The site comprises a part three part four storey, mid-terrace building, located on the eastern side of Churchway. The lower ground and upper ground floors comprise two commercial units, located side by side. Unit 1 is located over the lower ground and upper ground floors, and Unit 2 is located on the ground floor.

The units have been vacant since at least July 2022. Flats are located on the building's top two floors.

The building is a partly painted yellow brick building with a traditional aesthetic and plain clay tile roof, and it is understood to have been constructed prior to 1870.

The building has a separate communal entrance, in addition to an entrance to the Unit 1 commercial unit and two separate entrances to Unit 2 (split-level commercial unit). The commercial units are also located over an existing rear extension.

The site is not listed and is not located within a conservation area.

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 and upper ground floor commercial units at 62-64 Churchway.

The proposal seeks to convert the existing ground floor commercial units to residential use, specifically a one bedroom ground floor flat (currently occupied by the existing Unit 2 commercial unit) and a one bedroom maisonette (currently occupied by the existing Unit 1 commercial unit).

Alterations to the internal layout are required to facilitate the residential conversion of the building and subdivide the individual units, as well as the habitable rooms within the units.

The existing 2 x rooflights at the existing rear extension, serving the upper ground floor, are to be retained.

Revisions

The following revisions have been made to the proposed maisonette dwelling house, after concerns were raised by Council Officers:

- The kitchen of the proposed maisonette has been relocated from the lower ground floor, and is now integrated within the upper ground floor as part of an integrated kitchen and living area. A bathroom is proposed at the lower ground floor, in place of the relocated kitchen.

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.

Additionally, Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

- (a) where the gross internal floor area is less than 37 square metres in size; or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015

The gross internal floor areas of the proposed dwellings are 82m² and 58m² respectively. Unit 1 is a 1 bedroom, 2 person flat of 82m² and exceeds the minimum space requirements of 58m². Unit 2 is a 1 bedroom, 1 person flat of 52m², and exceeds the minimum space requirements of 39sqm. Both Units

1 and 2 meet all technical requirements under the nationally described space standard, such as minimum bedroom widths, size and storage.

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 is accessed directly from Churchway.

It is understood neither of the existing commercial units are provided with any dedicated on-site cycle storage facilities. In addition, the shared communal areas of the building, being the internal circulation areas, do not provide adequate space for cycle storage.

While no dedicated cycle facilities are proposed for either of the proposed residential units, there would be adequate space to store a cycle within the maisonette's ground floor study, and the entrance area of ground floor flat, both of which are directly accessible from the site's frontage with Churchway. Therefore the non-provision of dedicated cycle facilities for the proposed residential units is considered acceptable.

The existing commercial units are not currently assigned any on-street car parking permits and the provision of two new residential units at the site is not expected to significantly increase demand for car parking from the site.. Therefore, as parking demand would not increase as the result of this development, it is not necessary to secure the proposal 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.

Given the minimal risk of flooding and the proposal does not involve any 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 use area including residential properties with some existing commercial uses also apparent locally. There are also existing residential flats on the top three floors of the existing building.

It is not uncommon for residences to be located adjacent to other commercial uses in urbanised locations and therefore it is considered that the proposal would not give rise to any noise-related reverse sensitivity effects. The adjoining properties on Churchway are understood to accommodate residential use at ground floor.

The submitted Noise Impact Assessment has found that, based upon the consultant's site visits and results of the noise survey undertaken, there was no significant noise from any of the existing commercial properties.

It is considered that the existing window units will provide suitable internal noise levels for the residential accommodation and that these can be upgraded with additional secondary glazing in the future 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 site is not located within a conservation area, therefore the introduction of a residential use within lower and upper ground floors would not have a material adverse effect on the character and appearance of any conservation area.

f) Natural light in all habitable rooms

The proposal involves the retention of all existing windows at the property, notably the existing large shopfront glazing and side and rear elevation glazing.

It is noted that light levels to the site's lower and upper ground floors are more likely to be constrained due to the built up nature of adjoining properties.

The applicant has submitted a Daylight and Sunlight Report which assesses the daylight and sunlight levels to the habitable rooms of the proposed residential units, in accordance with BRE Guidance.

The report notes that the BRE and BS EN 17037 guidance allows for two alternative methods to assess daylight within new dwellings. The report further notes that as the proposal is for a residential conversion scheme, the proposal it falls under the category of "hard to light" dwellings and therefore an alternative target can be used. The Target Daylight Factor (DFT) has been adopted. The assessment has found that, using the Target Daylight Factor, all assessed habitable rooms meet and exceed the minimum levels of internal daylight.

It is noted the kitchen of the proposed maisonette has been relocated from the lower ground floor to the living area of the upper ground floor to provide it with improved levels of light.

Given that all habitable rooms have at least one window, and given the proposals meet the

guidance levels for daylight, the proposed units are considered to receive an acceptable level of natural light in all habitable rooms.

- 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.