



**3-9 Huntsworth Mews, London, NW1 6DE**

**Planning Eligibility Assessment - Town and Country Planning (General Permitted Development)(England) Order 2015 Schedule 2, Part 3, Class O**

**On behalf of: HWM Development Co Limited**

**29 April 2021**

**File ref: FW218**

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# 1 Introduction

- 1.1 This report sets out an assessment of the eligibility of the proposal for a change of use of the ground floor of 3-9 Huntsworth Mews from office use (Class E/formerly Class B1a) to Class C3 (dwellinghouses)
- 1.2 Class O (Schedule 2, Part 3) of the Town and Country Planning (Permitted Development)(England) Order 2015 relates to changes of use from offices to dwellinghouses.
- 1.3 This report sets out how the proposal complies with the provisions of Class O of the Order.

## 2 Permitted Development

2.1 Class O states that:-

**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.**

### *Response*

2.2 *The development proposes the change of use of the ground floor of 3-9 Huntsworth Mews which is in Class B1a office use (now Class E).*

2.3 *The proposal will result in the creation of one residential unit (a two bedroom flat).*

### 3 Development not permitted

3.1 Part O1 of Class O states that development is not permitted by Class O if -

- a) **The building is on article 2 (5) land and an application under paragraph O2(1) in respect of the development is received by the LPA on or before 30<sup>th</sup> May 2019;**

*Not applicable to Huntsworth Mews. Article 2(5) land does not exist after 31<sup>st</sup> May 2019. This was replaced by an Article 4 Direction for the whole of the CAZ. This site falls outside of the CAZ boundary shown in the Cabinet Report. The Article 4 Direction was confirmed on 15 February 2019 and came into force on 1 May 2019.*

- 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 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.

*3-9 Huntsworth Mews has been used as offices continuously since before 2013.*

- c) **The use of the building falling within Class C3 (dwellinghouse) of that Schedule was begun after 30<sup>th</sup> May 2016 NB this paragraph was omitted by the 2016 Amendments.**

*No longer applicable.*

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

*Not applicable to 3-9 Huntsworth Mews.*

- e) **The site is, or forms part of, a military explosives area;;**

*Not applicable to 3-9 Huntsworth Mews.*

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

*Not applicable to 3-9 Huntsworth Mews.*

**g) The site is, or contains a scheduled monument.**

*Not applicable to 3-9 Huntsworth Mews.*

## 4 Conditions

4.1 Part O2 sets out conditions in relation to development under Class O and states that:-

(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

a) Transport and highways impacts of the development

*Summary - A report has been prepared by Pulsar Transport Planning which confirms the following:-*

- *The site is located within an area with high level sustainable travel opportunities and has a PTAL Rating of 6b.*
- *The proposal will incorporate secure, covered and safely accessible cycle storage for the new unit.*
- *The development will not provide any off-street parking spaces in line with London Plan and Westminster City Plan policies.*
- *There will be negligible impact on on-street parking conditions.*
- *The forecast impact of the development of one residential unit is not considered to be material on the local highway network.;*
- *There are no reasonable highway reasons to refuse prior approval.*

*Waste storage is located within the proposed utility room. This is in close proximity to the entrance to the property. This is considered to be appropriate for one unit and could be secured by condition if considered necessary.*

*The proposed development includes 2 secure cycle spaces and meets policy T5 of the London Plan (March 2021) and a condition can be attached to secure these.*

*No parking spaces are provided but this accords with the London Plan and Westminster City Plan Policy 27 which states that new residential development should be car free.*

*Average parking occupancy levels are below 80% but residents parking bays are 83% occupied at peak times but other forms of parking space have lower levels of occupancy including single yellow lines which can be used during peak times.*

*Paragraph 109 of the NPPF states that planning applications should not be refused on highways grounds unless the residual cumulative impact on the road network would be severe. It is not considered that the impact on the surrounding road network as a result of one residential unit would be severe and as a result refusal on highways grounds is not considered sustainable.*

**b) Contamination risks on the site**

*Not applicable to 3-9 Huntsworth Mews. There is not considered to be any obvious risk of contamination on site, given the existing office use. This is confirmed by the report prepared by Landmark Information and included with the application documentation.*

**c) Flooding risks on the site, and**

*The site is situated in Flood Zone 1 with a low risk of flooding. It is also not located within a Surface Water Hotspot.*

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

*The surrounding area is characterised by predominantly residential uses. The first floor of the building at 3-9 Huntsworth Mews is in residential use. There are some commercial uses in the vicinity and opposite the site (these are mainly offices and there is no noise impact). There is a public house at the corner of Huntsworth Mews and Balcombe Street (the Sir John Balcombe) but it is considered that this is a sufficient distance from the site to prevent any adverse impacts from noise.*

**e) The provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) apply in relation to that application.**

*The proposed residential unit is well laid out and will be naturally lit, albeit single aspect. The ground floor is only one room deep and all habitable rooms are served by large windows.*

*The architects have prepared a sketch showing the angle of sunlight to the building.*

*It is considered that the proposed unit will be adequately lit naturally. Further assessment could be undertaken if considered necessary.*

**(2) Any development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.**

*We can confirm that the development will be completed within 3 years of the grant of prior approval.*