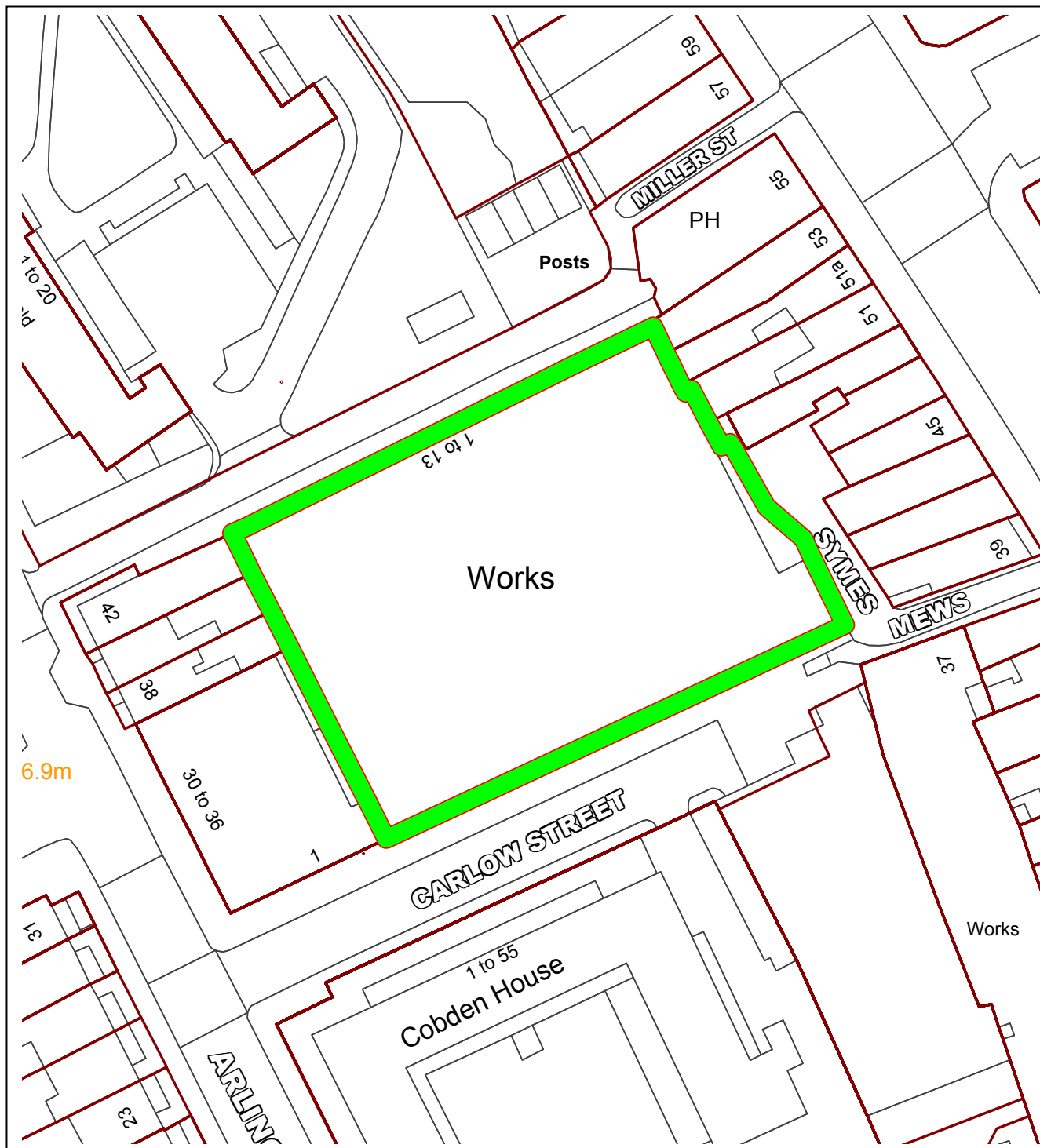


2014/4309/P – Carlow House, Carlow
Street
Site Location Plan



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2014/4309/P – Carlow House, Carlow
Street
Site Photographs

From Carlow Street – existing entrance



From Carlow Street



From Carlow Street



Undercroft Parking



From Miller Street



From Miller Street





From fourth floor residential terrace looking toward 36 Arlington Road





From fourth floor residential terrace looking toward 38-40
Arlington Road



From fourth floor residential terrace looking toward Camden High Street



Delegated Report		Analysis sheet		Expiry Date:	26/08/2014
(Members' Briefing)		N/A		Consultation Expiry Date:	04/08/2014
Officer			Application Number(s)		
David Fowler			2014/4309/P		
Application Address			Drawing Numbers		
Carlow House Carlow Street London NW1 7LH			Refer to draft 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 provide 85 residential units from ground to third floor level.					
Recommendation(s):		Grant conditional permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	71	No. of responses	11	No. of objections	11
			No. Electronic	00		
Summary of consultation responses:	<p>71 neighbours were notified by letter, a site notice was displayed from 18/07/2014 until 6/08/2014 and a press notice was published on 18/07/2014.</p> <p>11 letters of objection were received from the following 7 addresses:</p> <ul style="list-style-type: none">• Flat 7, Metro House, 36 Arlington Road;• Flat 8, Metro House, 36 Arlington Road;• Flat 11, Metro House, 36 Arlington Road;• Flat 10, Parkview House, 1-13 Miller Street;• Flat 5, Parkview House, 1-13 Miller Street;• Flat 8, Parkview House, 1-13 Miller Street;• 65 Arlington Road; <p>Objections are on the following grounds:</p> <ul style="list-style-type: none">• Loss of privacy to garden area and flats• Loss of amenity• Cooking fumes in the lightwell• Noise nuisance from additional occupants, especially in the lightwell• Overdevelopment, density too high• Lack of parking, even if the units are secured as car-free, the occupants will find ways of still having cars• Increased traffic, especially outside of 08:00 to 18:00 hours• Disruption from construction works, works will coincide with HS2 works• Loss of employment• No section 106 agreement for the provision of open space• No affordable housing• Adverse pressure on local services, including GP's, open spaces• Reduced fire safety, stairs inadequate for evacuation• Incorrect interpretation of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (Class J), as the building is mixed use and not wholly B1 office use – therefore cannot change under permitted development to residential <p>See paragraphs 3.1 – 7.6 for the case officer's response.</p>					
CAAC comments:	<p>Camden Town CAAC: Comment</p> <p>1.The units which are ranged on the 1st, 2nd and 3rd floors, looking into the lightwell, have no access to real day light as the lightwell has a glass roof. The light will be dimmer on the 1st and 2nd floors. These units have bedrooms which have no windows at all - one window in a flat is meant to be sufficient.</p> <p>2. The units ranged along the west side of the block have virtually no outlook as they look onto the backs of the flats at 30-36 Arlington Road. Those on the ground floor looking west will suffer most, as will the units on the east which will look onto a high wall.</p> <p>3. Noise in the lightwell from people coming and going.</p> <p>4. Loss of privacy to 30-36 Arlington Road.</p> <p>5. Overdevelopment.</p>					

	6. Proposal will not enhance conservation area.
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Site Description

The site is located on the north side of Carlow Street. It comprises a five storey building with commercial uses (B1a offices) on the ground to third floors and self-contained residential flats within the fourth floor set back. The site is surrounded by a mix of commercial and residential uses.

The building is not listed however; it lies with Camden Town Conservation Area.

The site has a PTAL of 6a (Excellent) and lies within a Controlled Parking Zone.

Relevant History

2014/2115/P: Application for change of use from office (Class B1a) to residential (Class C3) (prior approval) to provide 54 residential units from ground to third floor level. **Grant planning permission 02/05/2014.**

2013/7899/P: Replacement of windows and plant equipment, creation of doors, provision of refuse storage and alterations to create double height reception to offices (Class B1). **Grant planning permission 09/04/2014.**

2013/7415/P: Application for prior approval for change of use from office (Class B1a) to residential (Class C3) forming 54 dwellings. **Withdrawn at appeal 09/01/2014.**

2013/5261/P: Application for prior approval for change of use at ground to third floors from offices (Class B1) to 54 self-contained residential units (Class C3). **Application withdrawn by the applicant 30/09/2013**

Relevant policies

Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

Explanatory Memorandum to the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 No. 564

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

The National Planning Policy Framework (the 'NPPF')

Assessment

1.0 Procedure and the proposal

- Carlow House is within a B1a use from ground floor to third floor level. At fourth floor level there are 13 self-contained flats falling within a C3 use. This application relates solely to the ground to third floors of the building. The main reception is located at ground floor level along with a number of smaller rooms. At the upper floor levels the office is open plan. The proposal seeks a change of use of the existing offices (6,902sqm) at ground to third floor level to create 85 self-contained flats (comprising 45 one-bedroom units and 40 two-bedroom units).
- Prior approval was granted for the change of use to residential to provide 54 flats earlier this year. This application is for the change of use to residential to provide 85 units. The additional units would be provided by making the proposed flats smaller (with the three-bedroom units removed from the proposal) and splitting the northern and southern sides of the 1st – 3rd floors to form 2 rows of flats.
- In addition to the increase in dwellings proposed, the location of the bike store is different in the current application. Under the previous application the bike store was on the western side of the site. Under the current proposals this would be located on the southern elevation, replacing 2 parking bays accessed off Carlow Street. There would be no changes to the Carlow Street elevation; the existing shutter to the parking spaces would be retained. The number of cycle parking spaces proposed is 85 (as opposed to 64 spaces under the previous application). There are currently 5 parking spaces on site which were used by the offices. These 5 spaces were retained under the previous application. 2 of these spaces would be retained under the current application (with the other 3 spaces being given over to cycle parking).
- The difference between the current and previously approved application can be summarised as follows:

	Dwellings	Cycle Parking Spaces	Cycle Parking Location	Car Parking Spaces
Current Application	85	85	Southern elevation – Carlow Street	2
Previous Application	54	64	Western side of site	5

1.5 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.

1.6 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.

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

Sub-paragraph J.1

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

- (a) the building is on article 1(6A) land;
-The proposal accords: 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 proposal complies – the property has been used 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;

-The proposal accords: the use would begin before this date in the event prior approval was granted.

(d) the site is or forms part of a safety hazard area;

-The proposal accords – it is not in a safety hazard area.

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

-The proposal accords – it is not part of a military explosives area.

(f) the building is a listed building or a scheduled monument.

-The proposal accords – the building is not listed.

Summary

- 1.9 The floorspace at ground to third floor level as indicated on the submitted plans is considered to comply with the criteria in sub-paragraph J.1.

2.0 Impacts and risks

- 2.1 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

- 2.2 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.

- 2.3 Paragraph N (8) states that the local planning authority shall, when determining an application: (*amongst other matters*)

(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.

3.0 Interpretation of the legislation

The Council consideration at the time of the previous application, ref: 2014/2115/P.

- 3.1 The Council obtained legal advice from Counsel on whether the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 enables consideration of wider issues than transport, flooding and contamination. The Council was advised that the intent of Class J, being that the NPPF can only be taken into consideration in relation to transport and highway impacts and contamination and flooding risks. This application was therefore assessed on these three issues and approved.

3.2 Given the above, the current application can also only be determined on these three issues.

4.0 Transport and highways impacts of the development

4.1 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

- 4.2 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 application site has a PTAL 6a (excellent), as such in accordance with the NPPF objectives in favour of sustainable transport the proposed residential units should be secured as car free.
- 4.3 The applicant has advised in their submission that no additional parking is proposed and that they would be willing to enter into an agreement to restrict parking permits to future occupiers. The previous proposal included 5 parking spaces (retained from the office use). Under the current application it is proposed to retain only 2 spaces. This reduction in parking from the previous application is welcomed in policy terms.
- 4.4 All of the units would be secured as car capped (i.e. with no right to apply for on-street car parking permits) to minimise impact on the highway network in accordance with paragraph 29 of the NPPF, as with the previous application.

Walking, cycling and public transport

4.5 The proposal includes provision for 85 on-site cycle storage spaces to be located where 3 of the existing car parking spaces are, on the southern side of the site. These would be accessed direct from Carlow Street. The Council actively encourages sustainable and efficient transport and supports the provision of high-quality cycle parking in line with national planning policy. The cycle parking provision is proposed with a two-tier mechanism for 80 spaces and 5 single spaces. Camden cycle parking standards are 1 space (or storage space) per unit. The provision of 85 spaces therefore complies with local and national policy and would be secured by condition. At the time of the previous application it was considered appropriate to secure the cycle parking via condition, (given the Explanatory Memorandum, March 2014 to The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order) that confirmed that a local planning authority may attach conditions to grants of prior approval, as long as those conditions are relevant to the matter on which prior approval is sought. As such, it is appropriate to secure the provision and retention of the cycle parking by condition.

Highway network impact

- 4.6 The Transport Statement submitted as part of this application provides details of servicing. This confirms that the proposed residential use would result in less trips and deliveries to and from the site, generally in similar or smaller vehicles, than the existing office use. Furthermore, Carlow Street has a single yellow line which will enable the units to be serviced from the street without the need for a servicing management plan. It is therefore considered that the servicing of the units will not result in a severe impact on the highway network.
- 4.7 The proposal could impact on the highway network if it results in an increased number of trips to and from the site. The Transport Statement demonstrates through a TRAVL trip generator exercise that the proposal would result in significantly fewer person trips from the proposed residential use than the existing office use both during peak hours and across a typical weekday. The TRAVL analysis focuses on weekday peak periods (0800-0900 and 1700-1800) when traffic is greatest. This has been considered by the Transport Planner who has advised that on balance, that the absence of a Travel Plan would not result in a material impact on the highway network given that the site has an excellent level of public transport accessibility, that the number of trips to and from the site would decrease, and that the units would be secured as car-capped.
- 4.8 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 represent 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 the 6,902sqm offices to 85 residential units. This likely level of works is considered sufficient to require a Construction Management Plan in order to mitigate any adverse impacts. This should be secured via a legal agreement.

4.9 The works may also result in damage to the footways surrounding the site. As such, it is recommended that a financial contribution (£40,000) towards the repaving of the footway adjoining the site on Carlow Street and Miller Street, following the completion of construction works, is secured via a S106 agreement should permission be granted. 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.

4.10 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. However, as the proposal would not result in an increase in travel movements that it would have a detrimental impact on existing provisions. As such, a contribution towards pedestrian and environmental improvements would not be required.

4.11 To conclude with regards to transport and highways impacts, under the proposals there would be:

- a reduction in on-site car parking (5 to 2 spaces)
- a likely reduction in servicing from the existing office use
- a car-free section 106 agreement,
- a Construction Management Plan; and
- a financial contribution of associated highway works adjacent to the site.

5.0 **Contamination risks on the site**

5.1 The site is identified as falling within an area designated as contaminated land. However, as no excavation works are proposed as part of this application no risks are posed to the public and this proposal is considered acceptable.

6.0 **Flooding risks on the site**

6.1 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 relates to the ground floor and above and does not include any form of extensions or excavation it is considered that the proposal would not raise any flood risk issues.

7.0 **Residential Amenity**

7.1 The impact on the amenity of existing occupiers amenity can only be considered if the proposal would result in significant harm which would contravene Article 8 of the European Convention on Human Rights (Right to respect for private and family life). It is not considered that the proposal would sufficiently impact on the amenity of occupiers to substantiate a refusal and therefore the application can only be determined on the three issues outlined above. The Council obtained legal advice from Counsel on the previous applications as to whether the consideration of wider issues than transport, flooding and contamination could be considered. The Council was advised that proposals can only be considered in relation to transport and highway impacts and contamination and flooding risks. Notwithstanding the above, the amenity issues are considered below.

7.2 The closest residential property is located at fourth floor level of the building in question. As no external works are proposed the proposal would not harm the amenity of these neighbours in terms of daylight or outlook, neither would it result in overlooking. Residents have raised concern that the nature of the atrium will allow noise and fumes to travel from the new residential units to those existing units at fourth floor level resulting in disturbance and smell. The previous proposal for 54 flats was considered acceptable in terms of these issues. Whilst, it is acknowledged that under the proposals there would be more units, it is not considered that there would be a material impact in terms of noise or fumes from the additional units to

substantiate a reason for refusal on a prior approval application.

7.3 There are also residential units at Nos. 30-42 Arlington Road, the rear elevation of which are located approximate 11 metres from the windows on the western elevation of the building. CPG6- Amenity advises that 18 metres is sufficient distance to overcome overlooking. The NPPF states that proposals should secure a good level of amenity for all existing and future occupiers. A distance of 18 metres is not provided between the residential windows. However, considering the following the proposal is considered acceptable:

- there is already residential units at 4th floor level at Carlow House and a roof terrace which already overlooks the rear windows of the properties at Nos. 30-42;
- that there is already a level of overlooking between the existing offices and the residential units;
- the units at No. 30-42 are dual aspect. As such, it is considered that as a result of the proposed development the amenity enjoyed by the existing occupiers of Nos. 30-42 Arlington Road would not be significantly worse than this existing situation such to substantiate a reason for refusal on a prior approval application.

7.4 There are residential units on the upper floors of the properties at Nos. 39-53 Camden High Street. There is a distance between the windows at Carlow House and the rear elevations of the Nos. 39-53 Camden High Street of 18 metres, as such, there would be no material harm to amenity in terms of overlooking. At No. 49 there is a mews style rear extension which is used for residential purposes. The windows of these units face away from Carlow House and it is not considered the oblique views which would result from the proposal would harm amenity to such a degree as to warrant refusal of the application. This arrangement was approved under the previous application.

7.5 There are residential properties located opposite the site at Cobden House, on the junction of Arlington Road and Carlow Street. Cobden House comprises a five storey Council owned mansion block building with accommodation in the roof and is occupied by residential flats. There is a separation distance of approximately 16m between the front façade of the application building and this residential block. There would be a level of mutual overlooking between the windows of the proposed units and the windows across the street however, buildings in residential use on either side of the highway with windows facing each other is a typical arrangement and the distance is accepted as providing an appropriate level of privacy. This arrangement was approved under the previous application.

7.6 Fire safety issues are covered by building control and the proposals would need to comply to fire safety regulations, which are not covered by the planning system.

7.7 To summarise, the proposed building would not impact on the amenity of adjoin neighbours to the extent that the proposal would contravene Article 8 of the European Convention on Human Rights.

8.0 Recommendation: Prior approval is required and granted subject to a S106 agreement to secure:

- car-capped development;
- a Construction Management Plan; and
- a financial contribution of associated highway works adjacent to the site.

DP9
100 Pall Mall
LONDON
SW1Y 5NQ

Application Ref: **2014/4309/P**
Please ask for: **David Fowler**
Telephone: 020 7974 **2123**

20/08/2014

Dear Sir/Madam

DRAFT DECISION

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990
(as amended by section 4(1) of the Growth and Infrastructure Act 2013)

Process set out by condition J.2 of Schedule 2 Part 3 Class J of the Town and Country
Planning (General Permitted Development) Order 1995 (as amended by SI 2008 No. 2362
and SI 2013 No. 1101).

Prior Approval granted

The Council, as local planning authority, hereby confirm that their **prior approval is granted** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

Address of the proposed development:

**Carlow House
Carlow Street
London
NW1 7LH**

Description of the proposed development:

Change of use from office (Class B1a) to residential (Class C3) to provide 85 residential units from ground to third floor level.



Details approved by the local planning authority:

Drawing Nos: 803 SP 01 P1, 803_EX_00 P1, 803_EX_01 P1, 803_EX_02 P1, 803_EX_03 P1, 803 PD-GA 00 P6, 803 PD-GA 01 P1, 803 PD-GA 02 P6, 803 PD-GA 03 P1, Transport Statement produced by TTP Consulting dated June 2014.

Reason for approval:

- 1 The residential units hereby approved shall not be occupied until the cycle parking facilities for 85 cycles as shown on drawing no. 803 PD-GA 00 P6 been installed in their entirety. The cycle parking facilities shall be permanently retained thereafter.

Reason: To ensure the proposal contributes towards sustainable and efficient transport modes in accordance with the National Planning Policy Framework chapter 4, paragraph 29, 30, and 35.

Informative(s):

- 1 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

Rachel Stopard
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: . We will use the information you give us to help improve our services.