

Delegated Report		Analysis sheet		Expiry Date:		20/01/2015	
		N/A		Consultation Expiry Date:		24/12/2014	
Officer				Application Number(s)			
Alex McDougall				2014/7304/P			
Application Address				Drawing Numbers			
338 Kilburn High Road London NW6 2QN				See Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use from offices (Class B1a) to 3 x 2 bedroom flats (Class C3) at 1st, 2nd and 3rd floor levels.							
Recommendation(s):		Grant Prior Approval subject to s106 legal 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	18	No. of responses No. electronic	00 00	No. of objections	00	
Summary of consultation responses:	Site notice: 03/12/14 – 24/12/14.						
Local groups comments:	None						
Site Description							
The site is occupied by a four storey corner-terrace building located on the eastern side of Kilburn High Road. The first through third floors are currently in use as a solicitor's office (Use Class B1a). The ground floor of the site is in use as several retail units with independent access (Use Class A1). The site is not located in a flood zone and is not on land identified as being potentially contaminated. The site is located in an area with a Public Transport Accessibility Level (PTAL) of 6a (excellent).							
Relevant History							
<u>338 Kilburn High Road (application site)</u>							
AR/TP/20102/C – The use of the three floors above the shop premises at No. 338 Kilburn High Road as offices. Granted 06/10/1953.							

The Valuation Office Agency lists the first, second and third floors as being registered as office premises for business rates since 01/04/2010.

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 Applicant seeks to utilise the first, second, and third floors of the building, currently in use as offices, for the provision of 3 x 2 bed residential units.

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.

Compliance with 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 evidence outlined in the history section above is considered to be sufficient to demonstrate that the proposal was last in use as a B1(a) office premises.

- (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 C3 use would need to start before 30th May 2016. It is considered that there is sufficient time for this to occur.

(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, it is considered that the subject floor space as indicated on the submitted plans complies with the criteria in sub-paragraph J.1.

Conditions under Sub-paragraph J.2

Transport and Highways Impacts

NPPF Chapter 4 (Promoting Sustainable Transport) seeks to maximise sustainable transport solutions and reduce greenhouse emissions and travel congestion.

The site has no existing off-street car parking and no on-site car parking is proposed. The site is located within the Kilburn Controlled Parking Zone (CPZ). The CPZ is near capacity and as such the provision of any permits to future occupants would put pressure on the availability of on-street parking in the vicinity of the site and have associated traffic impacts with vehicles searching for spaces. As such the proposal is considered likely to have a material impact on the character of traffic in the vicinity of the site. As such the prior approval of Council is considered to be necessary.

Subject to a s106 legal agreement designating the development as 'car free' the proposal would be considered to have an acceptable impact on the highway network. The Applicant has agreed to enter into a s106 legal agreement designating the units as car free.

Cycle parking is normally required in order to provide alternative transport options for occupants. However, it is considered that there is no appropriate internal space for the provision of such cycle parking on the site.

For the reasons listed above it is recommended that prior approval be granted with regard to transport and highways impacts.

Contamination Risks

The site is not identified as falling within an area designated as potentially contaminated land. Notwithstanding, the proposal does not include the disturbance of any soil, there is no garden area associated with the proposed use and the history of the building suggests that there have not been any potentially hazardous uses occupying the site for a considerable period of time. As such the prior approval of Council with regard to contamination is not considered to be necessary.

Flooding Risks

This area of Kilburn High Road 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;

Consultation Response

No consultations responses were received with regard to this application.

National Planning Policy Framework

Paragraph 17 of the NPPF states that, “*planning should always seek...a good standard of amenity for all existing and future occupants of land and buildings*”.

Neighbouring amenity

The NPPF falls short of providing specific standards protecting the amenity of adjoining and nearby properties. The proposal does not include any habitable room windows in close or direct view of adjoining or nearby windows or open space. As such, the residential accommodation is not considered likely to result in unacceptable privacy impacts on adjoining or nearby properties.

Standards of accommodation

The NPPF falls short of providing specific standards relating to standards of accommodation. It is likely that residential accommodation was the original use of the subject buildings. The proposed units are considered to be adequately sized, have acceptable outlook and receive good natural light. As such the standard of accommodation is considered to be acceptable.

Community Infrastructure Levy (CIL)

As the proposal results in new dwellings it may be 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 £11,500.00 (230sqm x £50/sqm), not including any exemptions. A standard informative is attached to the decision notice drawing CIL liability to the Applicant’s attention.

Recommendation

Grant prior approval subject to s106 legal agreement securing the units as car-free.