



The Assistant Director Planning and Development  
London Borough of Lambeth  
Development Management  
Phoenix House  
10 Wandsworth Road  
London, SW8 2LL

5<sup>th</sup> April 2021

Dear Sir,

**Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)**  
**Prior Approval – Schedule 2, Part 3, Class O**  
**First Floor, 83 – 87 Norwood High Street, London, SE27 9JS**

We are instructed to submit the enclosed Prior Approval application on behalf of our client, Zenwish Limited (the Applicant), in respect of the above property. It seeks Prior Approval for the change of use of the first floors of the properties from use as offices (Use Class B1a) to residential use (Use Class C3) comprising 4no. studios.

In support of the application, we enclose the following:

- SP/01 – Site Location Plan.
- Drawing package:

Drawing No.	Title	Scale
978-018	Drawing issue Sheet/OS Plan	1:1250 @A3
978-A300A	Existing First Floor Plan	1:75 @A3
978-A302	Proposed First Floor Plan	1:75 @A3
978-A400	Existing & Proposed Ground Floor Plan	1:75 @A3
978-A600	Existing & Proposed Front Elevation	1:50 @A3
978-A601	Existing & Proposed Rear Elevation	1:50 @A3

- Transport Statement prepared by Cotswold Transport Planning.
- Delegated Report for Prior Approval Application 20/02179/P3M.

The requisite planning fee (£96) has been paid via the Planning Portal.

### The Legislative Background

Class O of Part 3 of Schedule 2 of the GPDO 2015 (as Amended) prescribes that the following change of use comprises permitted development:

***“Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.”***

Paragraph 0.1 then prescribes those circumstances where the permitted development right will not apply. Those circumstances, with our comments, are as follows:

- b. *The building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order*  
—  
i. *On the 29<sup>th</sup> May 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;*

This criterion requires that the building should either have been in office use on 23<sup>rd</sup> May 2013 or, if vacant at that date, its last use should have been for offices.

The entire property has a long history of office use stretching back to well before May 2013. In this respect we enclose:

- **Document 1** – copies of the Valuation Office rating records for the periods 1<sup>st</sup> April 2010 – 31<sup>st</sup> March 2017 and 1<sup>st</sup> April 2017 – Present. The Rating Records clearly show the first floor of the premises are rated for office use. They cover the period of the relevant date.
- **Document 2** – A Statement from Isaac Godwin Owusuangwi. Isaac confirms that he is a fashion designer and that he has occupied space at the application site and used it for office purposes in association with his business since 2012.
- **Document 3** – Photographs of the interior of the property taken in the past year. They show that whilst the interior is in a poor state of repair its fit out is consistent with office use.

The above evidence confirms unambiguously that the building has a long history of office use stretching back to at least 2010 and running up to the present day. Its use at the relevant date was for offices and, as such, the criterion is met.

- d. *The site is, or forms part of, a safety hazard area.*

No part of the site falls within a safety hazard area. The criterion is met.

- e. *The site is, or forms part of, a military explosive storage area.*

No part of the site falls within a military explosive storage area. The criterion is met.

- f. *The building is a listed building or is within the curtilage of a listed building.*

The building is not listed nor are there any listed buildings within close proximity. The criterion is met.

- g. *The site is, or contains, a Scheduled Monument.*

No part of the site is a Scheduled Monument. The criterion is met.

Accordingly, we conclude that the building qualifies to benefit from the permitted development right granted by Class O.

In such circumstances, paragraph 0.2 of the Order confirms that prior to undertaking the development an owner must apply to the Local Planning Authority to ascertain whether Prior Approval is required in respect of five defined matters. Those matters are:

- a. Transport and Highways Impacts of the Development.
- b. Contamination Risks on the Site.
- c. Flood Risks on the Site.
- d. Impacts of Noise from Commercial Premises on the intended Occupiers of the Development.
- e. The provision of adequate Natural Light to Habitable Rooms

Accordingly, we assess the proposed change of use against each of these criteria below.

### **The Transport and Highways Impacts of the Development**

The Prior Approval application is accompanied by a Transport Statement, prepared by Cotswold Transport Planning. The Statement was prepared to support an appeal against a refusal of Prior Approval in respect of the ground floors of nos 81 and 83 Norwood High Street. That appeal is yet to be decided, however, the Statement, which was prepared in November 2020, is relevant to this application. It conforms that:

- The site has a PTAL of 5 which is very good.
- The site is not within a CPZ area.
- Extensive local services, shops, cafes, restaurants, medical surgery etc are within a short acceptable walk distance.
- Bus services 432, 315, 2, 468, 68, 196, X68 and 322 are available in the immediate area providing access to Brixton, Balham, Marylebone, Euston, Elephant & Castle and Croydon.
- West Norwood railway station is 280m from the site. Again, well within the accepted 1,000m preferred maximum walk distance.
- The site is suitable, given its sustainability credentials, as a location for car free housing.
- A Car Parking Survey undertaken in accordance with the Lambeth Methodology demonstrates a maximum unrestricted residential parking stress of 74% and a minimum of 46 free spaces available. Accordingly, there is more than sufficient space capacity to accommodate any limited parking requirement generated by the development.
- The proposal results in no impact to highway safety and highway efficiency.

Accordingly, the report concludes there are no transport or highway impacts associated with the proposal which might warrant refusal of consent. The criterion is met.

## Contamination Risks on the Site

The site and its surrounds are not known to have any historical contamination associated with them. The past and current use of the building was for office purposes. The past uses are not uses that would give rise to any contamination concerns.

The proposed change of use will not require works which would involve excavation or below ground works. Indeed, the change of use relates solely to the first floor of the premises where below ground contamination would not be relevant.

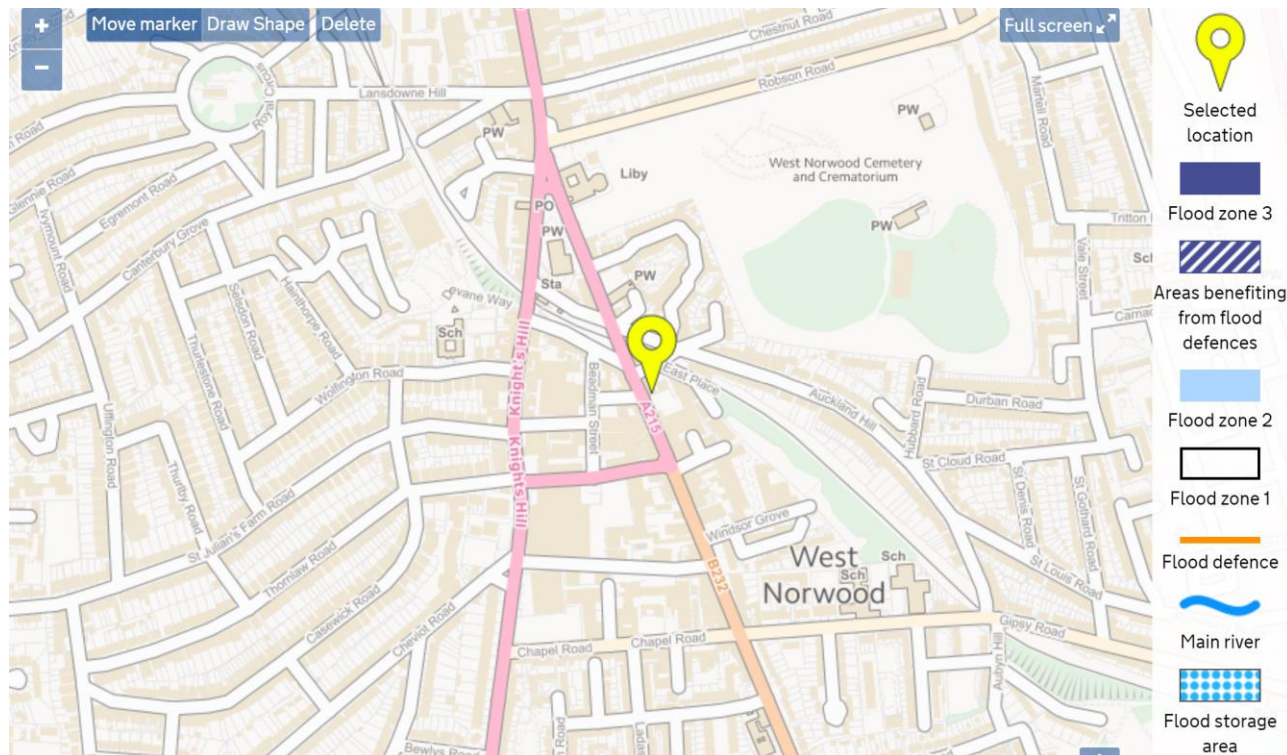
Contamination was not considered to be an issue when the application (20/02179/P3M) for Prior Approval for 81–83 Norwood High Street was considered. The Delegated Report comments:

*‘The council’s relevant contaminated land maps indicate no known risk. There would be no apparent ground disturbance: a condition relating to ground contamination investigations and remediation is not therefore relevant or necessary in this case.’*

The same conclusion can and should be drawn in respect of this application. Indeed, given the proposal only relates to first floor space, it is all the more the case.

## Flood Risks on the Site

On the Environment Agency’s Flood Map the site is shown to be within Flood Zone 1 (see the EA Flood Map below).



Flood Zone 1 covers areas of least risk of flooding. Given the Flood Zone designation there is no flooding risk associated with the proposal. The criterion is therefore met.

## Impacts of Noise from Commercial Premises on the intended Occupiers of the Development

The application is located within Norwood district centre where retail and commercial uses predominate at ground floor with, in many cases, residential uses at first floor, as indeed would have been the original split of uses when the application buildings were first constructed. The ground floor units, above which the units sit, are currently vacant and undergoing refurbishment to be relet to Class E uses. Any prospective occupiers of those units, given they will be Class E uses, will not give rise to noise disturbance that might unacceptably impact on the occupiers of the proposed flats. They will be typical town centre uses above which residential uses acceptable exist both within this centre and within town centres across the country.

The Council has accepted previously that the noise environment of the locality is not unacceptable in residential amenity terms. In 2015 Prior Approval (15/03050/P3O) was granted for the change of use of the ground and lower ground floors of no 51 Norwood High Street from office use to residential use under Class O. The site is less than 80m from the application site and is on the same side of the road. The delegated report confirms that:

***‘Environment & Noise Enforcement Team raise no objections. However, to safeguard the amenities of the development by reason of noise, conditions have been requested..’***

The Prior Approval was issued, including a condition (no 3), which required the submission and approval of a sound insulation scheme. A similar approach and condition would be appropriate in this case particularly as the proposed units are at first floor and set back from the highway whereas at no 51 Norwood High Street the proposed unit was at street level with no set back.

Consistent with the decision taken on no 51 we conclude the criterion is met.

## Provision of Natural Light to Habitable Rooms

Each of the four units will be provided with good natural light. Each unit has either two or three good sized windows which face either north east or south west. The windows have open unrestricted views either across Norwood High Street or out over the roof of the ground floor premises. They will all receive good amounts of daylight and all will receive either morning sunlight or afternoon sunlight.

The dimensions for each of the windows in each unit are as follows:

Unit	Window 1	Window 2	Window 3
Studio 87A	0.7m x 1.4m	0.9m x 1.4m	1.0m x 1.4m
Studio 87B	1.1m x 1.5m	2.0m x 1.5m	X
Studio 87C	1.0m x 1.2m	1.0m x 1.2m	X
Studio 87D	0.9m x 1.4m	0.9m x 1.4m	X

As can be seen all units have good sized windows and, as such, the criterion is met.

## Conclusion

For the reasons set out above, it is our conclusion that the proposed change of use to 4no. studio units will not result in any unacceptable transport or highway impacts, nor will the proposed units experience contamination or flood risks. There are no active noise generating uses close by which might result in unacceptable noise impacts and all of the proposed units will receive good natural light with each unit having at least two good sized windows facing north east or south west.

Accordingly, we conclude the proposal fully complies with Class O of Part 3 of Schedule 2 to the GPDO 2015 (as Amended) and therein comprises permitted development.

I trust this letter and enclosures is satisfactory for registration of the application, however, should you require any further information to enable validation, please contact me immediately.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'R Birtles', with a long horizontal stroke extending to the right.

**Roger Birtles**

Director

Encs.