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| **Delegated Report** | **Analysis sheet** | **Expiry Date:** | **07/07/2021** |
| N/A / attached | **Consultation** |  |  |
| **Expiry Date:** |
| **Officer** |  |  |  |  |  |  | **Application Number(s)** |  |  |  |
| Josh Lawlor | 2021/2730/P |
| **Application Address** |  |  |  |  |  | **Drawing Numbers** |  |  |  |  |
| 5 Brecknock RoadLondonN7 0BL |  |
| **PO 3/4** | **Area Team Signature** | **C&UD** |  | **Authorised Officer Signature** |  |  |
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| **Proposal(s)** |
| Change of use of the rear of the ground floor shop from ancillary retail space (Use Class A1), into a single self-contained residential flat (Use class C3). |
| **Recommendation(s):** | **Grant Prior Approval** |
| **Application Type:** | **GPDO Prior Approval Class M change of use of A1 to C3** |
| **Conditions or Reasons for Refusal:** | **Refer to Draft Decision Notice** |
| **Informatives:** |
| **Consultations** |
| **Adjoining Occupiers:** | No. notified |  | No. of responses No. electronic | **00****00** | No. of objections | **00** |
| **Summary of consultation responses:** | A site notice was displayed from 11/08/2018 to 04/09/2021. No objections were received. |
| **Kentish Town Neighbourhood Forum** | The Kentish Town Neighbourhood Forum was consulted. No response was received. |

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| **Site Description** |
| The site is a three-storey terraced building. The site is comprised of a retail unit (A1) at the ground floor with the upper floors being in use as a house or flat in multiple occupation. The site is not located within a conservation area. |
| **Relevant History** |
| **2020/1804/P** Conversion of 1st and 2nd floor from a 5 bedroom House in Multiple Occupation (Class C4) to two 3 bedroom HMOs (Class C4)(Retrospective) **Granted 10/08/2020** |
| **Relevant policies** |
| **National Planning Policy Framework 2021 NPPG** |

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| **Assessment** |
| The application seeks prior approval for the change of use of the rear part of the ground floor of the premises from A1 to C3 use.Class M permits a change of use from Class A1 (shops) to Class C3 (dwellinghouses) as well as the building operations reasonably necessary to convert the building to Class C3. This is subject to a number of conditions listed within sub-paragraph M.1 [(a)-(g)] and a subsequent condition in sub-paragraph M.2 relating to the need for the developer to apply to the local planning authority for prior approval as to:1. transport and highways impacts of the development;
2. contamination risks on the site;
3. flooding risks on the site;
4. desirability of change to a use falling within Class C3 having regard to the impact of the change of use on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) but only where there is a reasonable prospect of the building being used to provide such services;
5. the design or external appearance of the building; and
6. the provision of adequate natural light in all habitable rooms of the dwellinghouses

**Assessment against Part 3, Class M.1 conditions**

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| Development is not permitted by Class M if  | Yes/ No |
| a) the building was not used for one of the uses referred to in Class M(a)— (i) on 20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;  | No |
| (b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;  | No |
| (c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;  | No |
| (d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;  | No |
| (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;  | No |
| (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or  | No |
| (g) the building is— (i) on article 2(3) land; (ii) in a site of special scientific interest; (iii) in a safety hazard area; (iv) in a military explosives storage area; (v) a listed building; or (vi) a scheduled monument.  | No |

**Assessment under part M2***Transport impacts*In accordance with section 9 of the NPPF, all of the new residential units would be secured as on-street parking permit free by means of a Section 106 Agreement. This will prevent the future occupiers from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst also encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. The applicant has provided a secure and covered cycle store within the internal courtyard which is acceptable and also meets London Plan policy requirements.Contamination risksThe development does not involve land identified as having the potential for contamination. Furthermore, the development is a change of use so does not involve any excavation. *Flood risks*The building is not located in a floor risk zone or an area of potential land contamination. The applicant has provided a Flood Risk Assessment and Environmental Report which confirms that the development is acceptable in terms of flood risk and land contamination with no mitigation required.*Town centre uses*The conversion of a section of the ground floor unit is acceptable given that the ground floor unit retains sufficient floor space to be viable for continued retail use. No changes are proposed to the design or external appearance of the building as part of this application.Design of the external appearanceThe change to the external appearance would be minor and is considered acceptable. Adequate light to habitable roomsThere would be a rooflight over the living room and bedroom an internal courtyard serving the kitchen and hallway. A daylight study report has been submitted which confirms that the living room would achieve 2.6% ADF and therefore meet the BRE recommended 1.5%. The bedroom would achieve 2.55% and therefore meet the 1% requirement. The proposal would therefore provide adequate light to habitable rooms.Development under Class M is permitted subject to the condition that— 1. development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; and
2. a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse; and
3. where the proposed development includes a change of use of a building from a use falling within Class A1 or Class A2 of the Use Classes Order, the developer must apply for a determination under sub-paragraph (1) or (2) on or before 31 July 2021.

**Changes to the General Permitted Development Order** The application was submitted 12/05/2021. The Town and Country Planning General Permitted Development Order was amended in 2021 by Statutory Instrument 814. This introduced changes to Part M of Part 3 and came into force 1st August 2021. The amendment order included a transitional and saving provision which stated the following: Where development—1. (a)was permitted under a provision of Schedule 2 to the GPDO as the provision had effect immediately before 1st August 2021 (“the previous provision”), and
2. (b)is permitted—
3. under a provision of that Schedule as the provision has effect on or after 1st August 2021, and
4. subject to a condition (“the new condition”) which is not the same, or substantially the same, as a condition which applied under the previous provision, and
5. began, or in respect of which a prior approval application was made, before 1st August 2021,

the development may proceed irrespective of whether the new condition has been complied with (but the development must comply with any other condition imposed by the previous provision). This applies to the proposed development which was permitted under a provision of Schedule 2 to the GPDO as the provision had effect immediately before 1st August 2021. The development is permitted under a provision of that Schedule as the provision has effect on or after 1st August 2021, in this case Class MA. Class MA is subject to a condition. But the transitional provision makes clear that the development may proceed irrespective of this. Nationally Described Space StandardsArticle 3 of the GPDO includes paragraph 9A. This came into force on 6th April 2021. ‘(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)’ The proposed dwelling would have a floor are of 54sqm and would accord with the national described space standards. **Recommendation**: Grant prior approval |