

Delegated Report		Expiry Date:	23/07/2014	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
Interlink House 73A Maygrove Road LONDON NW6 2EG		23/07/2014			
Proposal(s)					
Change of use from offices (Class B1) to residential use (Class C3) to provide 18 flats					
Recommendation(s):		Grant prior approval			
Application Type:		GPDO Prior approval Class J Change of use B1 to C3			
Consultations	Date advertised	21 days elapsed	Date posted	21 days elapsed	
Press notice	n/a		Site notice	n/a	
Date sent		21 days elapsed	# Notified	# Responses	# Objections
Adjoining Occupier letters	6/6/14	27/6/14	32	0	0
Consultation responses (including CAACs):	No responses received.				
Site Description					
The site is a 3 storey office building (Block A) with car park accessed from Maygrove Road and 3 storey building plus basement (Block B) facing Maygrove Road. The buildings are not in a conservation and nor are they listed. Block A is located at the rear of 73 Maygrove Road (3 storey block plus basement) which are in use as flats. Immediately to the east and north of the site is public open space (Maygrove Peace Park).					
Relevant History					
2013/8259/P: Change of use from offices (Class B1) to residential use (Class C3) to provide 15 flats. <u>Prior approval refused</u> 04/03/2014 2004/0856/P: The change of use of the 2nd floor and roof void from 5 x business units (Class B1) to 5 x live/work units (Sui Generis). <u>Refused</u> 13/05/2004 2004/3715/P: Change of use and works of conversion of the 2nd floor and roof void from business use (Class B1) to 5 x live/work units (Sui Generis), including installation of 20 rooflights in the loft, and the provision of 14 car parking spaces and 10 bicycle spaces, landscaping works and storage for refuse and recycling. <u>Refused</u> 15/10/2004 <u>Appeal dismissed</u> 02/06/2005 73 Maygrove Road PW9605053R4: Works of alteration and refurbishment of basement and ground floors for B1 use; change of use of first floor to 3 live/work units; change of use of second floor to residential and					

The erection of a pitched roof with inset terraces to provide 5 residential maisonettes; redevelopment of the rear of the site to provide 4 x 3 storey units for use for B1 purposes. Granted subject to s106 legal agreement 01/05/1998

PWX0002451: The alterations and enlargement of the proposed 3 storey building at the rear of the site, as an amendment to the approved scheme (Ref. PW9605053R4), together with the erection of a single storey B1 units, the subdivision of an existing B1 unit to form two live/work units in the main front block, the creation of a new access to allow vehicular access to the rear of the site and the rearrangement of the car parking/servicing layout. Granted 12/12/2001

PWX0103561: Variation of proposed redevelopment of the site, (Ref PWX0002451R2) replacing of a proposed single storey B1(business)building with an open vehicle turning area, and the addition of a two storey side extension to a three storey B1 (business) building proposed for the rear of the site. Granted 18/12/2001

PWX0202448: Erection of a 3rd storey on the approved 2 storey side extension to the 3 storey Class B1 block at the rear of the site, as a variation to the planning permission dated 18.12.01 (Ref: PWX0103561) Granted 16/07/2002

Relevant policies

NPPF 2012

Chapter 4 Paragraphs 29 and 35

Assessment

Proposal

The proposal seeks prior approval for the change of use of the property from offices (Class B1a) to residential to provide 18 flats comprising 8 studios / one-bedroom units and 10 two-bedroom units (Class C3). Fifteen of the units would be provided within Block A (with Maygrove Peace Park behind) and 3 of the units would be provided in the building facing Maygrove Road.

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 Class 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 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

(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 - at the current time the use has not commenced and so the proposal accords as far as is possible at this stage.

(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

The proposal therefore complies with each of the above criteria.

Conditions

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". Each of these criteria will be considered below.

(a) Transport and highways impacts

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.

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 application site has a PTAL 4 (good), as such in accordance with the NPPF objectives in favour of

sustainable transport the proposed residential units should be secured as car free.

The information submitted indicates there are 12 existing on-site parking space used by the existing offices which would be retained.

The applicant suggests that the residential use would generate less motor vehicle trips than the existing office use; and that the proposal would therefore be beneficial in terms of impacts on the operation of the public highway. This is not backed up by any evidence such as a TRAVL trip generator exercise. Camden's transport planning team have advised that residential uses generally result in a greater number of motor vehicle trips than an office use. The applicant has not provided any evidence to convince officers that motor vehicle trips would be reduced by the proposal. It has been considered whether the removal of the existing 12 car parking spaces should be secured via the S106 agreement. However, it is unlikely that the retention of these spaces would have a severe impact on the highway network (as set out in the GPDO). This aside all 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.

Cycle parking

The submitted plans show cycle parking within the grounds of the development. Fifteen spaces are provided in front of the 73A Maygrove Road with 3 spaces in front of the building fronting Maygrove Road. The plans indicate that Sheffield stands will be provided. The number of spaces would be in line with the London Borough of Camden/London Plan standards (1 cycle space for each unit).

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." A condition would be included to ensure that the cycle parking is provided before the units are occupied and permanently retained.

(b) Contamination risks on the site

The application site has been identified as potentially contaminated. In line with the National Planning Policy Framework, where a site is affected by contamination, responsibility for securing safe development and ensuring that the site is suitable for use rests with the developer and/or landowner. The proposed change of use would not alter any land levels or involve any changes to the structure of the building; it is currently occupied as an office. On balance it is considered that the proposal would not be impacted by land contamination.

(c) Flooding risks on the site

The site is not located in a flood risk zone.

Recommendation: Grant prior approval

