

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		04/06/2014	
		N/A		<b>Consultation Expiry Date:</b>		08/05/2014	
<b>Officer</b>				<b>Application Number(s)</b>			
Gideon Whittingham				2014/2155/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
15 Wolsey Mews London NW5 2DX				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 offices (Class B1) to provide a single residential unit (1 x 1 bed) over ground and first floors.							
<b>Recommendation(s):</b>		Grant 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 Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	15	No. of responses	00	No. of objections	00
				No. electronic	00		
<b>Summary of consultation responses:</b>		A site notice was displayed from 11/04/2014 and a public notice was published in the Ham & High from 17/04/2014.  To date no representations have been received.					
<b>CAAC/Local groups comments:</b>		The Bartholomew CAAC were notified of this application. To date no representations have been received					

## Site Description

The site is located on east side of Wolsey Mews between the junctions with Islip Street to the north and Caversham Road to the South. The application building is 2 storeys in height, providing 45sqm of office accommodation.

The building is not listed, but is located within the Bartholomew Estate conservation area.

## Relevant History

No relevant history

## Relevant policies

### National Planning Policy Framework 2012

Core planning principles, paragraph 17

Chapter 4 paragraphs 29, 32, 35, 39

Chapter 6 paragraph 49 and 50

Chapter 7 paragraph 56-59 and 64

Chapter 8 paragraphs 70, 72 and 73

Chapter 10 paragraphs 93, 95-97.

Chapter 11 paragraphs 109 and 117-118 and 121-122

The Environmental Protection Act 1990(a) part IIA; and

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

## Assessment

### Proposal and Procedure:

1.1 This application relates to the ground and first floor level of 15 Wolsey Mews. The proposal seeks to change the use of the building from offices (Class B1a) to provide a self-contained 1 bedroom flat (Class C3), measuring 45sqm.

1.2 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.

1.3 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.

1.4 It also refers to paragraph N and its provisions apply to such an application.

1.5 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

1.6 The development is assessed against paragraphs (a)-(f). Development is not permitted where:

- (a) *the building is on article 1(6A) land;*

1.7 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;*

1.8 The proposal complies: the site has been used as Class B1(a) offices before 30 May 2013. Site visit confirmed this.

*(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;*

1.9 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;*

1.10 The proposal complies: it is not in a safety hazard area.

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

1.11 The proposal complies: it is not part of a military explosives area.

*(f) the building is a listed building or a scheduled monument;*

1.12 The proposal complies: the building is not listed.

1.13 Therefore, the proposal accords with sub-paragraph J.1.

## **Impacts and Risks**

1.14 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

1.15 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:*

1.16 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.

1.17 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.

1.18 The Council has considered the highways impacts of the change of use and whether to seek appropriate mitigation measures to mediate against any highways impacts. The application site has a PTAL rating (public transport access level) of 6a (excellent) and so is ideally situated to be designated as car free, i.e. the occupants will be unable to obtain on-street parking permits from the Council. This should be secured by means of a Section 106 Legal Agreement.

*Walking, cycling and public transport:*

1.19 The Council actively encourages sustainable and efficient transport and supports the provision of high quality cycle parking in line with national planning policy.

1.20 The submitted plans show no provision for cycle parking. In line with the London Borough of Camden/London Plan standards, 1 cycle space is expected for each unit, therefore 1 space should be provided. However, it is accepted that the layout of the property would allow sufficient space for the inclusion of cycle parking at ground floor level within the flat.

1.21 The work would be internal to the building and given that there is not much alteration to the internal arrangement there is not considered to a significant impact on the local transport network so a CMP would not be merited for this application.

**(b) contamination risks on the site**

1.22 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.

1.23 The site is not identified as falling within an area designated as potentially suffering some level of contamination. However, 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**

1.24 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.

1.25 Therefore, the proposal accords with sub-paragraph J.2.

**Other matters: Residential amenity**

1.26 As no external works are proposed the works would not harm the amenity of any neighbours in terms of daylight or outlook.

1.27 To ensure privacy, development within Camden would typically require a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This minimum requirement will be the distance between the two closest points on each building (including balconies).

1.28 Whilst it is acknowledged the use of the first floor to the front would result in a degree of overlooking upon No.26, given the width and already intimate nature of the mews, there is sufficient

distance from the application site to ensure that overlooking of a significant material harm would not occur

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

### **Conclusion and recommendation**

1.30 Prior approval is required and is granted, subject to a section 106 legal agreement securing the new unit as car-free, on the basis that appropriate mitigation measures are in place to manage the transport impacts of the proposal. The proposal complies with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.