

Delegated Report		Analysis sheet		Expiry Date:		19/09/2013	
		N/A / attached		Consultation Expiry Date:		20/08/2013	
Officer				Application Number(s)			
Jonathan Markwell				2013/4454/P			
Application Address				Drawing Numbers			
42 Caversham Road London NW5 2DS				Please see decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from offices (Class B1a) to 11 (5x studio, 5x1 & 1x2 bed) 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 Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	32	No. of responses	02	No. of objections	02
				No. electronic	01		
Summary of consultation responses:		<p>Two objections have been received from nearby occupiers on Caversham Road. A summary of the matters raised are:</p> <ul style="list-style-type: none"> - Loss of privacy from the application site to No. 40 Caversham Road - Noise and disturbance during the construction phase (suggested to be many months) - More traffic and less parking once residents move in - Increase rubbish from residential use. - Concern over lack of affordable housing and lack of job creation for local people. - Proposal will not benefit the area - The result will be an oversized building which will look completely out of proportion with the rest of the residential street. - It will also destroy the existing green space behind it overshadowing the neighbouring gardens/properties. - Overdevelopment of the site - most buildings have 4 flats, this will have 11. 					
CAAC/Local groups* comments:		None.					
*Please Specify							

Site Description

The application site comprises a part-one, part-two, part-three office building located on the north side of Caversham Road within Kentish Town. The site is currently occupied by London Borough of Camden Children, Schools and Families department as offices. This was confirmed during an officer site visit on 3 July 2013.

The building is not listed, but is located within Bartholomew Estate Conservation Area. Within the conservation area statement it is identified as an opportunity site, which are “considered to neither preserve nor enhance the character of the conservation area and therefore may be scope for redevelopment subject to an acceptable replacement”. The site is also identified as potentially including contaminated land, is within two of the three hydrological constraint areas, has a public transport accessibility level of 6a (excellent) and is within a controlled parking zone, and is within a London viewing management corridor (Kenwood viewing gazebo to St Paul’s Cathedral).

The surrounding area is a mix of uses, with residential predominating but also commercial/industrial and the prominent rail line to the north-east.

Relevant History

8500492 - Change of use to building maintenance workshop estates office and ancillary uses. Granted 18/04/1985.

Relevant policies

NPPF 2012

- Chapter 4: Promoting sustainable transport
- Chapter 10: Meeting the challenge of climate change, flooding and coastal change
- Chapter 11: Conserving and enhancing the natural environment

Assessment

Proposal

The proposal seeks prior approval for the change of use of the building from offices (Class B1a) to 11 (5x studio, 5x1 & 1x2 bed) 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 Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a)(office) of that Schedule.

However, 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.

Sub-paragraph J.1

The development is assessed against paragraphs (a)-(f). 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, occupied at present as Class B1(a) offices by London Borough of Camden Children, Schools and Families department.

(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 - 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; - 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 proposal therefore 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 will be considered below.

(a) Transport and highways impacts

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 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”. 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. The applicant has submitted

basic PTAL information in respect of the site.

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, therefore, seek mitigation measures to mediate against any impacts on the highway network.

The eleven new residential units could apply for residents parking permits if there are no restrictions in place to remove this. The site has excellent access to public transport (PTAL rating of 6a, as per the information submitted by the applicant) and is within a controlled parking zone measured to be suffering from parking 'stress'.

It is therefore considered necessary to remove the ability to apply for a parking permit by requiring a s106 agreement to ensure the development is car-free. Hence, all eleven units sought to be created will be made car-free. The offer to enter into an agreement has been made and the issuing of any approval is dependant upon it being completed within the statutory timescale. Otherwise, the application would be refused on grounds that measures to mitigate the impact to parking stress have not been secured. The applicant has however indicated a willingness to enter into the agreement, and for this agreement to be completed within the required timeframes.

Cycle parking

The submitted plans, as revised during the course of the application, show provision for cycle parking on-site at ground floor level. Eleven cycle spaces are provided, one for each of the eleven units proposed. 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. Furthermore, to reiterate, 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." The requirement for eleven cycle parking spaces, one for each of the new residential unit proposed, will be secured by a section 106 legal agreement to ensure compliance in this regard in perpetuity.

Construction impacts

To reiterate, paragraph 8(b) of the GDPO as amended 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 35 of the NPPF states:

"Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
-
- *consider the needs of people with disabilities by all modes of transport."*

Although it is acknowledged that some off-site vehicular access will be possible at the application site, it is also noted from the existing and proposed plans that significant internal works will take place to facilitate the change of use. The existing use is in active use and has been specifically fitted out for the current occupier (e.g. raised floors, false ceilings). As such, the internal alterations to allow the Class C3 units would be of such a level that it is considered necessary to seek to secure a construction management plan. This is with the objective of ensuring highway and pedestrian safety and minimise transport related noise and disturbance, through the movement of goods and materials during the construction process. This will be secured via a section 106 Legal Agreement, which the applicant has indicated a willingness to enter into on this basis.

An objection has been received to the intensification of development, noise and increase in traffic. The GPDO guidance makes clear that of these objections, only traffic can be considered as a material consideration. The Section 106 legal agreement will secure the eleven units to be car free, for each to have cycle parking and a CMP during the construction phase. This is considered to adequately respond to transport related matters.

(b) Contamination risks on the site

In this regard the applicant has submitted an extract from the Environment Agency website stating that no known pollution exists at the site. As part of information held by the Council, the site is within an area of potential land contamination, owing to its proximity to industrial uses and the rail line. However, as this application seeks purely change of use (and not excavation or the comprehensive redevelopment of the site) it would not alter any land levels or involve any substantial changes to the structure of the external faces of the building. On this basis it is considered that this proposal would not be impacted by land contamination.

(c) Flooding risks on the site

The applicant has submitted information from the Environment Agency's website confirming the site is not within a floodplain. As part of the information held by the Council, the site is within an area susceptible to surface water flooding. However, given the Environment Agency information submitted, it is considered that the proposals are satisfactory in this regard.

Recommendation

Prior approval is required and is granted, subject to a section 106 legal agreement securing the eight new units as car free, eleven cycle spaces (1 for each of the units) and a construction management plan. This is 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.