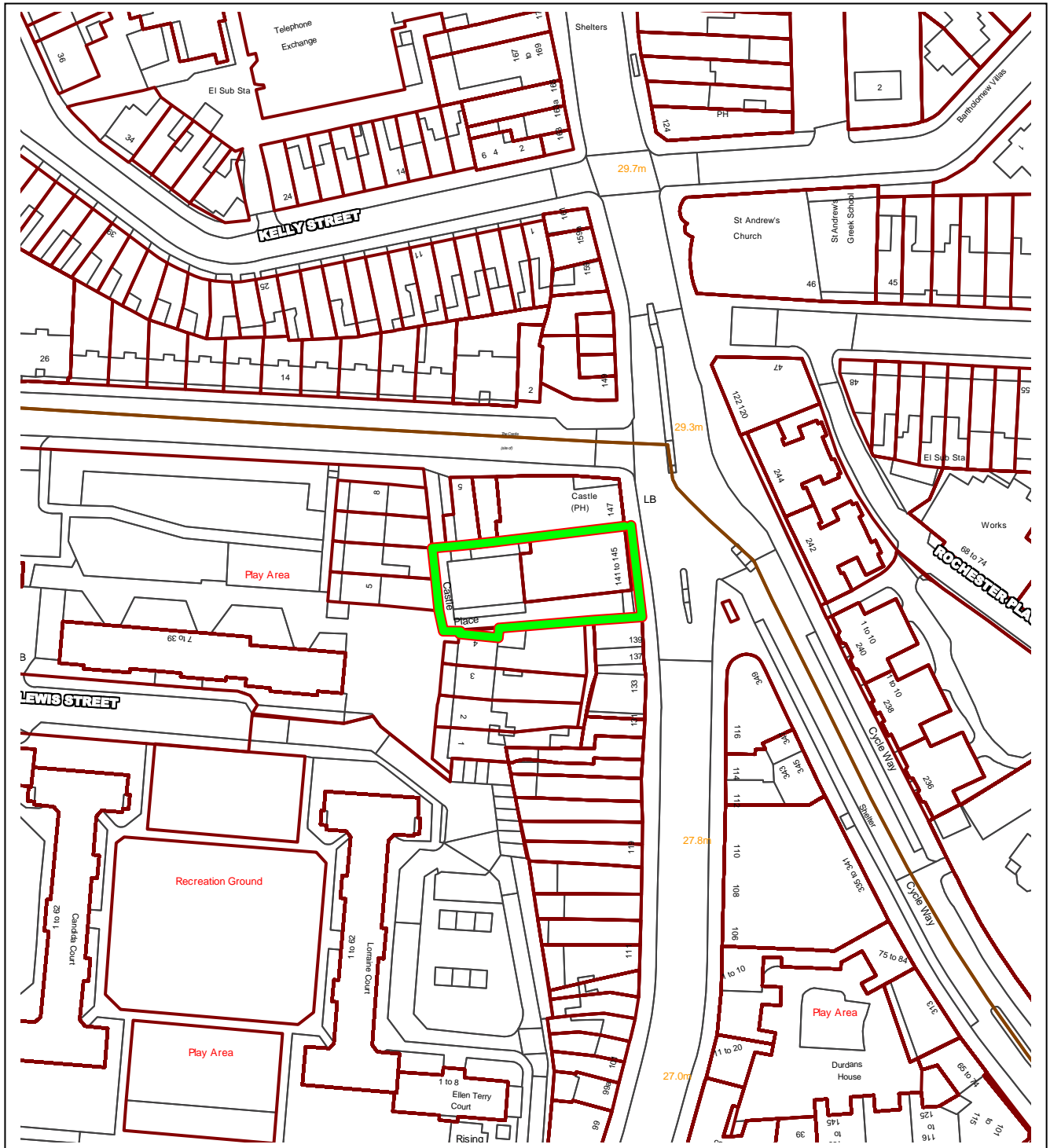


2024/3404/P

141-145 Kentish Town Road



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2024/3404/P
141-145 Kentish Town Road

Photos & Plans



Fig 1. Aerial view of 141-145 Kentish Town Road.



Fig 2. Existing front elevation.

Photos & Plans

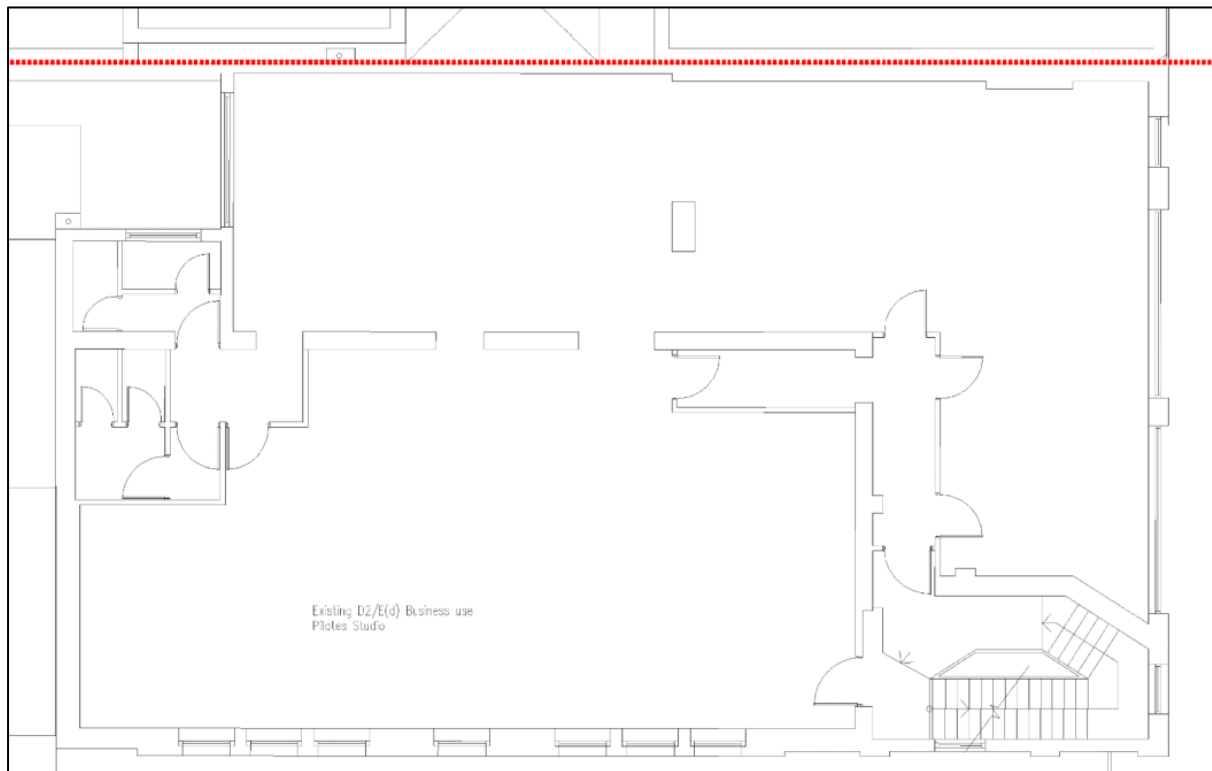


Fig 3. Existing first floor plan.

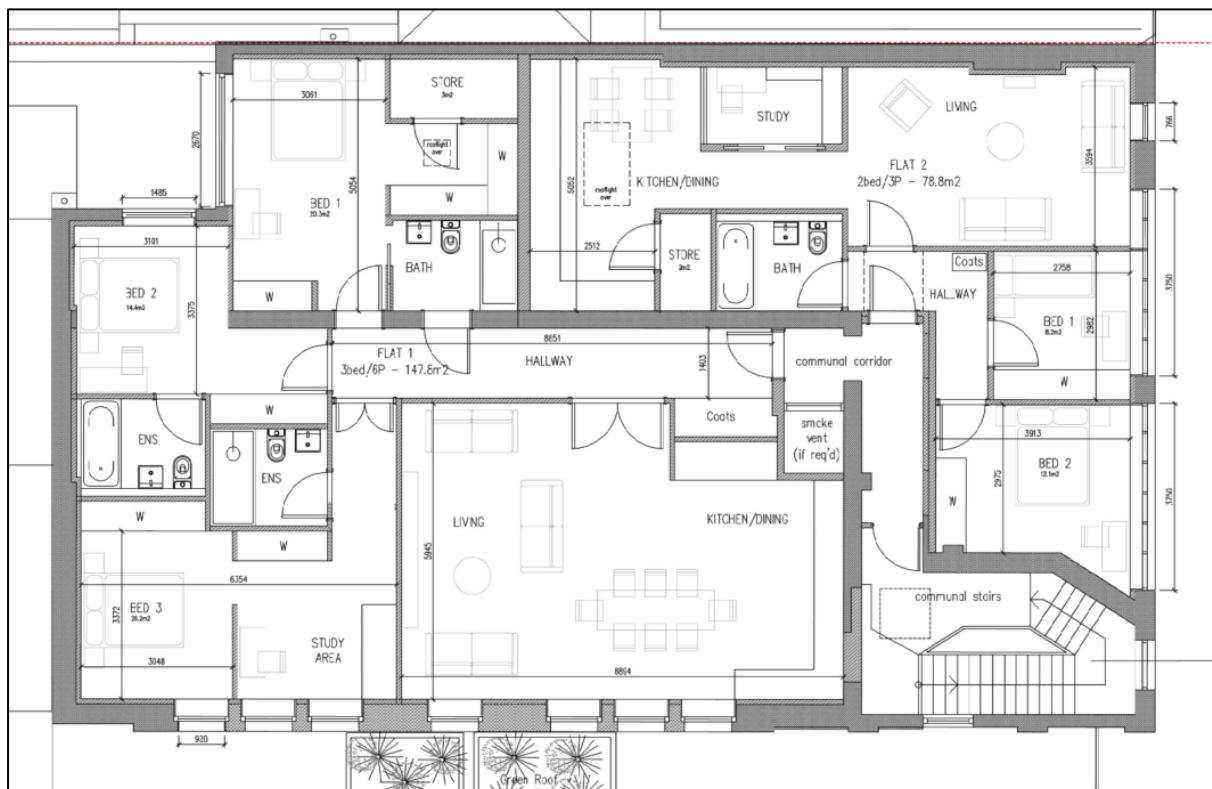


Fig 4. Proposed first floor plan, showing two self-contained residential units.

Delegated Report		Analysis sheet		Expiry Date:	03/10/2024
		N/A / attached		Consultation Expiry Date:	14/09/2024
Officer			Application Number(s)		
Daren Zuk			2024/3404/P		
Application Address			Drawing Numbers		
First Floor 141 - 145 Kentish Town Road London NW1 8PB					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from pilates studio (Class E) to residential (Class C3) for the provision of two self-contained residential units.					
Recommendation(s):		Grant Prior Approval subject to a S.106 legal agreement			
Application Type:		GPDO Prior Approval Schedule 2, Part 3, Class G <i>(Commercial, business and service or betting office or pay day loan shop to mixed use for up to two residential units)</i>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	22	No. of objections	22
Summary of consultation responses:	<p>Two site notices were posted near the property on 21/08/2024. These expired on 14/09/2024.</p> <p>Twenty-two (22) responses objecting to the proposal (mostly from patrons of the existing pilates studio) were received following statutory consultation.</p> <p>Their concerns are outlined below.</p> <ul style="list-style-type: none">Concerns with the loss of the pilates studioThe change of use is inappropriate as a large proportion of the development is lit only by roof lights and lacks windows <p><i>Officer response:</i></p> <ul style="list-style-type: none"><i>The loss of the pilates studio (as a commercial unit) is not a condition upon which applications for ‘prior approval’ under Class G can be considered. While ‘prior approval’ applications under Class G are subject to certain conditions (set out below) the loss of the commercial unit or floorspace is not a condition which a ‘prior approval’ application must meet.</i><i>Assessment of the provision of adequate natural light in the proposed residential units is discussed in Section 3 of this report.</i>			

Site Description

The application relates to the first-floor unit at 141-145 Kentish Town Road, which comprises a pilates studio (Class E). The unit is accessed through a separate side entrance and stairs. The site is not statutorily listed nor located within a conservation area but is locally listed (Former South Kentish Town Tube Station).

Relevant History

2011/5021/P – Erection of roof extension with terraces and change of use of first floor from offices (Class B1) to residential (Class C3), together to provide 4 x 2-bedroom flats and 2 x 1-bedroom flats.
Granted 30/03/2012

2013/2289/P – Change of use on first floor from office (Class B1) to a pilates studio (Class D2).
Granted 13/06/2013

2013/6368/P – Erection of a mansard roof extension to provide 3 residential units (1x1bed and 2x2bed) (Class C3), and erection of associated bin and bike storage in Castle Place at ground floor level.
Granted 15/04/2014

Relevant policies/legislation

The Town and Country Planning (General Permitted Development) Order 2015 (as amended): Schedule 2, Part 3, Class G

Part 2A of the Environmental Protection Act 1990

Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012

Technical Housing Standards – Nationally Described Space Standards 2015

National Planning Policy Framework 2023

London Plan 2021

London Borough of Camden Local Plan 2017

Assessment

1. Proposal

- 1.1. The application seeks Prior Approval permission under Schedule 2, Part 3, Class G of the GPDO (2015 as amended) for change of use of the first-floor commercial unit currently in use as a pilates studio (Class E) to residential (Class C3) for the provision of two self-contained residential units (Class C3). The residential units would comprise 1x 3-bedroom and 1x 2-bedroom units.

2. Prior Approval Procedure

- 2.1. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order (GPDO) 2015, Schedule 2, Part 3, Class G, allows for the change of use of the upper floors of a building from Class E to a maximum of two residential (Class C3) flats, subject to a prior approval process as well as conditions.

2.2. Development that fits the criteria set out in G.1 (a) - (d) is permitted by this class, subject to a number of conditions listed within. The 'Prior approval procedure' requires the developer to apply to the LPA for a determination as to whether prior approval of the authority having regard to:

- (i) contamination risks in relation to the building
- (ii) flooding risks in relation to the building
- (iii) impacts of noise from commercial premises on the intended occupiers of the development
- (iv) provision of adequate natural light in all habitable rooms of the dwellinghouses
- (v) arrangements required for the storage and management of domestic waste

2.3. Article 3 – Permitted Development of the General Permitted Development Order states:

(9A) 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(a)'

This came into force on 6th April 2021.

3. Assessment under Part 3, Class G of the GPDO: Compliance with Paragraph G.1

3.1. Development permitted by Class G is subject to the following conditions.

- (a) Some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat.**

Proposal complies: The proposed residential units will be located on the first floor above an exiting ground floor commercial (Class E) unit, currently in use as a pawnbroker.

- (b) Where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat.**

Proposal complies: The proposed change of use comprises the first floor only and does not comprise a ground floor commercial unit which would impact a display window.

- (c) A flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence) –**

- (i) by a single person or by people living together as a family, or**
- (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents)**

Proposal complies: The proposed flats comprise a two-bedroom, three-person and a three-bedroom, six-person flat and are therefore not capable of accommodating more than six residents. Each flat features its own separate, lockable front entrance door ensuring that they will not be occupied by more than six people living together.

(d) Before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to —

(i) Contamination risks in relation to the building.

The previous commercial use (pilates studio) is not a use which would have resulted in site contamination. Given the existing (long-established) use of the building, it is unlikely that there would be noxious substances that will be injurious to future occupiers' health or well-being.

(ii) Flooding risks in relation to the building.

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 that 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.

(iii) Impacts of noise from commercial premises on the intended occupiers of the development.

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 neighbouring properties.

(iv) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

The proposal involves the retention of all existing windows at the property.

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.

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.

(v) Arrangements required for the storage and management of domestic waste.

The proposed ground floor plan indicates a dedicated refuse/recycling store for the two proposed residential units.

4. Article 3 – Permitted Development of the GPDO – (9A) Schedule 2:

4.1. '(9A) 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(a)'

Proposal complies: (a) The residential units would be 78.8sqm (two-bedroom) and 147.8 sqm (three-bedroom) in area, thus exceeding the national described space standards for

their respective unit types, and (b) the layout and room sizes would comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(a).

5. Transport Impacts

- 5.1. In line with Policy T1 of the Camden Local Plan, it is expected cycle parking at developments to be provided in accordance with London Plan standards. For residential units with 2 or more bedrooms, the requirement is for 2 spaces per unit, which gives a requirement for 4 spaces for this development. The proposed ground floor plan shows that a secure cycle store for 6 bikes would be provided in the side alleyway, which is secured by gates at the Kentish Town Road frontage. The provision of the cycle store should be secured by condition.
- 5.2. In accordance with Policy T2 of the Camden Local Plan, the new residential units should be secured as Residents parking permit (car) free by means of a Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.
- 5.3. As no external alterations are proposed, it is considered unnecessary to secure a Construction Management Plan for this development.
- 5.4. A highways contribution is not considered necessary for this development

6. Conclusion

- 6.1. The proposal complies with the criteria in G.1 of Schedule 2, Part 3. Subject to a S.106 legal agreement to prevent future occupiers from obtaining car parking permits, the proposal complies with the conditions in G.1.

7. Recommendation

- 7.1. Grant subject to a Section 106 legal agreement.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 7th October 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2024/3404/P
Contact: Daren Zuk
Tel: 020 7974 3368
Email: Daren.Zuk@camden.gov.uk
Date: 1 October 2024

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Majcher-Architect
14 Ashburnham Road
Southend-On-Sea
SS1 1QD

DRAFT
DECISION

Dear Sir/Madam

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990 (as amended by section 4(1) of the Growth and Infrastructure Act 2013)

Process set out by condition G.1 of Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

Certificate of Lawfulness (Proposed) Prior Approval not required

The Council, as local planning authority, hereby confirm that their **prior approval is not required** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

Address of the proposed development:

First Floor
141-145 Kentish Town Road
London
NW1 8PB

Description of the proposed development:

Change of use from pilates studio (Class E) to residential (Class C3) for the provision of two self-contained residential units.

Information that the developer provided to the local planning authority:

Drawing Nos:

47-08-23 L01, 47-08-23 L02, 47-08-23 E01, 47-08-23 E02, 47-08-23 E03, 47-08-23 P01, 47-08-23 P02, 47-08-23 P03, Class G Compliance Statement (prepared by Majcher Architect, dated August 2024), Internal Daylight Assessment (prepared by T16 Design, dated July 2024), Noise Impact Assessment (prepared by ACA Acoustics, dated 7 August 2024)

Condition(s) and Reason(s):

- 1 The approved secure cycle store (6 cycle capacity) shall be provided in their entirety prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 2 The approved refuse and recycling storage facility shown in drawing no. '47-08-23 P02' shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1, and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2023.

Yours faithfully

Chief Planning Officer

DRAFT

DECISION