

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>10/04/2025</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>10/04/2025</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Elaine Quigley				2025/0799/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
104 Belsize Lane London NW3 5BB				See draft decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Creation of 1 residential unit at first floor within Class C3 with retained Class E at ground to form a mixed use building							
<b>Recommendation(s):</b>		<b>Grant Prior Approval</b>					
<b>Application Type:</b>		<b>GPDO Prior Approval Class G Change of use from commercial, business and service or betting officer or pay day load shop to mixed use</b>					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>01</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		<p>Neighbour notification letters were sent to one neighbouring property on 13/03/2025 expiring on 03/04/2025. No consultation responses were received within the statutory time period.</p> <p>Site notices were also displayed to the front and rear of the property. The statutory 21 day consultation period expired on 10/04/2025.</p>					
<b>CAAC/Local groups* comments:</b> *Please Specify		None received					

## Site Description

The site is located on the west side of Belsize Lane and lies in close proximity to Daleham Mews which lies to the north and adjoins the rear gardens of properties that front onto Daleham Gardens to the west. The building is an end of terrace two storey building that has an authorised use as offices (Class E(i)). It is owned by a local development company who use the first floor as additional storage space associated with their business that takes place mainly on the ground floor. The application relates to part of the ground floor with the access from the ground floor to the first floor being provided by the relocation of the stair and all of the first floor. The remaining part of the ground floor would continue to be used as office space.

The building is identified as a positive contributor within the Belsize Park conservation area.

Belsize Lane is identified as a historically flooded street and flooded in 2021. It lies outside a local flood risk zone.

## Relevant History

**2024/4842/P** - Installation of an access door and alterations to existing bay window at ground floor front elevation and re-position of an existing first floor rear door. **Granted 08/01/2025**

102-104 Belsize Lane

**9500924R1** - Erection of a first floor rear extension for office purposes and erection of dormer windows to the front elevation at 102 Belsize Lane. **Granted 28/03/1996**

## Relevant policies

**The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) – Schedule 2 Part 3 Class G.**

**National Planning Policy Framework 2024**

12 Achieving well-designed places

**London Borough of Camden Local Plan 2017**

Policy A1 Managing the impact of development

Policy CC3 Water and flooding

## Assessment

### Proposal

- 1.1 Prior approval is sought under Schedule 2, Part 3 Class G of the GPDO 2015 (as amended) for a change of use of the first floor from a Class E commercial unit to a mixed-use building for any purpose within that Class and as up to 2 flats. This application seeks to create 1 residential unit at first floor level. The new Class G was introduced into the GPDO legislation on 01<sup>st</sup> August 2021.
- 1.2 The proposed change of use at first floor level would create 1 new 2 bed residential dwelling. The flat would measure approximately 70 sq. m. The internal floor areas of the bedrooms would range in size from approximately 9.8 (single bedroom) to 12 sq. m (double bedroom). Although no external changes are proposed as part of the works a recent planning permission (ref 2024/4842/P) was granted in January 2025 for external works including the installation of a new ground floor door. These external alterations are shown on the proposed plans of this application. An informative would be attached to this permission to advise that the permission does not extend to the external works shown on the proposed plans. Refuse storage would be provided within the flat.

### Prior approval procedure

- 1.3 The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended), Schedule 2 Part 3, Class G allows for a change in use of floors within a building from a use falling within Use Class E (commercial, business and service) or betting office or payday loan shop (sui generis) to a mixed use for any purpose within that Class (commercial, betting officer or pay day loan shop) and as up to 2 flats. This is subject to a prior approval process and conditions being satisfied. The existing floor space that is to be converted must be ancillary to the commercial unit below (i.e. they are connected or linked in some way) and the commercial unit must remain which differs from Class MA which also provides for changes of use from Class E to C3 but for the whole of a planning unit not just the ancillary space and does not require commercial floorspace to be retained on the floor below.
- 1.4 Development that accords with the criteria within G (a, c, and e) is permitted by this Class, subject to a number of conditions listed within sub-paragraphs G1 (a-d). As such, the prior approval procedure requires the developer to apply to the Local Planning Authority (LPA) for a determination as to whether prior approval of the authority would be required in regard to contamination risks (i), flooding risks (ii), impacts of noise from commercial premises (iii), the provision of adequate natural light (iv) and arrangements for storage and management of domestic waste (v).
- 1.5 Paragraph W sets out the procedure for applications for prior approval under Part 3. This application seeks to ascertain whether the proposed change of use would constitute permitted development and whether prior approval is required. Part W (13) of the legislation notes that the LPA may grant prior approval unconditionally or subject to conditions reasonable related to the subject matter of the prior approval.

### Statutory time period (56 days)

- 1.6 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,

## **2 Assessment under Schedule 2, Part 3, Class G of the GPDO**

### Permitted development

- 2.1 Development consisting of a change of use of a building
- (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.

2.2 Proposal complies: Based on the Council's information the ground and first floors of the building has been in use as offices which has an authorised use within Class E. The proposal is for 1 new flat on the first floor with the ground floor remaining in commercial use.

(b) Omitted by virtue of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2021

(c) From a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats)

(d) Omitted by virtue of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2021.

(e) For a use (falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order) to a mixed use (falling within article 3(6)(n) (betting office) or 3(6)(o) (Pay day loan shop) of the Use Classes Order) and as up to 2 flats.

Compliance with Paragraph G1 conditions:

2.2 Where development proposal falls within development permitted by Class G it is subject to the following conditions:

(a) Some or all of the parts of the building used (for a use within betting office or pay day loan shop or Class E of Schedule 2), the Use Classes Order is situated on a floor below the lowest part of the building used as a flat:

2.3 Proposal complies: The proposal is for 1 new flat on the first floor. The majority of the ground floor unit will remain in commercial use below the flat with only the internal staircase being provided at ground floor level to access the new flat above. The rest of the ground floor will remain in commercial use.

(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;

2.4 Proposal complies: The ground floor does not include a display window therefore criteria b does not apply. The ground floor area would include a relocated stair which would provide access to the new first floor flat. The remainder of the ground floor unit will remain in commercial use.

(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)

2.5 Proposal complies: Based on the information provided by the applicant, the new flat would include 2 bedrooms with capacity for 3 people and would not be occupied by not more than 6 people living as a single household.

(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**

2.6 A Contaminated Risk Assessment has not been submitted in support of this proposal. It is noted that the historic land uses in the vicinity of the site include a former garage repairs shop and it is

therefore possible that elevated concentrations of contaminants of concern could be present at the site, taking into account soils in Camden contain elevated levels of certain heavy metals. Given that the flat is at first floor level and it would not have access to any external outside space in the form of a garden at ground floor level, with limited / no ground disturbance anticipated, the proposal is considered to be a low risk and a contaminated land condition is not considered necessary.

**(ii) Flooding risks in relation to the building**

- 2.7 The application site is located on a previously flooded street. A Flood Risk Assessment has been submitted in support of the application which states that the site is very low risk of surface water and considers the sewer flood risk as low. However, the Council's Strategic Flood Risk Assessment shows that the area has had a significant number of sewer flood incidents. In addition, the updated Surface Water Flood maps from the Environment Agency indicate a surface water flood risk at the front of the property with a higher yearly chance of flooding between 2040 and 2060. As the residential accommodation is at first floor level there would be no objection to the proposed residential use in relation to flood risk but due to the pressure on the sewerage system in the area it is essential that the proposed development includes water efficiency measures. This would be secured by condition. An informative would also be added recommending that a flood proof door is installed at ground floor level to protect against the possible risk of surface water or sewer surcharge flooding.

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

- 2.8 The application site adjoins an office building at 102 Belsize Lane. It is not considered that noise from the retained commercial use at ground floor level or the neighbouring commercial premises would have a significant impact on the proposed residential unit in terms of noise. The applicant's supporting statement confirms that the floors between the ground commercial unit and the dividing walls of the neighbouring commercial premises and the new flats will be sound proofed in accordance with Part E of the Building Regulations.

**(iv) the provision of adequate natural light**

- 2.9 A daylight and sunlight assessment has been submitted. Of all the rooms tested (3 rooms in total) all 3 of the habitable rooms (2 bedrooms and the living room / kitchen / dining room) would receive 100% daylight illuminance levels which meets the BRE daylight illuminance targets set out within the national annex of the 2022 BRE guidance. With regards to direct sunlight the windows in the front elevation of the building are southeast facing. The new flat would receive over 3 hours of sunlight exposure which meets the target of at least 1.5 hours of direct sunlight on March 21<sup>st</sup>. It is therefore considered that the new flat would receive adequate light and is considered acceptable in this instance.

**(v) Refuse storage**

- 2.10 An area at ground floor level next to the internal stair would be used for the storage of refuse which would be taken to the pavement outside the building on the day of collection and would be considered adequate.

**3 Additional matters**

- 3.1 Paragraph W (10) of the GPDO requires the local planning authority, when determining applications:

**(a) Take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);**

3.2 No consultation responses were received during the course of the application.

(b)Have regard to the National Planning Policy Framework (NPPF) issues by the Ministry of Housing, Communities and Local Government, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

3.3 Paragraph 135 of the National Planning Policy Framework (NPPF) 2024 states that, “*planning policies and decisions should ensure that developments...create places ...with a high standard of amenity for existing and future users*”.

3.4 The NPPF falls short of providing specific standards for protecting the amenity of adjoining and nearby properties. Nevertheless, the proposal is not considered likely to result in any undue harm to existing residential amenity for future occupiers of the development or existing neighbouring residential occupiers given the nature of the proposal.

3.5 Article 3 (9A) requires all new residential units to comply with the Nationally Described Space standards. The new unit would measure approximately 70 sq. m which would exceed the Nationally Described Space Standards 2015 for 2-bedroom units of 61 sq. m and the double bedroom that is at least 11.5 sq. m.

3.6 The proposed flat requires access through a new ground floor door which has not yet been installed in the building. Planning permission was granted for the door under ref 2024/4842/P on 08/01/2025. The application sets out that the door will be installed as part of wider works to the building. Given that the door is required to provide separate access to the new flat a Grampian condition will be attached to this decision to ensure that the door that forms part of the works granted under the 2024 permission shall be installed prior to the occupation of the building for residential purposes.

#### **4. Conclusion**

4.1 The proposal complies with the criteria and conditions in G and G1 of Schedule 2, Part 3, Class G of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) and is acceptable and can be granted prior approval.

#### **5. Recommendation**

5.1 Grant prior approval subject to conditions.