

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		19/08/2014	
		N/A		<b>Consultation Expiry Date:</b>		25/07/2014	
<b>Officer</b>				<b>Application Number(s)</b>			
Gideon Whittingham				2014/4128/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
158 Prince of Wales Road London NW5 3PS				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 residential (Class C3) to provide 1x2bed unit on lower ground and ground floor levels.							
<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	<b>13</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		A site notice was displayed from 04/07/2014, expiring on 25/07/2014. No responses have been received.					
<b>CAAC/Local groups comments:</b>		No responses received.					

## Site Description

The site relates to a six storey building (plus basement) located on the north side of Prince of Wales Road, on the junction with St Silas Place and Crogsland Road. The basement and ground floor levels (165sqm) are authorised as a flexible class A1/A2/B1 use whilst the upper floors levels comprise 9 self-contained residential units. The building is neither listed nor is it located within a conservation area.

## Relevant History

2008/2145/P – Granted (11/08/2009) - Erection of a seven storey building plus basement for use as flexible class A1/A2/B1 use at basement and ground floor levels and nine self-contained residential units above (3x 1-bed, 5x 2-bed and 1x 3-bed units)

2013/5513/P – Granted (23/10/2013) - Change of use from offices (Class B1) to residential (Class C3) to provide 1x2bed unit on lower ground and ground floor levels.

## Relevant policies

### National Planning Policy Framework 2012

Core planning principles

Chapter 4

Chapter 6

Chapter 7

Chapter 8

Chapter 10

Chapter 11

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

### 1. Background

1.1 As per the 'Relevant History' section, Prior approval was granted for:

Change of use from offices (Class B1) to residential (Class C3) to provide 1x2bed unit on lower ground and ground floor levels.

1.2 This application, whilst seeking the same thrust of the development, would only differ in terms of the internal arrangement of residential accommodation at ground and lower ground floor levels.

1.3 No external alterations are sought as part of this application.

1.4 A site visit was undertaken on the xx/xx/xxxx, confirming no material change had taken place since the previous consent.

### 2. Proposal

2.1 The change of use of the office building at basement and ground floor level to provide 1 x 2 bedroom unit measuring 165sqm.

2.2 The application is to ascertain whether the proposed change of use would constitute permitted development within the General Permitted Development ('GDPO') and therefore be lawful development and whether prior approval is required.

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

2.3 The application complies with each of the above criteria.

#### **Conditions:**

2.4 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

2.5 Each of these criteria will be considered below.

#### **(a) Transport and highways impacts**

2.6 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; 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***

2.7 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 Council’s Transport Team has advised that 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 a Public Transport Accessibility Level (PTAL) of 5 (very good) and is easily accessible by public transport. It is located within a controlled parking zone. This CPZ is approaching a level of stress. Without restricting the new residential unit from future owner/occupiers parking on the street the existing on-street parking stress will be harmfully increased further. It is therefore considered necessary to remove the occupier’s

ability to apply for parking permits by requiring the applicant to enter into a s106 agreement to ensure the development is car free. In the absence of such a legal agreement, the proposed change of use would result in further stress to the highway and would fail to comply with Class J2(a).

#### *Cycle parking*

2.8 The submitted plans do not indicate the provision of cycle parking related to the new residential unit proposed by this change of use. The upper floor level existing residential units within the building do however have access to cycle parking. 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 the existing buildings constraints, it is not necessary to secure the provision of cycle in this instance.

#### **(b) Contamination risks on the site**

2.9 The site is not identified as potentially contaminated.

#### **(c) Flooding risks on the site**

2.10 The site is not identified as being at risk of river or surface water flooding.

### **3. 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.