

53-55 Prince of Wales Road London NW5 3LL

SUPPORTING STATEMENT



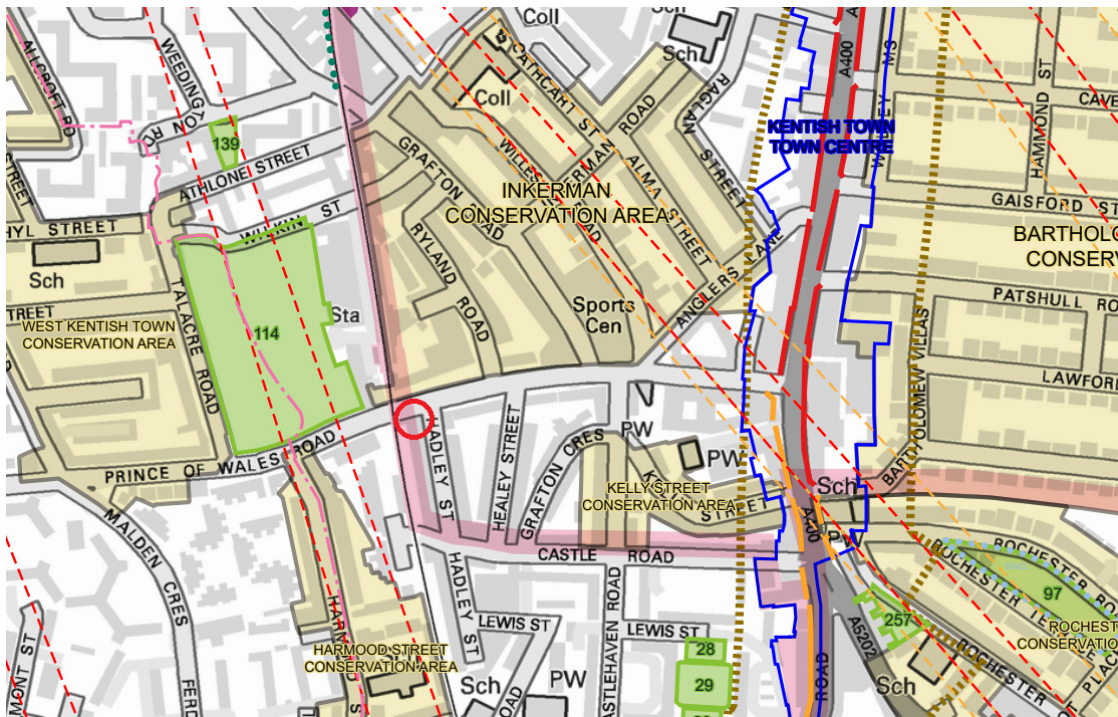
Change of use of ground floor from commercial, business and service (Class E) to residential (Class C3) comprising 1 x bedroom flat. *Application for prior approval under Class MA, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

February 2024

Reference: PP-12753534

Introduction and site description

1. The application site consists of a small, single-storey commercial unit (Class E) most recently used as a plumber's supply shop and currently vacant.
2. The commercial unit is situated between 51 Prince of Wales Road to the east (a residential dwelling), the railway viaduct to the west, and the rear garden of 2 Hadley Street to the south. Across the road from the site in question, there is a small terrace comprising six houses numbered 40 to 50 Prince of Wales Road, along with Kentish Town West station.
3. The application site is therefore located in a predominantly residential area. Correspondingly, the application site or any adjoining properties are not subject to any site-specific designations such as town centre, an industrial/employment area, or a primary or secondary shopping frontage.
4. Furthermore, the application site is not situated within a conservation area, nor is it locally or statutorily listed. All relevant permitted development rights available under the General Permitted Development Order 2015 (as amended; the GPDO 2015) are available to the applicant and have not been revoked due to an Article 4 Direction or previous planning permissions.



Extract from the Camden Local Plan (Proposals Map); application site circled in red. No designation other than forming part of the Kentish Town Neighbourhood Forum (see below).



Extract from the Kentish Town Neighbourhood Plan (Proposals Map); application site circled in red. No site-specific designations or restrictions.

Proposed development

5. It is proposed to undertake development at the application site consisting of a material change of use of the ground floor from commercial, business and service (Class E) to residential (Class C3) comprising 1 x bedroom flat.
6. Article 3 ('Permitted development') of the GPDO 2015 grants planning permission for specific development, including material changes of use, as outlined under Schedule 2 of that Order.
7. Class MA of Part 2 of the aforementioned Schedule grants planning permission 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) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order."

8. This "consent in principle" is subject to certain conditions, restrictions and procedures, compliance with which is demonstrated throughout this statement. One such require is that the applicant *"must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required"* with regards to defined (i.e. exhaustive) list of planning considerations.

9. The purpose of this current application is therefore to ascertain whether or not the 'prior approval' of the local authority is required and – if necessary – granted for the proposed change of use permitted under Article 3 of the GPDO 2015.
10. In addition to this current application for 'prior approval,' a separate application for planning permission has been submitted in parallel to this one to the local authority for building operations necessary (or rather, desirable) to facilitate the change of use granted in principle under the GPDO 2015.
11. It is worth noting, however, that the proposed change of use could proceed without the building operations sought separately, as most of these pertain to development that is deemed desirable (or beneficial to future occupants) rather than necessary for compliance with the GPDO 2015.

Assessment under Class MA.1

12. Table 1 assesses the proposed development against the requirements of Class MA.1.

(a) The building must have been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.	<i>The building has been vacant since 1 September 2021 as confirmed in the enclosed email and verifiable on Google Maps (c.f. Appendix A of this document).</i> <i>[Complies]</i>
(b) The use of the building must have fallen within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.	<i>The property was last used as a plumber's shop, thus falling under Use Class A1 prior to 1 September 2020 or Use Class E after 1 September 2020. This can be verified on Google Maps and is noted on planning application 2018/2364/P. The building was used as a plumber's shop (A1/E) for a continuous period well in excess of 2 years over the past few years (c.f. Appendix D).</i> <i>[Complies]</i>
(c) The cumulative floor space of the existing building changing use under Class MA must not exceed 1,500 square metres.	<i>The cumulative floor space of the existing building changing use (or otherwise) is approximately 40.3 square metres.</i> <i>[Complies]</i>
(d) Land covered by, or within the curtilage of, the building must not constitute or form part of (i) a site of special scientific interest; (ii) a listed building or land within its curtilage; (iii) a scheduled monument or land within its curtilage; (iv) a safety hazard area; or (v) a military explosives storage area.	<i>The application site is not subject to any site-specific planning designations other than forming part of the Kentish Town Neighbourhood Area (not relevant to this paragraph).</i> <i>[Complies]</i>

(e) The building must not be located 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 (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site.	<i>The application site is not subject to any site-specific planning designations other than forming part of the Kentish Town Neighbourhood Area (not relevant to this paragraph).</i> <i>[Complies]</i>
(f) The site must not be occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.	<i>The application site is not be occupied under an agricultural tenancy.</i> <i>[Complies]</i>
Paragraph (g) does not comply to applications submitted after 1 August 2022.	<i>[Complies]</i>

Table 1

13. Accordingly, the proposed development complies with all the requirements of Class MA.1, Part 3, Schedule 2 of the GPDO 2015.

Assessment under Class MA.2

14. A local authority may only assess an application received for prior approval under Class MA based on strict criteria set out in Class MA.2, namely:
- (a) transport impacts of the development, particularly to ensure safe site access;
 - (b) contamination risks in relation to the building;
 - (c) flooding risks in relation to the building;
 - (d) impacts of noise from commercial premises on the intended occupiers of the development;
 - (e) where— (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
 - (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
 - (h) where the development involves the loss of services provided by— (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of

the National Health Service Act 2006, the impact on the local provision of the type of services lost;

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

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15. In addition, subsection 9(A) of Article 3 of the GPDO 2015 requires new development consisting of the provisions of one or more dwellings to comply with the Nationally Described Space Standard.
16. The following paragraphs assess the proposed development against the criteria of Class MA.2.

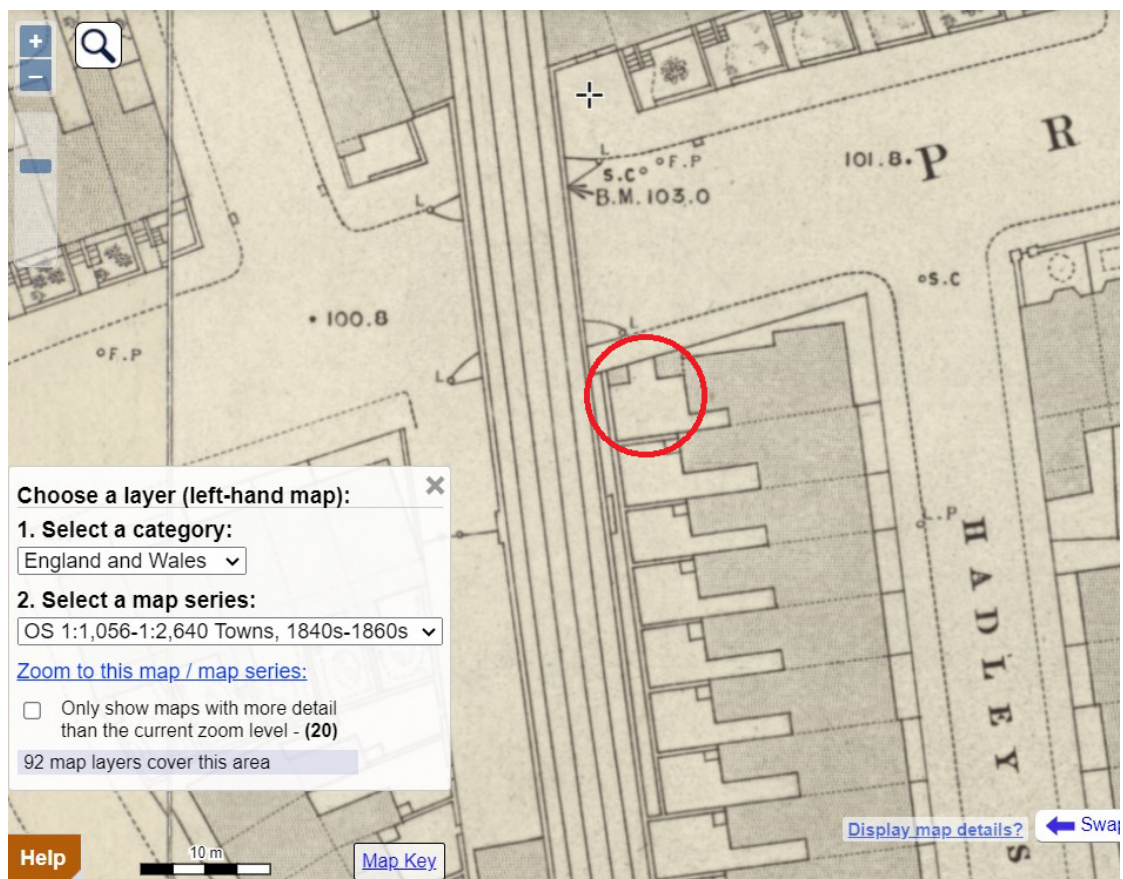
(a) Transport and highways impacts

17. Access to the proposed dwelling will be via the public footway, as per existing arrangements. **Given that the previous use (plumbers' supply shop) would have generated considerable foot traffic throughout the day, the proposed change of use will result in a significant reduction in movements along the public footway, especially between the application site and the parking bays located in front of the site.** These parking bays were frequently utilized by trade professionals arriving in vans several times a day for up to 20 minutes each time.
18. The application site has a PTAL rating of 6a, indicating 'excellent' access to public transport. The property is located directly opposite Kentish Town West station, a few metres from a bus stop and within walking distance of both Kentish Town and Chalk Farm tube stations. Two 'pay-as-you go' car club bays are also located within a 5-minute walk.
19. To encourage the adoption of sustainable transportation methods, provision has been made for bicycle storage within the building.
20. Consequently, future occupants of the proposed single-occupant flat are not likely to take up private vehicle ownership.
21. Research from the Centre for London¹ has established that single-person households located in inner London areas with good access to public transport are the least likely households to own a car in the UK. Coupled with the fact that the previous use (plumbers' supply store for trade) would have attracted a great deal of vehicular movements and other comings and goings, the proposed change of use is considered to have - *at worst* - a neutral impact on the local highway network.
22. Nonetheless, the applicant is prepared to accept a planning obligation committing them to informing all future occupants that they shall not be entitled to parking permits within the adjoining controlled parking zones.

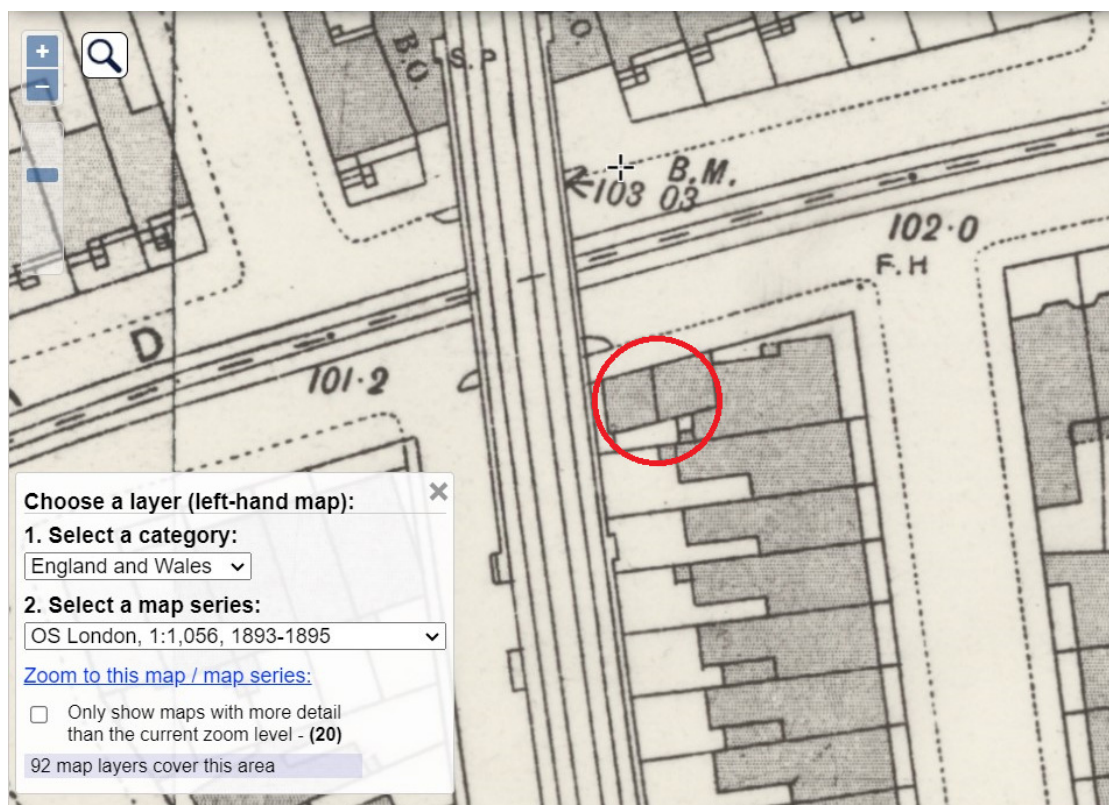
¹ <https://centreforlondon.org/reader/parking-kerbside-mangement/chapter-1/>

(b) Contamination risks

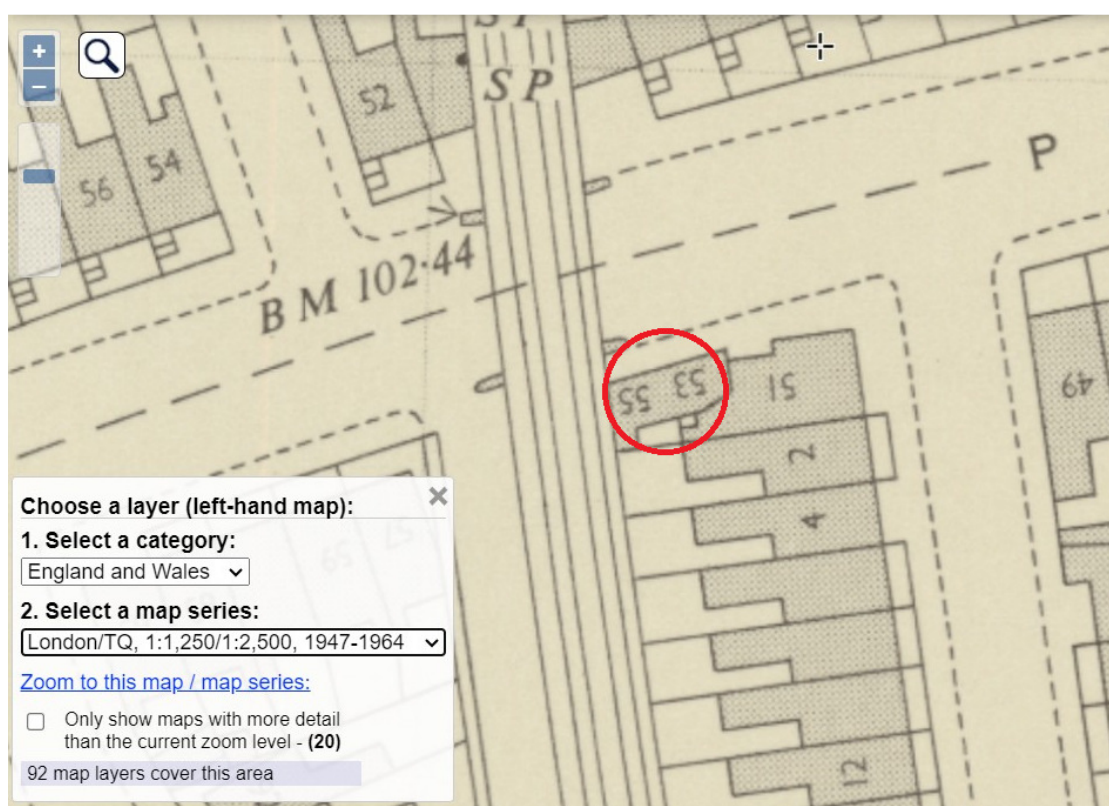
23. In the assessment of potential contamination for the existing building, it is observed that the only conceivable sources could stem from either external factors, such as ground conditions, or internal factors, notably building materials like asbestos. However, the structure of the building itself serves as a physical barrier, effectively isolating it from external sources of contamination. Moreover, the absence of outdoor or garden areas further mitigates any risk of contamination from external sources. Additionally, considering the building's construction at the end of the 19th century (c.f. historic maps below), it is highly improbable that potentially toxic materials such as asbestos were used. Furthermore, it is worth noting that adjoining properties within the same building group (i.e., nos. 2 to 30 Hadley Street as well as 51 Prince of Wales Road) feature residential gardens positioned similarly to the application site.



Historic map from 1870; application site (in red) formed part of residential garden.



Historic map from 1894; application site (in red) already in situ.

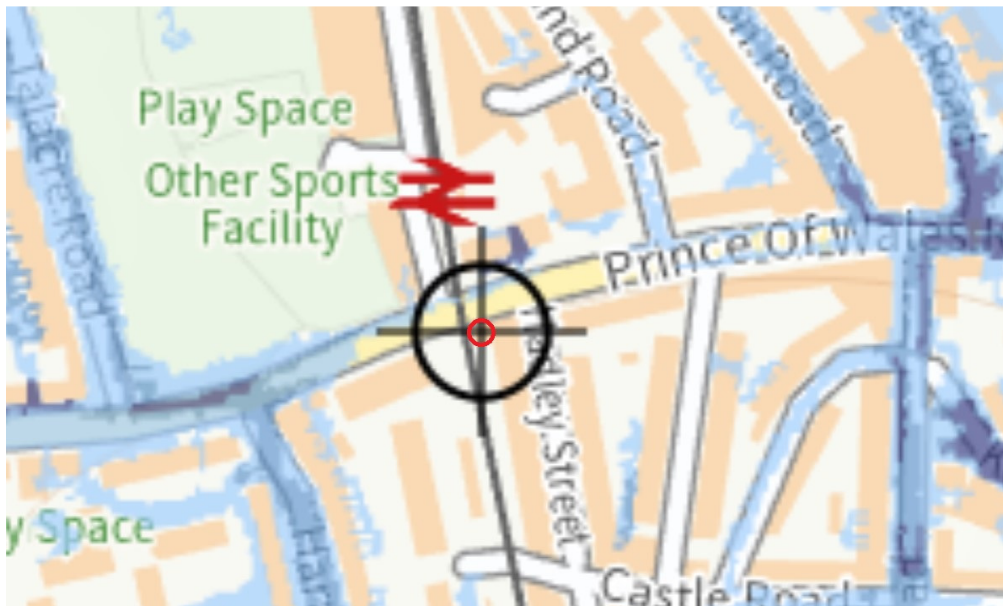


Historic map from 1952; application site (in red) remains in situ.

24. According to historic planning records from 1966 (ref: 1750), the application site has predominantly functioned as a betting shop throughout its existence. However, since the 2000s (and potentially a few years before that), it has been exclusively utilized as a plumber's supply shop (c.f. Google Street View historic imagery).
25. Consequently, the risk of contamination is deemed negligible to non-existent. In addition, internal works could currently already be carried out without the need for planning permission.

(c) Flooding risk

26. According to mapping data provided by the Environmental Agency as well as the Local Flood Authority, the application is not at risk of flooding from either surface water or rivers.



Extent of flooding from surface water

☒ High
 ☐ Medium
 ☐ Low
 ☒ Very low
 ☐ Location you selected

Flood risk (lowest possible).

27. In addition, the proposed change of use will not increase flood risk elsewhere as it is not proposed to expand the existing building footprint.

(d) Impacts of noise from commercial premises

28. The application site is situated between 51 Prince of Wales Road to the east (a residential dwelling), the railway viaduct to the west, and the rear garden of 2

Hadley Street to the south. Across the road from the site in question, there is a small terrace comprising six houses numbered 40 to 50 Prince of Wales Road, along with Kentish Town West station. More housing is located on the other side of the railway viaduct.

29. The application site is therefore located in a predominantly residential area. Correspondingly, the application site or any adjoining properties are not subject to any site-specific designations such as town centre or an industrial/employment area.
30. The provisions of Class MA.2(2)(d) refer to the impact of noise on future residential occupants from commercial premises only. Whilst the application site is situated adjacent to a road and an elevated railway (a common feature in densely urban environments and similar to other properties near railway lines in Camden), noise from road or railway traffic cannot be considered under Class MA.
31. Nonetheless, in response to the site's proximity to urban traffic (although not due to any requirements within the GPDO), the applicant has applied for separate planning permission to enhance noise insulation by upgrading the existing single-storey windows to double-glazed equivalents. This upgrade is not mandated under the GPDO, as it pertains to noise from traffic rather than commercial premises. Furthermore, the application does not include any outdoor space (also not mandated under the GPDO). Therefore, the existing building envelope, along with the proposed double-glazing, will serve as an adequate sound barrier against traffic noise.
32. Therefore, the provisions of Class MA.2(2)(d) are not material to the application.

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

33. The application site is not located within a conservation area; therefore, the impact of the proposed development on the character or sustainability of the conservation area is not relevant.
34. Therefore, the provisions of Class MA.2(2)(e) do not apply.

(f) Provision of adequate natural light

35. Class MA requires the provision of "adequate" natural light in all habitable rooms of the dwellinghouse.
36. The Oxford Distortionary defines "natural light" as "light that comes from the sun during the day, rather than from electric light sources. Additionally, "natural light" is described as "combined skylight and sunlight" in guidance issued by the BRE entitled "Site layout planning for daylight and sunlight: A guide to good practice (2022)."

37. Consequently, matters pertaining to outlook, overlooking, privacy and ventilation are not to be taken into account in assessing the proposals under Class MA.2(2)(f).
38. However, to enhance privacy (beyond the requirements of the GPDO), obscure-glazed film can be applied to the lower part of the inside of the windows without requiring planning permission. Additionally, planning permission is being sought separately to include top-level openings within the existing window frames to obviate the necessity for mechanical ventilation. Nevertheless, as previously mentioned, such considerations cannot constitute grounds for refusal under Class MA.
39. Regarding daylight levels, the proposed drawings have been annotated to confirm that the front-facing windows, which constitute a significant portion of the front elevation, would adhere to the BRE's 25-degree guidelines measured from the midpoint of these windows. Consequently, in line with paragraph 2.1.21 of the BRE guidance, *"conventional window design will usually give reasonable results"*.
40. Where proposals adhere to the BRE's 25-degree guidelines, additional assessments are generally unnecessary. Nevertheless, as an extra precaution, the applicant has calculated the "Daylight Factor" for each of the two habitable rooms proposed as part of the change of use, following Appendix C ('Interior daylighting recommendations') of the BRE guidance.
41. Appendix C of the BRE guidance prescribes the following internal illumination targets for habitable rooms:

Table C1 – Target illuminances from daylight over at least half of the daylight hours		
Level of recommendation	Target illuminance	Target illuminance
	E_T (lx) for half of assessment grid	E_{TM} (lx) for 95% of assessment grid
Minimum	300	100
Medium	500	300
High	750	500

Or

Table C2 – Target daylight factors (D) for London		
Level of recommendation	Target daylight factor D for half of assessment grid	Target daylight factor D for 95% of assessment grid
Minimum	2.1%	0.7%
Medium	3.5%	2.1%
High	5.3%	3.5%

42. Appendix B of this statement contains the daylight factor calculations for the proposed bedroom and living areas. Taking into account the orientation of the building, window sizes, room dimensions and external obstructions (namely the railway viaduct and the buildings on the opposite side of the road), the following

values have been established for internal illumination:

Daylight Factor @ 50% (Bedroom)	6.49 DF[%]	Pass (916 lux)
Daylight Factor @ 95% (Bedroom)	4.85 DF[%]	Pass (683 lux)
Daylight Factor @ 50% (Living Areas)	7.14 DF[%]	Pass (1007 lux)
Daylight Factor @ 95% (Living Areas)	5.49 DF[%]	Pass (775 lux)

43. Unsurprisingly, due the generous amount of glazing proposed and considering compliance with the 25-degree BRE guidelines, “high” levels of internal illumination can be achieved well in excess of the minimum requirements.
44. For the avoidance of doubt, the above calculations have been undertaken using the slightly reduced window sizes proposed under the separate application for planning permission as these constitute the “worst case scenario”.
45. Regarding sunlight levels, since the existing windows face within 90 degrees of due north, the applicant has submitted a separate planning permission to install two discrete skylights onto the flat roof. *It is noted that these may potentially be inserted under Class A, Part 7, Schedule 2 of the GPDO 2015, which pertains to minor alterations to non-domestic premises.*
46. The proposed skylights would ensure that every habitable room would have a window that can receive unobstructed, direct sunlight from due south. Paragraph 3.1.10 of the BRE guidance states that “*a space should receive a minimum of 1.5 hours of direct sunlight on a selected date between 1 February and 21 March with cloudless conditions. It is suggested that 21 March (equinox) be used. The medium level of recommendation is three hours and the high level of recommendation four hours. For dwellings, at least one habitable room, preferably a main living room, should meet at least the minimum criterion.*”
47. Appendix C of this document contains a thorough calculation of the number of hours of direct sunlight received on 21 March at the center of the proposed skylight above the living areas. It determines that on 21 March of each year, the window would receive direct sunlight from approximately 10:15 AM to 2:45 PM, totaling 4 hours and 30 minutes. This duration exceeds all levels of recommendation from the BRE.
48. The proposed skylights will be fitted with automatic blinds to block solar radiation as desired by future occupants; however, matters pertaining to solar gain are outside scope of the GPDO.
49. In summary, given that the proposed development would meet the highest levels of recommendation for daylight and sunlight as advised by the BRE, the proposals would provide significantly more than “adequate” levels of natural light in all

habitable rooms of the dwellinghouse, in accordance with the provisions of Class MA.2(2)(f).

(g) Impact of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

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50. The application site, including the surrounding area, is residential in nature and is not classified as a site safeguarded for commercial, industrial or employment uses under the Camden Local Plan 2017 and associated Proposals Map (c.f. map extracts on pages 2 and 3 of this document).
51. Therefore, the provisions of Class MA.2(2)(g) are not material to the application.

(h) Loss of health and nursery services

52. The application is not and never has been used as a registered nursery or a health centre maintained under section 2 or 3 of the National Health Service Act 2006.
53. Therefore, the provisions of Class MA.2(2)(h) do not apply.

(i) Fire risk

54. As clarified under Class MA.3, development must only be assessed for fire risk where it involves the creation of two or more dwellinghouses and exceeds a specific height (namely 7 storeys or 18 metres).
55. As the proposed change of use would result in the creation of a single housing unit, the provisions of Class MA.2(2)(i) do not apply. Nonetheless, it is noted that every habitable room would have direct access to a fire-protected corridor, in accordance with Part B ('Fire') of the Building Regulations.

Assessment under National Described Space Standards

56. The proposed dwelling is classified as a one-bedroom, one-person flat (1B1P) under the National Described Space Standards (NDSS) as the single bedroom has a floor area measuring between 7.5 (minimum requirement) and 11.4 square metres (threshold above which a bedroom is considered suitable for double occupancy).
57. For a 1B1P flat containing a shower room, the minimum floor area of the proposed unit (gross internal) must be at least 37 square metres. The proposed unit, as noted on the supplied floor plans, will have a GIA of 40.3 square metres.

58. The NDSS also requires a minimum ceiling height of 2.3 metres across 75% of the GIA. The proposed ceiling height varies between 2.45 and 3 metres, which is significantly in excess of the minimum standards.
59. Finally, dedicated storage space in excess of 1 square metre is required for a 1B1P unit. The proposed dwelling will contain storage areas measuring approx. 3.5 square metres (or 1.7 square metres of the entire bicycle store is excluded from the calculations).
60. The minimum requirements of the NDSS are therefore met and exceeded.

Appendix A: evidence of vacant status exceeding 3 months prior to application for 'prior approval'

From: Peter Buttle [REDACTED]
Sent: Tuesday, January 23, 2024 4:32 pm
To: Rob Maxwell <rob.maxwell@westburyproperty.co.uk>
Cc: [REDACTED]
Subject: 53&55 Prince of Wales Road

H Rob,

Following our handing back the keys to the above property at the end of our tenancy last month, I have looked back for our record of the date when we closed the shop.

As a result, I have been advised that the date we emptied the shop from was 01/09/2021. London Borough of Camden applied empty rates from that date also.

I trust this is the information you were asking us to confirm. If there is any further information required, please let me know.

Regards, Peter



Peter Buttle

Chairman

Buttle's plc

Mobile [REDACTED]

Email [REDACTED]

www.buttles.com

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Buttle's plc does not accept legal responsibility for the contents of this message.

Any views or opinions presented are solely those of the author

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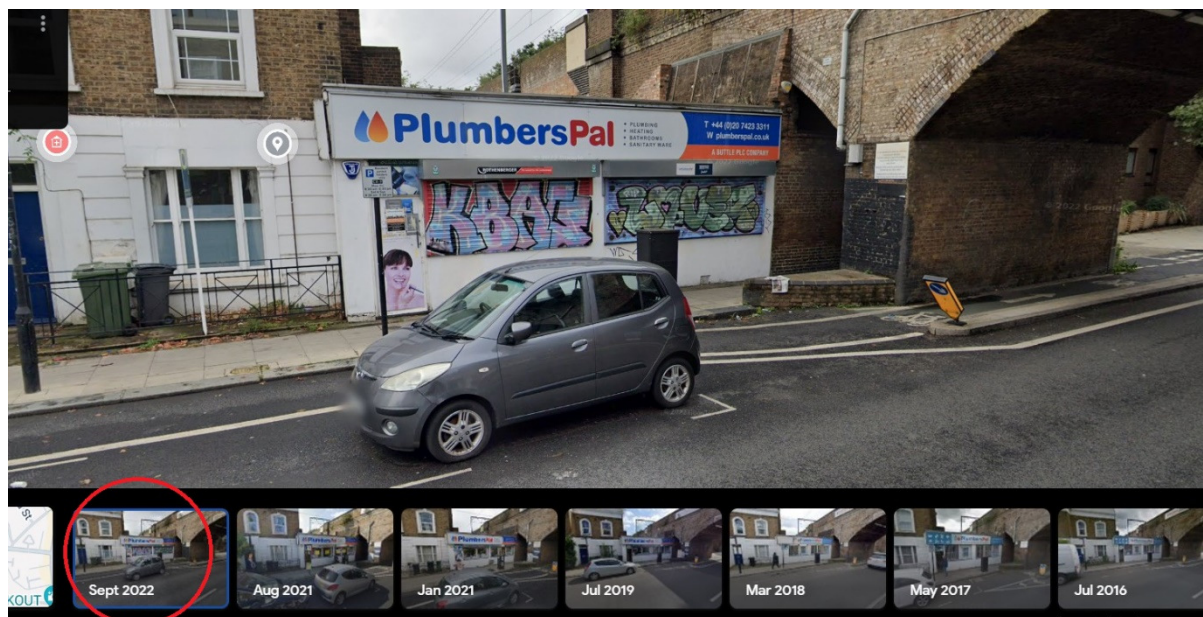
Any information or advice contained in this email is also subject to our

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Appendix B: daylight factor calculations

Bedroom:

Daylight Visualizer

Calculation on zones

Project name: daylight_bedroom
Simulation type: Daylight Factor
Daylight Visualizer version: 3.0.89

Select Country
United Kingdom

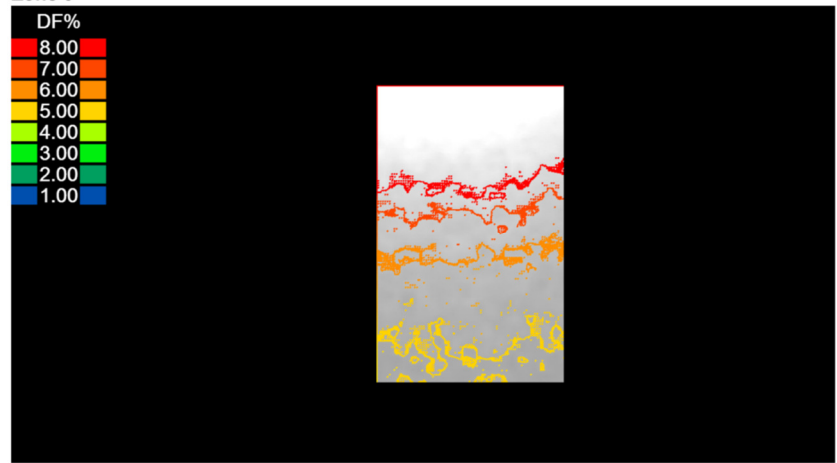
Select Report Options

☒ EN17037
☐ Active House

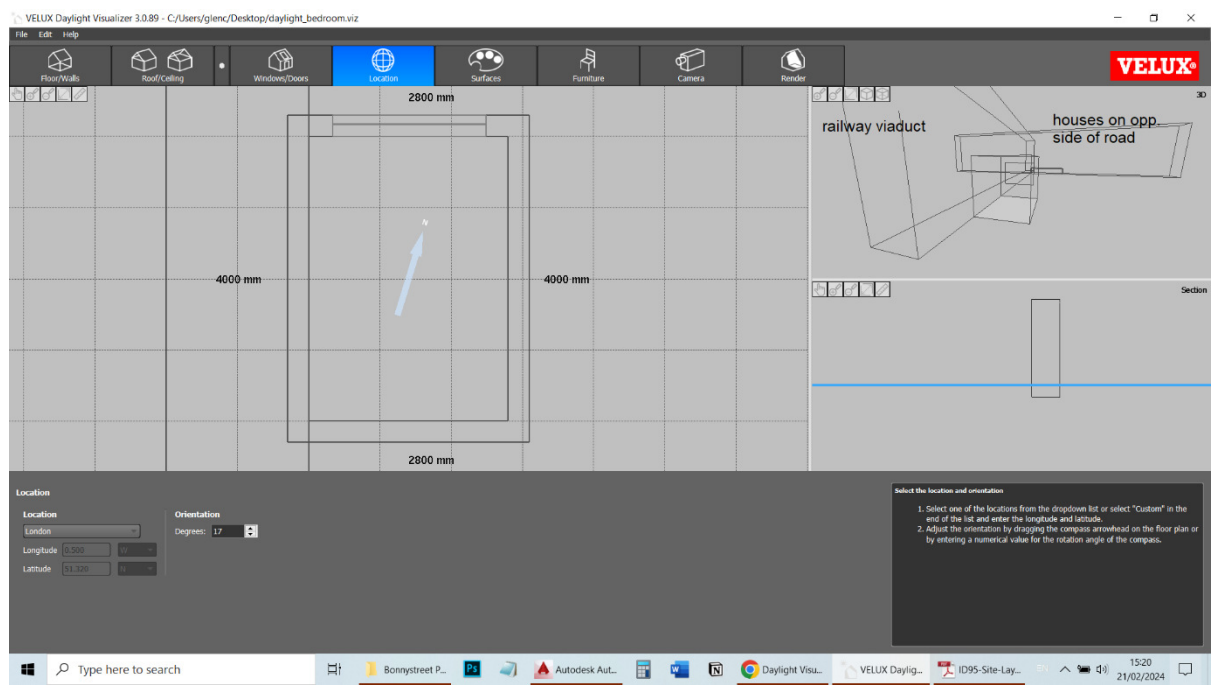
EN 17037 For United Kingdom the target daylight factor (D_T) is 2.1% and the minimum daylight factor target (D_{TM}) is 0.7%. The standard is available for purchase from the National Standardization Body in your country.

* The illuminance (lux) values stated in brackets are derived from the median external diffuse illuminance recorded in weather data files for the selected location.

Zone 0



EN17037			
$F_{plane, \%} \geq 50\%$ (median)	D_T	6.49 DF [%]	Pass (916 lux)
$F_{plane, \%} \geq 95\%$	D_{TM}	4.85 DF [%]	Pass (683 lux)



Living areas:

Daylight Visualizer

Calculation on zones

Project name: daylight_living
Simulation type: Daylight Factor
Daylight Visualizer version: 3.0.89

Select Country

United Kingdom

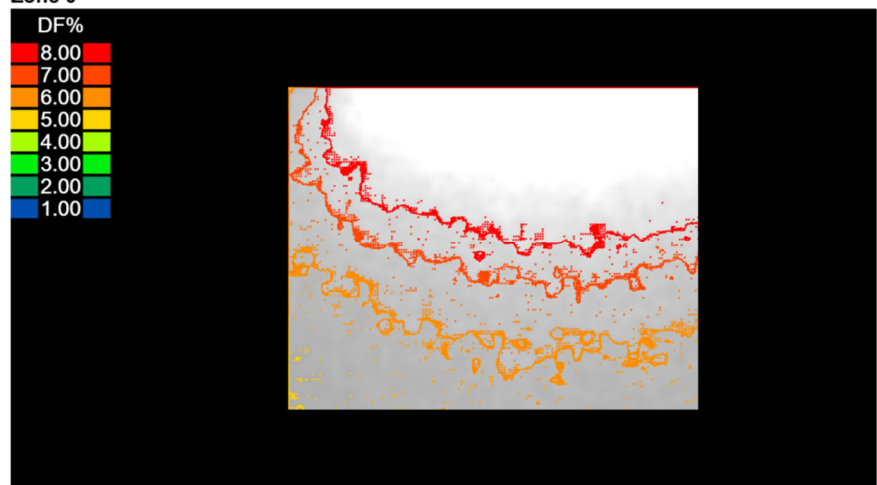
Select Report Options

☒ EN17037
☐ Active House

EN 17037 For United Kingdom the target daylight factor (D_T) is 2.1% and the minimum daylight factor target (D_{TM}) is 0.7%. The standard is available for purchase from the National Standardization Body in your country.

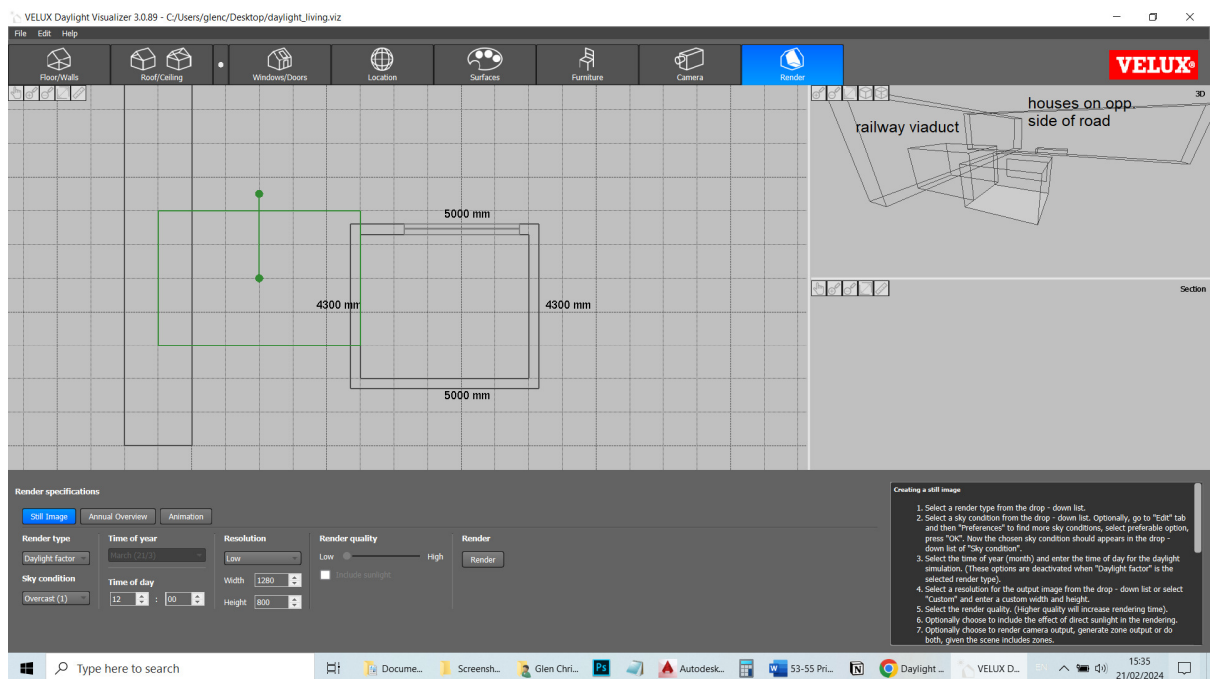
* The illuminance (lux) values stated in brackets are derived from the median external diffuse illuminance recorded in weather data files for the selected location.

Zone 0

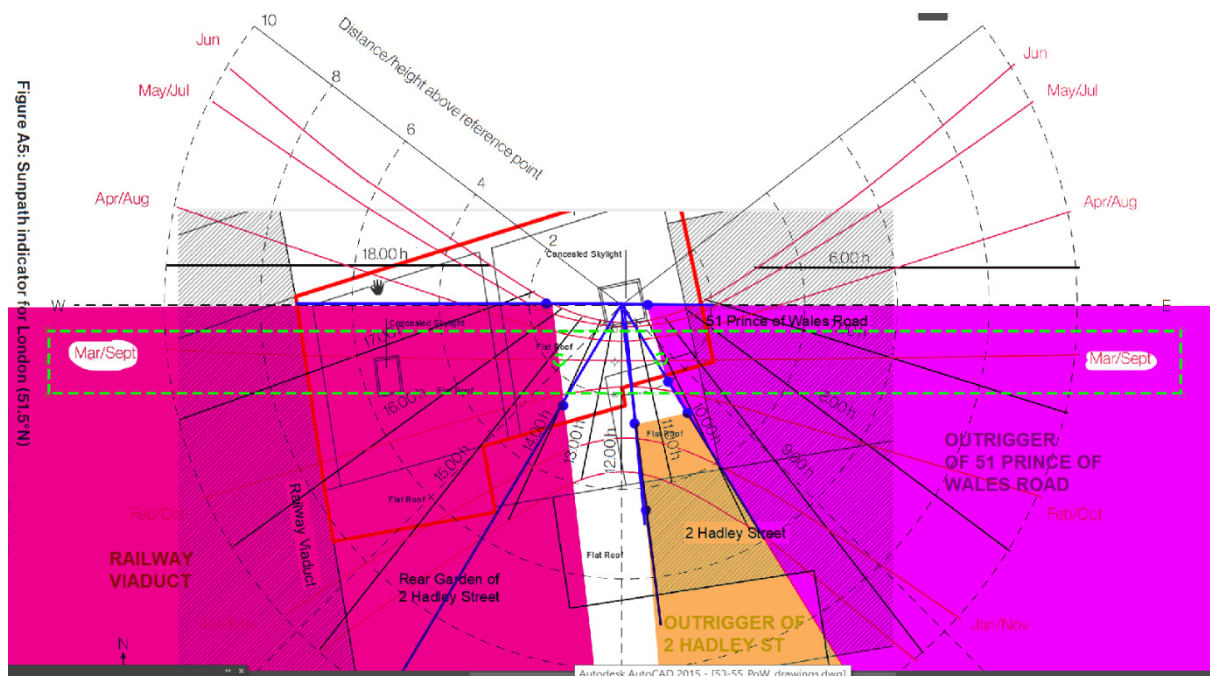


EN17037

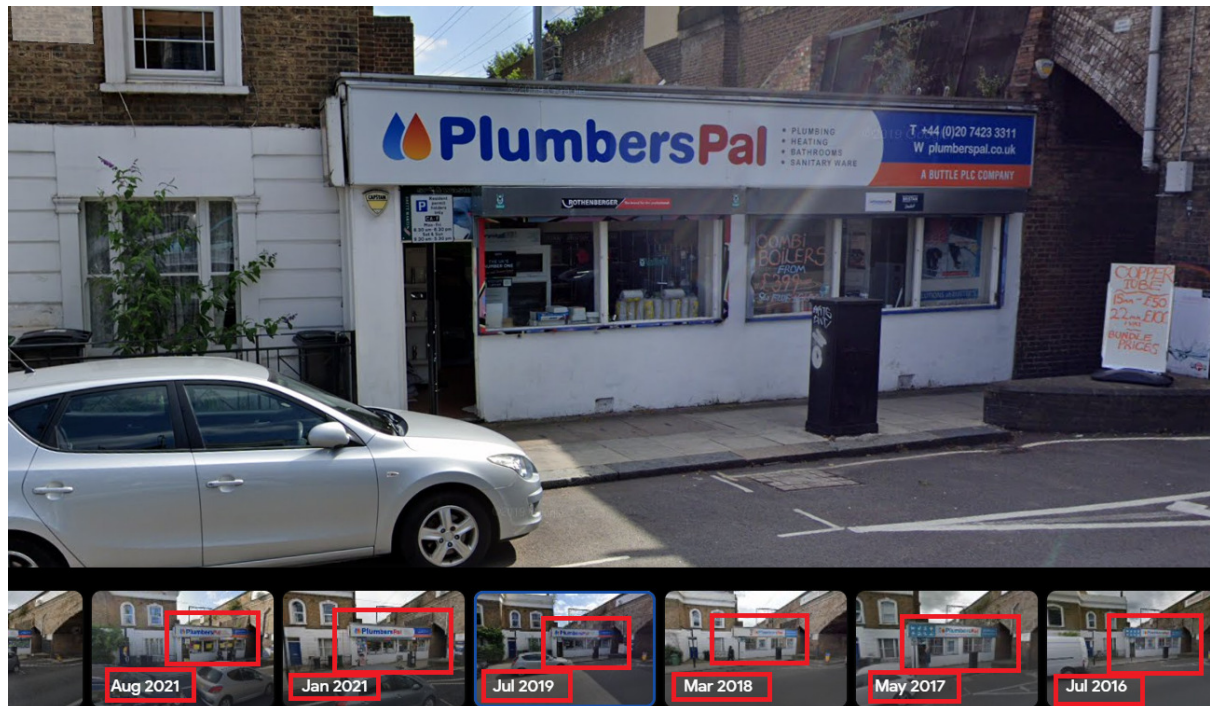
$F_{plane, \%} \geq 50\%$ (median)	D_T	7.14 DF[%]	Pass (1007 lux)
$F_{plane, \%} \geq 95\%$	D_{TM}	5.49 DF[%]	Pass (775 lux)



Appendix C: available sunlight hours on 21 March



Appendix D: historic Google Streetview imagery showing shop in operation in excess of 2 years



Verifiable source: <https://www.google.com/maps/@51.5464551,-0.1464399,3a,43.3y,185.25h,82.87t/data=!3m7!1e1!3m5!1sa7y4zt5UM7YwpapyY2MMGw!2e0!5s20190701T000000!7i16384!8i8192?entry=ttu>