

**112 CLEVELAND STREET
PLANNING STATEMENT**

**APPLICATION FOR PRIOR
APPROVAL CLASS MA
NOVEMBER 2021**

CONTENTS

| | |
|--|-----------|
| Introduction..... | 2 |
| Site Location and Description | 3 |
| Details of Proposals | 7 |
| Assessment of Proposals | 9 |
| Summary..... | 16 |

INTRODUCTION

- 1.1 On behalf of the applicant (and freeholders of the property) please find enclosed an application seeking a determination as to whether prior approval under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 3, Class MA is required for the conversion of the existing ground and basement floorspace from a use falling within Class E (commercial, business and services) to create a single residential dwelling over the ground and basement level (Use Class C3). This application relates to the ground and basement floors of the premises only.
- 1.2 This application follows a previous prior approval application (Ref 2021/4013/P) also for the conversion of the ground and basement to residential use which was refused on the 13 October 2021. This revised submission addresses the reasons for refusal and provides revised plans and additional information on which this new application can be considered.
- 1.3 No physical works are proposed as part of this application. However, a full planning application for external physical works to open up the lightwell with new pavement lights together with the introduction of railings (Planning Portal Reference PP-10415094) is submitted in parallel with this application. These proposed physical works would not include any changes to the shopfront itself only works to the pavement and the lightwell.
- 1.4 This prior approval application comprises the following documentation:
 - Completed application form for prior approval under Class MA;
 - This supporting Planning Statement
 - 1:1250 Site location plan (Ref A001);
 - Existing basement floor plan (Ref A100);
 - Existing ground floor plan (Ref A101);
 - Existing elevation (Ref A110);
 - Existing Section 1 and 2 (Ref A120);
 - Existing Section 3 (Ref A121);
 - Proposed basement floor plan (prior approval) 19061;
 - Proposed ground floor plan (prior approval) 19061;
 - Daylight and Sunlight Report prepared by Smith Marston Building Surveyors;
 - Transport Note prepared by RPG;
 - Noise Report prepared by KP Acoustics;

Phase 1 Environmental Statement prepared by GO Contaminated Land Solutions Ltd; and
Flood Risk Assessment prepared by GO Contaminated Land Solutions Ltd.

- 1.5 Under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015, which was subsequently amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, development consisting of the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) from a use falling within Class E (commercial, business and services) constitutes 'permitted development', provided that a number of criteria and associated conditions are satisfied.
- 1.6 This application seeks to avail of these prior approval provisions, and accordingly this covering letter and associated documentation appraises the proposed conversion against the relevant criteria and associated conditions.
- 1.7 Paragraph W(13) of the Town and Country Planning (General Permitted Development) (England) Order 2015 confirms that "*The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval*". The conditioning of prior approval consents is commonplace and as above, permitted by legislation.
- 1.8 This provides the LPA with the comfort that any mitigation measures relating to the issues against which this Class of prior approval are considered can be appropriately conditioned.
- 1.9 Additionally, this provides the LPA with security that the newly created residential unit cannot be brought into use until the specific physical works approved under application PP-10415094 have been implemented. In this way the commencement of the prior approval could be linked via condition to securing the proposed physical works.

SITE LOCATION AND DESCRIPTION

- 1.10 The application relates to the ground floor and basement of this a three-storey mid –terrace property with basement and mansard roof addition on the north-east side of Cleveland Street in the Fitzrovia Square Conservation Area. To the rear is the now separate 10 Warren Mews which is a self-contained residential unit (Use Class C3).
- 1.11 The application relates to the ground and basement of the premises. The premises have planning permission for retail use (Use Class A1) and now have a lawful commercial use within Use Class E (commercial, business and services).
- 1.12 We understand that the premises were last in retail use in 2008 but last used as an estate agency in 2018. The premises have been vacant since this time. The upper floors of the premises have a lawful residential use. There is a recommendation to grant planning permission (Reference

2020/2637/P) for 2 residential units on the upper floors subject to a s106 securing car free development.

- 1.13 The ground floor unit has a traditional shopfront with a centrally recessed doorway providing stepped access to the ground floor. A second doorway to the right of the shopfront provides access to the upper floors. There are two unsightly metal structures either side of the main door. As the commercial premises have been vacant for a number of years the shopfront structure is tired and in need of cleaning and making good repair works.

Figure 1: 112 Cleveland Street: Site Location



Source: Google Maps (2021)

- 1.14 In terms of the wider area, the north-west side of Cleveland Street is largely residential with some commercial uses but no traditional shopfronts whilst the northeast side has a commercial character the majority of the buildings maintaining their 'shopfronts'.
- 1.15 Whilst there is a mix of cafés and restaurant and other uses providing services to visiting members of the public such as a health clinic, hairdressers, and laundrette at either end of the street, the central section of the frontage surrounding the application premises appears to comprise ground floor units in office use. This section of the street therefore no longer maintains the character of a neighbourhood shopping street providing retail or local services.

Figure 2: 112 Cleveland Street: Existing shopfront and vacant premises



Source: Photograph by Agent (15 November 2021)

- 1.16 The introduction of Use Class E (Commercial, Business and Services) combined with the ongoing decline in the retail sector, exacerbated by Covid has meant that owners have converted premises to offices uses. The photographs attached at **Appendix 1** show the character of the properties in the immediate vicinity of the application premises.
- 1.17 The neighbouring premises with office use at ground floor and a studio at basement level have been renovated and are also vacant and on the market for sale. There are a number of letting boards advertising available space to let for offices on the upper floors.
- 1.18 With regard to the physical appearance of the ground floor frontage the majority of units on this side of the street have retained the shopfronts but a number have been totally removed. Across Cleveland Street there are a wide variety of 'shopfront' types with both modern and conservation styles.
- 1.19 Shopfronts across the wider street frontage include those with doors located centrally between two windows and more commonly single windows with the shop entrance to the side. The typical layout is therefore the separate shopfront doorway and entrance to the upper floors adjacent each other.

PLANNING HISTORY

- 1.20 On the 13 October prior approval (Ref 2021/4013/P) was refused for the conversion of the ground and basement to a self-contained flat. It was refused on the following grounds:
1. The proposed loss of commercial space would result in harm to the character, vitality and sustainability of the conservation area;
 2. The proposed change of use, the absence of a section 106 to secure the residential unit is car free and would contribute unacceptable parking stress;
 3. The proposed change of use in absence of a FRA, the proposal would present an unreasonable risk of flooding to future occupiers; and
 4. The proposed residential unit, in the absence of adequate provision of daylight and sunlight would provide substandard accommodation.
- 1.21 This submission addresses each reason for refusal and provides amendments or additional supporting information.
- 1.22 On the 20 July 2020 a planning application (Ref 2020/2637/P) was submitted for the change of use of the upper floors. This proposal, the wording of which is now been amended by the LPA, for the conversion of the existing 1 x3 bed maisonette to provide 1 x studio flat and 1 x 2 bed maisonette (use Class C3) and associated works remains outstanding. This application has been recommended for approval subject to a s106 requiring car free development.
- 1.23 On the 7 October 2020 planning permission (Ref 2020/1793/P) was granted for external alterations at front including new external staircase and railings within the lightwell, doorway at basement level and associated works.
- 1.24 On 26 June 2014 planning permission (Ref 2013/5159/P) was granted for the retention of retail unit and ancillary storage space at basement and ground floor levels (Class A1) and proposed change of use from HMO (Class C4) on ground, first, second and third floor levels to 1 x 1 bedroom self-contained flat and 1 x 3 bedroomed self-contained maisonette (Class C3).
- 1.25 We understand that on 13 September 2012 an enforcement notice was issued in respect of the conversion of the ground and basement floor retail unit (Class A1) to 2x self-contained flats, alterations to shopfront and conversion of four non self-contained 'bed sitting' accommodation units with shared facilities to 3x self-contained flats (Class C3) at first to third floor levels. This notice required the previous owner to make good the works including re-instating the 'bed sitting' accommodation.
- 1.26 On 24 September 2008 planning permission was refused (Ref 2008/2688/P) for the change of use from 4 x non- self-contained units (HMO) (with double garage) to 3 x non-self-contained units and one self-contained studio flat (with single garage), alterations to the front and rear fenestration,

installation of a roof light at rear second floor level and reinstatement of front basement lightwell with railings and bridge to provide access to existing ground floor retail unit.

- 1.27 Planning application 2007/6437/P was submitted and subsequently withdrawn on 20 March 2008 for the change of use from 3 x non self-contained units (HMO) to 3 x self-contained units (1x studio, 1 x 2 bed and 1x 3 bed) including works of conversion comprising erection of a rear extension at second floor level with a balustrade above for use of the roof as a terrace; new and replacement windows to front and rear, including a new shopfront window; and opening up of the front light well and provision of railings.

DETAILS OF PROPOSALS

- 1.28 A determination is sought as to whether or not prior approval is required for the proposed conversion of the current E Class floorspace of the ground and basement to create a single 1 bedroomed dwelling (Use Class C3). If the Council concludes such approval is required, then the grant of such approval is sought.
- 1.29 The proposed flat is 61 sqm and is in full compliance with the national space standards. There would be a living room and a separate kitchen space to the rear. This would be accessed directly from the existing 'shopfront' doorway. The bedroom would be at basement level with the bathroom to the rear. The Sunlight/ Daylight report submitted with the application concludes that both habitable rooms (living room and bedroom) would be well above the minimum ADF targets of 1.5% for living rooms and 1% for bedrooms.
- 1.30 The kitchen in this instance is a non -habitable room and not used for dining. Various layouts have been considered but it is considered that the proposed layout makes the best overall use of the existing space. The constraints of the existing structure, the location of the stairs to the basement and utilities therefore mean it is not possible to open up the kitchen. However, it is directly linked to the well-lit living room. To provide some natural light and linkage between the living space a high-level window will be introduced above the stairs.
- 1.31 The scheme would be car-free and in the same way as the application for the upper floors the applicant would agree to enter into a s106, making the entire premises a car-free development. Notwithstanding this, the supporting Transport Note from RGP concludes that the proposed development would not result in detrimental impacts on the highway.
- 1.32 There is no space for the provision of meaningful accessible cycle provision. This could be located within the lightwell at basement level but would require carrying cycles upstairs. The lack of space was also an issue with the application for the upper floors and in that instance a contribution towards cycle provision in the vicinity is being provided.

- 1.33 The supporting Flood Risk Assessment concludes that as the property is not located in an identified flood zone and that no other significant sources of flooding have been identified a habitable basement in this location is acceptable. Whilst additional flood protection and resilience measures are not required to guard against extreme events a number of internal mitigation measures to deal with water ingress will be included as part of the construction.
- 1.34 The new internal plumbing system will include efficient water fittings to reduce water consumption.
- 1.35 There are no external works proposed as part of this application and this submission relates solely to the proposed change of use and the creation of No. 1 new dwelling. However, as stated at paragraph 1.3 a full planning application for external physical works to open up the lightwell with new pavement lights together with the introduction of railings (Planning Portal Reference PP-10415094) is submitted in parallel with this application. These physical works do not include any changes to the shopfront. As these works improve the light levels it is these plans on which the Sunlight/ Daylight report is based.
- 1.36 The proposals for the ground and basement together with the impending permission for the upper floors would put the entirety of the building back into beneficial use with the full extent of the building in residential use providing a mix of units in the form of a 1 bedroomed unit (ground and basement), 1 studio (first floor) and a 2 bedroomed unit (second and third). Therefore, in totality providing a balanced mix of unit sizes to meet a range of housing needs.
- 1.37 In summary the proposals and the occupation of the premises for residential use provide the following benefits:
- Optimising the use of an existing vacant unit with the activity and vitality associated with the unit being put back into use;
 - Provision of a new residential dwelling with a good sized (61 sqm) and well laid out 1 bedroomed units;
 - As part of the construction will be the improvements to the frontage with the removal of the unsightly metal structures and cleaning and making good the existing shopfront which will both improve the appearance of the frontage and the character of the conservation area;
 - Provision of a car-free development

ASSESSMENT OF PROPOSALS

- 1.38 This section of this covering letter appraises the proposed change of use against all of the relevant Class MA criteria, by firstly quoting the relevant criteria and then appraising the proposals against each specific criterion.

MA.1.-(1) Development is not permitted by Class MA unless:

(a) 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

It can be confirmed that the application premises have been vacant for well in excess of the required 3 months vacancy period.

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of a least 2 years prior to the date of the application for prior approval

The application premises have a lawful retail use which is now within the scope of Class E and have had that use for a period in excess of 2 years prior to the date of this application.

(c) the cumulative floor space of the existing building changing use under Class MA exceeds 1500 sqm;

The area of the building proposed for change does not exceed 1500 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 explosive storage area

The application premises are not located within any of the above designations.

(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 application premises are not located within any of the above designations.

(f) If the site is occupied under an agricultural tenancy, unless the express consent of both the tenant has been optioned; or

(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.

The application site is not located within any of these designations set out in Criterion f) and g). The 2021 amendment to the GPDO goes on to state that;

Development under Class M is permitted subject to the condition that before beginning the 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—

(a) transport and highways 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) impact 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 the 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 2006, the impact on the local provision of the type of services lost.

Transport and highways impact of the development

- 1.39 The site is in a highly sustainably urban location located a short walk to public transport links, services and local amenities and is considered to be suitable for residential development. The Site has an excellent accessibility to public Transport with a PTAL of 6b.
- 1.40 In relation to the transport and highways impacts a technical note has been prepared by RGP consulting in support of the application. The statement identifies that the level of activity generated by a retail unit would be significantly less than that generated by a retail use of the site. This includes a reduction across all mode types, including a reduction in vehicular activity. The report concludes that the proposed development would not have any adverse transport or highways impact.

- 1.41 Therefore, in accordance with the advice set out in paragraph 32 of the National Planning Policy Framework (NPPF), the residual cumulative impacts of the proposed conversion are arguably non-existent, and most certainly not severe, and consequently this proposal should not be prevented on transport or highway grounds.
- 1.42 Reasons 2 for refusal of the previous prior approval application 2021/4013/P was that *"The proposed change of use, in the absence of a Section 106 legal agreement to secure the residential unit as car-free, would contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote use of sustainable transport contrary to paragraphs 110 and 112 of National Planning Policy Framework 2021"*.
- 1.43 Notwithstanding the clear evidence that the proposed conversion would have an arguably non-existent impact on parking provision or highways grounds the applicant fully supports car free development and agrees to entering in a s106 to ensure that the premises are car-free. The applicant is already engaged in this process for the new flats on the upper floors.
- 1.44 With regard to cycle provision, it is considered that there is no accessible space that would appropriate for the storage of cycles. There is space within the lightwell but this would mean carrying cycles up the stairs. This was also an issue with the upper floors and this was resolved through a contribution to provide accessible cycle spaces in the vicinity of the property.
- 1.45 The issue of securing a car-free scheme and cycle provision were the only issues raised in terms of transport. This reason for refusal can therefore be overcome through the s106 agreement which the applicant formally agrees to.
- 1.46 There are no other issues related to transport and highways impact.

Contamination risk on the site

- 1.47 The Site is not located on contaminated land and the proposal is for internal conversion only and does not involve breaking ground.
- 1.48 A Phase 1 Environmental Desktop Study and a Phase 2 Environmental Investigation of the application site has been undertaken by Go Contaminated Land Solutions Ltd., and the findings of those studies/investigations accompany this prior approval application. It is concluded that there are no contamination risks associated with the proposed conversion of the premises.
- 1.49 This was not an issue raised with the previous application 2021/4013/P.
- 1.50 The Officers Delegated Report stated that the Council's records indicate that the site is not at risk of land contamination. The Council accepted the measures set out within the supporting Phase 1 contamination report.

Flood risk on the site

- 1.51 The Site and all of its surroundings fall within Flood Zone 1 and is a considerable distance from areas falling within Flood Zones 2 or 3. Thus the Site has a low risk of flooding.
- 1.52 A Flood Risk Assessment has been undertaken by Go Contaminated Land Solutions Ltd., and the findings of those studies/investigations accompany this prior approval application.
- 1.53 The report advises that the property is not located in an identified flood zone and no other significant potential sources of flooding have been identified. The risk assessment has determined that there is a negligible level of flood risk to the site from: rivers, seas, surface water, groundwater, sewers and reservoirs and artificial sources. As the site is in Flood Zone 1 and has been found to have a negligible risk of flooding from all sources, it is considered that development of a habitable basement area is acceptable.
- 1.54 The use of appropriate flood protection measures and water resilient and resistant construction are not considered necessary but would provide an increased level of protection in the event of an extreme flooding event. The flood resilient and resistant construction methods suggested at paragraph 16.3 will be incorporated into the construction.
- 1.55 It is advised that the maximum discharge would be less than 1L/s which is negligible flow and would have no adverse impact on the sewer system.
- 1.56 Reduced water consumption will be achieved through water efficient fittings and appliances (which can help reduce energy consumption as well as water consumption). The small scale nature of this ground and basement units means green/blue roofs and greywater recycling or rainwater harvesting are not an option.
- 1.57 In accordance with Local Plan Policy CC3 (Water and flooding) the supporting Flood Risk Assessment is clear that the development does not increase flood risk. The level of water discharge will not have an adverse impact on the existing drainage/ sewage system, but this will be further limited through the incorporation of internal efficiency measures.
- 1.58 Any details regarding specific flood resilient and resistant construction methods or water consumption reduction can be conditioned if required.

The impact of noise from commercial premises.

- 1.59 The application premises are in a central location on a street consisting of a mix of uses with a range of retail, office, café and restaurant uses as well as existing residential uses. Such a mix of uses provides for a vibrant mix of activity and all the commercial uses along the street are totally appropriate neighbours to residential dwellings.

- 1.60 Much of the street is already in residential use including the basement and upper floors of the neighbouring premises at 114 Cleveland Street. There are no commercial or industrial premises nearby which are likely to negatively impact the future occupants of the residential accommodation. The nature of the street is patently a suitable residential location.
- 1.61 Notwithstanding this a Noise Survey has been carried out by KP Acoustic in support of the application. This concludes that any impact can be appropriately mitigated through the introduction of appropriate internal secondary glazing.
- 1.62 The planning Officers Report to the previous prior approval submission 2021/4013/P stated that *"given that such alterations could reasonably be secured by condition, impacts of noise would not constitute a reason for refusal"* (para 3.22).
- 1.63 The applicant agrees to the inclusion of any such condition.

Impact of the change of use on the character of the Conservation Area.

- 1.64 The premises are located with the Fitzroy Square Conservation Area. The wider terrace 108-126 (even) which includes the application property is identified as making a positive contribution to the character of the immediate surroundings and to the Conservation Area as a whole. The closest listed buildings are at Nos 68 and 106 Cleveland Street.
- 1.65 The conservation area audit recognises that *"the area retains a broad mix of residential uses, generally small-scale businesses and independent retail premises. There is significant amount of residential accommodation on the upper floors of buildings which contributes to the levels of activity and sense of community within the area"* (par 4.8). *"Shops to serve the increased population also appeared during the 19th and early 20th century, particularly along the peripheral streets. Interesting examples of which are in evidence along Warren Street, Cleveland Street and Whitfield Street"* (para 5.10).

Physical Appearance

- 1.66 There are no physical works to the property as part of this application and the current shop front will remain unchanged. The proposed change of use will be carried out together with the physical works that are submitted under the parallel physical works application (Portal Reference PP10415094). This proposes the opening up of the front light well and changes to the railings whilst retaining the existing shopfront. The physical character and appearance of the frontage of the property will be improved and continues to support the character and appearance of the conservation area. The cleaning and making good works to shopfront required after such a long period of vacancy will further improve the appearance of the frontage.

Change of Use

- 1.67 The Fitzroy Square Conservation Area Appraisal and Management Strategy (Adopted 16 March 2010) describes the evolution of the area. It recognises that between 1840 -1918 shops to serve the increased population appeared "*particularly along the peripheral streets. Interesting examples of which are in evidence along Warren Street, Cleveland Street and Whitfield Street*" (para 5.10).
- 1.68 The conservation area is characterised in the appraisal by having a mixture of uses mainly commercial at ground floor and residential above. At paragraph 6.24 it is described that "*Warren Street, Cleveland Street and Maple Street define the northern, western and southern boundaries of the Conservation Area respectively. All are relatively busy routes with the buildings occupied by a wide range of small-scale retail, service, restaurant, office, community and residential uses - one of the defining characteristics of these streets. The mix of small scale uses, often within a single building, make an important contribution to the character and vitality (our emphasis) of this part of the conservation area*".
- 1.69 The conservation area appraisal highlights that the area is going through different changes and there are some that impact upon its character, such as the loss of vitality arising from the loss of a mix of small scale uses and a range of independent businesses including offices, shops and restaurants and local community services.
- 1.70 The conservation area appraisal was adopted in 2010 and since this time an even greater change has occurred to the character of the area and specifically Cleveland Street. The existence of shopfronts shows that Cleveland Street was originally for retailers providing services for those living and working in the area. Current Planning Policy TC2 *Camden's Centres and other shopping areas* supports Camden's Neighbourhood Centres. It supports the retention of convenience shopping and resists the loss of retailing. However, following the permitted changes allowed under Class E there is an ever-increasing number of ground floor units in office use.
- 1.71 **Appendix A** shows the photographs of the current shopfronts and uses. Whilst there are still a range of retail and service businesses at either end of Cleveland Street the premises in the immediate vicinity of the application site are largely in office use. Whilst this is still a commercial use it is not the type of use that defined the original character of the street. It is therefore within changed character that this change of use needs to be considered.
- 1.72 This section of the street is no longer an active retail frontage. Under Class E the property could be converted into office space as could the majority of the units across the street. A residential use just like an office use is identified in the NPPF as an appropriate town centre use. When considered in the context of the surrounding properties it provides no less sense of activity and liveliness than the surrounding properties. It will provide footfall and vitality to the street by bringing a vacant

building back into beneficial use. It is therefore considered that based on the current character the proposed use would not harm the character and sustainability of the conservation area.

- 1.73 Paragraph 3.26 of the Officers Report at application 2021/4013/P references the requirements of Paragraph 199 and 202 of the NPPF the latter requiring that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 1.74 Notwithstanding our views on the level of harm, we disagree with the statement in the Officer's Report (para 3.26), that the unit is a poor quality residential unit. It is of a good size and layout, with good light levels and outlook that is commensurate with similar conversions throughout Camden and London as a whole. We consider that the provision of this new residential unit and the occupation of this long standing vacant building is a public benefit. The cleaning and making good works to the shopfront that will be required as part of making this unit liveable is also a public benefit in terms of the appearance of the street frontage.
- 1.75 Whilst not part of this application the parallel physical works to the lightwell will provide further physical improvements including the partial opening up of the lightwell and the introduction of railings which are both features of the conservation area. By linking this application to the proposed physical works, it ensures these physical improvements and provided including the retention of the shopfront.

The provision of adequate natural light

- 1.76 Natural light refers to both daylight and sunlight and this submission is supported by a Daylight and Sunlight Assessment produced by Smith Marston.
- 1.77 In accordance with BRE guidelines the Average Daylight Factor (ADF) test and the No Skyline Analysis (NSL) has been used to test daylight levels. It concludes that the habitable rooms (both the bedroom and living room) surpass the BRE Average Daylight Factor (ADF) targets.
- 1.78 Whilst these figures were queried in the officers report these figures are correct and it is confirmed that the bedroom would receive an ADF of 4.9% through the amended lightwell and pavement lights and two existing windows and the living room an ADF of 3.5% through the two large windows with existing opaque screening. The reason for the lower daylight levels at the ground floor are due to the existing screening on the windows which can be seen is situ at Fig.2.
- 1.79 With regards to sunlight all windows pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

- 1.80 The NPPF states at paragraph 123 criterion C that “*local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*”.
- 1.81 It has been demonstrated that the proposed new unit would have very good natural light levels and the scheme makes efficient use of the site and would provide acceptable living standards. It is therefore, concluded that the proposals accord with this criterion in this regard.
- 1.82 The kitchen is currently shown as being enclosed by a partition wall. The BRE Guide does not preclude non-daylit kitchens, but it does state that in clause 2.1.14 of the Guide that “*Non-day-lit kitchens should be avoided wherever possible, especially if the kitchen is used as a dining room as well*”. This is not the case here; the kitchen is just a small kitchen and is not a dining area.
- 1.83 It is considered that the proposed layout makes the best overall use of the existing space. The constraints of the existing structure, the location of the stairs to the basement and utilities therefore mean it is not possible to open up the kitchen. However, it is directly linked to the well-lit living room. To increase light levels and linkage between the living space a high-level window will be introduced above the stairs.

SUMMARY

- 1.84 As set out within this supporting letter and having regard to the accompanying documentation, it is considered that the proposed conversion of the existing ground and basement floorspace to create a single residential unit satisfies all of the criteria and associated conditions set out within Class MA of the 2016 GPDO (as amended).
- 1.85 With regards to transport and highways impact the supporting transport note concludes that the proposed development would not have any adverse transport or highways impact. The applicant agrees to enter into a s106 to ensure that the proposals are car- free. This would make the entirety of the building car-free.
- 1.86 With regard to contamination, a Phase 1 Environmental Desktop Study and a Phase 2 Environmental Investigation of the application site has been undertaken by Go Contaminated Land Solutions Ltd. This concludes that there are no contamination risks associated with the proposed conversion of the premises.
- 1.87 A Flood Risk Assessment has been undertaken by Go Contaminated Land Solutions Ltd. The report advises that the property is not located in an identified flood zone and no other significant potential

sources of flooding have been identified. It is considered that development of a habitable basement area is acceptable. It is advised that the maximum discharge would be less than 1L/s which is negligible flow and would have no adverse impact on the sewer system.

- 1.88 In terms of noise, a Noise Survey has been carried out by KP Acoustic in support of the application. This concludes that any impact can be appropriately mitigated through the introduction of appropriate internal secondary glazing.
- 1.89 Natural light refers to both daylight and sunlight and this submission is supported by a Daylight and Sunlight Assessment produced by Smith Marston. In accordance with BRE guidelines the Average Daylight Factor (ADF) test and the No Skyline Analysis (NSL) has been used to test daylight levels. It concludes that the habitable rooms (both the bedroom and living room) surpass the BRE Average Daylight Factor (ADF) targets. The bedroom would receive an ADF of 4.9% and the living room an ADF of 3.5%. The reason for the lower daylight levels at the ground floor are due to the existing screening on the windows.
- 1.90 With regard to the impact on the character of the conservation area, whilst there are still a range of retail and service businesses at either end of Cleveland Street the premises in the immediate vicinity of the application site are largely in office use. Whilst this is still a commercial use it is not the type of use that defined the original character of the street. It is therefore within changed character that this change of use needs to be considered.
- 1.91 A residential use just like an office use is identified in the NPPF as an appropriate town centre use. When considered in the context of the surrounding properties it provides no less sense of activity and liveliness than the surrounding properties. It is not considered to harm the character or sustainability of the conservation area.
- 1.92 Based on the above evidence, the Council should either confirm, within 56 days of receipt of this application, that prior approval is not required for this proposed conversion, or that prior approval is required and is granted subject to the provisions of Part M and any conditions the Council consider appropriate should be imposed upon the granting of prior approval.
- 1.93 I look forward to correspondence with the Case Officer to whom this application is allocated in the coming weeks, but in the meantime should any further information or clarification be required please do not hesitate to contact me.