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Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA

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If you require any further clarification, please contact the Local Planning Authority directly.

Find contact details for Local Planning Authorities: <https://www.planningportal.co.uk/lpasearch>

If printed, please complete using block capitals and black ink.

1. Applicant Name and Address	2. Agent Name and Address
Title: <input type="text"/> Mrs First name: <input type="text"/> E	Title: <input type="text"/> First name: <input type="text"/>
Last name: <input type="text"/> Kumar	Last name: <input type="text"/> Goddard
Company (optional): <input type="text"/> MSK Subsidiaries Limited	Company (optional): <input type="text"/> Atlas Planning Solutions
Unit: <input type="text"/> Number: <input type="text"/> Suffix: <input type="text"/>	Unit: <input type="text"/> Number: <input type="text"/> Suffix: <input type="text"/>
Building name: <input type="text"/>	Building name: <input type="text"/>
Address 1: <input type="text"/> C/o Atlas Planning Solutions	Address 1: <input type="text"/>
Address 2: <input type="text"/>	Address 2: <input type="text"/>
Address 3: <input type="text"/>	Address 3: <input type="text"/>
Town: <input type="text"/>	Town: <input type="text"/> London
County: <input type="text"/>	County: <input type="text"/>
Country: <input type="text"/>	Country: <input type="text"/>
Postcode: <input type="text"/>	Postcode: <input type="text"/>

3. Site Address Details

Please provide the full postal address of the application site.

Unit:	<input type="text"/>	Number:	<input type="text" value="112"/>	Suffix:	<input type="text"/>
Building name:	<input type="text"/>				
Address 1:	<input type="text" value="Cleveland Street"/>				
Address 2:	<input type="text"/>				
Address 3:	<input type="text"/>				
Address 4:	<input type="text" value="London"/>				
Postcode:	<input type="text" value="W1T 6PA"/>				

4a. Eligibility - The current building and site

Has the building been vacant for a continuous period of at least 3 months immediately prior to the date of this application?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Has the use of the building, for a continuous period of at least 2 years immediately prior to the date of this application, been any of the following:

- For periods prior to 1 September 2020 -
 - Shops (Use Class A1);
 - Financial and professional services (Use Class A2);
 - Food and drink (Use Class A3)
 - Business (Use Class B1);
 - Medical or health services - Non-residential institutions (Use Class D1(a));
 - Crèche, day nursery or day centre - Non-residential institutions (Use Class D1(b));
 - Indoor and outdoor sports - Assembly and leisure (Use Class D2(e)), other than as an indoor swimming pool or skating rink;
- For periods from 1 September 2020 - Commercial, Business and Service (Use Class E)

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Does the cumulative floor space of the existing building exceed 1,500 square metres?

☐ Yes ☒ No

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Is any land covered by, or within the curtilage of, the building:

- in a site of special scientific interest;
- a listed building or land within its curtilage;
- a scheduled monument or land within its curtilage;
- a safety hazard area;
- a military explosives storage area;

Or, is the building:

- in an area of outstanding natural beauty;
- in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside;
- in the Broads;
- in a National Park;
- in a World Heritage Site

☐ Yes ☒ No

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

4b. Eligibility - The proposed change of use

For applications, submitted before 1 August 2022, proposing a change of use to Dwellinghouses (Use Class C3) from Offices (Use Class E(g)(i), previously Use Class B1(a)).

Is/Was there an Article 4 direction in place that has removed these specific permitted development rights?

☐ Yes ☒ No / Not relevant

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Will all the proposed new dwellinghouses have gross internal floor areas of at least 37 square metres, and comply with the nationally described space standard?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Following the changes of use, will every dwellinghouse in the building remain in use within Use Class C3 and for no other purpose, unless that purpose is ancillary to the primary use as a dwellinghouse?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

5. Agricultural Tenants

Is any part of the land covered by or within the curtilage of the building occupied under any agricultural tenancy agreements?

☐ Yes ☒ No

If yes, have all the parties to any agricultural tenancy agreements consented to the change of use?

☐ Yes ☐ No

If occupied under any agricultural tenancy agreements and:

- **all parties have consented to the change of use**

You will need to include copies of the written confirmations from all relevant parties, stating their consent, when this application is submitted.

- **not all parties have consented to the change of use**

Your proposals will not be eligible for permitted development based on the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

6. Description of Proposed Works, Impacts and Risks

Please describe the proposed development including details of any dwellinghouses and other works proposed:

an application seeking a determination as to whether prior approval under The Town and Country Planning (General Permitted Development) Order 2015 (as amended) 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.

No physical works are proposed as part of this application

6. Description of Proposed Works, Impacts and Risks (continued)

Please provide details on the provision of adequate natural light in all habitable rooms of the dwellinghouses:

This application is supported by a Daylight and Sunlight Report produced by Smith Marston Building Surveyors.

This report assesses the natural light levels against BRE guidance and concludes that with regards to daylight the habitable rooms (both the bedroom and living room) surpass the BRE Average Daylight Factor (ADF) targets.

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.

What will be the net increase in dwellinghouses:

1

Note that this figure should be the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses in the existing building.

Please provide details of any transport impacts and how these will be mitigated, particularly to ensure safe site access:

See the supporting transport note produced by RGP in support on this application. In summary it is stated that

- i) The site is in a highly accessible location, as demonstrated by its PTAL 6b.
- ii) The proposals would result in a reduced level of trips compared with the existing site use.
- iii) The proposals would not generate a material demand for car parking and would most likely generate a reduced level of parking demand than to the existing site use.
- iv) The proposals would be accessed and serviced as per the existing established arrangements, albeit there would be a reduced level of servicing activity generated.

Overall, it is concluded that there would be no adverse transport or highway impacts, particularly with respect to highway safety.

Notwithstanding this it is confirmed that the applicant agrees to enter into a s106 legal agreement to ensure that the premises are car-free.

Please provide details of any contamination risks and how these will be mitigated:

A Phase 1 contamination Assessment was produced by GO Contamination Land Solutions in February 2020 in respect of a previous change of use application at the premises. This concluded no issues associated with contamination and no risk to human health. No source pathway receptor linkages were identified.

In the same way this application is for the change of use only and does not involve breaking ground. As such there would be no change from the existing situation and there would no creation of any source pathway receptor linkages.

6. Description of Proposed Works, Impacts and Risks (continued)

Please provide details of any flooding risks and how these will be mitigated.

A flood risk assessment should accompany the application where the site:

- is in Flood Zones 2 or 3 (Check online: <https://flood-map-for-planning.service.gov.uk/>); or
- is in an area with critical drainage problems (Check with the Local Planning Authority, it will have been notified of such areas by the Environment Agency).

A Flood Risk Assessment prepared by GO Contaminated Land Solutions Ltd accompanies this application.

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.

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 will be incorporated into the construction. Additional surface water drainage to be added to connect to the main sewage system. Internal plumbing system will aid reduced water consumption. Notwithstanding this maximum discharge will still be less than 1L/s which is negligible flow and would have no adverse impact on the sewer system.

Please provide details of the impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses and how these will be mitigated:

A Noise Survey has been produced by KP Acoustics.

The report concludes that any noise impact above required levels can be appropriately mitigated by the introduction of an internal secondary glazing system.

If the proposed development would result in a building that contains more than one dwellinghouse, and is either 18 metres (or more) in height or contains 7 (or more) storeys.

Please provide details of the fire safety impacts on the intended occupants of the building.

For such proposals, a 'Fire statement' that covers the fire safety design principles, concepts and standards that have been applied to the development should also accompany the application.

N/A - the building is less than 7 storeys or 18m.

6. Description of Proposed Works, Impacts and Risks (continued)

If the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor. Please provide details of the impacts that the change of use will have on the character or sustainability of the conservation area and how these will be mitigated:

See supporting Planning Statement.

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 were approved under this application which show the opening up of the front light well and changes to the railings whilst retaining the existing shopfront. The physical character of the frontage of the property therefore continues to support the character and appearance of the conservation area.

Residential use itself is also part of this character and continues to support an active frontage along the street scene. Accordingly, the creation of an additional residential unit does not have a detrimental impact on the character of the street or the wider conservation area.

If the building is located in an area currently in use for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

Please provide details of the impacts on intended occupiers of the development of the introduction of residential use in the area and how these will be mitigated:

N/A - the building is not in an area in use for general or heavy industry.

If the proposal involves the loss of services provided by a registered nursery, or a health centre.

Please provide details of the impacts on the local provision of the type of services lost and how these will be mitigated:

N/A - the change of use does not involve the loss of a nursery or health centre.

7. Checklist

Please read the following checklist to make sure you provide all the required information in support of your proposal. The information provided should include all the details necessary for the Local Planning Authority to determine if the proposal complies with permitted development legislation, and if its prior approval is required or should be granted. If sufficient information is not provided the Local Authority can either request it, or refuse the application.

- | | | | |
|--|-------------------------------------|---|-------------------------------------|
| All sections of this application completed in full, dated and signed. | <input checked="" type="checkbox"/> | The confirmations in regard to agricultural tenancies (if required by the answers provided to question 5) | <input type="checkbox"/> |
| The correct fee | <input checked="" type="checkbox"/> | A site specific flood risk assessment (if required as per the flood risk details of question 6) | <input checked="" type="checkbox"/> |
| A plan indicating the site and showing the proposed development. | <input checked="" type="checkbox"/> | A 'Fire statement' that covers the fire safety design principles, concepts and standards that have been applied to the development (if required as per the fire safety details of question 6) | <input type="checkbox"/> |
| Floor plans indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses | <input checked="" type="checkbox"/> | All plans should be drawn to an identified scale and show the direction of North.
Plans can be bought from one of the Planning Portal's accredited suppliers:
https://www.planningportal.co.uk/buyaplanningmap | |

8. Declaration

I/we hereby apply for a determination as to whether prior approval will be required as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:

Or signed - Agent:

V Goddard

Date (DD/MM/YYYY):

23.11.2021

(date cannot be pre-application)

9. Applicant Contact Details

Telephone numbers

Country code: National number: Extension:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address:

C/o agent

10. Agent Contact Details

Telephone numbers

Country code: National number: Extension:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address: