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| Delegated Report | Analysis sheet |  | Expiry Date:  | **21/10/2014** |
| N/A / attached | **Consultation Expiry Date:** | 09/10/2014 |
| Officer | Application Number(s) |
| Karen Scarisbrick | 2014/5309/P |
| Application Address | Drawing Numbers |
| 11 Leighton Place, London, NW5 2QL | Refer to decision notice |
| PO 3/4  | Area Team Signature | C&UD | Authorised Officer Signature |
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| Proposal(s) |
| Change of use of ground floor from office (Class B1) to 1 x residential unit (Class C3) |
| Recommendation(s): | Refusal Prior Approval  |
| **Application Type:** | GPDO Prior Approval Class J Change of use B1 to C3 |
| Conditions or Reasons for Refusal: | Refer to Decision Notice |
| Informatives: |
| Consultations |
| Adjoining Occupiers:  | No. notified | **12** | No. of responsesNo. electronic | **00****00** | No. of objections | **00** |
| Summary of consultation responses: | Site notice: 11/09/2014 to 02/10/2014No responses received to date. |
| CAAC/Local groups’ comments: | No responses received to date. |

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| Site Description  |
| The application site is a three-storey property located within a terrace on the south side of Leighton Place with office use at ground floor level and residential on the upper floors. Leighton Place is comprised of similar commercial/residential occupancy on the south of the Place with residential properties opposite. Leighton Place is a cul-de-sac which is not restricted by any site specific controls other than the building being locally listed.  |
| Relevant History |
| There is no relevant planning history for this site.  |
| 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 2012 |
| Assessment |
| **Proposal**The application is to ascertain whether the proposed change of use would constitute permitted development (‘pd’) within the General Permitted Development (‘GDPO’) and therefore be “lawful development”.Development is not permitted by Class J where - (a) *the building is on article 1(6A) land.* **Complies** as thesite 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**(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** (d) *the site is or forms part of a safety hazard area*; **Complies** as the sitedoes not form part of a safety hazard area(e) *the site is or forms part of a military explosives storage area*; **Complies** as the site does not form part of a military explosives storage area;(f) *the building is a listed building or a scheduled monument.* **Complies**. Whilst the building is locally listed – this is not the same as being listed as locally listed buildings have no statutory protection. The application complies with each of the above criteria.**Further assessment**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 (NPPF) issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application; The NPPF can only be taken into consideration in relation to transport and highway impacts and contamination and flooding risks. As such, it is considered that assessment of this application can only take into consideration the matter of transport and highways impacts and flooding and contamination risks and not wider issues such as such as affordable housing, quality of accommodation, educational and community facilities contributions, and public open space contributions.Transport and highways impact 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. *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 units could apply for residents parking permits if there are no restrictions in place to remove this. The site has good access to public transport. (PTAL rating 5) and the area suffers from parking stress. Therefore the proposed residential unit should be secured by a S106 legal agreement to be car free. *Cycle parking*The submitted plans do not show any provision for cycle parking on-site. 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.” The requirement for one cycle parking space could easily be accommodated within the new accommodation and therefore it is not considered that cycle provision will need to be secured by section 106 legal agreement. **Contamination risks on the site**Council records indicate that the property is within an area of medium risk contamination with the site being used as an organ works from 1952-1954 and a factory from 1965 – 1971. The submission includes no supporting documents to address matters relating to contaminated land and therefore it has not been sufficiently demonstrated that either the site is no longer contaminated or that the proposal would not lead to contaminated land issues. **Flooding risks on the site**The site is not located in a flood risk zone. **Recommendation**In light of the above, the application is recommended for refusal on the following grounds: - The applicant has failed to provide supporting information to confirm that the development would not lead to contaminated land issues. - The applicant has failed to complete a S106 confirming a car free development.  |