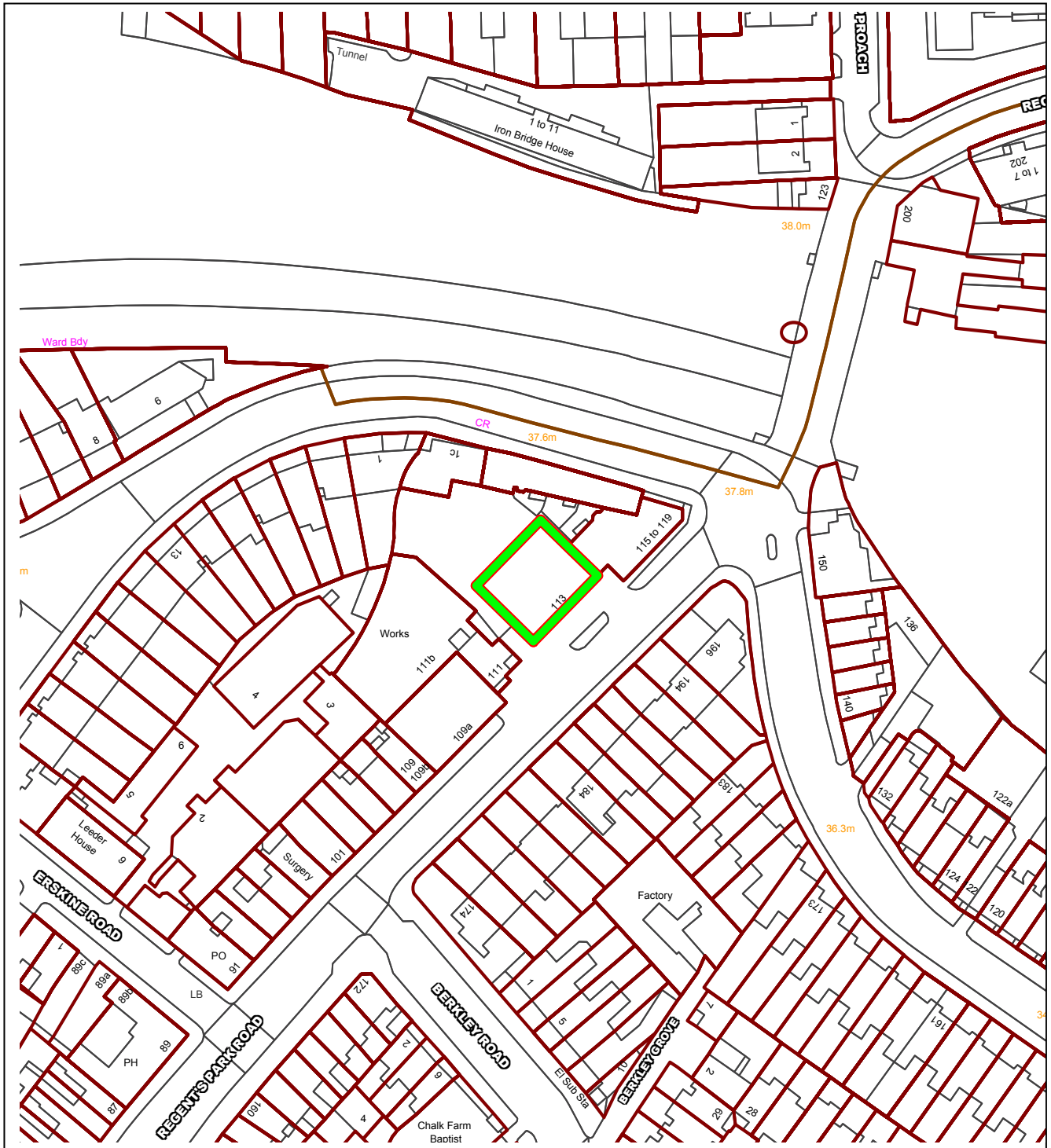


113 Regents Park Road



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Members Briefing		Analysis sheet		Expiry Date:	14/07/2015
		N/A		Consultation Expiry Date:	02/07/2015
Officer			Application Number(s)		
Nanayaa Ampoma			2015/2727/P		
Application Address			Drawing Numbers		
113 Regents Park Road London NW1 8UR			See draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of first and second floors from office (Class B1a) to 6 (2x one bed and 4x two beds) residential units (Class C3).					
Recommendation(s):		Granted Prior approval subject to Section 106 Legal agreement			
Application Type:		GPDO Prior Approval Class O Change of use B1 to C3			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	40	No. of responses	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>The application was published in the Ham and High between 11/06/2015 and 02/07/2015.</p> <p>A Site Notice was also displayed at the site for a period of 21 days between 05/06/2015 and 26/06/2015.</p> <p>Neighbour comments have been received from:</p> <ul style="list-style-type: none"> - Penthouse A1b King Henrys Rd - 6 Emerald House 1c King Henry's Road - 14 Chesterfield House 1b King Henrys <p>These comments can be summarised as follows:</p> <ul style="list-style-type: none"> - Access to the flats should be maintained. - Development would lead to loss of privacy from alterations to windows which have a direct line of sight to the rear flats. - car park 9 abuts my garden wall therefore development may lead to loss of access to rear garden <p><i>Officer response: There are no external changes proposed; only two parking spaces are proposed under the application. An informative regarding acceptable development hours has been attached to the application. There is noise and dust from all developments and the projected amount is considered acceptable as the development is not large scale.</i></p>					
CAAC/Local groups* comments: *Please Specify	CAAC: Object on the grounds that the property at ground floor is A1(shop) and not B1(office) and always has been.					

Site Description

The application site relates to a relatively small office block. The area around the building is of mixed use character with residential and commercial uses in close proximity.

The application site falls within the Primrose Hill Conservation Area. The building is not listed.

Relevant History

2015/2727/P: Change of use of first and second floors from office (Class B1a) to 6 residential units (Class C3).- **Pending consideration**

2015/2546/P: Use of ground floor as offices (Class B1). – **Pending consideration**

2014/7596/P: Alterations to shopfront and fenestration and new lift.- **Pending consideration**

2014/7695/P: Change of use from offices (B1) to 8 residential units (2 x 3 bedroom, 4 x 2 bedroom, 2 x 1 bedroom, class C3) - **Withdrawn**

9400518: Application for certificate of lawfulness for use as retail on ground floor and offices on first floor. (Plans submitted) – **Granted 18-04-1994**

31938/R2: Refurbishment of the existing industrial accommodation, together with refurbishment, conversion and extension of other accommodation to provide showrooms (ground floor and basement of Nos 115 & 117 Regents Park Road), Estate Agents office, ground floor and basement (119 Regents Park Road) and 26 flats and the provision of a new means of access to King Henry's Road.- **Granted 20-02-1981**

Relevant policies

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013: Class 0, Part 4

National Planning framework (2012)

Assessment

Proposal

1.1 The application seeks Prior Approval permission for change of use from B1 to C3 at its upper floors.

Prior approval procedure

1.2 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force on 30 May 2013 and introduced Class O, which allows for development consisting of a change of use of a building and any land within its curtilage from use falling within Class B1(a)(office) of that Schedule to C3 (dwellinghouses) of the Schedule.

1.3 The development is assessed against paragraphs (a)-(f). Development is not permitted where:

- (a) *the building is on article 2(5) land; This represents that land designed as being exempt from this legislation.* The application site does not fall within the area designated as article 2(5) 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;* Documents submitted with the application together with a visit to the property on 16th January 2015 confirmed that the property at its upper floors has a lawful use of B1.
- (c) *the use of the building falling within Class C3 (dwelling houses) 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;* There is no evidence to suggest that the site falls within 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;* planning records indicate that the property is not listed
- (g) *the site is, or contains, a scheduled monument;* planning records indicate that the property is not a scheduled monument

1.4 However, this is subject to a number of conditions listed within sub-paragraphs O.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.*

(a) Transport and highways impacts of the development

The NPPF confirms that transport policies have an important role to play in facilitating sustainable development. It also recognises that different policies will be required depending on the context to maximise sustainable transport solutions (paragraph 29), and that reductions in greenhouse gas emissions and congestion are of relevance (paragraph 30). It is also noted that developments that would generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34).

The Council's Transport Section has recognised that there are significant pressures on the current parking and road network facilities throughout the borough, especially in dense residential areas. In the interest of sustainable transport practices, the Council has established highway's policies that strongly discourage the use of private motor vehicles and aim to control any future unnecessary increase in off street parking (CS11 – Core Strategy, also DP16, DP17, DP18, DP19 and DP22 – Development Policies).

Policy DP18 states that the Council expects new developments in areas of high on-street parking stress to be either car free or car-capped in the event that they would add greater pressure to the highways. The reasons for this are to facilitate sustainability, help promote alternative, more sustainable methods of transport and stop the development from creating additional parking stress and congestion. This is also reiterated in policies CS11, CS19, DP18 and DP19.

The application is supported by the Highway Officer subject to a S106 agreement for Car Capped development, Construction Management Plan (CMP) and highways contribution.

Car capped would mean that as there is already parking on site and the applicant hopes to keep two for the ground floor units, it would be unreasonable to request that the whole development is car free. The Council has resolved to allow the continued use of two of the existing parking on site and refuse any future permits in line with policy. This is because the area suffers from high on-street parking pressures.

A CMP is required to ensure that any impact on the road network has been fully considered and deemed acceptable before works commence.

In accordance with policies DP16 and DP21, the Transport Officer has determined that contributions to mitigate the impact of the development on the highways would be as follows:

- £5000: repaving and other works of making the pavement good. This would be secured through a S106 agreement.

A Section 106 Agreement (rather than a condition) is believed to be the most appropriate mechanism in this instance to secure all the above requirements as the required control would fall outside of the application site. This is in accordance with Circular 11/95, where it states at Appendix B 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.

In accordance with the London Plan, cycle storage that is covered and secure should be provided at a ratio of one space per one bed unit and two spaces per two bedrooms or more. This gives a requirement of ten cycle spaces. A condition will be attached to any permission

granted requesting that further details are submitted to demonstrate that adequate cycle storage would be provided.

(b) contamination risks on the site

The NPPF notes that the planning system should contribute to and enhance the local environment by remediating contaminated land, and that the responsibility for ensuring a safe development rests with the developer.

The application site does not fall within the definition of 'contaminated land' as described in part 2A of the Environmental Protection Act 1990, and consequently there are no significant contamination risks associated with the proposed development. The Environmental Health Officer has confirmed that there are no contamination issues associated with the project. However has asked for further details to be submitted via a condition.

(c) flooding risks on the site

The NPPF also confirms that flooding is an issue to be considered when determining planning applications, and so it is important that this is considered for this type of application.

The application site does not fall within a flood risk zone. It is considered that a flood risk assessment would not be required in the determination of this prior approval application as the proposed change of use should not have any adverse impact nor create any risk requiring mitigation.

CONCLUSION

- 1.5 The development satisfies all the criteria set out in Class O of the Town and Country Planning (General Permitted Development) (Amendment)(England) Order 2013.
- 1.6 In light of the above, the application is recommended for approval subject to a s106 legal agreement securing car capped units, a construction management plan and highways contributions.

DISCLAIMER:

Decision route to be decided by nominated members on 6th July 2015. For further information please go to www.camden.gov.uk and search for 'Members Briefing'

JLL Ltd
30 Warwick Street
London
W1B 5NHApplication Ref: **2015/2727/P**
Please ask for: **Nanayaa Ampoma**
Telephone: 020 7974 **2188**

1 July 2015

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 O.2 of Schedule 2 Part 3 Class O 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:**113 Regents Park Road
London
NW1 8UR****Description of the proposed development:**

Change of use of first and second floors from office (Class B1a) to 6 (2x one bed and 4x two beds)residential units (Class C3).

Details approved by the local planning authority:

Drawing Nos: (01)S-001 Rev B; (01)P-OBO, (01)P-0G0, (01)P-001, (01)P-002, (01)P-003,

(01)E-001, (01)E-002, (01)E-003, (01)E-004, (01)X-001; (03)P-PD03 Rev A, (03)P-PD-04 Rev B; (03)-S-01 Rev D; Area schedule produced by Darling Associates; Desktop assessment of flood risk issues produced by RPS; Flood Risk Addendum by RPS, Desktop assessment of highways and transport issues produced by RPS; Site Environmental Risk Assessment by RPS; 2007 valuation, VOA Business rates 2005-2010 and 2013 valuation.

Reason for approval:

- 1 Before the use commences, details of the proposed secure and covered cycle storage area for 10 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.

- 2 At least 28 days before development commences:
 - (a) a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority in writing; and
 - (b) following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority in writing. The remediation measures shall be implemented strictly in accordance with the approved scheme and a written report detailing the remediation shall be submitted to and approved by the local planning authority in writing prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 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.
- 2 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).

- 3 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.
- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 6 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.
- 7 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced 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 the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. 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 queries to CIL@Camden.gov.uk

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

DRAFT

It's easy to make, pay for, track and comment on planning applications on line. Just go to 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. We will use the information you give us to help improve our services.

DECISION

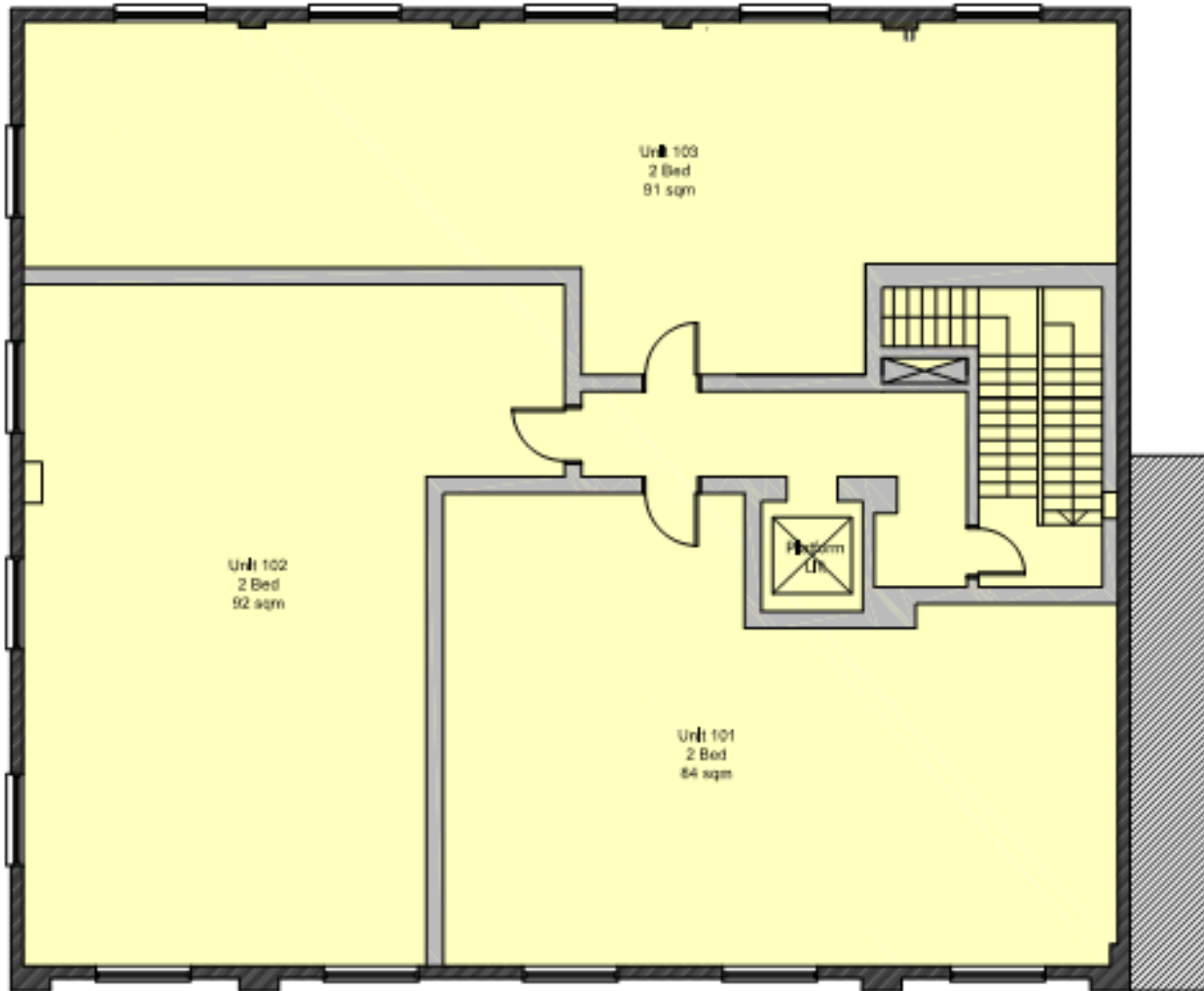
113 Regents Park Road
2015/2727/P

Prior Approval

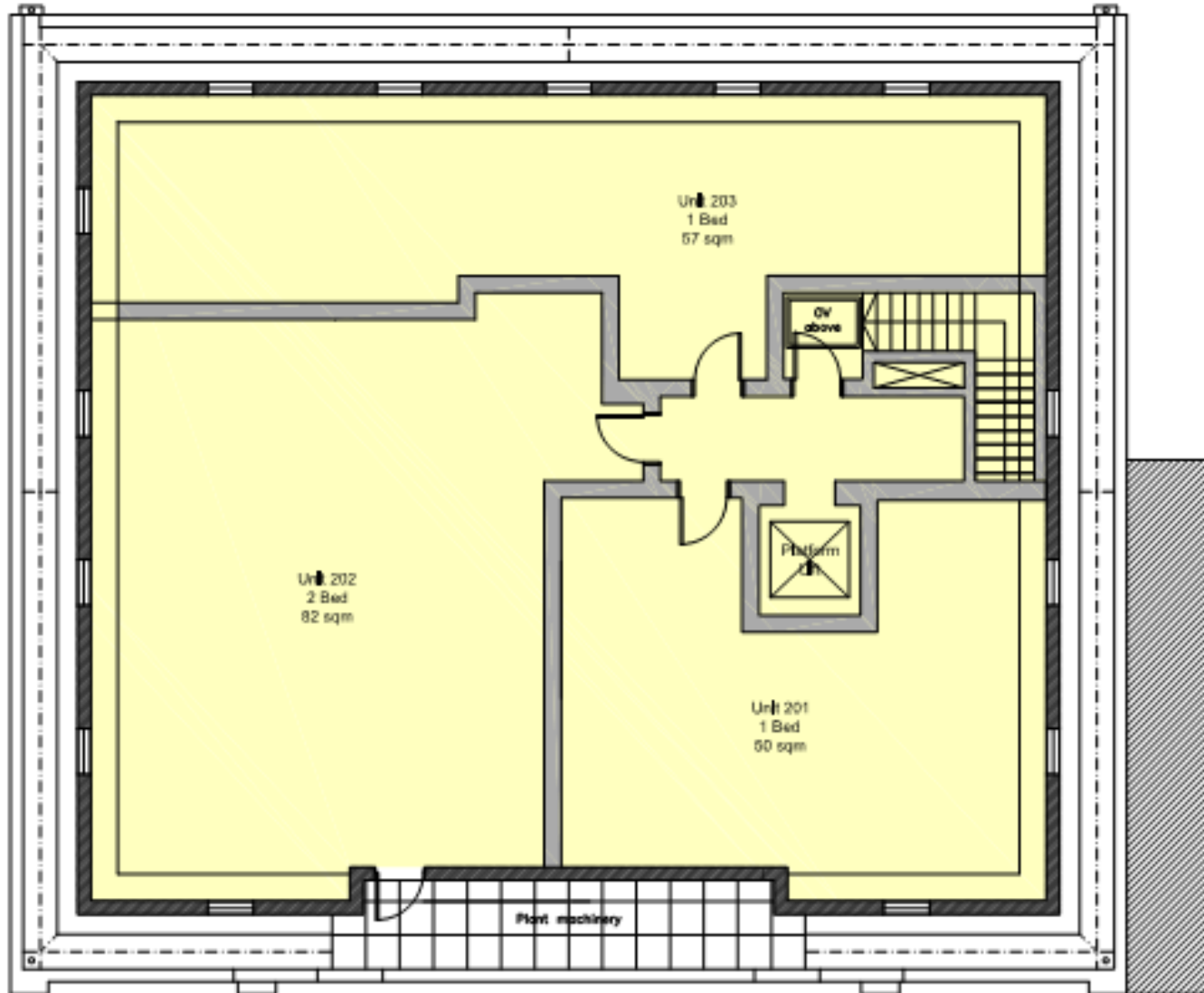
Front of Property



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Parking

