

Delegated Report		Analysis sheet	Expiry Date:	29/05/2014
		N/A / attached	Consultation Expiry Date:	01/05/2014
Officer			Application Number(s)	
Neil Collins			2014/2183/P	
Application Address			Drawing Numbers	
Gordon House 6 Lissenden Gardens London NW5 1LX			EX.00; PP/01 Rev A; PP/03;	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of first floor office (Class B1) to 6 x self-contained flats (Class C3).				
Recommendation(s):		Grant Prior Approval subject to Section 106 legal 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	50	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p data-bbox="427 465 901 499"><u>23 Glenhurst Avenue</u> – Objection</p> <p data-bbox="427 504 1517 645"><i>My home is overlooked by the proposed application, so I and my neighbours would like to see the architect's plans for the proposed development. We are very concerned to know it is proposed to build higher than the current structure.</i></p> <p data-bbox="427 685 678 719"><u>Officer Comment:</u></p> <p data-bbox="427 759 1517 976"><i>This application seeks to determine whether the proposed change of use from offices (B1) to residential flats (C3) would fall within permitted development allowances under the provisions of Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. The proposal is considered to be permitted by way of the legislation and would not require planning permission.</i></p> <p data-bbox="427 1016 1497 1122"><i>Therefore, the planning merits of the proposal are not assessed as part of this application and Camden's LDF policies cannot be taken into account in determining the application, nor could they justify refusal of the application.</i></p>					
CAAC/Local groups comments:	<p data-bbox="427 1200 758 1234"><u>Dartmouth Park CAAC:</u></p> <p data-bbox="427 1274 890 1308">No response has been received.</p>					

Site Description

The site is located on the east side of Lissenden Gardens on the corner with Gordon House Road. The site comprises a two storey commercial building with flat roof. The building is currently in use as a garage on the ground floor with office accommodation above. The property is recessed back from the road with a driveway to the front. The site is bounded to the north by Glenhurst Avenue, to the west by Salcombe Lodge, Heathview to the south and offices/commercial buildings to the west. The site is located within the Dartmouth Park Conservation Area. The building is not listed.

Relevant History

2010/2564/P - PP Granted - Erection of an additional storey at roof level to create 5 self-contained residential dwellings (Class C3) (2 x 1 bedroom flats, and 3 x 2 bedroom flats) along with the creation of associated roof terraces at second floor level, and layout alterations to existing office space (Class B1a) at first floor level; subject to conditions and s106 legal agreement. GRANTED 15/03/2011

2013/4019/P – Approval of details Granted - Details pursuant to condition 2 (facing materials, handrails and fenestration), condition 3 (tree protection) and condition 4 (cycle storage) of planning permission dated 15/03/2011 (ref:2010/2564/P) for erection of an additional storey at roof level to create 5 self-contained residential dwellings and creation of associated roof terraces. GRANTED August 2013

2013/4868/P - Change of use of first floor office (Class B1(a)) to 4 x 1 bedroom and 1 x 3 bedroom self contained flats (Class C3) - GRANTED, 25/09/2013

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

This application seeks prior approval for a change of use of use from of the first floor of the building from offices (B1) to six self-contained residential flats (C3), under the provisions of Class J of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

“Class J

Permitted development

J. Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule”.

Development not permitted by Class J where -

- (a) the building is on article 1(6A) land; - complies, it falls outside of the ‘exempt office area’ designation in Camden.
- (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; - complies, although now vacant, it was last in use as Class B1(a) offices
- (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 – complies, it will commence in 2013
- (d) the site is or forms part of a safety hazard area; - complies, it does not form part of a safety hazard area
- (e) the site is or forms part of a military explosives storage area; - complies, it does not form part of a military explosives storage area
- (f) the building is a listed building or a scheduled monument – complies, the building is not listed or a scheduled monument

The application complies with each of the above criteria.

Conditions

J.2 Class J -

The applicant has submitted information 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"

Transport and highways impacts

There is on-street parking outside the site on Lissenden Gardens also Gordon House Road.

Procedure for applications for prior approval under Part 3

In determining these types of applications Class N(7) states that the local planning authority may require the developer to submit such information regarding the impacts and risks referred to in paragraph J2 [i.e. the transport and highways impacts of the development],... as the case may be, as the local planning authority may reasonably require in order to determine the application, which may include—

- (a) assessments of impacts or risks;
- (b) statements setting out how impacts or risks are to be mitigated.
- (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) [noted above]...;
 - (b) have regard to the National Planning Policy Framework issued by the Department (NPPF) for Communities and Local Government in March 2012 as if the application were a planning application; and
- (c) NB. Not applicable in this instance

NPPF 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.

On-street parking

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 development is likely to result in a material increase / material change in the character of traffic in the vicinity of the site and would seek mitigation measures to mediate against any impacts on the highway network. The new residential unit could apply for residents parking permits if there are no restrictions in place to remove this. The site has good access to public transport. The area suffers from parking stress and therefore the proposed residential units should be secured by a S106 legal agreement to be car free.

Cycle parking

The submitted plans do not indicate the provision for cycle parking space for the new residential units. Paragraph 8(b) of the prior approval legislation states that the local planning authority shall have regard to the NPPF as if the application were a planning application in relation to the three categories that can be considered by the Council. Paragraph 29 of the NPPF states that “*the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.*” In paragraph 35 it goes on to advise that “*developments should be located and designed where practical to...give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.*” Notwithstanding this, given that this is an existing constrained building that is being converted, it is considered that in this instance it is not necessary to secure the provision of cycle storage.

(b) Contamination risks on the site

The site is not identified as falling within an area designated as contaminated land.as contaminated land.

(c) Flooding risks on the site

The site is not located in a flood risk zone.

Other matters: Residential amenity

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

Recommendation

Prior approval is required and is granted subject to a section 106 legal agreement securing the new residential unit as car free, in compliance with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

