

Delegated Report		Analysis sheet		Expiry Date:		28/07/2014	
		N/A		Consultation Expiry Date:		30/06/2014	
Officer				Application Number(s)			
Alex McDougall				2014/3470/P			
Application Address				Drawing Numbers			
116-134 Bayham Street London NW1 0BA				See Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from offices (Class B1) to residential (Class C3) comprised of 20 units (4 x 1 bed, 15 x 2 beds and 1 x 3 beds).							
Recommendation(s):		Grant Prior Approval subject to S106 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	35	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Site notice: 06/06/2014 – 27/06/2014					
Local groups comments:		None					
Site Description							
<p>The subject site is occupied by a 3-storey plus basement mid-20th century brick building with flat roof on the eastern side of Bayham Street. The building was originally used for industrial purposes but was converted to its current use as offices (Class B1a) in the 1980s.</p> <p>The site is bookended by 3 storey residential terraces. The area is generally characterised by mixed use buildings. The area directly to the rear of the site is occupied by industrial workshops. Several buildings in the vicinity of the site, on Bayham Street, have roof extensions. The site is directly adjacent to, but not within, the Camden Town Conservation Area.</p> <p>The site is located in an area with a Public Transport Accessibility Level (PTAL) of 6b (excellent).</p>							

Relevant History

116-134 Bayham Street (the application site)

9003074: Erection of an additional storey at third floor level to be used for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987. Granted 01/03/1990 (not implemented).

9401729: The erection of an additional storey at third floor level for Class B1 business use. Granted 20/04/1995 (not implemented).

0300133: The erection of an additional storey at 3rd floor level to provide offices (Class B1) floor space; re-siting of air conditioning unit on roof. Granted 19/09/2003 (not implemented).

2013/5757/P: Addition of third floor level, with plant room above (above existing roof) and alterations to rear elevation of existing office building (Class C3). Granted subject to s106 agreement 02/04/14 (not yet implemented).

2014/3264/P: Erection of a single storey third floor roof extension to provide 2 x 3 bedroom residential units (Class C3) with plant enclosure to new roof, introduction of third floor roof terraces, alterations to front entrance, and alteration to fenestration of rear elevation of existing office building (Class B1a). Pending decision.

The Valuation Office Agency lists the entire buildings as being registered as office premises for business rates since 07/04/2010.

Relevant policies

National Planning Policy Framework 2012

General Permitted Development Order 2008 (as amended)

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

Assessment

Procedure and the proposal

The entire building at No. 116-134 Bayham Street is within the B1(a) office use class. The proposal seeks a change of use of the existing office building to create 20 residential units (4 x 1 bed, 15 x 2 beds and 1 x 3 beds).

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.

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.

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

Sub-paragraph J.1

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

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

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 property has been in legal use 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;

In order for the proposal to comply with this element the use must start before 30th May 2016. Should the use not begin by this date it would not constitute permitted development.

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

The site is not in a safety hazard area.

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

The site is not part of a military explosives area.

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

The subject building is not listed.

As such, the subject floor space as indicated on the submitted plans is considered to comply with the criteria in sub-paragraph J.1.

Conditions under Sub-paragraph J.2

Transport and highways impacts of the development

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

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 site has a PTAL of 6b (excellent), as such in accordance with the NPPF objectives in favour of sustainable transport the proposed residential units should be secured as car free. The applicant has indicated that they would be willing to enter into an agreement to secure the new units as car-free. This is considered necessary to minimise impact on the highway network in accordance with paragraph 29 of the NPPF.

Walking, cycling and public transport

The Council actively encourages sustainable and efficient transport and supports the provision of high-quality cycle parking in line with national planning policy. The London Plan Revised Early Minor Amendments (October 2013) cycle parking standards require the provision of 1 space per 1 or 2 bedrooms units and 2 spaces per 3+ bedroom units. As such the proposal would require at least 21 cycle parking spaces. The plans submitted include provision for more than 21 on-site cycle storage spaces. The proposed cycle parking provision is considered to comply with local and national policy and will be secured via a legal agreement to ensure it is provided and permanently retained thereafter.

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. The proposal may result in an increase in pedestrian and cycle movements. However, this is unlikely to result in such a substantial increase in pedestrian movements that it would have a detrimental impact on existing provisions. As such, a contribution towards pedestrian and environmental improvements would not be required.

Highway network impact

The proposal could impact on the highway network if it results in an increased number of trips to and from the site. The applicant has not submitted information, such as a TRAVL trip generator, to demonstrate whether the residential use would generate less motor vehicle trips than the existing office use and whether the proposal would therefore not result in a detrimental impact to the operation of the public highway. This would have been useful to aid assessment as to whether a Travel Plan to promote sustainable travel would be required. In the absence of this information, this has been considered by the Transport Planner who has advised that on balance, in this instance, it is unlikely that the absence of a Travel Plan would result in severe impact on the highway network given that the site has an excellent level of public transport accessibility and that the units would be secured as car-free.

Construction

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 result in a detrimental impact on the highway network during its construction period. As such, it is recommended that a financial contribution towards the repaving of the crossovers adjoining the site on Bayham Street, following the completion of construction works, is secured via a s106 agreement. Otherwise the proposed works may have an adverse impact on the highway network to the detriment of pedestrians and contrary to the NPPF.

No information has been provided that details how the site will be converted from offices to residential units. The scale of works is considered to be sufficient to require a Construction Management Plan (CMP) in order to mitigate any adverse impacts. This will be secured via a legal agreement.

Servicing

National policy is concerned with how a site is to be serviced, and how this might impact on the highway network. The application site has use of the large servicing bay to the front. Given this quantum of servicing space a Service Management Plan is not considered to be necessary.

Contamination risks on the site

The site is identified as falling within an area designated as potentially contaminated land. However, the Applicant has provided a Desk Top Study Report which concludes that the risk from contamination to future occupants is low. The report recommends several precautions for the construction phase, which can be included in the CMP.

Flooding risks on the site

Bayham Street is not within an identified flood risk zone and has not been subject to localised surface water flooding. As such the prior approval of Council with regard to flooding risk is not considered to be necessary.

Additional issues

Paragraph N(8) of the GPDO requires that the local authority also:

(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;

National Planning Policy Framework

Residential amenity

The NPPF falls short of providing specific standards protecting the amenity of adjoining and nearby properties. The front windows will be adequately separated from the windows on the opposite side of Bayham Street, and the rear windows look out over the roof of the adjoining industrial buildings. As such the residential accommodation is not considered likely to result in unacceptable privacy impacts on adjoining or nearby properties. No additional bulk is proposed to the building. As such the proposal is not considered likely to affect the amenity of any adjoining or nearby properties, in accordance with the NPPF.

Standards of accommodation

All units would be of generous overall size and have sufficient room sizes.

The units at first and second floor would provide a high standard residential accommodation as the units would have dual aspect, good outlook, and sufficient access to daylight and sunlight.

The standard of accommodation for the basement/ground floor level maisonettes is considered to be poor as the basement rooms would not have any windows. However, there are no stand-alone basement units and the ground floors would have windows to the front and skylights to the rear. The basement areas are predominantly used as bedrooms and as such windows to these rooms are considered to be less important. Given the lack of specific standards in the NPPF, the poor amenity

of these units is not considered to be reason to refuse the application.

Alterations and additions

The plans as submitted suggest the Applicant intends to make several external changes to the building. The prior approval process cannot be used to attain permission for such works. As such an informative will be included reminding the Applicant that they must apply for planning permission for any such alterations.

S106 Agreement

The applicant has confirmed that they would be willing to enter into a S106 agreement with regard to the matters referred to above.

Community Infrastructure Levy (CIL)

As the proposal results in new dwellings it is liable for the Mayor's Community Infrastructure Levy (CIL). The contribution for developments within Camden is set at £50 per square metre. It is estimated that the CIL levy for this proposal would be approximately £122,500.00 (2450sqm x £50/sqm). A standard informative is attached to the decision notice drawing CIL liability to the Applicant's attention.

Recommendation

Prior approval is required and is granted on the basis that the application complies with the requirements of Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, subject to a s106 agreement for a car-free building, contributions for highway improvements, cycle parking and a construction management plan.