

Delegated Report		Analysis sheet	Expiry Date:	04/08/2014
		N/A	Consultation Expiry Date:	
Officer			Application Number(s)	
Angela Ryan			2014/3807/P	
Application Address			Drawing Numbers	
277A Gray's Inn Road London WC1X 8QF			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of the ground floor for use as a car park, with ancillary office (Sui Generis), and associated storage and distribution (Class B8) for a temporary period of six months.				
Recommendation(s):		Refuse with warning of enforcement action		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	114	No. of responses	0	No. of objections	0
			No. electronic	0		
Summary of consultation responses:	<p>A site notice was displayed on 18/06/2014, expiring on 09/07/2014. One letter of objection has been received by an unidentified local resident on the grounds that the development would result in:</p> <ul style="list-style-type: none"> - Noise and disruption - Pollution - Traffic congestion - Safety issues to people in Birkenhead Estate <p>(It should be noted that this objection does not appear to relate to this application but to a the pre-application redevelopment proposals relating to proposed flats on the site. These were discussed recently at a Development Management Forum and the letter has therefore been referred to the relevant case officer)</p>					
CAAC/Local groups* comments: *Please Specify	N/A					

Site Description

The site is a four-storey building located on the west side of Gray's Inn Road and is bounded by Gray's Inn Road to the east, Birkenhead Street to the west, St Chad's Street to the north and Argyle Street to the south. The application site comprises a double fronted building with a white painted rendered façade. This building retains its timber sash windows, which are recessed within recessed blind arches at first floor level, and includes a prominent pedimented gable and entrance portico. No. 277 marks the centre of the original terrace and the entrance to a former courtyard building to the rear. It has a large vehicular opening at ground floor level on the Gray's Inn Road frontage. The ground floor at the site is currently being used as an unauthorised car park/car wash and the upper floors are currently vacant. The authorised use of the building is for a warehouse, and the building was last used for car storage and car repairs and servicing.

The site can be accessed via Gray's Inn Road a wide busy road and St Chad's Street a narrow street. The area is characterised by a mixture of uses. The application site is bordered by a seven storey residential estate (Birkenhead Street Estate) to the immediate west. Buildings to the north of the site are three storeys in height, plus roof additions at 279-305 Gray's Inn Road, with ground floor commercial uses and mixed commercial and residential uses located on the upper floors. Immediate to the south of the site is a five storey building being used for student accommodation at no. 265-275 Gray's Inn Road. To the south there is also a three storey building (with a double height ground floor) located at 55 Argyle Street that is now in commercial use. This was formally the southern entrance into the application site and (most of which are at least in part in residential use). There are four storey terraced houses at nos. 13 and 14 St Chad's Street located to the north of the site with no. 12 St Chad Street forming the northern entrance to the application site and no. 11 currently a construction site with the building currently being refurbished.

The site is not listed but lies within the Kings Cross St Pancras Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area. The cast iron bollards located in St Chad's Street are also considered to be elements of streetscape that make a positive contribution to the character and appearance of the conservation area.

Relevant History

Planning History:

There is no relevant planning history for the site.

Enforcement History:

Complaint received in 2008 in respect of an unauthorised 'let by' board. The breach was subsequently ceased (Ref: EN08/0579)

Complaint received 2014 in respect of an illegal car parking operation. The case is still ongoing (Ref: EN14/0308)

Relevant policies

LDF Core Strategy and Development Policies

Core strategy:

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS8 Promoting a successful and inclusive Camden economy

CS11 Promoting sustainable and efficient travel

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 Promoting high quality places and conserving our heritage

CS16 (Improving Camden's health and well-being)

CD19 (Delivering and monitoring the Core Strategy)

Development polices:

DP13 Employment premises and sites
DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP19 Managing the impact of parking
DP25 Conserving Camden's heritage
DP26 Conserving Camden's heritage
DP32 Air Quality

King's Cross St Pancras conservation Area Statement 2003

Camden Planning Guidance 2013:

CPG5- chapter 7
CPG 7 - Transport

London Plan 2011- Chapter 6

NPPF 2012-Chapter 4

Assessment

1.0 Proposal:

1.1 The site is currently being used for an unauthorised car park/car wash at ground floor level. The applicant seeks the retention of the use for a temporary period of 6 months. The car park can accommodate up to 100 spaces. Current ingress and egress is via Gray's Inn Road and it has been confirmed that there is sufficient circulation space within the site to allow vehicles to enter and exit the building in forward gear. The other entrance into the site located in St Chad's Street is currently redundant.

1.2 The applicant has confirmed that the current use of the site is primarily to ensure that the site is occupied and remains safe and secure, and to bring an otherwise vacant site back into use until such time that a comprehensive redevelopment of the site comes forward.

1.3 The main issues to consider are:

- The principle of the land use
- Design;
- Amenity; and
- Transport

2.0 Principle of the land use

2.1 The authorised use of the building is for a warehouse/storage (Class B8). The last use of the building was for the storage of cars (Class B8), and repair and servicing (Class B2). As such the site is considered to be an employment site. Policies CS8 and DP13 seeks to promote successful and inclusive economies whilst seeking to provide and protect employment sites and business premises within the borough. In instances where the principle of redevelopment of an employment site is accepted in principle, the Council's priority will be to secure permanent housing and /or community uses. Moreover, paragraph 7.8 in CPG5 stipulates that Camden has a very restricted supply of sites and premises suitable for light industrial, storage and distribution uses. This means that there is a high level of demand for the remaining sites and that the majority of sites are well occupied and able to secure relatively high rents as long as they have good access and separation from conflicting

premises.

2.2 The site is considered to be a category 2 site as defined at page 85 of CPG5. The characteristics of category 2 sites are those with:

- good access for servicing and delivery;
- slightly more restricted hours of operation than Category 1 sites;
- roller shutter doors;
- clear, high floor to ceiling heights (3-5m);
- lots of natural light;
- level access – normally ground floor;
- flexible neighbouring uses;
- limited number of upper floors with goods lift access; and
- some off street parking.

Sites of this nature will usually be protected unless there is very strong marketing evidence in line with policies CS8 and DP13 to verify that the building is no longer suitable or viable or continued employment use. No such evidence has been provided in support of the application. The applicant has stated that the current use is to secure a safe and secure site, and to ensure that an otherwise vacant site is in use, which is considered to be insufficient justification in terms of the current use of the site. Moreover, the overall floor area is 1,930m² and is therefore considered to be capable of providing a higher level of employment opportunities over and above the 3 people that are employed by the current use.

As such albeit that the use is proposed for a temporary period of 6 months, the principle of the land use is considered to be unacceptable by virtue of the lack of evidence that has been provided to justify the loss of employment. Moreover, whilst the applicant has commenced pre-application discussions with the Council, even if a redevelopment scheme was subsequently submitted and approved, it is unlikely that the site will be developed within the 6 month timescale sought.

Design:

No external alterations are proposed and therefore the proposal would not cause undue harm to the character and appearance of the host building or the character and appearance of the King's Cross/St Pancras Conservation Area or the setting of the grade II listed buildings adjoining the site at nos.13 and 14 St Chad's Street.

Amenity:

The use is proposed to be operated between 06:30hrs to 20:00hrs Monday to Friday; 06:30hrs to 17:00hrs on Saturday. It is not proposed to be operated at any time on Sunday. There are residential premises situated within close proximity of the site and it is considered that the ambient noise levels at 6:30am on weekdays and on Saturday are considerably lower than that at the busiest parts of the day. There may be some potential for possible impact on existing residential amenity caused by the coming and goings of the staff and clientele. However, in the absence of complaints being made to the Council, it is considered that the proposal does not warrant a refusal on this basis.

Transport:

The site lies within a Central London Location, with a PTAL rating of 6a indicating that the site has excellent links to the public transportation network. The Council's approach to car parking is to seek car-free developments in the most accessible parts of the borough (Central London, town centres (except Hampstead) and other areas that are well-served by public transport). The Council will also seek car-capped developments where the provision of additional on-street parking would be harmful to parking conditions.

Paragraph 11.1 of CS11 states that the borough also faces considerable challenges in relation to

transport. Its road and public transport networks are subject to significant congestion, and air quality is a serious issue. Paragraph 11.2 states that the Council needs to address these challenges and ensure that transport provision contributes towards our approach to managing the significant growth in the borough, as set out in Section 1 (of the Core Strategy). Policy CS11 promotes a range of sustainable transport measures and the delivery of additional infrastructure to support growth and relieve existing pressures on the transport system. It builds on, and helps to deliver, the sustainable transport priorities established in the Council's Green Transport Strategy. This aims to encourage more walking and cycling and reduce traffic in the borough by 15% from 2001 levels.

Paragraph 11.17 of policy CS11 states that the Council will continue to limit the amount of parking available for private cars. This represents a key part of our approach to addressing congestion, promoting sustainable transport choices, and facilitating the delivery of pedestrian and cycle improvements by maximising the amount of public space available to provide new walking and cycling facilities.

Another part of the Council's strategy in line with paragraph 11.19 of policy CS11 is to promote more sustainable travel options and to allow the loss of existing public car parks, where appropriate. This helps to promote the use of sustainable transport by limiting the availability of parking spaces, and also promotes more efficient use of land in the borough.

Paragraph 11.21 of CS11 states that the demand for movement, deliveries and car parking on Camden's roads already exceeds the space available, meaning that the effective management of Camden's road network is essential. As such the Council will seek to ensure that new development does not cause harm to Camden's road hierarchy, or to the ability of the Council (and for strategic roads, Transport for London) to manage the road network. In particular Grays Inn Road is a very busy TfL Red Route where the maintenance of free flowing traffic is a priority. Policy DP21 in Camden Development Policies sets out Camden's requirements regarding connections to the road network from developments.

The proposal would contravene policy DP16 as the additional motor vehicle trips would have an unacceptable impact on an already congested public highway network.

The proposal would contravene policy DP17 as it would be dependent on travel by private motor vehicles.

Policy DP18 seeks to limit the availability of car parking in the borough, particularly where sites have strong links to the public transportation network. As the site is located within a Central London location with excellent links to the public transportation network, the Council would normally expect a car-free development, or car-capped in this instance where there is parking proposed on site. Therefore the proposal is considered to be contrary to policy DP18.

Policy DP19 seeks to manage the impact of parking in the borough, and stipulates that the Council will only permit public off-street parking where it is supported by a transport assessment and is shown to meet a need that cannot be met by public transport. Given the Central London Location and the excellent transport links the proposal is contrary to policy DP19. In the absence of a transport assessment and a car-capped development these constitute further reasons for refusal of the application.

The proposal also contravenes various objectives of the Camden Transport Strategy. Example of this is as follows:

- Objective 1 – seeks to reduce motor traffic and vehicle emissions to improve air quality, mitigate climate change and contribute to making Camden a 'low carbon and low waste borough'.
- Objective 2 – seeks to encourage healthy and sustainable travel choices by prioritising walking,

cycling and public transport in Camden.

- Objective 4 – seeks to effectively manage the road network to manage congestion, improve reliability and ensure the efficient movement of goods and people.
- Objective 6 – seeks to ensure the transport system supports Camden’s sustainable growth and regeneration as well as enhancing economic and community development.

Air Quality:

The site is located within a clear zone area, where the objective is to develop policies and initiatives to reduce the impact of transport on the environment, and in particular to reduce congestion and pollution, improve air quality, improve accessibility and mobility or walking, cycling and public transport, and promote car-free development. In accordance with policy DP32 the Council will require air quality assessments where development could potentially cause significant harm to air quality. Mitigation measures are also expected in developments that are located in areas of poor air quality. The policy further goes on to say that the Council will only grant planning permission for development in the clear zone region that significantly increases travel demand when it considers appropriate measures to minimise the transport impact of development within the Central London Area are incorporated which will be secured via planning conditions or a legal agreement. In the an air quality assessment and mitigation measures this constitutes a further reason for refusal of the application.

Recommendation:

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

The unauthorised use of the ground floor as a car park and car wash

What you are required to do:

- 1) Cease the use of the ground floor at the site for use as a car park and car wash

Period of Compliance: 1 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE

Reasons for issuing the notice:

1. The proposed development would result in the loss of employment floorspace capable of continued occupation in its existing business use and would fail to make satisfactory replacement provision for employment and/or training opportunities within the Borough contrary to policy CS8 (Promoting a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment premises and sites) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed use as a public car park is likely to lead to additional trips by private motor vehicles and have a consequent unacceptable impact on the already congested public highway network in the area contrary to policy CS11 (Promoting sustainable and efficient travel-) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP16 (The transport implications of development), DP17 (Walking, cycling and public transport), DP18 (Parking standards and limiting the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.

3. The proposed use in contributing directly to the likely increase in traffic generation in the area would be likely to contribute to increased carbon emissions in a designated clear zone area, contrary to policies CS13 ((Tackling climate change through promoting higher environmental standards), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP32 (Air Quality) of the London Borough of Camden Local Development Framework Development Policies.
4. The proposed development in the absence of a legal agreement to secure car-free development, would be likely to contribute unacceptably to congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.