

Delegated Report		Analysis sheet	Expiry Date:	08/04/2014
		N/A	Consultation Expiry Date:	05/03/2014
Officer			Application Number(s)	
Sally Shepherd			2014/0808/P	
Application Address			Drawing Numbers	
3 Torriano Mews London NW5 2RZ			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change the use from office (Class B1) to 3 x self-contained residential flats (Class C3).				
Recommendation(s):	Grant 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	07	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>One letter of comment was received from Rennie House, Torriano Mews which is summarised below:</p> <ul style="list-style-type: none"> • Impact on existing drainage supply • Concerns about impact of neighbouring applications to change to residential (nos. 1, 2) • Impact on parking • Overdevelopment <p><u>Officer's response:</u> <i>A prior approval application describes the operations on a site which are considered to be permitted development without the need to make a planning application. Therefore, any planning merits guided by Camden's LDF policies such as the use, operation or activity as a result of the application cannot justify a reason for the refusal.</i></p> <p><i>With this in mind however, issues related to parking congestion are discussed in the assessment section of the report below.</i></p>					
CAAC/Local groups comments:	N/A – not in a conservation area					

Site Description

The application site relates to a 2 storey building storey building (with internal mezzanine) forming 1 of 5 mews buildings set within a terrace. The site, accessed off Torriano Avenue via a small avenue is bound by properties along Torriano Avenue, Leighton Grove and Leighton Road. The site is neither listed nor located within a conservation area.

Relevant History

Application site:

2013/3957/P – Prior approval refused on 19/08/2013 for change the use from office (Class B1) to 3 x self-contained residential flats (Class C3).

Reasons for refusal:

In the absence of an agreed s106 planning obligation, suitable mitigation measures are not secured to mediate against the additional parking stress and congestion on the local highway network as a result of the development and therefore it fails to comply with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

The Works, Torriano Mews

2013/7023/P – Prior approval granted on 27/12/2013 for change of use of building from offices (Class B1a) to 6 self-contained flats (Class C3).

Relevant policies

National Planning Policy Framework 2012

Core planning principles, paragraph 17

Chapter 4 paragraphs 29, 32, 35, 39

Chapter 6 paragraph 49 and 50

Chapter 7 paragraph 56-59 and 64

Chapter 8 paragraphs 70, 72 and 73

Chapter 10 paragraphs 93, 95-97.

Chapter 11 paragraphs 109 and 117-118 and 121-122

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

Proposal

This application relates to 3 Torriano Mews. The proposal seeks to change the use of the building ground, first and mezzanine floor levels from offices (Class B1a) to provide 3 x 2 bedroom self-contained residential units (Class C3).

Procedure

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.

The application is to ascertain whether the proposed change of use would constitute permitted development within the General Permitted Development ('GDPO') and therefore be a lawful development and whether prior approval is required.

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 proposal complies: 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 proposal complies: the site has been used 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;

The proposal 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;

The proposal complies: it is not in a safety hazard area.

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

The proposal complies: it is not part of a military explosives area.

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

The proposal complies: the building is not listed.

Therefore, the proposal accords with sub-paragraph J.1.

Impacts and Risks

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 issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application;

Conditions under J2 of the Order

2.2 The applicant has submitted information with regards to sub para J.2 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

It also states that: the provisions of paragraph N shall apply in relation to any application (see above)

(a) transport and highways impacts of the development

Car free 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.

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 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 application site has a PTAL rating (public transport access level) of 5 (good) and so it is easily accessible by public transport. The site has one on-site parking space for the existing office building which would remain unaltered.

In favour of sustainable transport, the proposed residential units would have to be secured as car-free via a S106 agreement (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.

Highways network impact

The proposed residential units would most likely result in a reduction in traffic generation into and out of the site compared to the existing office use. Therefore the proposal would not result in transport and highways impacts by increased vehicular trips and travel demand to and from the site onto the highway network.

Cycle parking

The submitted plans do not indicate the provision for cycle parking space for any of the 3 new residential units. 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.” Notwithstanding this, given that this is an existing constrained building that is being converted it is considered that in this instance it is not necessary to secure the provision of cycle parking.

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 identified as being at risk of river or surface water flooding.

Recommendation

Prior approval is required and is granted, subject to a section 106 legal agreement securing the new units as car-free, on the basis that appropriate mitigation measures are in place to manage the transport impacts of the proposal. The proposal complies with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.