

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		16/07/2014	
		N/A / attached		<b>Consultation Expiry Date:</b>			
<b>Officer</b>				<b>Application Number(s)</b>			
Mandeep Chagger				2014/3449/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
148 Kentish Town Road London NW1 9AB							
<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 financial and professional (Class A2) to residential (Class C3) use at first floor level to provide a studio flat.							
<b>Recommendation(s):</b>		Granted Subject to a Section 106 Legal Agreement					
<b>Application Type:</b>		GPDO Prior Approval Class IA change of use of A1/A2 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>10</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		No neighbour responses received.					
<b>CAAC/Local groups* comments:</b> *Please Specify		N/A No CAACs are required to be consulted.					

## Site Description

The application site is located on the eastern side of Kentish Town Road at the junction of Prince of Wales Road. The application site is a four-storey building with A1 use on ground floor and A2 use above. The entrance to the upper floors is through a staircase accessed from the front of the building.

## Relevant History

2013/7073/P - Change of use of rear of building from Estate Agent (Class A2) to form 1x residential studio unit at ground floor and 1x maisonette within 2 storey extension above (Class C3). Waiting to be determined.

## Relevant policies

### LDF Core Strategy and Development 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 therefore be "lawful development".

The application is for the change of use to the first floor. As such, the ground floor retail use will remain unaffected by the proposal and as a result would not detract from the viability of the Town Centre and therefore, Policy has no objection.

Development is not permitted by Class IA where -

- (a) the building was not used for one of the uses referred to in Class IA(a) on 20th March 2013 or, if the building was not in use on that date, when it was last in use;
- (b) permission to use the building for a use falling within Class A1 (shops) or A2 (financial and professional services) of that Schedule has been granted only by this Part;
- (c) the cumulative floor space of the existing building changing use under Class IA exceeds 150 square metres;
- (d) the development (together with any previous development under Class IA) would result in more than 150 square metres of floor space in the building having changed use under Class IA;
- (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order);
- (g) the building is—
  - (i) on article 1(5) land;
  - (ii) in a site of special scientific interest;

- (iii) in a safety hazard area;
- (iv) in a military explosives storage area;
- (v) a listed building; or
- (vi) 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 will be considered below.

#### *(a) Transport and highways impacts*

The site is accessed principally from Kentish Town Road, with no current parking spaces and has a PTAL of 6a.

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 IA.2 [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. The area suffers from parking stress and therefore the proposed single dwelling should be secured

by a S106 legal agreement to be car free.

*Cycle parking*

The submitted plans show provision for cycle parking on the ground floor of the 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.”

Given its use as a single dwelling (rather than multiple units) and the fact cycle parking is possible on site, it is considered acceptable to omit any need for the section 106 to secure cycle parking in this instance.

*(b) Contamination risks on the site*

The site is not within an area of potential land contamination and therefore this condition is not relevant.

*(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 dwelling as car free, in compliance with Class IA of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.