

Delegated Report		Analysis sheet	Expiry Date:	01/04/2014
		N/A	Consultation Expiry Date:	25/02/2014
Officer			Application Number(s)	
Sally Shepherd			2014/0806/P	
Application Address			Drawing Numbers	
11 & 12 Apollo Studios Charlton King's Road London NW5 2SB			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use at second floor level from office (Class B1a) to 2 x 2-bedroom residential units (Class C3)				
Recommendation(s):	Grant Prior Approval			
Application Type:	GPDO Prior Approval Class J Change of use B1 to C3			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	28	No. of responses	00	No. of objections	02
Summary of consultation responses:	<p>Two objections which are summarised below:</p> <p>155a Leighton Road:</p> <ul style="list-style-type: none"> • Impact on privacy/overlooking onto roof terrace and bedroom • Potential noise nuisance and disturbance • Increased parking and traffic congestion <p>159b Leighton Road:</p> <ul style="list-style-type: none"> • Impact on already over-subscribed parking zones. <p><u>Officer's response:</u> <i>A prior approval application describes the operations on a site which are considered permissible without the need to make a planning application. Therefore, any planning merits guided by Camden's LDF policies such as the use, operation or activity as a result of the application cannot justify a reason for the refusal of this certificate.</i></p> <p><i>With this in mind however, issues related to amenity/privacy and parking are discussed in the assessment section of the report below.</i></p>					
CAAC/Local groups comments:	N/A – not in a conservation area.					

Site Description

The application site comprises a four to five storey L-shaped building located in a plot of land bounded by Charlton King's Road, Leighton Road and Torriano Avenue. The site is partly in use as residential and partly offices. It is accessed via Charlton Kings Road beyond a gated entrance.

The site is not listed and is not located within a conservation area.

Relevant History

Application site:

PE9800625 - Change of use from B1(a) to mixed use B1(a) and C3 (live work). Withdrawn 12/11/1998.

PE9800625R1 - Change of use from B1(a) to mixed use B1(a) and C3 (live work). Granted on 12/11/1998

Unit 1,2 & 5 Apollo Studios:

2013/7796/P - Change of use from office (Class B1) to 3 flats (Class C3). Withdrawn.

2014/0544/P - Change of use from office (Class B1) to 4 flats (Class C3). Granted on 18/03/2014

Units 4 & 4 Apollo Studios:

PE9800038 - Change of use of the existing (Class B1a) Office Space at first floor to residential plus the continued use of the second floor, plus associated mezzanine storey for (Class B1a) Office Use. Granted on 12/06/1998.

Unit 6 Apollo Studios:

9401452 - Change of use of the premises from studio accommodation (B1) to mixed studio and residential accommodation (B1 and C3). Granted on 08/12/1994

Unit 7 Apollo Studios:

2006/3119/P - Change of use from (B1) office to live work (Sui generis). Granted on 19/09/2006

Unit 8 & 9 Apollo Studios:

2013/4190/P Change of use from office (Class B1) to 2 x self-contained residential units (Class C3). Granted on 13/09/2013

Unit 9 Apollo Studios:

PE9900471 –The change of use from business use (Class B1) to a live/work unit (mixed use Class B1 and C3). Granted on 11/11/1999.

Unit 10 Apollo Studios:

PE9900503 - The change of use from business use (Class B1) to a live/work unit (mixed use Class B1 and C3). Granted on 11/11/1999

2008/2671/P - Change of use from live/work unit (Sui Generis) to a self-contained residential unit (Class C3). Granted on 22/08/2008.

2014/1561/P - Change of use of first floor level from live/work (class B1a) to residential unit (class C3). Under assessment.

Unit 13 Apollo Studios:

2005/1878/P - Change of use from D1 (psychoanalyst's consulting room) to live/work, comprising

residential and psychoanalyst's consulting floorspace. Granted on 07/07/2005

Unit 13 & 16 Apollo Studios:

PE9800001R1 - Change of use of the existing office space on the second and third storeys from (Class B1a) Office Space to a live/work space (Class B1a/C3). Granted 12/06/1998.

31/07/2003 - Change of use of units 13 and 16 from live/work unit to consulting rooms (Class D1) in Unit 13 and residential in Unit 16 by removal of internal staircase. Granted on 31/07/2003

Unit 14 Apollo Studios

8903676 – Change of use of the residential flat at 4th floor level to purposes within Class B1. Refused on 10/04/1990.

Unit 16 Apollo Studios:

PE9800001 - Change of use from office (Class B1) to mixed (Class B1/C3) office/residential (work & live). Withdrawn.

Relevant policies

National Planning Policy Framework 2012

Core planning principles, paragraph 17

Chapter 4 paragraphs 29, 32, 35, 39

Chapter 6 paragraph 49 and 50

Chapter 7 paragraph 56-59 and 64

Chapter 8 paragraphs 70, 72 and 73

Chapter 10 paragraphs 93, 95-97.

Chapter 11 paragraphs 109 and 117-118 and 121-122

The Environmental Protection Act 1990(a) part IIA

The Contaminated Land Statutory Guidance issued by the SoS for Environment, Food and Rural Affairs in April 2012

Assessment

Proposal and Procedure

This application relates to 11 & 12 Apollo Studios which are located on the second floor level. The proposal seeks to change the use of the building at second floor level from offices (Class B1a) to provide 2 x 2 bedroom self-contained residential units (Class C3).

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force on 30 May 2013 and introduced Class J, which allows for development consisting of a change of use of a building and any land within its curtilage to a use falling within C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a)(office) of that Schedule.

This is subject to a number of conditions listed within sub-paragraph J.1 [(a)-(f)] and a subsequent condition in sub-paragraph J.2 relating to the need for the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority is required as to:

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site.

It also refers to paragraph N and its provisions apply to such an application.

The application is to ascertain whether the proposed change of use would constitute permitted development within the General Permitted Development ('GDPO') and therefore be a lawful development and whether prior approval is required.

Sub-paragraph J.1

The development is assessed against paragraphs (a)-(f). Development is not permitted where:

(a) the building is on article 1(6A) land;

The proposal complies: the site falls outside of the area defined by Part 4 of the amended Order and the accompanying map.

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;

The proposal complies: the site has been used as Class B1 (a) offices before 30 May 2013.

(c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;

The proposal complies: at the current time the use has not commenced and so the proposal accords as far as is possible at this stage.

(d) the site is or forms part of a safety hazard area;

The proposal complies: it is not in a safety hazard area.

(e) the site is or forms part of a military explosives storage area;

The proposal complies: it is not part of a military explosives area.

(f) the building is a listed building or a scheduled monument;

The proposal complies: the building is not listed.

Therefore, the proposal accords with sub-paragraph J.1.

Impacts and Risks

As the above pre-requisites are complied with, it falls to the Council to assess the proposal. With regard to the terms of reference of that assessment paragraph N(8) of the GPDO states: (8) The local planning authority shall, when determining an application:

- (a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;

Conditions under J2 of the Order

2.2 The applicant has submitted information with regards to sub para J.2 in order for the Council to make a determination as to whether prior approval is required as to:

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site

It also states that: the provisions of paragraph N shall apply in relation to any application (see above)

(a) transport and highways impacts of the development

Car free development

The NPPF confirms that transport policies have an important role to play in facilitating sustainable development. Paragraph 29 states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel”. It also recognises that “different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.” Given that Camden is within a densely populated urban area of London it is considered necessary to maximise sustainable transport solutions.

Camden’s strategy and policies in line with national planning policy consider access to car parking and seek to encourage car-free and car-capped developments in areas of moderate or good public transport accessibility.

The Council has considered the highways impacts of the change of use and whether to seek appropriate mitigation measures to mediate against any highways impacts. The application site has a PTAL rating (public transport access level) of 4 (good) and so in favour of sustainable transport, the proposed residential units would have to be secured as car-free via a S106 agreement (i.e. with no right to apply for on-street car parking permits) to minimise impact on the highway network in accordance with paragraph 29 of the NPPF.

Walking, cycling and public transport

The submitted plans do not indicate the provision for cycle parking space for the 2 new residential units. Paragraph 8(b) of the prior approval legislation states that the local planning authority shall have regard to the NPPF as if the application were a planning application in relation to the three categories that can be considered by the Council. Paragraph 29 of the NPPF states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.” In paragraph 35 it goes on to advise that “developments should be located and designed

where practical to...give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.” Notwithstanding this, given that there are existing cycle parking facilities in the courtyard and that there is limited space within the building to provide new cycle storage, it is considered that it is not necessary to secure cycle parking in this instance.

Highway network impact

All works would be internal and would involve a limited amount of construction work. The proposed works are not considered to have a significant impact on local transport networks and so a construction management plan is not required.

(b) contamination risks on the site

The NPPF notes that the planning system should contribute to and enhance the local environment by remediating contaminated land, and that the responsibility for ensuring a safe development rests with the developer.

The site is identified as falling within an area designated as potentially suffering some level of contamination. However the site has not been determined as contaminated land under Part IIA of the Environmental Protection Act 1990. As no works to the ground level are proposed as part of this application no risks are posed to the public and the proposal is considered acceptable.

(c) flooding risks on the site

The NPPF also confirms that flooding is an issue to be considered when determining planning applications, and so it is important that this is considered for this type of application.

The site is not within an area which is known to flood, and so the proposal is considered to accord with this aspect of the assessment.

Therefore, the proposal accords with sub-paragraph J.2.

Additional issue: residential amenity

The Council has considered the proposal against the criteria and conditions set out by Class J, and, as stated above will also:

- (a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities

To ensure privacy, development within Camden would typically require a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This minimum requirement will be the distance between the two closest points on each building (including balconies).

The rear elevation of the site is bound by nos. 157-169 Leighton Road, a row of terraced properties which are located between 14-17m with the rear gardens of Leighton Road in between. Although the distance between the two closest points between these buildings would fall below that typically required, there is sufficient distance from the application site to ensure that overlooking of a significant material harm would not occur.

Conclusion and recommendation

Prior approval is required and is granted, subject to a section 106 legal agreement securing the new units as car-free, on the basis that appropriate mitigation measures are in place to manage the transport impacts of the proposal. The proposal complies with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.