

Delegated Report		Analysis sheet		Expiry Date:		20/06/2014	
		N/A		Consultation Expiry Date:		23/05/2014	
Officer				Application Number(s)			
Alex McDougall				2014/2695/P			
Application Address				Drawing Numbers			
9 Arkwright Road London NW3 6AB				See Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from existing offices to 7 residential units (1 x 2 bed, 4 x 3 bed, 1 x 4 bed, 1 x 5 bed).							
Recommendation(s):		Grant Prior Approval subject to S106 Agreement					
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	29	No. of responses No. electronic	02 02	No. of objections	02
Summary of consultation responses:		Site notice: 02/05/2014 – 23/05/2014 Objections were received from No. 7 Arkwright, and 11A Arkwright Road The objection was raised on the following grounds: <ul style="list-style-type: none"> • <i>Use</i> – There is ambiguity in the number of units and mix. • <i>Amenity</i> – The proposal will have an unacceptable impact on the privacy of adjoining properties. • <i>Amenity</i> – The construction will result in unacceptable traffic impacts on the surrounding road network. • <i>Amenity</i> – A hoarding should be provided during construction to protect privacy of adjoining properties. 					
CAAC/Local groups comments:		Fitzjohns/Neterhall CAAC have no objection to the proposal.					

Site Description

The site is occupied by a 4 storey building on the southern side of Arkwright Road. The property is not listed but is within the Fitzjohns Netherhall Conservation Area. The building has a service/parking area to the rear which is accessed by a lane on the eastern side of the site. The building is most recently in use as Class B1(a) offices. The site is located in an area with a Public Transport Accessibility Level (PTAL) of 6a (excellent).

Relevant History

9 Arkwright Road (subject site)

Business Rates information suggests that the building has been in B1(a) office use since at least 2005.

2013/5123/P: Change of use from office (Class B1) to single dwelling house (Class C3). Granted 03/10/2013.

2013/5288/P: Change of use from office building (Class B1) to 7 residential units (1 x 2 bedroom, 2 x 3 bedroom, 3 x 4 bedroom and 1 x 5 bedroom) (Class C3). Granted 29/11/2013.

Relevant policies

National Planning Policy Framework 2012

General Permitted Development Order 2008 (as amended)

The Environmental Protection Act 1990(a) part IIA

The Contaminated Land Statutory Guidance issued by the SoS for Environment, Food and Rural Affairs in April 2012

Assessment

Procedure and the proposal

The entire building at No. 9 Arkwright Road is within the B1a office use class. The proposal seeks a change of use of the existing office building to create 7 self-contained flats (1 x 2 bed, 4 x 3 bed, 1 x 4 bed, 1 x 5 bed).

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.

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 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 property has been in legal use 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;

In order for the proposal to comply with this element the use must start before 30th May 2016. Should the use not begin by this date it would not constitute permitted development.

(d) the site is or forms part of a safety hazard area;

The site is not in a safety hazard area.

(e) the site is or forms part of a military explosives storage area;

The site is not part of a military explosives area.

(f) the building is a listed building or a scheduled monument.

The subject building is not listed.

As such, the subject floor space as indicated on the submitted plans is considered to comply with the criteria in sub-paragraph J.1.

Conditions under Sub-paragraph J.2

Transport and highways impacts of the 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.

Car-free development

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 site has a PTAL of 6a (excellent), as such in accordance with the NPPF objectives in favour of sustainable transport the proposed residential units should be secured as car-

capped (the site has 8 off-street car parking spaces). The applicant has indicated that they would be willing to enter into an agreement to secure the new units as car-capped. This is considered necessary 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 London Plan Revised Early Minor Amendments (October 2013) cycle parking standards require the provision of 1 space per 1 or 2 bedroom units and 2 spaces per 3+ bedroom units. This gives a requirement for at least 13 cycle parking spaces. The applicant has indicated that they would be willing to enter into an agreement to secure the provision of cycle parking and its permanent retention thereafter.

Highway network impact

The proposal could impact on the highway network if it results in an increased number of trips to and from the site. The applicant has not submitted information, such as a TRAVL trip generator, to demonstrate whether the residential use would generate less motor vehicle trips than the existing office use and whether the proposal would therefore not result in a detrimental impact to the operation of the public highway. This would have been useful to aid assessment as to whether a Travel Plan to promote sustainable travel would be required. In the absence of this information, this has been considered by the Transport Planner who has advised that on balance, in this instance, it is unlikely that the absence of a Travel Plan would result in severe impact on the highway network given that the site has an excellent level of public transport accessibility and that the units would be secured as car-capped.

Construction

Given the size of the site and the level of internal works proposed the proposal is not likely to result in a detrimental impact on the highway network during its construction period.

Servicing

National policy is concerned with how a site is to be serviced, and how this might impact on the highway network. The application site has use of a large off-street hard stand area which is considered to provide adequate space for servicing.

Contamination risks on the site

In this regard the applicant has submitted commentary detailing that there is no evidence to suggest that the site is subject to contaminated risk. In addition, as part of information held by the Council, the site is not within an area of potential land contamination. On this basis it is considered that this proposal would not be impacted by land contamination.

Flooding risks on the site

The site is identified as one of the streets in Camden that suffered from surface water flooding in 1975 and 2002. The flooding was pluvial and was the result of a summer thunderstorm and the ability of the adopted combined sewers to cope with the sudden volume of rainfall. The applicant has submitted a Flood Risk Assessment that acknowledges these events. It confirms that Arkwright Road has a constant gradient outside the application site and states that the flood water depths would not be expected to rise up to the level at the back edge of the footway. Consequently several measures will be implemented as part of the development including maintenance of the masonry front boundary,

and maintenance of the vehicle crossover gradient down to the carriageway. None of these works require planning permission. Taking this into consideration the proposal would not raise any flood risk issues and would be considered acceptable.

Additional issues

Paragraph N(8) of the GPDO requires that the local authority also:

(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;

Consultation Response

Objections have been received relating to the amenity impact of the proposal. Please see assessment below for more information.

An objector also raised concern with ambiguity between the description of the development and the plans. Council Officers discussed the matter with the objector and explained that the only thing that had changed between this proposal and the previous proposal was the mix of units.

National Planning Policy Framework

Residential amenity

As the bulk of the building would not change the proposal would not harm the amenity of any neighbours in terms of daylight or outlook.

The windows of the existing building are considered to be adequately separated and screened from adjoining properties to ensure that there will be no unreasonable overlooking or loss of privacy.

As the proposal would require internal fit out only the construction impacts are not considered to be of a scale that would warrant a construction management plan.

To summarise, the proposed use would not unreasonably impact on the amenity of adjoining neighbours in accordance with the NPPF.

Standards of accommodation

All units would meet the overall space standards set out in the London Plan SPG. All habitual rooms would benefit from natural light and would receive reasonable daylight. As such, the standard of accommodation is considered to be acceptable and meet the requirements of p.17 of the NPPF.

S106 Agreement

The applicant has confirmed that they would be willing to enter into a S106 agreement with regard to the matters referred to above.

Community Infrastructure Levy (CIL)

As the proposal results in new dwellings it is liable for the Mayor's Community Infrastructure Levy (CIL). The contribution for developments within Camden is set at £50 per square metre. However, it is likely that the proposal will be allowed a concession for existing floor space currently in use. A standard informative is attached to the decision notice drawing CIL liability to the Applicant's attention.

Recommendation

Prior approval is required and is granted on the basis that the application complies with the requirements of Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, subject to a s106 agreement for a car-capped housing and 13 cycle parking spaces.