

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		25/12/2013	
		N/A / attached		<b>Consultation Expiry Date:</b>			
<b>Officer</b>				<b>Application Number(s)</b>			
Fergus Freaney				2013/6799/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
71 Fortess Road London NW5 1AG							
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Change of use from office (Class B1a) to residential (Class C3)							
<b>Recommendation(s):</b>							
<b>Application Type:</b>		GPDO Prior Approval Class J Change of use B1 to C3					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		[Click <b>here</b> and type]					
<b>CAAC/Local groups* comments:</b> *Please Specify		[Click <b>here</b> and type]					

## Site Description

The site is located on the west side of Fortess Road it comprises a mid terrace property with office space at ground and basement floors with flats above. The site is not listed, nor is it within a Conservation Area.

## Relevant History

2008/3104/P - Erection of two single storey rear extensions at lower ground floor level to residential flat. *Granted 27/11/2008*

9501359R1 - Alterations to self-contain existing ground/basement shop/offices conversion of non self-contained residential units at No 73 and commercial unit at No 75 into 6 self-contained flats erection of an additional storey to existing 3 storey rear extension. *Withdrawn decision*

## Relevant policies

### NPPF 2012

### Chapter 4 Paragraphs 29 and 35

## Assessment

### Proposal

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

Development not permitted by Class J where -

- (a) the building is on article 1(6A) land; - complies, it falls outside of the 'exempt office area' designation in Camden.
- (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; - complies, although now vacant, it was last in use as Class B1(a) offices
- (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 – complies, it will commence in 2013
- (d) the site is or forms part of a safety hazard area; - complies, it does not form part of a safety hazard area
- (e) the site is or forms part of a military explosives storage area; - complies, it does not form part of a military explosives storage area
- (f) the building is a listed building or a scheduled monument – complies, the building is not listed or a scheduled monument

The application complies with each of the above criteria.

### Conditions

The applicant has submitted information 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"

Each of these criteria are considered below:

**(a) Transport and highways impacts**

There is no on street parking directly in front of 71 Fortess Road.

In determining these types of applications Class N(7) states that the local planning authority may require the developer to submit such information regarding the impacts and risks referred to in paragraph J2 [i.e. the transport and highways impacts of the development],... as the case may be, as the local planning authority may reasonably require in order to determine the application, which may include—

(a) assessments of impacts or risks;

(b) statements setting out how impacts or risks are to be mitigated.

(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) [noted above]...;

(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;

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.

**On-street parking**

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 development is likely to result in a material increase / material change in the character of traffic in the vicinity of the site and would seek mitigation measures to mediate against any impacts on the highway network. The new residential unit could apply for residents parking permits if there are no restrictions in place to remove this. The site has good access to public transport with a PTAL rating of 5. The area suffers from parking stress and therefore the proposed residential unit should be secured by a S106 legal agreement to be car free.

**Cycle parking**

The submitted plans do not show any provision for cycle parking on-site. 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.”

As the proposals involve the creation of just one residential unit with no outside amenity space, it is considered in this instance that it is not necessary to secure the provision of a cycle storage/parking space.

**(b) Contamination risks on the site**

The site is not identified as falling within an area designated as contaminated land.

**(c) Flooding risks on the site**

The site is not located in a flood risk zone.

Recommendation

Prior approval is required and is granted subject to a section 106 legal agreement securing the new residential unit as car free, in compliance with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.