

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>09/06/2014</b>	
		N/A		<b>Consultation Expiry Date:</b>		<b>04/06/2014</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Alex McDougall				2014/2071/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
200 Kilburn High Road London NW6 4JD				See 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 offices (Class B1) to provide 4 studio flats (Class C3) at 1st, 2nd and 3rd floor levels.							
<b>Recommendation(s):</b>		Refuse Prior Approval					
<b>Application Type:</b>		GPDO Prior Approval (Class J) - Change of use B1 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>7</b>	No. of responses No. electronic	<b>00</b> <b>00</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>		Site notice: 14/05/2014 – 04/06/2014					
<b>Local groups comments:</b>		None					

## Site Description

The site is occupied by a 4 storey end-terrace building on the eastern side of Kilburn High Road. The building has an existing part single, part two storey ground floor rear outrigger which occupies the entire rear garden.

The site is located in an area with a Public Transport Accessibility Level (PTAL) of 6a (excellent).

The site was inspected internally and while the site was vacant it appeared that the entire building was set up for use as offices.

## Relevant History

### 200 Kilburn High Road (subject site)

8500800: Continued use as Citizens Advice Bureau. Condition permission granted 10/07/1985. The permission included a condition that the use would cease in 1990 and revert to a retail use. However the most recent Camden Retail Survey undertaken in 2013 found that the building was still in use as a Citizens Advice Bureau. The use appears to have continued through to at least 2013. This is corroborated by photos of the site on file from previous applications and on the internet. The Citizens Advice Bureau is a B1(a) office use.

The Valuation Office Agency lists the upper floors as being registered as office premises for business rates since 01/04/2010.

## 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 Applicant seeks to utilise the existing first, second and third floor of the subject building, previously in use as offices, for the provision of 4 residential units comprised of a 4 x studio flats.

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.

### ***Compliance with 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 evidence outlined in the site description and history sections above is considered to be sufficient to demonstrate that the proposal was last in use as a B1(a) office premises.

*(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 C3 use would need to start before 30<sup>th</sup> May 2016. It is considered that there is sufficient time for this to occur.

*(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, it is considered that the subject floor space as indicated on the submitted plans complies with the criteria in sub-paragraph J.1.

### ***Conditions under Sub-paragraph J.2***

#### **Transport and Highways Impacts**

NPPF Chapter 4 (Promoting Sustainable Transport) seeks to maximise sustainable transport solutions and reduce greenhouse emissions and travel congestion.

The site has no existing off-street car parking and no further on-site car parking is proposed. The site is located within the Kilburn/Kilburn-Priory Controlled Parking Zone (CPZ). The CPZ is near capacity and as such the provision of any permits to future occupants would put pressure on the availability of on-street parking in the vicinity of the site and have associated traffic impacts resulting from vehicles searching for spaces. As such the proposal is considered likely to have a material impact on the character of traffic in the vicinity of the site. As such the prior approval of Council is considered to be

necessary.

In order to provide alternative transport options for occupants, it is considered that 1 cycle parking space per unit should be provided. The floor plans submitted demonstrate that secure cycle parking could be accommodated within the ground floor of the building.

Subject to a s106 legal agreement designating the development as 'car free' and a condition requiring that 4 cycle parking spaces be provided on site the proposal would be considered to have an acceptable impact on the highway network.

However, the Applicant has failed to enter into a s106 legal agreement. As such it is recommended that prior approval be refused.

### **Contamination Risks**

The site is not identified as falling within an area designated as potentially contaminated land. Notwithstanding, the proposal does not include the disturbance of any soil, there is no garden area associated with the proposed use and the history of the building suggests that there have not been any potentially hazardous uses occupying the site for a considerable period of time. As such the prior approval of Council with regard to contamination is not considered to be necessary.

### **Flooding Risks**

Kilburn High Road is identified as having been subject to surface water flooding in the past. However, as the proposal relates to the first floor and above the risk to future occupants and their possessions is considered to be negligible. As such the prior approval of Council with regard to flooding risk is not considered to be necessary.

### **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**

No consultations responses were received with regard to this application.

### **National Planning Policy Framework**

Paragraph 17 of the NPPF states that, "*planning should always seek...a good standard of amenity for all existing and future occupants of land and buildings*".

### **Neighbouring amenity**

The NPPF falls short of providing specific standards protecting the amenity of adjoining and nearby properties. It is likely that residential accommodation was the original use of the upper floors of the subject building. The building is adequately separated from adjoining properties such that use of the

upper floor for residential accommodation is not considered likely to result in unacceptable privacy impacts on adjoining or nearby properties. No additional bulk is proposed to the building. As such the proposal is not considered likely to affect the amenity of any adjoining or nearby properties.

#### Standards of accommodation

The NPPF falls short of providing specific standards relating to standards of accommodation. The proposed units are considered to be adequately sized, have acceptable outlook and receive good natural light. As such the standard of accommodation is considered to be acceptable.

#### **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. It is estimated that the CIL levy for this proposal would be approximately £10,250.00 (205sqm x £50/sqm). A standard informative is attached to the decision notice drawing CIL liability to the Applicant's attention.

#### **Recommendation**

Refuse prior approval.