

Delegated Report		Analysis sheet	Expiry Date:	22/10/2013
		N/A	Consultation Expiry Date:	17/10/2013
Officer			Application Number(s)	
Angela Ryan			2013/5411/P	
Application Address			Drawing Numbers	
174-178 Kentish Town Road London NW5 2AG			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Conversion of the first and second floors of the building from offices (Class B1A) to 8 residential units, comprising 4x1bed units and 3 x 3 bed 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	14	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>Letters were sent out to 14 adjoining neighbours. One letter of objection has been received on behalf of the current tenant at the application site (Job Centre Plus (JCP) raising the following comments:</p> <ul style="list-style-type: none"> • Our intention is not to vacate the premises, the lease expires on 31st March 2018 <p>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, which have been highlighted by the objector, cannot justify a reason for the refusal of this certificate.</p>					
CAAC/Local groups comments:	N/A					

Site Description

The application relates to three-storey end of terrace building situated on the corner of Kentish Town Road and Patshull Road. The ground floor is in use as a Jobcentre, and the upper floors are in use as B1 offices connected to the job centre use located at ground floor level.

The site is not listed; neither does it lie within any Conservation Area, although the Bartholomew Estate Conservation Area adjoins the application site to the rear. There is a private road between the rear of the subject building and the nearest residential properties to the rear on Patshull Road.

Relevant History

There is no relevant planning history for the site

Relevant policies

National Planning Policy Framework (2012): Chapter 4 - Paragraphs 29, 32 and 35

Assessment

1. Proposal

1.1 The change of use of the building at first and second floor levels from office accommodation (Class B1) to provide 8 residential units (Class C3), 4 at each level.

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

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

1.3 The application complies with each of the above criteria.

Conditions:

1.4 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

1.5 Each of these criteria will be considered below.

(a) Transport and highways impacts

1.6 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 Council’s Transport Team has advised that 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 units could apply for residents parking permits if there are no restrictions in place to remove this. The site has a Public Transport Accessibility Level (PTAL) of 6a (Excellent) and is easily accessible by public transport. It is located within a controlled parking zone. This CPZ is approaching a level of stress. Without restricting the new residential unit from future owner/occupiers parking on the street the existing on-street parking stress will be harmfully increased further. It is therefore considered necessary to remove the occupier’s ability to apply for parking permits by requiring the applicant to enter into a S106 legal agreement to ensure that the development is car free. In the absence of such a legal agreement, the proposed change of use would result in further stress to the highway and would fail to comply with Class J2(a). In this respect the applicant has confirmed their willingness to enter into a legal agreement.

Cycle parking

The submitted plans indicate a limited provision of cycle parking space at ground floor level for the 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.*” Although the storage area is limited and would not be large enough to provide a cycle space for each unit, given that this is an existing constrained building that is being converted it is considered that in this instance it is not necessary to secure a provision in line with the aims of the NPPF.

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 identified as being at risk of river or surface water flooding.

2. Community Infrastructure Levy

The proposal will be liable for the Mayor of London's CIL given that seven new residential units will be created as a result of the scheme.

3. 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.