

Delegated Report		Analysis sheet		Expiry Date:		08/12/2021	
		N/A / attached		Consultation Expiry Date:		21/11/2021	
Officer				Application Number(s)			
Obote Hope				2021/4826/P			
Application Address				Drawing Numbers			
1 - 6 Speedy Place London WC1H 8BU							
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of the existing commercial unit (Class E) to residential units consisting of 7 x studio flats on the ground and first floors with associated facade treatment to the front and rear elevation.							
Recommendation(s):		Refuse 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. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Site notices were posted on 22/10/2021 and expired on 15/11/2021 Press notices were issued on 28/10/2021 and expired on 21/11/2021. No responses were received from the neighbouring occupiers.					
Bloomsbury CAAC comments:		Bloomsbury CAAC have objected on grounds of harm to the appearance of the Conservation Area. The CAAC consider that the façade treatment is inappropriate, the density of development is excessive and the proposed balconies will overlook the private gardens of Tonbridge House.					

Site Description

The application building occupies a backland location. It is sited to the rear of the buildings fronting Cromer Road (north side) and it has residential buildings on either side on Judd Street (west) and Tonbridge Road (east). It is a flat roofed 2 storey brick building. The agent has advised that the building is currently in office use.

The adjacent buildings (Tonbridge House on Tonbridge Street and Jessel House on Judd Street) are noted as being positive contributors to the Bloomsbury Conservation Area Statement. Speedy Place lies within Sub Area 13 of the Bloomsbury Conservation Area which is predominately residential in character.

Relevant History

No Applicable planning permission

1A Speedy Place:

L14/23/C/19520 - The erection of an extension at first floor level for use for storage purposes. – Granted on 07/01/1975.

PSX0005127 - Erection of a roof extension to provide additional residential floorspace for an existing maisonette (Class C3) – Granted 06/02/2001.

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 (2021)

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 5 - Delivering a sufficient supply of homes

Chapter 7 - Ensuring the vitality of town centres

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 Achieving well designed places

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

Chapter 16 Conserving and enhancing the historic environment

LB Camden Local Plan 2017

Policy D1 (Design)

Policy D2 (Heritage)

Policy CC3 (Water and flooding)

1. Proposal

- 1.1. The applicant seeks Prior Approval permission under Schedule 2, Part 3, Class MA of the GPDO (2015 as amended) for change of use of the ground floor from commercial premises E1 to 7 x studio flats (Class C3).
- 1.2. The application form indicates that the proposal would involve alterations to windows on the façade of the building.
- 1.3. **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) 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;**

Proposal does not comply: No information has been submitted to demonstrate that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application.

- (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 does not comply: More information is needed. No information has been provided on the previous uses of the building. The Valuation Office Agency rating of the building is as a college. Google Maps images (investigated by the Council) suggest that the building was occupied by 'Tudor College London' but it is not possible to know the use since then. In the absence of evidence to confirm that 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, the application should not be allowed to proceed.

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

Proposal complies: The existing gross internal area (GIA) floorspace proposed for the change of use is 200 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;**

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.**

Proposal complies: The proposed development does not fall within Class O of this Part.

In light of the above, the proposal would not accord with paragraph MA.1. It will not fall within the remit of development permitted subject to prior approval under paragraph MA.2. Nonetheless, the prior approval impacts have been considered below.

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 does not comply: All 7 flats would be below the 37 square metre size requirement. All of the flats would have two bedspaces but the plans do not confirm that minimum 11.5 sq m double bedrooms would be formed (as per the requirements). The head heights appear to be satisfactory but the areas are deficient. The proposal would therefore not comply with Article 3 (9A) of the General Permitted Development Order above.

4.0 Compliance with Paragraph MA.2

Notwithstanding the non-compliance with part MA.1 and Article 3 (9A) noted above, 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. The application site is located within an excellent level of accessibility by public transport, with a PTAL level 6b.
- 4.2. Given the modest level of building operations proposed, in this instance the operational development aspect of the proposed development would not be considered likely to result in detrimental impacts upon the highways network. However, in order to ensure that the development promotes sustainable modes of transport and mitigates against a potential worsening of local traffic, parking and air quality conditions, the development would be expected to remain ‘car-free’ and to provide adequate storage for cycles.
- 4.3. No information was submitted in regards to the off-street parking which will be proposed and no information has been provided to demonstrate that there would be minimal demand for parking for a dwelling in this location. Were the scheme otherwise

acceptable, the proposed units could reasonably be secured as 'car-free' dwellings via a section 106 legal agreement. This would ensure that new residents could not apply for parking permits within the already oversubscribed CPZ and it would promote more sustainable modes of transport and would avoid any further deterioration in air quality and congestion. Given that no such agreement is in place, these transport impacts constitute a reason for refusal. Were the development otherwise acceptable this could have been overcome via a legal agreement.

- 4.4. No cycle parking spaces have been shown on proposed plans and no reference to cycle parking has been made in the submitted documents. Given the constraints of the site, the internal layout and the scale of the units, facilities for some level of internal storage to accommodate a bike could be acceptable. Were the development otherwise acceptable, cycle parking could have been secured by condition. Therefore this does constitute a reason for refusal.

(b) Contamination risks in relation to the building

- 4.5. The Council's records indicate that the site is not at risk of land contamination. The supporting statement confirms that there do not appear to be any significant contamination issues associated with the site. The statement suggests practical measures to ensure there would be no increased risk to human health from redevelopment of the site for the proposed residential use. This is accepted and there is no reason for refusal on grounds of contamination risks.

(c) Flooding risks in relation to the building,

- 4.6. There has been no Flood Risk Assessment submitted with this proposal. The application site is located within The Environment Agency's Flood Zone 1, indicating that there is a low probability of flooding occurring from sea or rivers. Based on Environmental Agency (DEFRA) risk of flooding from surface water is not significant, however Camden's 'Strategic Flood Risk Assessment' (2014) shows the site at moderate risk, primarily due to existing levels of stress placed upon the local drainage network
- 4.7. In situations where a site is known to have a particular drainage issue or elevated flood risk, policy CC3 (Water and flooding) of the adopted Local Plan would require development to not place additional strain on existing drainage infrastructure. It also requires that the development is designed to cope with being flooded. Specifically, the Council's policy requires developments to reduce their water consumption, the pressure on the combined sewer network and the risk of flooding by:
- i. incorporating water efficient features and equipment and capturing, retaining and re- using surface water and grey water on-site;
 - ii. limiting the amount and rate of run-off and waste water entering the combined storm water and sewer network through the methods outlined in part a) and other sustainable urban drainage methods to reduce the risk of flooding; and
 - iii. reducing the pressure placed on the combined storm water and sewer network from foul water and surface water run-off and ensuring developments in the areas identified as being at risk of surface water flooding are designed to cope with the potential flooding.
- 4.8. In this instance, the proposed development would involve the creation of new residential

units, which would generally have a much higher water use than commercial uses, resulting in increased impact on the sewer system due to the generation of more waste water. The proposed residential units would occupy the ground and first floors which has limited impact on flooding given the site location at ground floor level and the site located in flood zone 1.

4.9 Given the scale of information required to address the water consumption and the presence of habitable accommodation on the ground and first floor, these matters need to be addressed as a fundamental part of the application.

4.10 Thus, the applicant has failed to demonstrate how methods will be included in the proposal to ensure there is no additional strain on adjoining sites or the existing drainage infrastructure, and how the development will cope with being flooded and therefore prior approval is refused on this basis.

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

4.11 No supporting statement has been provided to demonstrate that there will any potential impact internal noise survey based on an continuous automated monitoring over three days, was undertaken within the ground floor of the property facing Cleveland Street to assess worst-case scenario. The findings of the survey exceed the recommendations of the British Standard BS8233:2014 and therefore mitigation measures have been suggested to meet the recommended internal noise levels.

4.12 The statement recommends installation of secondary glazing system, which would achieve the requirements, without any external alterations. Given that such alteration could reasonably be secured by condition, impacts of noise would not constitute a reason for refusal.

(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;

4.13 Although not readily visible from the public realm the proposed rendering of the brick work and the installation of the metal balustrade can be seen from surrounding houses in Judd Street and Tonbridge Street. However the additions being proposed would fail to preserve or enhance the quality of the conservation area and no beneficial purpose would be accrued in this respect from these changes being proposed. The proposed alteration to the façade/fenestration treatment by rendering the first floor along with the installation of Ornamental curb in GRC, Ornamental Fascia in GRC around the proposed metal framed windows, installation of composite decking scheme would represent alien additions that would detract from the overall quality of the residential environment for occupiers and would fail to preserve or enhanced the significance of the conservation area that would be beneficial.

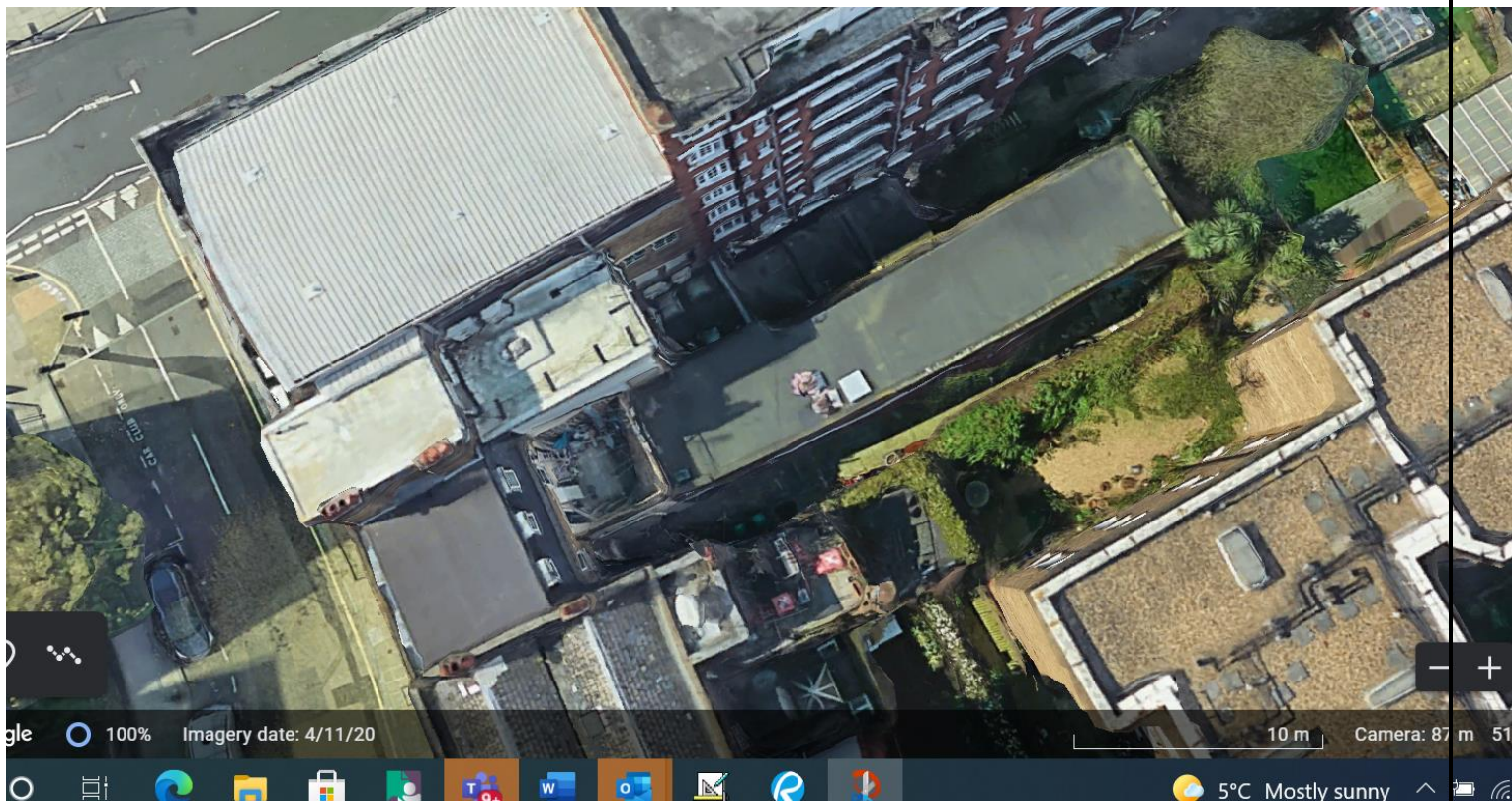
4.14 The proposed design of the façade fenestration would be readily apparent from higher views around and the visual and physical ad-hoc nature of the alterations would be significantly visually unbalanced. Further the two sets of openings would bear little relationship one with another; the form of the openings would appear fundamentally different in design, lintel heights would vary considerable and juxtaposition and alignment

would lack cohesion.

4.15 The scheme falls well short of the high design quality required by the Council's policies. Essentially the proposals to take the present structure, to disguise the ad-hoc façade treatment, render the existing brickwork and to enlarge the existing windows and create Juliet balcony, represents neither a strong, coordinated and innovative contemporary solution nor one which takes any clear reference from the traditional building form and features of the host property.

4.16 As such, the proposed change of use would harm the character and sustainability of the conservation area. Paragraph W of Part 3, states that the NPPF must be considered as though it were a planning application. The less than substantial harm to the Conservation Area must be given great weight (paragraphs 134, 197, 199, 201 and 202). The very limited public benefits (7 small poor quality residential units) would not outweigh the harm, and this would constitute a reason for refusal.

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



The aerial photo (Google Maps) gives an impression of the proximity of the neighbouring buildings and the overshadowing of the application site

4.17 No details have been submitted to demonstrate that the 7 x studio flats would receive adequate natural light. A supporting Daylight/Sunlight assessment is required with the relevant calculations and considerations of VSC values (for daylight) taking into account the size and number of windows serving each individual room, the overall size and orientation of the rooms etc. The Daylight/Sunlight assessment should give an overall percentage value. (BS 8206-2 Code of practice for daylighting recommends ADF values of 2% in kitchens, 1.5% in living rooms and 1% in bedrooms).

4.18 The site appears to be heavily overshadowed by the adjacent blocks of flats and in the absence of a Daylight/Sunlight assessment demonstrating otherwise it is considered that habitable rooms in the development would fail to receive sufficient natural light. The proposal would therefore not comply with MA.2. condition (f).

(h) 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

4.19 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.

(i) Where the development involves 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,

(iii) The impact on the local provision of the type of the service lost.

4.21 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.

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

4.20 As the proposal involves the creation of 7 new residential units an assessment of the fire safety impacts is required. The applicant did not provide details to address any potential fire risks or fire safety impacts on the intended occupants and so this constitutes another reason for refusal.

5.0 CONCLUSION

5.1 The proposal does not comply with the criteria in (a) – (g) of MA.1 of Schedule 2, Part 3, Class MA of the GPDO (2015 as amended) so it cannot be considered for a change of use from Class E to residential. It has not been demonstrated that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application (a) and it has not been demonstrated that the building was in use for a purpose specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application (b).

5.2 The proposal does not comply with the requirements under Article 3 (9A) that the dwellings have a minimum area of 37 sq m and that they comply with the Technical Housing Standards – Nationally Described Space Standards.

5.3 Finally, the proposal does not comply with conditions (a) (Transport), (c) (Flood risk), (e) Conservation Area, (f) (Natural light) and (i) Fire Safety Impacts) of MA.2 of Schedule 2, Part 3, Class MA of the GPDO (2015 as amended).

5.4 Prior approval should therefore be refused.

Prior approval is refused for the following reasons:

(Part MA.1 of Schedule 2, Part 3 of the GPDO) It has not been demonstrated that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application (a) and it has not been demonstrated that the building was in use for a purpose specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application (b).

The proposal does not comply with the requirements under Article 3 (9A) of the Town and Country Planning (General Permitted Development) Order 2015 which required the dwellings to have a minimum size of at least 37 sq m in area, and comply with the Technical Housing Standards - Nationally Described Space Standards

(Transport and highway impacts): The proposed development, in the absence of a Section 106 legal agreement to secure the residential units as car-free, would contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote the use of sustainable transport It would therefore be contrary to the National Planning Policy Framework 2021 chapter 9, paragraphs 110, 111 and 112.

(Flood risk): In the absence of a Flood Risk Assessment to demonstrate that the proposal would not give rise to increased water discharge and an increased risk of flooding of drainage infrastructure, the proposal would present a risk of flooding and it would therefore be contrary to Chapter 14 of the NPPF 2021 and policy CC3 of the LB Camden Local Plan 2017.

(Conservation Area): The proposed elevational alterations, due to their materials, design and appearance, would have a detrimental impact on the character and sustainability of the Conservation Area. The development would therefore be contrary to policy D2 (Heritage) of the LB Camden Local Plan 2017 and Chapter 16 of the NPPF 2021.

(Natural light): In the absence of a Daylight/Sunlight Assessment to demonstrate that all habitable rooms would receive adequate natural light and the proposal would therefore provide sub-standard accommodation. It would therefore be contrary to Chapter 12 of the NPPF 2021, the Technical housing standards – nationally described space standards 2015 and policy D1 (Design) of the LB Camden Local Plan 2017.

(Fire Safety Impacts): In the absence of an assessment of fire safety impacts, the proposal would potentially pose fire safety risks for future occupiers. It would therefore be contrary to Chapter 8 of the NPPF 2021.

