

Delegated Report		Analysis sheet		Expiry Date:		17/10/2024	
		N/A / attached		Consultation Expiry Date:		19/07/2024	
Officer				Application Number(s)			
Adam Greenhalgh				2024/3405/P			
Application Address				Drawing Numbers			
87 Arlington Road London NW1 7ES				See Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of lower ground, ground and first floors from commercial (offices - Class E) to residential (Class C3) to create a single house within the building							
Recommendation(s):		Grant Prior Approval					
Application Type:		GPDO Prior Approval Class MA Change of use of Class E to Class C3					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses		01		No. of objections	
						01	
Summary of consultation responses:		<p>Consultation letters were sent to the immediately adjoining properties on 27/08/2024 (expiry 17/09/2024)</p> <p>One response (from a next door neighbour) - No objections but noted that the development would have no external amenity space.</p> <p><i>Officer comment: The provision of external amenity space is not a condition of an application for 'prior approval' under 'Class MA'</i></p>					

Site Description

87 Arlington Road is a 4 storey (including lower ground floor) end-of-terrace building. The lower ground, ground and first floors are shown as being in office use. The ground floor has a long single storey glazed roof rear extension. The second and third (roof) floors are shown as being use as a two bedroom flat. The building has a single front door which provides access to stairs to the 2nd/3rd floor flat with the lower ground/ground and first floor offices being accessed from an internal ground floor door.

The site is located in the Camden Town Conservation Area. It is not a Listed building.

Relevant History

No recent planning history on LB Camden Planning Register

Relevant policies/legislation

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

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)

LB Camden Local Plan 2017

1. Proposal

- 1.1. The application seeks Prior Approval permission under Schedule 2, Part 3, Class MA of the GPDO (2015 as amended) for the change of use of the lower ground, ground and first floors from commercial (offices - Class E) to residential (Class C3) to create a single house within the building.
- 1.2. Minor internal alterations are proposed on the ground and first floors but these do not fall within the remit of planning control.
- 1.3. The lower ground floor is indicated for use as a store and laundry, the ground floor for a living room (and kitchen ?) and the first floor as a bedroom.

Prior approval procedure

- 1.4. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order (GPDO) 2015, Schedule 2, Part 3, Class MA, allows for the change of use of a building from a use falling within Class E, to a use falling within Class C3 (dwellings) of that Schedule, subject to a prior approval process as well as conditions. Class M(c) – (f) also allows for buildings operations reasonably necessary to convert the building.
- 1.5. Development that fits the criteria set out in MA.1 (a) - (g) is permitted by this class, subject to a number of conditions listed within sub-paragraph MA.2 (a) - (i). 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 (a) transport and highways impacts (b) contamination risks in relation to the building (c) flooding risks in relation to the building (d) noise impacts from commercial premises (e) the impact of that change of use on the character or sustainability of the conservation area (f) the provision of adequate light in all habitable rooms (g) the introduction of residential use in an area of industry, waste management, storage and distribution etc. (h) the loss of nursery/health centre provision (i) fire safety impacts (if applicable)
- 1.6. Article 3 – Permitted Development of the General Permitted Development Order states: -
- 1.7. '(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.

2.0 **Assessment under Part 3, Class MA of the GPDO : Compliance with Paragraph MA.1**

Development is not permitted by Class MA

(a) Omitted from revised GPDO 2021

(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;

Proposal complies: The building was in Class A2 – financial and professional services, now Class E(c)(ii) Professional services from at least 2005. Furthermore.

The site CURRENTLY has a business rating on the Valuation Office Agency website and it also had a business rating for the previous period, 01/04/2017 to 31/03/2023.

Property

87, Arlington Road, London, NW1 7ES

Valuation

[Help with previous valuation](#)

[Compare properties](#)

Valuation

Previous rateable value (1 April 2017 to 31 March 2023)

£37,750

(c) Omitted from revised GPDO 2021

(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;**

Proposal complies: The application site does not fall within any of the areas indicated at points to (i) to (v);

(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**

Proposal complies: The application site does not fall within any of the areas indicated at points (i) to (v);

(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

Proposal complies: The site is not occupied under an agricultural tenancy.

(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 be permitted under class O immediately after 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.**

NOT APPLICABLE: – The application is not made before 1 August 2022

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

‘(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

Proposal complies: (a) The resulting house would be 176.6 sq m in area 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).

4.0 Compliance with Paragraph MA.2

The proposal must also comply with the conditions (a) – (i) under MA.2. These are now considered in turn:

(a) Transport and highways impacts of the development, particularly to ensure safe site access

- 4.1. In line with Policy T1 of the Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the London Plan standards. For residential units with 2 or more bedrooms, the requirement is for 2 spaces per unit. Whilst no formal cycle parking facilities are shown on the submitted plans, it is considered that sufficient space exists within the ground floor of the property to accommodate cycles if required. The requirement for formal cycle parking facilities can therefore be waived in this instance.
- 4.2. The proposal would result in the formation of 3 bedroom house. Given that the building is currently in use as a two bedroom flat with lower ground, ground and first floor offices, it is not considered that there would be any additional pressure on the highway network in terms of parking or car use. The Council requires applicants to enter into a legal agreement to prevent new occupiers from obtaining car parking permits when new dwellings are created. However, in this case, in which no new dwellings would be formed, and office floorspace would be changed, it is not considered that there would be additional car use and the requirement for occupiers not to obtain new car parking permits is not applicable.
- 4.3. As no external alterations are proposed, it is considered unnecessary to secure a Construction Management Plan for this development.

- 4.4. A highways contribution is not considered necessary for this development

(b) Contamination risks in relation to the building

- 4.5. Given the proposed development includes internal changes only, it is considered unlikely there will be ground disturbance as part of the development.
- 4.6. Noting the proposed internal alternations, the following a condition is recommended in the event of asbestos being present/disturbed during the redevelopment.

(c) Flooding risks in relation to the building

- 4.7. The site is located in Flood Risk Zone 1 which is classified by the Environment Agency as having a low probability of flooding, with less than a 1 in 1,000 annual probability of river or sea flooding.
- 4.8. Potential local flooding has been addressed by way of the lower ground floor being proposed for use as a laundry and store, which are 'non-vulnerable' uses unlikely to be occupied in the unlikely event of local flooding. The lower ground floor also has an 'escape route' to the ground floor in the unlikely event of flooding.
- 4.9. Furthermore, the proposed change of use would not result in any significant changes in water discharge from the site (in drains/sewers, above or below ground) and there would be no increased risk of flooding in the surrounding area.

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

- 4.10. The immediately adjoining neighbouring properties are in residential use. There should therefore be no transmission of sound from any adjoining commercial uses and the 'agent of change' principle should not come into play.
- 4.11. External noise emanating more widely from Camden centre would be no different than for any other residential property in the area. Such 'public' noise can be controlled by other means (e.g. Environmental Health legislation, Building Regulations, police) and by and large, it is not a valid reason for refusing new residential uses in Camden.

(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;**

- 4.12. No external alterations are proposed to the building and the proposal would represent a 'reinstatement' of the original use. As such, the proposal would preserve and enhance the character and appearance of the Conservation Area.

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouse(s)

- 4.13. The new habitable rooms which would be formed would receive adequate natural light. The ground floor living room would have a window at the front (existing) and full width, full

depth translucent glazed rooflight at the rear. The first floor bedroom would have windows at the front (2) and rear (1).

(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 generally heavy industry, waste management, storage and distribution, or a mix of such uses; and

- 4.14. The area where the application site lies is not considered to be important for general heavy industry, waste management, storage and distribution, or a mix of such uses. It is not anticipated that any such uses would be likely to impact adversely upon the amenity of the future occupiers.

(h) Where the development involves loss of services provided by

- a. A registered nursery, or**
- b. A health centre maintained under section 2 or 3 of the National Health Service Act 2006,**
- c. The impact on the local provision of the type of the service lost.**

- 4.15 The proposed development would not involve loss of a registered nursery or a health centre maintained under section 2 or 3 of the National Health Service Act 2006.

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

- 4.16 Due to the size and siting of the proposal, a fire safety statement is not necessary.

5.0 CONCLUSION

- 5.1 The proposal complies with the criteria in MA.1 of Schedule 2, Part 3. Subject to a S106 legal agreement to prevent future occupiers from obtaining car parking permits, the proposal complies with the conditions in MA.2.

6.0 RECOMMENDATION

- 6.1 Grant subject to a Section 106 legal agreement.