

Delegated Report		Analysis sheet		Expiry Date:	20/05/2022
				Consultation Expiry Date:	29/04/2022
Officer			Application Number(s)		
Amy Ly			2022/1011/P		
Application Address			Drawing Numbers		
41 Greville Street London EC1N 8PJ			Please refer to the draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
GPDO Prior Approval for Change of use and conversion of vacant business units (Class E) to provide 3 self-contained residential units (Class C3) on first to third floors and addition of cycle storage at basement level.					
Recommendation(s):		Grant conditional prior approval subject to a s106 legal agreement			
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					
	No. of responses	00	No. of objections	00	
Neighbour Consultation	<p>A site notice was displayed 08/04/2022 expiring 02/05/2022. A press notice was displayed 07/04/2022 expiring 01/05/2022.</p> <p>No comments received from neighbouring residents. Letters were sent to ll adjoining units at 41 Greville Street, 40 Greville Street and 14 Leather Lane.</p>				
CAAC/Local groups comments	No comments received. The site is located within Hatton Garden Conservation area which does not have a CAAC.				
Site Description					
The application site relates to the first, second and third floor commercial units above an existing retail unit on the ground floor of a prominent 4 storey plus basement building on the corner of Greville Street and Leather Lane. The business units were last in use as jewellery workshop floorspace (Class E(g)(i), but are now vacant. The properties are located within the Hatton Garden conservation area, but not located within a Neighborhood Plan area.					

Relevant History

2004/0892/P- Alteration to existing roofline including the installation of 6 new dormer windows (two to Leather Lane and four to Greville Street) **Refused 09/07/2004**

2004/5383/P- Change of use of ground floor from retail (Use Class A1) to a snack bar (Use Class A3) including replacement shop fronts to the Greville Street and Leather Lane elevations and installation of an extract duct and air conditioning unit within a rear light well. **Granted 05/08/2005**

2013/0046/P - Erection of a mansard roof extension with dormers on the front and side roofslopes in association with the creation of 1 x 1-bed flat (Class C3) **Refused 01/03/2013**

2019/5225/P - Erection of roof extension in association with the creation of 1 x 1 bed flat **Refused 03/04/2020**

Technical housing standards – nationally described space standard (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 14. Meeting the challenge of climate change, flooding and coastal change

Chapter 16. Conserving and enhancing the historic environment

The Town and Country Planning (General Permitted Development) Order 2015 (as amended): Part 3, Class MA

Camden Local Plan 2017

Policy A1 - Managing the impact of development

Policy T1 - Prioritising walking, cycling and public transport

Policy T2 - Parking and car free development

Assessment

1. PROPOSAL

1.1. The application seeks Prior Approval permission under Schedule 2, Part 3, Class M of the GPDO (2015 as amended) for the conversion of vacant business units (Class E) to provide 3 self-contained residential units (Class C3) on first to third floors and addition of cycle storage at basement level.

1.2. The proposals do not include any external alterations.

2. Prior Approval Procedure

2.1. 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(b) also allows for buildings operations reasonably necessary to convert the building.

2.2. Developments that accord with sub-paragraph MA.1(a)-(g) are permitted by this class, subject to a number of conditions listed within sub-paragraph MA.2 (1)-(6). The prior approval procedure requires the developer to apply to the LPA for a determination as to whether prior approval of the authority would be required as to,

- a) transport and highways impacts;
- b) contamination risks in relation to the building;
- c) flooding risks in relation to the building;
- d) impacts 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 sustainability of the conservation area;
- f) the provision of adequate natural light in all habitable rooms of the dwellinghouse;
- 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 generally heavy industry;
- h) where the development involves loss of services provided by
 - I. a registered nursery,
 - II. or 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 the service lost.

2.3. Paragraph W sets out the procedure for applications for prior approval under Part 3. This application seeks to ascertain whether the proposed change of use would constitute permitted development and whether prior approval is required. Part W (13) of the legislation notes that the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

3. Assessment under Part 3, Class MA of the GPDO

Compliance with paragraph MA.1

3.1. 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;

3.2. Proposal complies: Based on the information provided by the applicant, the premises has been vacant for more than 3 months prior to the date of the application. Archival imagery indicates that the premises has been vacant since 2020, and Google street view also shows a vacant premises since 2017. A search for the property's business rates valuation on the UK Government website shows the property description as 'workshop and premises' between 2010 and 2017, and 'building under reconstruction' since 2017.

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

approval;

3.3. Proposal complies: Council records indicate that the first, second and third floor areas that are the subject of this application have fallen within Class B1 use since at least 2004 (and re-categorised Class E use since 01/09/2020). An application was submitted in 2019 for proposed erection of a roof extension above the third floor unit, and whilst this application was ultimately refused, it is considered to demonstrate that the building fell within the specified use class for a at least 2 years prior to the submission of the current application.

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

3.4. Proposal complies: The existing gross internal area (GIA) floorspace proposed for the change of use is approximately 220sqm.

(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;**

3.5. Proposal complies: The application site does not fall within any of the areas refer to in points (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;**

3.6. 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

3.7. 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 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.**

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

3.9. In light of the above, the proposal is considered to accord with paragraph MA.1. and would fall within the remit of development permitted subject to prior approval under paragraph MA.2.

Compliance with paragraph MA.2

3.10. Where the development proposal is in compliance with paragraph MA.1, development is permitted subject to the conditions that before beginning the development, the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required. Each criteria will be discussed in turn as follows:

(a) Transport and highways impacts of the development, particularly to ensure safe site access,

3.11. The application site is located within an excellent level of accessibility by public transport, with a PTAL level 6b.

3.12. Given that no external alterations are proposed and the large forecourt area to the front of the site, which could accommodate any skips and construction vehicles associated with the conversion, a Construction Management Plan is not considered necessary in this instance.

3.13. The proposed units would all be secured as a 'car-free' dwellings via a section 106 legal agreement. This would prevent new residents from accessing parking permits in order to promote more sustainable modes of transport and prevent increases in poor air quality and congestion.

3.14. A internal cycle storage area is provided under the stairs in the basement which is accessed via the main access door to the property at street level. The proposed storage area would need to accommodate 3 folding cycle parking spaces. This is considered to be acceptable given the constraints of the site, the internal layout and the scale of the units. Therefore, under circumstances where the development is considered to be acceptable, a condition would be attached to any approval to ensure that the cycle parking space is provided in accordance with any approved drawings and supporting information.

(b) Contamination Risks in relation to the building

3.15. There has been no contamination risk assessment submitted with this proposal. However, there are no land contamination constraints recorded at the site and there would be no development on the ground floor nor breaking of the ground. As such the development is considered acceptable in this regard.

(c) Flooding risks in relation to the building

3.16. 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 and the risk of flooding from surface water is not significant. Therefore, given that the application site is less than 1 hectare in area and the low probability of flood risk associated with the proposal, a flood risk assessment is not required and the proposal is not considered to present an unreasonable risk of flooding to any future occupiers of the property or neighbouring properties that would constitute a reason for refusal.

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

3.17. The application units adjoin a café/restaurant on the ground floor with day time opening hours. It is not considered that noise from the ground floor and neighbouring ground floor commercial premisses would have a significant adverse impact on the development in terms of noise. Council records indicate the existence of commercial units on the ground floor of the buildings on Leather Lane and Greville Street, with residential units on the floors above. And so, the development is typical for the area.

(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;**

3.18. The application site is located within the Hatton Garden conservation area, however the development would not involve a change of use of the ground floor in part or whole.

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

3.19. The first to third floors benefit from modest floorplans and are not excessively deep. All habitable rooms will have access to a large glazed opening, and each unit would have 5 large windows in total. There are no proposed external changes and so the existing windows would remain.

3.20. Furthermore, the majority of the habitable room windows would either be east or west facing and would enjoy direct sunlight either in the morning or the afternoon. The proposal would therefore comply with MA.2. condition (f).

(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 generally heavy industry, waste management, storage and distribution, or a mix of such uses; and

3.21. The area where the application site lies is not characterised by general heavy industry, waste management, storage and distribution, or a mix of such uses. Future occupants would not be impacted by such uses and therefore the proposal complies in this regard.

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

3.22. 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.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building (as interpreted under Paragraph MA.3).

Paragraph MA.3 - Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and**
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:**
 - 9A – (3) The height condition is that—**
 - (a) the building is 18 metres or more in height; or**
 - (b) the building contains 7 or more storeys.**

3.23. The proposed development would not contain two or more dwellinghouses, nor would it be either 18 storeys in height or contain 7 or more storeys. As such, the fire safety impacts on the intended occupants of the building is not required to be determined as part of this application.

4. Additional matters

4.1. Paragraph W(10) of the GPDO requires that the local authority, when determining the application:

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);

4.2. No consultation responses or representations have been received.

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

- 4.3. Paragraph 17 of the National Planning Policy Framework (NPPF) 2021 states that, '*planning should always seek...a good standard of amenity for all existing and future occupants of land and buildings*'.
- 4.4. The NPPF falls short of providing specific standards for protecting the amenity of adjoining and nearby properties. Nevertheless, the proposal is not considered likely to result in any undue harm to existing residential amenity for future occupiers of the development or existing neighbouring residential occupiers given the nature of the proposal.
- 4.5. Article 3 (9A) requires all new units to be at least 37 sqm and comply with the Nationally Described Space standards. The new residential units are all in excess of 37 sqm and also comply with the Nationally Described Space Standards 2015.

5. Conclusion

- 5.1. The proposed development is considered to comply with the criteria in (a) – (g) of MA.1 and the conditions of MA.2 of Schedule 2, Part 3, Class MA of the GPDO (2015 as amended).

Recommendation

6. Conditional prior approval granted subject to a s106 legal agreement.