

Date: 17th August 2021
Our Ref: 21.5083

Planning Department
London Borough of Camden
Crowndale Centre
218 Eversholt Street
Somers Town
London
NW1 1BD

24 Southwark Bridge Road
London
SE1 9HF

T 0203 268 2018

Dear Sir/Madam,

Re: 96-98 Shoot Up Hill, NW2 3XJ – Application for Change of Use from existing Class E to Residential (Class C3) made under Class MA of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021

On behalf of our client, Spacious Developments Ltd, we enclose a submission seeking prior approval for the change of use of the existing day care centre (Class E(f)) to residential accommodation (Class C3) under Class MA of the General Permitted Development Order (GPDO).

This covering letter includes a written description of the development. Enclosed with the application are a Site Location Plan, a plan showing the direction of north indicating the site and showing the proposed development, and existing and proposed floorplans prepared by Evelegh Designs.

In addition, we enclose an Internal Daylight Assessment, dated August 2021 (prepared by t16 design), in support of the application.

The Application Site

The site comprises a pair of interconnecting, two storey, brick built, late Victorian Houses which were last in use as a day care centre (Class E(f)). The style of the properties matches the style of other properties on the eastern side of Shoot Up Hill.

At the front of the building is an area of hardstanding which is used as an ad-hoc driveway, whilst to the rear of the building is a large private garden.

The character of the surrounding area is predominantly residential with a local shopping parade being located just to the north east of the site, on Cricklewood Broadway.

The site has a high PTAL score of 5 meaning that the site is easily accessible by public transport with Cricklewood, Willesden Green and Kilburn stations within easy walking distance of the site.

The site does not fall within a Conservation Area, nor is it within the setting of any listed buildings.

The site falls within Flood Zone 1 meaning it has a low probability of flooding.



Planning History

A desktop review of LB Camden's planning application database has been undertaken and returned the following relevant results.

In February 2016, an application (Ref: 2016/0697/P) was withdrawn for the change of use from day care centre (Class D1) to residential (Class C3) to provide 6 residential flats (2 x 1 bed, 2 x 2 bed and 2 x 3 bed) including the demolition and replacement of the existing ground floor porch and two storey rear extensions and the provision of 4 x roof lights and associated external works.

An application (Ref: PW9702098) was granted in February 1997 for the erection of the boundary with number one Manstone Road of a timber trellis on top of existing brick wall to a total of height of 3.3 metres.

In January 1989 an application (Ref: 8905003) for the change of use from a children's home to a day centre for people with learning disabilities including ground and first floor rear extension and a front porch was approved.

An application (Ref: 8600731) for the change of use to two self-contained dwelling units including works of conversion was approved in April 1986.

In February 1977 and application (Ref: CTP/F2/5/D/24141/R) for the erection of a steel gallery at the rear for use as means of escape in case of fire was approved.

The above planning history, and in particular the 1989 application for the change of use from a nursery to a day care centre (Ref: 8905003), demonstrates that the site has historically been in Class E use, and more specifically Class E(f) use. Indeed, the Council's own January 2019 Planning Statement for the site, makes specific reference to the site being in use as an adult social care service (what was then Class D1 use which has now changed to Class E(f) use). This confirms the site's Class E(f) use meaning that it can benefit from Class MA permitted development.

Written Description of the Proposed Development

This Class MA prior approval application seeks the change of use of the existing day care centre (Class E(f)) to residential (Class C3).

It is proposed to convert the existing building into 9no. self-contained residential units. The proposal comprises 6 no. 1 bed units and 3 no. 2 bed units. Each unit would exceed the Nationally Described Space Standards to ensure future occupiers enjoy a good standard of living.

The accompanying Internal Daylight Assessment robustly demonstrates that all the proposed habitable rooms receive good levels of natural light so that future occupiers will enjoy a well lit environment, with a reduced reliance on artificial light.

As this is a prior approval application for the change of use to residential made under Class MA of the GPDO, no external changes are proposed.

The proposed change of use from Class E(f) to Class C3 is in full accordance with Class MA of the GPDO and as such, prior approval should be granted without delay.

Compliance

Paragraph MA.1 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 sets out the criteria for which development is not permitted under Class MA. This includes if:

- (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 January 2019 meaning that it has been vacant for a continuous period of 3 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 building has been in continuous use as a day care centre (Class E(f)) since permission was granted for this use in January 1989 under planning application reference 8905003.

- (c) If the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres.

The cumulative floor space of the existing building changing under Class MA will not exceed 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.

No land covered by, or within, the curtilage of the building forms part of the land types specified in criteria (i) – (v) above.

(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;
- (iii) The Broads;
- (iv) A National Park; or
- (v) A World Heritage Site.

The building is not within any of the areas specified in criteria (i)–(v) above.

(f) If the site is occupied under agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.

The site is not occupied under agricultural tenancy.

(g) Before 1st August 2021 -

- (i) the proposed development is not 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 proposed development is not of a description falling within Class O.

The building has been vacant for a continuous period of 3 months prior to the date of this application and the use of the building has been as a day care centre (Class E(f) since January 1989. The cumulative floorspace of the building is less than 1,500 sq.m. None of the above apply to the subject property meaning that development is permitted under Class MA.

The development is therefore compliant with the requirements to benefit from Class MA permitted development – commercial, business and service uses to dwellinghouses.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) before beginning development under Class MA, 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 -

- (a) transport impacts of the development, particularly to ensure safe site access;

The building is located within an area that benefits from a high PTAL score meaning that it is easily accessible by public transport. The proposal will keep the existing access to ensure that safe site access is maintained.

(b) contamination risks in relation to the building;

Due to the building's historic use as a day care centre, there are no contamination risks associated with the building.

(c) flooding risks in relation to the building;

Due to the building's location within Flood Zone 1, there are no flooding risks in relation to the building.

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

The existing building is in a predominantly residential location meaning that impacts of noise from commercial premises on the intended occupiers would be negligible.

(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 change of use on the character or sustainability of the Conservation Area;

The building does not fall within a Conservation Area and so neither of the above criteria apply.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses

As robustly demonstrated within the accompanying Internal Daylight Assessment, all of the proposed habitable rooms will receive a good level of natural light, in excess of the minimum standards prescribed by BS 8206:2

The Assessment also confirms that all of the assessed rooms meet and exceed the recommendations using the ADF test, which ensure that future occupiers will enjoy a well lit environment with reduced reliance on artificial lighting.

The Assessment concludes that all the proposed units comfortably meet the guidance levels for daylight and will receive good levels of natural light and so the proposal is in full compliance with this condition.

(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

The building is not located in an area that is considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(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 2006, the impact on the local provision of the type of services lost.

The development does not involve the loss of either a registered nursery or a health centre.

(3) An application for prior approval for development under Class MA may not be made before 1st August 2021.

This application has been made after 1st August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access.”

The existing access arrangement will be kept ensuring safe site access.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

Development would be completed within a period of 3 years from the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

All units permitted under this application would only be in use as self-contained dwellinghouses in accordance with Class C3 of the Schedule of the Use Class Order.

The development is in full compliance with all the conditions outlined within Paragraph MA.2 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021.

Summary

In summary, it has been demonstrated that the existing and historic use of the site is as a day care centre (Class E(f)) and as such the building can benefit from Class MA to change to residential

(Class C3) use. The change of use from day care centre to residential is therefore considered acceptable and complies with the requirements of Class MA of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 meaning that prior approval should be granted by the Council.

Yours sincerely,

A handwritten signature in black ink that reads "Sean Breslin". The signature is written in a cursive style.

Sean Breslin
Senior Planner

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