

Delegated Report	Analysis sheet		Agreed Expiry Date:		16/12/2021 but see Paragraphs 2.6 - 2.7 below		
	N/A / attached		Consultation Expiry Date:		24/01/2023		
Officer			Application Number(s)				
Obote Hope			2022/4647/P				
Application Address			Drawing Numbers				
11-12 Grenville Street London WC1N 1LZ			Refer to decision notice				
Proposal(s)							
Change of use and conversion of vacant business units (Class E) to provide 1 self-contained residential units (Class C3) at lower-ground floor level.							
Recommendation(s):		Grant subject to a Section 106 Legal Agreement					
Application Type:		GPDO Prior Approval (Class MA) Change of Use from Class E to C3					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00	No. of comments	00
Summary of consultation responses:		A site notice was displayed on 03/11/2022. This expired on 27/11/2022. A Press notice was published on 02/11/2022 and also expired on 26/11/2022. No comments were received at the time of writing.					
CAAC/Local groups comments:		Bloomsbury CAAC was consulted. No response was received at the time of writing.					

Site Description

The application site is located at 11-12 Grenville Street, located between Bernard Street and Guilford Street to the south of Brunswick Square in Bloomsbury. The host building is five storeys consisting of basement, ground, first, second, third floors. The existing upper floors have planning permission (subject to a legal agreement) for a change of use to 5 no. residential units (Reference 2017/4551/P – See Planning History). The current application relates to the commercial unit on the ground floor of the building. There is a single storey rear extension but this is not included in the proposal.

The site is located within the Bloomsbury Conservation Area and it is identified as making a positive contribution to the Conservation Area in the Conservation Area Appraisal and Management Strategy.

Relevant History

9400452 - Change of use from retail (Class A1 in the Town and Country Planning (Use Classes) Order 1987) to a snack bar (Class A3 in the 1987 Order) and erection of extract duct on rear elevation – Granted 07/07/1994.

2013/0833/P - Change of use of entire building from office (Class B1), restaurant and café (Class A3) and retail (Class A1) into residential (Class C3) comprising 6x 1 bedroom and 1x 2 bedroom flats and 1x 3 bedroom maisonette together with erection of mansard roof extension, reinstatement of front lightwell with railing, alterations to the front elevation (new windows to shopfront), alterations to rear elevation including insertion of balconies to first, second and third floor levels and installation of new doors and windows, replacement of existing single storey rear extension (at no 11), erection of four storey infill rear extension (above ground floor level), alterations to south side and north side ground floor elevations and alterations to rear boundary wall and replacement of railing – **Refused** 24/10/2013 - Refused on grounds of land use and design/ heritage impact

2016/4372/P – Change of use of upper floor offices (B1) to residential (C3) use to provide 5 x residential units (3 x 1 bed and 2 x 2 bed), demolition of existing rear garage and erection of a replacement 2 storey 2 bed mews dwelling with basement extension, consolidation of the existing ground floor retail (A1) and cafe (A3) units to provide a replacement retail/restaurant (A1/A3) unit, external alterations to the main elevation, mansard roof extension with parapets/chimneys and dormer windows, replacement double glazed sash windows, replacement shopfront, alterations to ground floor entrances and a 1st to 3rd floor rear infill extension with new window openings – **Refused** 11/01/2017 on grounds of loss of employment space, design and heritage impact, basement impact, quality of living accommodation, cycle parking, and outward opening doors to cycle storage.

Appeal ref APP/X5210/W/17/3179742 – Dismissed 05/03/18. The inspector found that that the proposal would fail to preserve the character and appearance of the conservation area; would cause harm to parking, congestion, the use of sustainable means of transport, pedestrian and highway safety, residential amenity, the environment and the provision of affordable housing in the Borough; and would not provide acceptable living conditions for future occupants of the proposed dwellings. Reasons for refusal relating to the loss of employment floorspace, insufficient information regarding the basement, cycle storage and outward opening doors to the refuse and cycle storage were resolved during the appeal.

2017/4551/P - Change of use of upper floor offices (B1) to residential (C3) use to provide 5 x residential units (1 x studio, 3 x 1 bed and 1 x 2 bed), demolition of existing rear garage and erection of a 2 storey 2 bed dwelling with basement, consolidation of the existing ground floor retail (A1) and cafe (A3) to provide a replacement retail/restaurant (A1/A3) and installation of replacement kitchen extract plant; erection of a 1st to 3rd floor rear infill extension and external alterations to the front elevation including replacement windows, shopfront and roof- granted planning permission subject to s106 on 28/11/2019.

2021/5166/P - Change of use and conversion of vacant business units (Class E) to provide 1 self-contained residential units (Class C3) at lower-ground floor level. Granted 08/04/2022.

2021/0430/P - Opening of two lightwells including the installation of a new window at basement level; enlargement of the existing basement windows to the side elevation and installation of metal railings to the ground floor front elevation. Granted on 25/05/2022.

2021/6078/P - Change of use of upper floor offices class (E) to residential (C3) use to provide 5 x residential units (1 x studio, 3 x 1 bed and 1 x 2 bed), demolition of existing rear garage and erection of a 2 storey 2 bed dwelling with basement, consolidation of the existing ground floor retail and cafe (E) to provide a replacement retail/restaurant (E) and installation of replacement kitchen extract plant; erection of a 1st to 3rd floor rear infill extension and external alterations to the front elevation including reopening of the side entrance door, replacement windows, shopfront and roof. **Granted** 06/05/2022.

Relevant policies

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

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) (England) Order (GPDO) 2015 (as amended)- Schedule 2, Part 3, Class MA

Technical Housing Standards - Nationally Described Space Standards 2015

London Borough of Camden Local Plan 2017

Policy T1 Prioritise walking, cycling and public transport

Policy T2 Parking and car-free development

Policy A1 Managing the impact of development

Policy A4 Noise and vibration

Policy H1 Maximising housing supply

Policy H6 Housing choice and mix

Policy CC3 Water and flooding

Assessment

1. Proposal

- 1.1 Prior Approval is sought under Schedule 2, Part 3, Class MA of the GPDO 2015 (as amended) for a change of use of part of the ground floor level from a Class E commercial unit (formerly categorised as Class A1/A3). This new Class MA was introduced into the GPDO legislation on 1st August 2021.
- 1.2 The proposed drawing indicates a 1 person 42sqm flat with a 10sqm single bedroom. The proposal does not include any external alterations.

2. Prior approval procedure

- 2.1 The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended), Schedule 2, Part 3, Class MA, allows for a change of use of a building from a use falling within Use Class E (commercial, business and service) to a use falling within Use Class C3 (residential dwelling) of that Schedule, subject to a prior approval process and conditions being satisfied.
- 2.2 Development that accords with the criteria within MA.1 (a)-(g) is permitted by this Class, subject to a number of conditions listed within sub-paragraph MA.2 (1)-(6). As such, the prior approval procedure requires the developer to apply to the Local Planning Authority (LPA) for a determination as to whether prior approval of the authority would be required in regard to transport and highways impacts, contamination risks, flooding risks, impacts of noise from commercial premises, and provision of adequate natural light.
- 2.3 Where 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), the impact of that change of use on the character or

sustainability of the conservation area must be assessed. In an area which the LPA considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses, the impact on intended occupiers of the development of the introduction of residential use must be considered.

- 2.4 Where the development involves loss of services provided by a registered nursery, 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 must be determined. And finally, where the development meets the fire risk conditions criteria as specified within sub-paragraph MA.2, determination of the fire safety impacts on the intended occupants of the building is required.
- 2.5 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 LPA may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Extension of the statutory time period (56 days)

- 2.6 Paragraph W 11(c) requires that the LPA must notify the applicant as to whether prior approval is given or refused before the expiry of 56 days following the date on which the application was received. In this case, in which it is considered that the approval should be subject to the completion of a signed Section 106 legal agreement to secure the development as car-free, it is necessary to extend the statutory 56 day period in order to allow for such an agreement to be reached between the applicant and the LPA.
- 2.7 Paragraph W 12(c) allows for such a circumstance as this, and as such, the applicant has agreed in writing with the LPA to extend the statutory 56 day period until the S.106 agreement is finalised.

3. Assessment under Schedule 2, 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.

(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;

3.3 Proposal complies: Council records indicate that the relevant part of the ground floor is the subject of this application have fallen within a Class A1/A3 use since at least 2017 (and a re-categorised Class E use since 01/09/2020).

(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) floor space proposed for the change of use is shown on the drawings as measuring approximately 45sqm.

(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 indicated in points (d)(i) to (v) above;

(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 in points (e)(i) to (v) above;

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

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

Compliance with Paragraph MA.2

3.10 Where 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 a very good level of accessibility by public transport, with a Public Transport Accessibility Level (PTAL) Level 6b.

3.12 Given the modest level of building operations likely to be associated with the proposed change of use, the proposal is not considered likely to result in any significant detrimental impacts upon the highways network. However, in order to ensure that the development promotes sustainable modes of transport and mitigation against any 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 cycle(s). This would ensure that new residents could not apply for parking permits within the already over-subscribed Controlled Parking Zone (CPZ).

3.13 As such, under circumstances where the development is considered to be acceptable and prior approval is granted, the applicant has agreed to enter into a Section 106 legal agreement to secure a 'car-free' dwelling.

3.14 There is space for cycle parking in the hall way off the communal lobby. This is considered to be acceptable given the constraints of the site, the internal layout and the scale of the unit. 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 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.

3.17 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.

3.18 Therefore, given that the application site area 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.

3.19 A supporting statement has been provided in regard to noise impacts on the intended occupiers of the development from any commercial premises in the immediate locality of the application site.

3.20 Council records indicate that the host property does not include any additional commercial floorspace other than the vacant floorspace that is the subject of this application.

3.21 **(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;

3.22 The application is within the conservation area. The proposed works involve conversion of the lower and ground floors into residential use. Given the minor internal alterations, it is not considered the change of use would have a harmful impact on the conservation area or the surrounding area. Furthermore, as no external alterations are proposed, it is considered the existing character of the building would stay intact and still be in keeping with the rest of the street scene and surrounding area. The proposed change of use would have limited impact on the sustainability of the conservation area given the nature of the works.

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

3.23 The lower-ground floor benefits from a modest floor plan and is not excessively deep. Living room would have access to a lightwell opening.

3.24 In light of the above, the proposed development would therefore benefit from adequate natural light levels in all habitable rooms, and as such, would not constitute a reason for refusal.

(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

3.25 The area where the application site lies is not considered by the LPA to be important for general heavy industry, waste management, storage and distribution, or a mix of such uses.

(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.

3.26 The proposed development would not involve loss of a registered nursery or a health centre maintained under section 2 or 3 of the above Act.

(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.

3.27 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 comply with the Nationally Described Space standards. The new 1bed unit will also exceed the Nationally Described Space Standards 2015 of 39sqm (it would measure 42sqm).

5. Community Infrastructure Levy (CIL)

5.1 As the proposal results in a new dwelling, it may be liable for the Mayor's and Camden's Community Infrastructure Levy (CIL). As such, a standard informative would be attached to any decision notice drawing CIL liability to the applicant's attention.

6. Conclusion

6.1 The proposal complies with the criteria and conditions in MA.1 and MA.2 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and therefore is acceptable and can be granted Prior Approval.

7. Recommendation

7.1 Grant Prior Approval subject to the completion of a Section 106 legal agreement securing the unit as car-free.