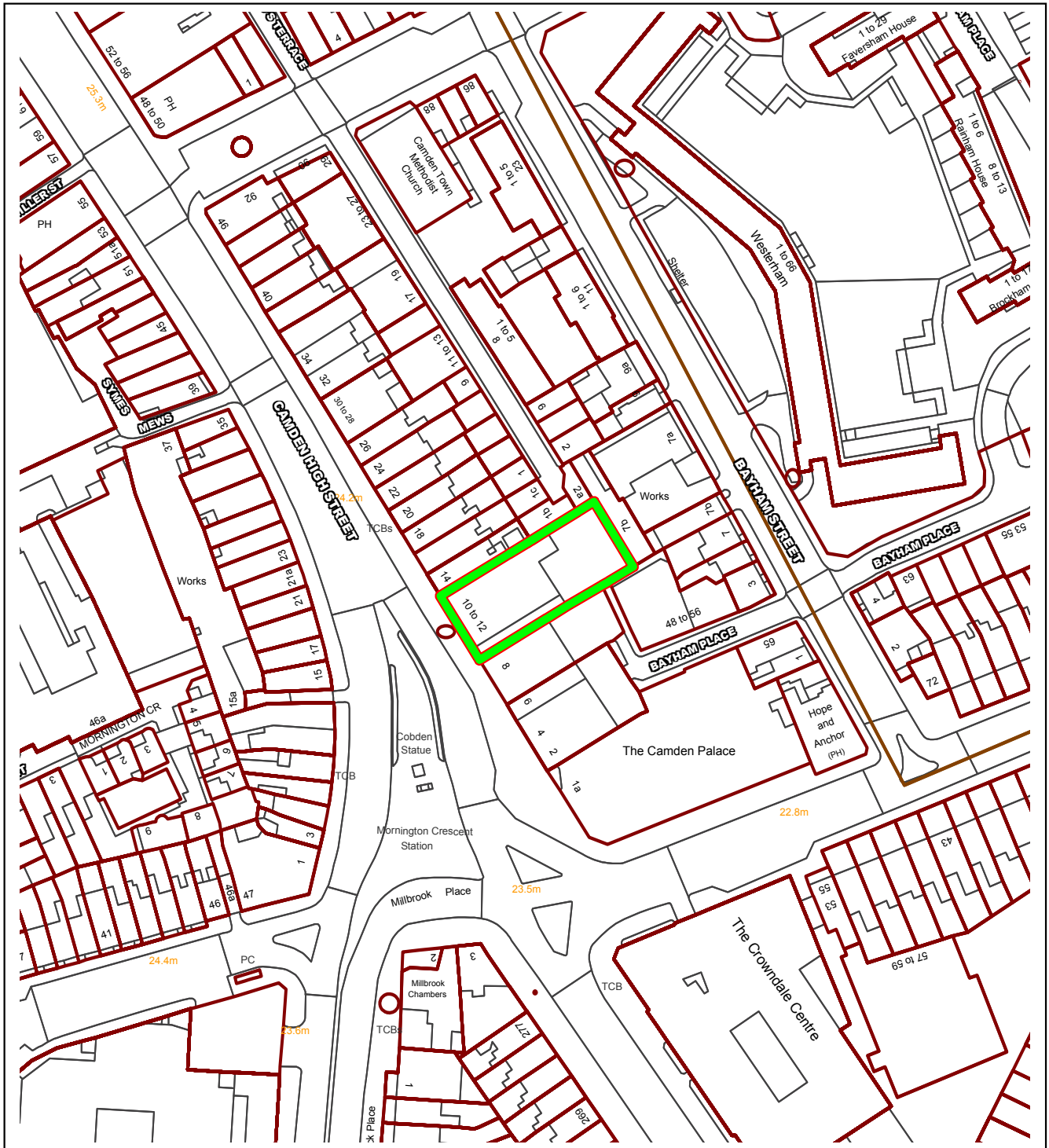


## 8 - 12 Camden High Street - 2014/6039/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

<b>Delegated Report (Members' Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>01/12/2014</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>05/1/2014</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Nanayaa Ampoma			2014/6039/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
8 - 12 Camden High Street London NW1 0JH			See draft 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 B1A) to residential (Class C3) comprising 8 x 1 bed and 8 x 2 bed units at first, second, third and fourth floors.					
<b>Recommendation(s):</b>		Grant Prior approval subject to Section 106 Legal agreement			
<b>Application Type:</b>		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	29	No. of responses	04	No. of objections	04
			No. electronic	00		
Summary of consultation responses:	The application was publicised in the Ham and High newspaper and a Site Notice was displayed at the site for a period of 21 days.					
	Neighbouring properties were also notified via direct letters. Neighbour objections were received from: <ul style="list-style-type: none"><li>5th floor of 8-12 Camden High Street</li><li>14 Inverness Street</li><li>24 Camden High Street</li><li>20 New End Square</li></ul> These comments can be summarised as follows: <ul style="list-style-type: none"><li>The applicant wrongly states that occupation of the 5<sup>th</sup> floor 8-12 Camden High Street is residential – in fact it is not</li><li>Development would lead to the possible loss of over 60 employees</li><li>Many of the businesses have been established at the property for over ten years and would find it difficult to locate suitable premises</li><li>Development would lead to the loss of vital office space for local businesses</li><li>The change of use would require external works to the building such as works to the windows. This would have a negative impact on the appearance of the building.</li><li>The proposed works would add pressure on the current parking and traffic in the area while the works are taking place.</li><li>There are already rubbish removal issues in the area</li><li>The Council is obliged by Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to consider conservation and listed building issues for all applications.</li><li>The building is unsuitable to be converted into residential use and meet the Building Regulations.</li><li>Given the current Leaseholder structure only part of the Prior Approval could be implemented which would be unattractive</li></ul> <p>Please see section titled 'Neighbour Representations' for the officer response to the above comments. (paragraphs 4.0-4.1)</p>					

**CAAC/Local groups\* comments:**  
\*Please Specify

**CAAC:** Object to the loss of office space in the Town Centre as it would not be good for business in Camden or Camden Town. Additionally, the building is not designed for domestic use. No details have been submitted to demonstrate the location of waste storage or cycle stores. The flats are all single aspect. Those facing the High Street will have very high pollution levels and poor air quality. All new dwellings should have a dual aspect and particularly on this site, allocating the bedrooms to the rear of the building.

*(The Committee have also expressed concerns regarding the general works to the exterior of the building to make it acceptable. However these do not form part of the current application. This application relates only to the change of use.)*

## Site Description

The application site relates to a large mixed use building on Camden High Street. The property is used for retail at ground level and office use on all upper floors.

The application site is within the Camden Town Conservation Area however Is not listed.

The property is not in a flood risk zone but is in an area designated as having 'potential contamination'.

## Relevant History

**2010/0228/P** Erection of entrance canopy to front elevation of shop front (Class A1). – **Granted**

**2003/3364/P** Erection of roof extension to form new fifth floor to provide 2 x 2 bedroom self-contained flats as an amendment to the approved scheme granted on appeal, May 2003 for construction of a new fifth floor extension (Ref.APP/X5210/A/02/1100386). – **Granted**

**PEX0200656** Construction of a new floor to provide additional office (Class B1) space on the top of the existing six storey (including basement) building at 8-12 Camden High Street, Camden Town. As shown on drawing numbers: WP000, WP001EX, WP002EX, WP005EX, WP006EX, WP007EX, WP009EX, WP010EX, WP011EX, WP005- 11. Supporting Statement by Anthony Blee, July 2002, Appendix AB2/1-19 and AB2/20 (11.07.02). – **Refused**

**PEX0200655** The construction of a new floor to provide additional office (Class B1) space on the top of the existing six storey (including basement) building at 8-12 Camden High Street, Camden Town. As shown on drawing numbers; WP000, WP001EX, WP002EX, WP005EX, WP006EX, WP007EX, WP009EX, WP010EX, WP011EX, WP005- 11. Supporting Statement by Anthony Blee, July 2002, Appendix AB2/1-19 and AB2/20 (11.07.02). – **Refused on appeal**

**PEX0200088** The construction of a new floor providing additional office (Class B1) space on the top of the existing building. As shown on drawing numbers: WP001EX, WP002EX, WP005EX, WP006EX, WP007EX, and WP009EX & WP005, WP006, WP007, WP008, WP009 and WP010 drawn by Foundation Architecture Limited dated Dec 2001 and supporting statement. - **Refuse Planning Permission**

**PEX0000091** External treatments to existing facade including new entrance doors, rendering of

brickwork, and cedar cladding. As shown on drawing nos. 1, 2, P01, P02A, E04, E07. - **Grant**

**9003426** Change of use of part of ground floor from retail to restaurant as shown on drawing no. AR10A as revised by letter dated 30.01.91 - **Grant**

### Relevant policies

**The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013: Class J, Part 4**

**National Planning Policy Framework (2012)**

**Camden Council LDF Core Strategy and Development Policies**

**Camden Council CPG 7 and 8**

### Assessment

- 1.0 **It should be noted that the application only relates to the first, second, third and fourth floors only and not the fifth. This was due to a technical error on the applicants part. The applicant will submit a later application for the fifth floor.**
- 1.1 Under Part 4, Class J of the GDPO (2013) permission can be given for the change of use from office (B1) to residential (C3) under the Prior Approval process if the site does not fall within the following criteria:
- *(a) the building is on article 1(6A) land; Article 1(6) represents that land designed as being exempt from this legislation.* The application site does not fall within the area designated as article 1(6A) identified under the Map 1.15 titled the London Borough of Camden; Area for Exemption - Central Activities Zone: Permitted Development rights for change of use from commercial to residential.
  - *(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 part of the building identified is not all B1 use.* An assessment of the property's planning history and a visit to the site on 31<sup>st</sup> October 2014 confirmed that the property's first, second, third and fourth floors are currently used as 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;* It is not required that this is confirmed at this stage. It may be confirmed by the applicant at a later date.
  - *(d) the site is or forms part of a safety hazard area;* Aside of contaminated land issues, there is no evidence to suggest that the site is a safety hazard area.
  - *(e) the site is or forms part of a military explosives storage area;* A visit to the site confirmed that the site does not form part of a military explosives area.

- (f) *the building is a listed building or a scheduled monument*; planning records indicate that the property is not Listed or a scheduled monument.

### **Contaminated land and Flooding matters**

- 2.0 In addition to the above, Class J also requires that the proposed change of use does not lead to issues of contamination, highway matters and flooding issues.
- 2.1 Council records indicate that the property is not within a flood zone however, is in an area of potential contamination. However the proposed works relate to the second to fourth floors. No soil will be disturbed. Therefore, it is not considered that the proposed works would lead to issues of contamination.
- 2.2 The site is also not in a Local Flood risk Zone.

### **Transport**

- 3.0 The Council as a Highway Authority has recognised that there are significant pressures on the current parking facilities throughout the borough, especially in dense residential areas close to Town Centres. In the interest of sustainable transport practices and in recognition of this, the Council has established highways policies that strongly discourage the use of private motor vehicles and aim to control any future unnecessary increase in off street parking.
- 3.1 The application is supported by the Highway Officer subject to a S106 agreement for car free, Construction Management Plan and highways contributions of £10,000 which are all considered pivotal to any approval.
- 3.2 *Car free*: The site is within the Camden Town: South Controlled Parking Zone (CA-F). All CPZ's are identified as suffering from a high level of parking stress with more than 100 permits issued for every 100 parking bays and overnight demand exceeding 90%.
- 3.3 Policy DP18 (Parking standards and limiting the availability of car parking) states that the Council expects new developments in areas of high on-street parking stress to be either car free or car-capped. The reasons for this are to facilitate sustainability and to help promote alternative, more sustainable methods of transport and stop the development from creating additional parking stress and congestion. This is also in accordance with policies CS11 (Promoting sustainable and sufficient travel); CS19 (Delivering and monitoring the Core Strategy); DP18 (Parking standards and availability of car parking); and DP19 (Managing the impact of parking).
- 3.4 The application site is located within the Town Centre Area and has a Public Transport Accessibility Level of (PTAL) of 6a (excellent). In light of this, a car free development should be secured by the means of a Section 106 legal agreement as a planning obligation is considered the most appropriate mechanism in this case. This is because it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car free. The level of control is considered to go beyond the remit of a planning condition. This obligation is worded to comply with S106 of the Town and Country Planning Act.
- 3.5 As such, it is the Council's position that securing car-capped accommodation is policy compliant and accords with the requirements of Section 106 as it is necessary to make the development acceptable and is directly related to the development. A planning obligation is considered the most appropriate mechanism for securing the development as car-capped as it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car-capped. The level of control is considered to go beyond the remit of

a planning condition.

- 3.6 *Construction Management Plan and Highways Contributions*: The application site is located along the Camden High Street which is a very busy shopping road. In cases such as this where the construction impact is particularly significant, Camden will seek to ensure that any impact is properly managed by the developer through compliance with a Construction Management Plan ("CMP") and Highways Contributions is secured. The proposed contributions allows the highways Authority to collect fees to be used in the event that the highways is damaged by the development, while the CMP ensures that the works are carried with care to the highways also. The potential impacts for the proposed demolition/construction works and servicing which should be controlled by a CMP and the contributions include traffic generation from removal and delivery of materials and deliveries to the site. This could result in traffic disruption and dangerous situations for pedestrians and road users. This is in accordance with policies CS5, CS11, CS19, DP20, and DP26 and CPG7 – Transport. A planning obligation is considered to be the most appropriate mechanism for securing compliance with both the CMP and the AIP in this case.
- 3.7 Under the Planning Act conditions are used to control matters on land within the developers' control. However, a CMP and highways contributions are designed to be an enforceable and precise document setting out how measures will be undertaken not just on site but also around the site in order to minimise as far as reasonable the detrimental effects of construction on local residential amenity and/or highway safety on the nearby roads hence, using a condition to secure the type of off-site requirements usually included in a CMP would in this case be unenforceable.
- 3.8 As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism in this instance. This is in accordance with National Planning Policy Guidance where it states as an example of an unacceptable condition, is one requiring loading and unloading and the parking of vehicles not to take place on the highway, as it purports to exercise control in respect of a public highway which is not under the control of the applicant.

### **Neighbour Representations**

- 4.0 There have been several objections received from current businesses occupying the site. Many have highlighted the fact that should the property be given over to residential use it would lead to a significant loss of employment for a significant number of tenants. The proposed change of use would also require further amendments to the external fabric of the building. However at present the application relates solely to the proposed change of use any alterations would require a full planning application.
- 4.1 Unfortunately, the Prior Approval legislation as set out under Class J, Part 4 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 does not make provisions for the consideration of loss of employment, loss of amenity or any other concerns outside of what has been detailed above. Therefore although the Council recognises that this development would lead to the loss of a number of small and medium sized office units the application cannot be refused on these grounds as they do not fall within the required criteria.

**Recommendation – Grant Prior Approval subject to S106.**

### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 17th November 2014. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'**



JCL Planning  
Oakhurst  
Tottenham Park  
Broad Oak  
Heathfield  
East Sussex  
TN21 8XJ

Application Ref: **2014/6039/P**  
Please ask for: **Nanayaa Ampoma**  
Telephone: 020 7974 **2188**

11 November 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)

Certificate of Lawfulness (Proposed) 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:**

**8 - 12 Camden High Street  
London  
NW1 0JH**

**Description of the proposed development:**

Change of use from offices (Class B1A) to residential (Class C3) comprising 8 x 1 bed and 8 x 2 bed units at first, second, third and fourth floors.

**Details approved by the local planning authority:**

Drawing Nos: E001 A, E101 A, E102 A, E103 A, E104 A, P101, P102 A, P103 A, P104 A,

E200 and E201.

**Condition(s):**

- 1 Before the development commences, details of secure and covered cycle storage area for 16 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

**DRAFT**

**Informative(s):**

- 1 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 2 The granting of prior approval by the council does not exempt the applicant's requirement from obtaining the relevant licences from Transport for London under highway and traffic legislation.
- 3 In good time, prior to the start of construction (or if appropriate, demolition) on site, the contractor shall discuss and agree with the Council's Engineering Service

Network Management team (tel: 020-7974 2410) detailed arrangements for the transportation of goods and materials to and from the site. The Council will prosecute those responsible for any breaches of the provisions of the Highways and Litter Acts which occur as a result of construction on the site.

- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 5 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.
- 6 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 7 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 8 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

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

Yours faithfully

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/planning](http://www.camden.gov.uk/planning).

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: [www.camden.gov.uk/dmfeedback](http://www.camden.gov.uk/dmfeedback). We will use the information you give us to help improve our services.

# DRAFT

# DECISION