

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>14/07/2014</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>10/06/2014</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Sally Shepherd			2014/3339/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
1 Wilmot Place London NW1 9JS			Refer to decision notice	
<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 5 x self-contained studio flats (Class C3).				
<b>Recommendation(s):</b>	Grant Prior Approval			
<b>Application Type:</b>	GPDO Prior Approval Class J Change of use B1 to C3			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>21</b>	No. of responses	<b>2</b>	No. of objections	<b>02</b>
Summary of consultation responses:	<p>Two objections were received which are summarised below:</p> <p>1A Wilmot Place:</p> <ul style="list-style-type: none"> <li>• Overcrowding and increase in noise and disturbance</li> <li>• No external window for Flat 2</li> <li>• Increase in amount of domestic waste</li> </ul> <p>2 Wilmot Place:</p> <ul style="list-style-type: none"> <li>• Disruption from building work</li> <li>• Lack of social housing</li> <li>• Impact on car parking – <b>Officer's response:</b> see section on car free development below.</li> </ul> <p><b>Officer response:</b>  <i>The Council can only consider the transport impacts, contamination and flooding risks of the proposal and this has been confirmed through the Planning Practice Guidance 2014, Nick Boles' Ministerial Statement and the Explanatory Memorandum for the GDPO 2014. Therefore residential standards, waste and lack of social housing cannot be considered as part of this application.</i></p>					
CAAC/Local groups comments:	N/A					

## Site Description

The application site relates to a part-three, part-one storey building located on the west side of Wilmot Place, north of the junction with St Pancras Way and south of the junction with Rochester Place. The site is part of pair with no.2 and has office at ground floor level with residential above at the first and second floor levels.

The site is not located within a conservation area, however the Jeffrey Street conservation area begins on the site boundary to the south west and the Rochester conservation area begins nearby to the north east, beyond Rochester Place.

## Relevant History

### 1 Wilmot Place

**CTP/32074** – Planning permission granted on 19/06/1961 for the retention of windows on the ground floor and provision of windows on the first and second floors at the side as an amendment to conditional planning permission granted by letter dated 18th October 1978 (reg. no. 26783(R)) for the erection of a 3-storey building for use as a builder's workshop, store, garage and office on the ground floor with a residential flat on each of the first and second floors.

**CTP/26783** - Planning permission granted on 18/10/1978 for the erection of a three storey building for use as a builder's workshop, store, garage and office on the ground floor with a residential flat on each of the first and second floors.

**2012/3167/P** – Planning permission granted on 17/04/2013 for erection of a 3rd floor roof extension to provide two 1 bedroom self-contained flats (Class C3), with associated increase in the height of parapet, installation of 9 rooflights and 6 solar panels and a green roof; creation of a rear roof terrace with glass balustrade at third floor level; alteration of fenestration at first and second floor levels on front elevation and rendering of brickwork on all elevations; retention and alteration of commercial façade at the ground floor level including removal of garage and installation of white painted render plus creation of new ramped access on forecourt.

**2013/8190/P** – Planning permission granted on 17/02/2014 for change of use from office (Class B1a) to 6 x self-contained studio flats (Class C3).

**2014/2998/P** – Application submitted on 17/04/2014 for erection of third floor roof extension to provide a two-bed self-contained flat (C3), alterations to commercial ground and residential first and second floor level elevations with associated ramp access (Alterations to permission ref: 2012/3167/P - dated 17th April 2013) (not yet determined)

### 1 and 2 Wilmot Place:

**EN12/0308:** - An alleged breach, namely the change of use from light industrial to office (B1) was reported in 2012. No breach was found as light industrial is also covered by the B1 use class and so planning permission was not required.

## 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 and Procedure

This application relates to the ground floor level of 1 Wilmot Place. The proposal seeks to change the use of the building at ground floor level from offices (Class B1a) to provide 5 x self-contained studio 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 application site has a PTAL rating (public transport access level) of 6a (excellent) and the site is within the Somers Town CPZ.

No off-street parking spaces are currently provided on site and so in accordance with the NPPF objectives, 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 Council actively encourages sustainable and efficient transport and supports the provision of high quality cycle parking in line with national planning policy.

The proposal includes provision for six cycle spaces (3 x Sheffield stands) off the communal hallway. Given the development would provide 5 self-contained units; it is considered that the proposed provision of cycle parking would be acceptable. The permanent provision of the cycle spaces would be secured via the S106 legal agreement.

### Highway network impact

Impact on the highway network and immediate environment is likely during construction. No information has been provided as to how the site will be converted from office to 5 x residential units. Due to the amount of building work required to convert the property, Camden's Transport Planners have advised that a Construction Management Plan (CMP) would be required to mitigate any adverse impacts. This would be secured via a S106 legal agreement.

The works may also result in damage to the footways surrounding the site. As such, a highways contribution of £5,160 to remove the dropped kerb outside the front of the property following the works is required and would be secured via the S106 legal agreement.

### **(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.

### **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 and securing appropriate cycle storage for 5 cycles. The proposal complies with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.