

Section 55 Town and Country Planning Act

Planning Statement

Prior notification for the conversion of ground floor retail unit to 2x1 bed flats under permitted development by virtue of class MA.

104 Mill Lane, London, NW6 1NF

14 St Georges Business Centre - St Georges Square - Portsmouth - PO1 3EZ

023 9252 3352 - help@tpexpert.org - www.tpexpert.org

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REG 197 6095 56

Site Information

Consultant	Mike Coates-Evans
Client	Muffadal Adamjee
Site Address	104 Mill Lane, London, NW6 1NF
LA	Camden
Description of Development	Prior notification for the conversion of ground floor retail unit to 2x1 bed flats under permitted development by virtue of class MA
Pathway (PD/Application/Appeal)	Prior Notification

Constraints Review

Flood Risk Zone	Flood zone 1
Contaminated Land	N/A
Tree Preservation Order	N/A
Heritage Assets	N/A
Noise Abatement Areas	N/A
Explosive Hazard Areas	N/A
Area of Outstanding Natural Beauty	N/A
Special Protection Area	N/A
Site of Special Scientific Interest	N/A
RAMSAR Convention Site	N/A
Site of Importance to Nature Conservation	N/A

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Article 4(2) Directions

N/A

Planning History

Relevant History

N/A

Report Date

17/08/2021

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1. Introduction

1.1. This statement has been prepared to support the following proposal:

Prior notification for the conversion of ground floor retail unit to 2x1 bed flats under permitted development by virtue of class MA.

1.2. Town Planning Expert act as planning consultants for the applicant.



Site Location



Site Photograph

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2. Site Context

2.1. The property is a general retail unit in the middle of a shopping frontage terrace. The site has a roller shutter front with branding along the top. Above the retail unit are a number of residential flats that do not make up part of this application.

2.2. The terrace is made of Victorian style brick shops with what appear to be flats or offices above.

2.3. Mill Lane has a mixture of residential and retail uses. To the south of Mill Lane lie a number of residential roads and a school.

2.4. To the north lies more residential areas and a large park.

2.5. West Hampstead train station is a roughly 10 minute walk to the south. There are a number of smaller tube stations within a 15 minute walking radius and a number of bus stops as well. The area is sustainable, falling within PTAL zone 4.

3. Principle of Development

- 3.5. As of 1 August 2021 conversion of uses under Class E are permitted by virtue of Class MA of the General Permitted Development Order, although 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	The building has been vacant since March 2021 - 5 months prior to the date of this application for prior approval.
(b) unless the use of the building fell 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	The premises fell solely within Class E. There are residential flats on the above floors that do not make up part of this application.
(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres	The floor area is 81 sqm.
(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	No No No No No

<p>(e) if the building is within—</p> <p>(i) an area of outstanding natural beauty;</p> <p>(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981</p> <p>(iii) the Broads;</p> <p>(iv) a National Park; or</p> <p>(v) a World Heritage Site;</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>
<p>(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained</p>	<p>Not applicable</p>
<p>(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</p>	<p>Not applicable</p>

3.6. Subject to the above the prior approval of the local planning authority is required, but the authority can only have regard to the following matters:

- (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; and
- (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 20065, the impact on the local provision of the type of services lost; and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

3.7. The above matters are considered in detail below.

3.8. **Transport impacts of the development.**

3.8.1. The property falls within PTAL zone 4. The London Plan 2021 table 10.1 states that for inner London Boroughs (including Camden), residential developments in PTAL zone 4 should be car-free. No parking is proposed on the site, however cycle storage is proposed to the rear and by virtue of being in PTAL zone 4, the property is fairly sustainable, being a short walk from West Hampstead Train Station.

3.9 **Contamination risks in relation to the building**

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3.9.1. The property has been in use under class E as a general retail unit. It is not considered that there are any contamination risks in relation to this building

3.10. Flooding risks in relation to the building

3.10.1. The property falls within flood zone 1. As a result, it is not considered that there are any flood risks in relation to this building.

3.11. Impacts of noise from commercial premises on the intended occupiers of the development

3.11.1. The property sits between a picture framing shop and a massage parlor. Both are considered to be low traffic, quiet uses. A massage and well-being centre is considered to be sui generis, and a picture framing business would fall within use class E.

3.11.2. No uses that are considered to cause significant harm in terms of noise have been identified within close proximity of the development.

3.12. The impact of the change of use on the character or sustainability of the conservation area

3.12.1. The property does not fall within a conservation area.

3.13. The provision of adequate natural light in all habitable rooms of the dwellinghouse

3.13.1. For Flat A, a new sliding glass door is proposed to the rear to provide light to the lounge and kitchen. An additional side door to the rear yard is also proposed. One rear window is proposed to gain adequate light to the bathroom and the existing window to the side of the property is proposed to be slightly enlarged and will now provide light to the proposed bedroom.

3.13.2. Flat B will be serviced by 2 new sets of windows to the front of the property. The existing shopfront will be replaced with a new door and 2 window openings. The bedroom is

located towards the front of the property, serviced by a set of 3 window panes. The lounge and open plan kitchen will be serviced via the front door and set of 2 window panes to the front.

3.13.3. Planning permission for this change has been sought from the local authority in a separate application. An elevation plan for the proposed changes to the front has been submitted in this application for transparency but does not form part of this prior notification.

3.14. **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**

3.14.1. The property lies within a shopping frontage and is not considered to important for general or heavy industry, waste management, storage and distribution or a mix of such uses.

3.15. **The impact on the local provision of nursery or health services**

3.15.1. Not applicable.

3.16. **Fire safety impacts on the intended occupants of the building.**

3.16.1. Not applicable.

4. Conclusion

4.1. The development proposed is the change of use from the existing commercial premises on the ground floor (class E) to 2x1 bedroom flats (both class C3).

4.2. This prior notification has been assessed against the criteria outlined in the GPDO (as amended 2015) and the applicant is satisfied that it is compliant.

4.3. A separate application is submitted alongside this prior notification for the changes to the shop front in order to enable adequate light to the front flat. The plans are attached in this application for transparency, however they do not make part of this application.

4.4. As such, it is respectfully requested that prior approval is granted.