

Delegated Report		Analysis sheet		Expiry Date:		05/06/2014	
		N/A		Consultation Expiry Date:		22/05/2014	
Officer				Application Number(s)			
Alex McDougall				2014/2620/P			
Application Address				Drawing Numbers			
101 Bayham Street London NW1 0AG				See Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from office (Class B1a) to residential (Class C3) to create 26 units at ground to fourth floor level.							
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	41	No. of responses No. electronic	01 01	No. of objections	01
Summary of consultation responses:		Site notice: 01/05/2014 – 22/05/2014 Press notice: 01/05/2014 – 22/05/2014 An objection was received from the existing tenants of the building. The objection was raised on the following grounds: <ul style="list-style-type: none"> Principle – The proposal will result in the loss of employment space currently in use by 250 employees (<i>Officer Comment: The provisions of the relevant legislation do not allow for the consideration of such matters.</i>). 					
Local groups comments:		None					
Site Description							

The site is occupied by a 5 storey building on the western side of Bayham Street. The property is not listed but is within the Camden Town Conservation Area. The building has a service area / courtyard to the rear which is accessed by an undercroft from Bayham Street. This area appears to be shared by adjoining buildings. The building is currently in use as Class B1(a) offices. The site is located in an area with a Public Transport Accessibility Level (PTAL) of 6b (excellent).

Relevant History

As 101 Bayham Street (subject site)

2013/8216/P: Change of use from office (Class B1a) to residential (Class C3) to create 26 units at ground to fourth floor level. **Prior approval required and refused 07/02/2014.** Reasons for refusal: The absence of a Section 106 legal agreement to secure the proposal as car free, cycle parking, highways works contribution, construction management plan, wheelchair accessible housing, sustainability measures, affordable housing, public open space contribution, educational infrastructure contribution, community facility contributions.

As 95-111 Bayham Street (subject site)

8903478: Change of use from use within B8 to use within B1 of the Town and Country Planning Use (Classes Order) 1987. Refused 07/02/1990. Allowed on Appeal 30/05/1990.

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

Background

The Applicant previously submitted the same application (2013/8216/P), which was refused as the Applicant did not agree to commit to all of the heads of term proposed under a s106 legal agreement relating to that application. Subsequent to that decision Council has received clarification on the scope of Part J of the GPDO and it is considered that a lack of wheelchair accessible housing, sustainability measures, affordable housing, public open space contribution, educational infrastructure contribution, and community facility contributions cannot be used as reasons to refuse prior approval.

Procedure and the proposal

The entire building at No. 101 Bayham Street (formerly Nos. 95-111) is within the B1a office use class. The proposal seeks a change of use of the existing 2,600 sqm GIA office building to create 26 self-contained flats (13 x 1 bedroom, 10 x 2 bedroom, 3 x 3 bedroom).

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 6b (excellent), as such in accordance with the NPPF objectives in favour of sustainable transport the proposed residential units should be secured as car free. The applicant has indicated that they would be willing to enter into an agreement to secure the new units as car-free. This is considered necessary to minimise impact on the highway network in accordance with paragraph 29 of the NPPF.

Given the scale of the development, and the needs of future residential occupants, it is considered appropriate to convert an on-street pay and display parking bay to the front of the site to a disabled parking bay. The cost of the conversion will be covered by the Applicant and secured via s106.

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 bedrooms units and 2 spaces per 3+ bedroom units. This gives a requirement for at least 29 cycle parking spaces. The proposal has included provision for 29 on-site cycle storage spaces. The proposed cycle parking provision is considered to comply with local and national policy and will be secured via a legal agreement to ensure it is provided and permanently retained thereafter.

The works may result in damage to the footways surrounding the site. As such, it is recommended that a financial contribution towards the repaving of the footway adjoining the site on Bayham Street, following the completion of construction works, is secured via a S106 agreement. Without this the proposed works are likely to damage the footway adjacent to the site which would have an adverse impact on the highway network to the detriment of pedestrians and contrary to the NPPF.

A financial contribution towards wider pedestrian and environmental improvements in the area has been considered in line with paragraphs 32 and 35 of the NPPF. The proposal may result in an increase in pedestrian and cycle movements. However, this is unlikely to result in such a substantial increase in pedestrian movements that it would have a detrimental impact on existing provisions. As such, a contribution towards pedestrian and environmental improvements would not be required.

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-free.

Construction

Impact on the highway network and immediate environment is likely during construction. Given the size of the site and the level of internal works proposed the proposal is likely to result in a detrimental impact on the highway network during its construction period. No information has been provided that details how the site will be converted from offices to residential units. The scale of works is considered to be sufficient to require a Construction Management Plan in order to mitigate any adverse impacts. This will be secured via a legal agreement.

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 the large servicing bay to the rear. Given the scale of the development, and the needs of future residential occupants, it is also considered appropriate to convert an on-street pay and display parking bay to the front of the site to a loading bay. The cost of the conversion will be covered by the Applicant and secured via s106. Given this quantum of servicing space a Service Management Plan is not considered to be necessary.

Contamination risks on the site

The site is identified as falling within an area designated as potentially contaminated land. However, the risks posed to the health of future occupants is not considered to be significant for the following reasons:

- The proposal does not include the disturbance of any soil.
- There is no garden area associated with the proposed use.
- The building has been in use for offices for a considerable period of time (since 1990).
- Prior to the existing office use the building was in use as a storage and distribution centre.

Flooding risks on the site

The site is not identified as one of the streets in Camden that suffered from surface water flooding in 1975 and 2002. The applicant has not submitted a Flood Risk Assessment. However, given that the proposal does not include any form of extensions or excavation and that no residential accommodation is proposed at basement level it is considered that 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

An objection has been received relating to the principle of the proposal with regard to loss of employment space. The objector notes that the building is currently in use and employs 250 people.

While the proposal would be contrary to local planning policy the terms of the legislation do not allow for consideration of these matters and the legislation itself does not contain any caveats relating to occupation. As such prior approval cannot be refused on this ground.

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 closest residential units are located immediately adjacent to the site at the upper floor levels of 16 Greenland Street. These units have windows on the rear elevation which are angled at 90 degree to the rear elevation 101 Bayham Street. The only potential overlooking to these flats would be from the window opposite the entrance of Unit 1 at fourth floor level. However, owing to the angle, the position of the window at Unit 1 (serving the entrance), and the distance between windows, this is not considered to be harmful to the amenity of the occupiers of the flat at 16 Greenland Street. Other nearby residential properties are located at the upper levels of Camden High Street (37 metres from the site), the opposite side of Bayham Street (23 metres from the site). These properties are sufficient distance from the application site to ensure that overlooking would not be an issue.

To summarise, the proposed building would not 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. 12 of the units would be single aspect and 14 would be dual aspect. All habitual rooms would benefit from natural light and would receive reasonable daylight. On the whole the units at upper floor levels would provide a high standard residential accommodation.

The standard of accommodation at ground floor level is considered to be lower quality. Four units would be single aspect with window facing on to Bayham Street. These units would face directly onto the busy street with no defensible space. However, following the change of use, the owners could seek ways of further protecting their privacy. This would be subject to normal planning controls and would be assessed against the policies of the development plan. As such the poor privacy of these units is not considered to be reason to refuse the application.

As such, the standard of accommodation is acceptable and meets the requirements of paragraph 17 of the NPPF.

Alterations and additions

The plans as submitted suggest the Applicant intends to make several external changes to the building. The prior approval process cannot be used to attain permission for such works. As such an informative will be included reminding the Applicant that they must apply for planning permission for any such alterations.

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-free building, contributions for highway improvements, cycle parking and a construction management plan.