

Delegated Report		Analysis sheet	Expiry Date:	03/09/2014
		N/A / attached	Consultation Expiry Date:	13/08/2014
Officer			Application Number(s)	
Fergus Freeney			2014/4578/P	
Application Address			Drawing Numbers	
8-9 Spring Place London NW5 3ER			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use from office (Class B1a) to 13 x residential units (Class C3) with amenity provision and external landscaping.				
Recommendation(s):		Grant Prior Approval		
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	45	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>Site notice displayed 23/07/2014 for 21 day period.</p> <p>Objection received from resident of 19 Spring Place: As previously stated when the original application was made, I am strongly opposed to this conversion. Please see the comments I registered for application 2014/0597/P. Having experienced disturbance and lack of privacy firstly from squatters and now from "live in guardians" I confirm that the stated premises should not be used for as residential units. My concerns relate to noise, lack of privacy and traffic congestion. Moreover, the landscaping will create further disturbance and inconvenience. I am strongly opposed to the conversion</p> <p>Officer response: As detailed in the paragraphs 2.2 and 2.6 of the assessment section below, the only matters able to be considered are transport, contaminated land and flooding matters. As such, many of the matters detailed above are not able to be taken into account. Notwithstanding this, informatives will be added to the decision notice in respect of construction practices and noise, in order to maintain a suitable level of amenity for nearby occupiers during the construction phase.</p>					
CAAC/Local groups* comments: *Please Specify	None received					

Site Description

The site is located on the west side of Spring Place, it comprises a three storey commercial building. The site is not listed and is not within a conservation area.

Relevant History

2014/2146/P - Alterations to all elevations to include installation of new windows, doors, boundary wall and gates and rooflights to office building (Class B1). *Granted 05/06/2014*

2013/6494/P - Use as offices on the ground, first and second floors. *Granted 17/01/2014*

2013/2913/P - Change of use of ground, first and second floors from film production offices and studio (Class B1) to gymnasium (Class D2). *Granted 02/09/2013*

Relevant policies

NPPF 2012

- Chapter 4: Promoting sustainable transport
- Chapter 10: Meeting the challenge of climate change, flooding and coastal change
- Chapter 11: Conserving and enhancing the natural environment

Assessment

1.0 PROPOSAL

1.1 The proposal seeks prior approval for the change of use of the ground to second floors of the building from offices (Class B1a) to 13 self-contained residential units comprising 5 x 1bed units, 7 x 2-bed and 1 x 3 bed flats (Class C3 use).

2.0 ASSESSMENT

2.1 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 Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a)(office) of that Schedule.

2.2 However, 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.

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

Sub-paragraph J.1

2.4 The development is assessed against paragraphs (a)-(f). 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, most recently (as currently vacant) occupied as Class B1(a) offices (see relevant history for confirmation)
- (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 - 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; - 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

2.5 The proposal therefore complies with each of the above criteria.

Conditions

2.6 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". Each of these criteria will be considered below.

(a) Transport and highways impacts

2.7 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 for Communities and Local Government in March 2012 as if the application were a planning application;

2.8 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*". 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. The applicant has submitted commentary in respect of the transport and highways impact of the proposed development.

On-street parking

2.9 The site has a private access road to the rear that provides access to three parking spaces associated with the development. The access road is currently used for servicing of the building.

2.10 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. In terms of the traffic movements generated by the former office use, the use as flats would not result in a significant increase in traffic generation into and out of the site. Therefore the proposal would not result in transport and highways impacts by increased vehicular trips and travel demand to and from the site onto the highway network. The site has a Public Transport Accessibility Level (PTAL) of 4 (good) and is easily accessible by public transport. Without restricting the residential flats from future owner/occupiers parking on the street the existing on-street parking stress will be harmfully increased further.

2.11 It is therefore considered necessary to remove the ability to apply for parking permits by requiring a s106 agreement to ensure the development is car-capped. Hence, all 13 new residential units sought to be created will be made car-free. The offer to enter into an agreement has been made and the issuing of any approval is dependant upon it being completed within the statutory timescale. Otherwise, the application would be refused on grounds that measures to mitigate the impact to parking stress have not been secured. The applicant has however indicated a willingness to enter into the agreement, and for this agreement to be completed within the required timeframes.

Cycle parking

2.12 The applicant has referred to cycle parking provision as part of the submission. In line with the London Borough of Camden / London Plan standards, 13 cycle spaces would be expected for such a proposal, if planning permission were required for the change of use in isolation. Notwithstanding this the building can

easily accommodate cycle storage internally within the ground floor. 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. Furthermore, to reiterate, 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.”* The applicant will provide 13 secure cycle parking stands within the building. This is considered to be acceptable.

Construction impacts

2.13 To reiterate, paragraph 8(b) of the GDPO as amended 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 35 of the NPPF states:

“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*

....

- *consider the needs of people with disabilities by all modes of transport.”*

2.14 In this instance the majority of works will be internal and there is offsite access for construction vehicles. It is not considered necessary to secure a construction management plan. A series of informatives will be added to the decision notice, in the interests of disturbance through the movement of goods and materials during the construction process. More specifically, this relates to working hours and liaising with the Council's Highways department where appropriate.

(b) Contamination risks on the site

2.15 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.

(c) Flooding risks on the site

2.16 The site is identified as one of the streets within Flood Zone 1. There is therefore no requirement for further consultation on the basis of part (a). No critical drainage issues have been identified. Taking this into consideration the proposal would not raise any flood risk issues and would be considered acceptable.

3.0 RECOMMENDATION

3.1 Prior approval is required and is granted, subject to a section 106 legal agreement securing the 14 new units as car-free. This is 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.