

Delegated Report	Analysis sheet		Expiry Date:		28/06/2024 12/07/2024 (EOT agreed)	
	N/A / attached		Consultation Expiry Date:		17/06/2024	
Officer			Application Number(s)			
Gary Wong			2024/1865/P			
Application Address			Drawing Numbers			
53-55 Prince of Wales Road London NW5 3LL			Refer to decision notice			
Proposal(s)						
Change of use of ground floor from commercial, business and service (Class E) to residential (Class C3) comprising 1 x bedroom flat.						
Recommendation(s):		Grant prior approval subject to a Section 106 Legal Agreement				
Application Type:		GPDO Prior Approval (Class MA) Change of Use from Class E to C3				
Conditions or Reasons for Refusal:		Refer to Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00	No. of comments	00
Summary of consultation responses:		N/A.				

Site Description
The application site is a single storey class E unit (Use Class E) located at the southern side of Prince of Wales Road. The unit was most recently used as a plumber's supply shop and has remained vacant since September 2021. The application property is not listed nor within any Conservation Area.
Relevant History
8903521 - Redevelopment by the erection of a two storey building to provide offices within Class A2 of the Town and Country Planning (Use Classes) Order 1987 – Refused
8903522 - Redevelopment by the erection of a two storey building to provide offices within Class B1 of the Town and Country Planning (Use Classes) Order 1987 – Refused
2017/6466/PRE - Demolition of existing single storey retail unit (Class A1) to be replaced with 3 storey 3 bedroom dwelling (Class C3) – Application withdrawn
2018/2364/P - Redevelopment of single storey Class A1 shop unit to provide a new 3 storey 3 bedroom dwellinghouse - Application withdrawn
2024/1753/P - Replacement to existing shopfront and insertion of 2 x roof lights (to facilitate change of use from commercial to residential) – Pending decision

Relevant policy documents and legislation

National Planning Policy Framework 2023

The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended)- Schedule 2, Part 3, Class MA

Technical Housing Standards - Nationally Described Space Standards 2015

London Borough of Camden Local Plan 2017

Assessment

Proposal

Prior Approval is sought under Schedule 2, Part 3, Class MA of the GPDO 2015 (as amended) for a change of use of a single storey unit from commercial, business and service (Class E) to residential (Class C3) comprising 1 x bedroom flat.

The proposed change of use would create a 1-person 1-bedroom flat of 40.3sqm. It is noted a separate full planning application has been submitted (under ref. 2024/1753/P) for replacement to existing shopfront and insertion of 2 x roof lights to facilitate the proposed change of use.

Extension of the statutory time period (56 days)

Paragraph W 11(c) requires that the LPA must notify the applicant as to whether prior approval is given or refused before the expiry of 56 days following the date on which the application was received. In this case, in which it is considered that the approval should be subject to the completion of a signed Section 106 legal agreement to secure the development as car-free, it is necessary to extend the statutory 56 day period in order to allow for such an agreement to be reached between the applicant and the LPA.

Paragraph W 12(c) allows for such a circumstance as this, and as such, the applicant has agreed in writing with the LPA to extend the statutory 56 day period until the S.106 agreement is finalised.

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 area of the proposed 1-person 1-bedroom dwelling is 40.3sqm. The proposed dwelling meets all technical requirements under the nationally described space standard, such as minimum bedroom widths, size, storage space and floor to ceiling height.

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

Each of these criteria will be considered below.

a) Transport and highways impacts

Parking facilities

The application site is accessed directly via the public footway from Prince of Wales Road.

It is understood the application site has a PTAL rating of 6A indicating “excellent” access to public transport. The property is directly opposite to Kentish Town West Overground Station and a few metres from a bus stop.

The submitted plans show a dedicated single space cycle store of 1.9sqm. Whilst this

storage space could be used for other purposes, it is considered that sufficient space exists within the residential unit to store cycles if required and therefore acceptable.

It is noticed there is a controlled parking zone in front of the application site. It is not stated from the provided supporting statement whether the existing commercial unit was assigned any on-street car parking permits. The supporting statement mentions 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. Although the proposed 1-bedroom residential flat is not expected to significantly increase demand for car parking from the site, it is considered necessary to secure the proposal as 'car free' via a s106 legal agreement for the new residential unit.

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. The parking bays adjacent to the site on Prince of Wales Road can be used for deliveries and for the storage of skips as 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 predominantly residential area. Some mixed uses of residential flats and ground floor commercial units could be seen on the other side of the railway viaduct.

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 opposite and adjoining properties on Prince of Wales Road are understood to accommodate residential use at ground floor.

Whilst the application site is located adjacent to a road and an elevated railway, the provisions of Class MA.2 (2)(d) consider impacts of noise from commercial premises on the intended occupiers of the development. The noise impact generating from the road and railway traffic would not be taken into consideration under Class MA.

It is considered that the existing window units can be upgraded with additional secondary glazing in the future as necessary and will be able to provide suitable internal noise levels for the residential accommodation. It is noted a full planning application has been submitted under 2024/1753/P to replace the existing windows with double-glazed equivalents. The scheme is considered to provide a satisfactory noise environment for

future occupiers of the flat.

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 ground floor would not have a material adverse effect on the character and appearance of any conservation area.

f) Natural light in all habitable rooms

The existing unit benefits from five large windows. As stated on the above paragraphs, the applicant has submitted a separate full planning application for window replacement in similar size and insertion of 2 x roof lights above the flat roof.

The applicant has submitted a Daylight and Sunlight Report which assesses the daylight and sunlight levels to the habitable rooms of the proposed residential unit, 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 the new dwelling. The assessment has found that, using the Target Daylight Factor, all assessed habitable rooms meet and exceed the minimum levels of internal daylight.

Given that all habitable rooms have at least one window, and given the proposal meet the guidance levels for daylight, the proposed unit is 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 Class MA in Part 3 of Schedule 2 which allows for development consisting of a change of use of a building falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) of the Schedule.

Recommendation

Grant prior approval subject to a Section 106 Legal Agreement.