

**TOWN AND COUNTRY
PLANNING ACT 1990**

PLANNING STATEMENT

*Planning application seeking a
temporary permission for use of
land as a public car park*

**Land at 44-46 Caversham Road,
London NW5 2DS**

May 2024

**Statement on behalf of
NCP Car Parks**

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1. INTRODUCTION

- 1.1 This Planning Statement has been prepared in support of a planning application for the temporary change of use of land at 44-46 Caversham Road, London, NW5 2DS to be used as a public car park. Permission for up to three years is sought.
- 1.2 The application is made pursuant to a letter received from the Council dated 25 April 2024 (reference: EN24/0168) which stated that the change of use of the site from a B8 Use Class to a sui generis use (parking lot) had taken place without planning permission.
- 1.3 The purpose of this Statement is to review the prevailing planning policies and other material considerations that are relevant to the determination of the planning application and to present a case for granting planning permission.

2. SITE AND SURROUNDING AREA

- 2.1 The application site is located on the north side of Caversham Road adjacent to the railway and within the Bartholomew Estate Conservation Area.



Location Plan

- 2.2 The site is screened from the road by fencing and wall. Access is directly off Caversham Road and comprises a pair of green gates. The railway lines, at a lower level than the application site, are to the east. To the west is modern four storey residential flats with Victorian four storey terraced properties opposite the site. The land consists of an area of hardstanding which has function as a storage area for building materials and cars.
- 2.3 The Site is located entirely within Flood Zone 1 (lowest risk).

3. PLANNING HISTORY

3.1 The following applications are of relevance to this proposal.

Application 2022/3351/P – Use of the land for open storage of rental vehicles with no public access to the site (Class B8)

3.2 Permission was granted on the 18 October 2022. In the officer's report it is noted that the planning history in relation to the application site does not include any conditions restricting the use of the premises and that there is not a condition or restriction associated with the lawful use of the application site established in 2004 which limits the use of the land for the open storage of building materials only.

3.3 It was also noted that vehicles would be stored at surface level only with on average around 30 rental vehicles (cars and vans) going to and from the site spread throughout the working day. Vehicle movements in and out of the site would therefore be limited. The officer considered that the proposed activity is not considered to amount to a different or separate use, either physically or functionally, from the established lawful use, nor would it result in any significant change in the character or use of any part of the 'buildings or other land' within the application site.

3.4 It was considered that the proposal would not result in a material change of use, nor fall within the 'meaning of development' which would require planning permission. A Certificate of Lawfulness was granted.

Application 2004/1361/P – Certificate of Lawfulness (Existing) for use of the yard as open storage yard for building materials.

3.5 The Council granted the Certificate on the 20 May 2004.

Application PE9800902 – Redevelopment of existing building store by erection of part 1 and part2 storey building to accommodate a nursery school

3.6 This application was withdrawn.

Application 8600880 – Construction of 2.5m wide crossover

3.7 This application was approved by the Council on 22 September 1986.

4. RELEVANT PLANNING POLICY

4.1 The starting point for assessing development proposals is always the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states '*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*'

4.2 The Development Plan for this proposal consists of the Camden Local Plan adopted in July 2017. A review of the Local Plan is underway but at this point little weight can be given to it.

4.3 The following policies may be relevant to the application.

Policy G1: Delivery and Location of Growth

- 4.4 Policy G1 indicates the importance of achieving the best use of sites and taking into account the surroundings.

Policy C1: Health and Wellbeing

- 4.5 This policy indicates that development must contribute to safe and accessible places.

Policy E2: Employment Premises and Sites

- 4.6 Policy E2 supports development of sites no longer suitable for business use.

Policy A1: Managing the Impact of Development

- 4.7 This policy seeks to ensure that amenity of communities, occupiers and neighbours are protected. Also it seeks adequate access and the importance of considering impact in terms of noise, fumes, dust and privacy.

National Planning Policy Framework (2023)

- 4.8 The National Planning Policy Framework (NPPF) guides the policies within Local Plans and forms a material consideration to determining planning applications. The paragraphs listed below are deemed relevant.
- 4.9 The NPPF recognises that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 11 sets out the presumption in favour of sustainable development as the central aspect of planning policy and decision-taking. In terms of determining development proposals, this means approving schemes which accord with the Development Plan without delay.
- 4.10 Local Planning Authorities should approach decisions on development in a positive and creative way and seek to work proactively with applicants to secure developments that will improve economic, social and environmental conditions of the area. Sustainable development should be approved where possible [paragraph 38].
- 4.11 Planning authorities should consider whether unacceptable development could be made acceptable through the use of conditions or planning obligations [paragraph 55]. Conditions should be kept to a minimum and only imposed where they are necessary, relate to planning, are enforceable, precise and reasonable in all other respects [paragraph 56].
- 4.12 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe [paragraph 115].
- 4.13 In determining applications, planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance [paragraph 200]. Planning authorities should take account of (a) the desirability of sustaining and

enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation assets can make to sustainable communities including their economic activity; and (c) the desirability of new development making a positive contribution to local character and distinctiveness [paragraph 203].

- 4.14 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use [paragraph 208]. Not all elements of a Conservation Area will necessarily contribute to its significance [paragraph 213].
- 4.15 Policies in the Framework are material considerations which should be taken into account from the day of its publication. Plans may also need to be revised to reflect policy changes the NPPF has made [paragraph 224]. Due weight can be given to existing policies adopted or made prior to the publication of the Framework, according to their degree of consistency with the NPPF [paragraph 225].

5. THE PROPOSAL

- 5.1 The proposal relates to the change of use of the site from B8 to sui generis to allow the land to be used for public car parking. Vehicular access will remain as per existing arrangements from Caversham Road. No physical changes to the site are proposed.

6. THE PLANNING CASE

- 6.1 This section of the Planning Statement assesses the proposed development against the policies of the Development Plan and against all other relevant material considerations and sets out why planning permission should be granted by the Council.
- 6.2 The starting point for assessing development proposals is the Development Plan, unless material planning considerations indicate otherwise.

Principle of development

- 6.3 The Application Site comprises an area of hardstanding adjacent to the railway and existing residential properties. The Council has stated that a change of use to a public car park is required.
- 6.4 The planning history of the site raises a number of matters which it is considered supports the proposal. In considering the application 2022/3351/P, it was acknowledged by the planning officer that the use of the site for the storage of building materials had no restrictions placed on that use. In addition, the officer considered that the storage of cars was within the same B8 use class as the then existing use and that no planning permission was required. In allowing the change, it was acknowledged also that the use for cars at ground level would not cause harm.
- 6.5 The current proposal will have the same impact in terms of the scale of use and the fact that it will be used for parking cars, essentially the same use of the land as the 2022 application for Enterprise. Vehicles will enter and leave the site spread over the day and the site is well screened by existing wall and fencing to ensure there is not visual impact on the street scene.

The site has already been considered as acceptable for the parking of cars. As such the change of use to a public car park is de minimus with no external changes occurring. Chapter 11 of the National Planning Policy Framework promotes the efficient use of previously developed land, and the change of use to a public car park would use an area of hardstanding otherwise laying unused. This accords with Policy G1 of the Local Plan. As the site is well screened, the proposal will accord with Policy A1 of the Local Plan.

Heritage

- 6.6 In previous decisions listed above, no reference is made to the impact on the Conservation Area. In respect of this proposal, the use of the site will be less harmful than the use for building materials and will have no different impact than the storage of cars approved in 2022. There is no harm to the character of the area with the site well screened. The proposal accords with both the NPPF and Policy A1 of the Local Plan.

Access

- 6.7 The proposal will utilise the existing access arrangements and the area of car parking. Paragraph 115 of the NPPF is clear that development proposals should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Given there are no discernible differences between the use of land to provide storage for cars and for parking the proposal wholly accords with the Framework. It is also an improvement on the use of the site for the storage of building materials.

7. CONCLUSIONS

- 7.1 This Planning Statement has been prepared in support of a planning application for the temporary change of use of the land at 44-46 Caversham Road to allow for public car parking for up to three years. The Application is made pursuant to a letter received from the Council dated 25 April 2024 (reference: EN24/0168) which stated that the change of use to a public car park (parking lot) required planning permission.
- 7.2 The Council have recently approved the use of the site for the storage of cars considered as within the same B8 use class as the use of the site for building materials. It is considered that the proposal is de minimus with no external changes occurring. Vehicular access remains as existing. The site is well screened and secured and the use will not harm the setting of any heritage assets.
- 7.3 The relevant planning policies have been reviewed and for all the reasons set out in this Planning Statement the proposal accords with the Development Plan. Under Paragraph 11c of the National Planning Policy Framework this means granting planning permission without delay. The Council are respectfully invited to approve the application.