

Delegated Report		Analysis sheet	Expiry Date:	19/04/2016
		N/A / attached	Consultation Expiry Date:	24/03/2016
Officer			Application Number(s)	
Kate Phillips			2016/0885/P	
Application Address			Drawing Numbers	
21 Princess Road London NW1 8JR			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of lower ground floor from office (Class B1a) to residential (Class C3) to create self-contained 1 bed flat				
Recommendation(s):		Grant Prior Approval		
Application Type:		GPDO Prior Approval Class O Change of use B1 to C3		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	8	No. of responses	1	No. of objections	1
			No. electronic	00		
Summary of consultation responses:	<p>The owner/occupier of 23a Princess Road has objected to the proposal on the following grounds:</p> <ul style="list-style-type: none"> • Disruption during the construction period <p>Officer comment</p> <p><i>This application relates to a change of use under permitted development rights and the Council can only consider the following impacts:</i></p> <p><i>(a) transport and highways impacts of the development;</i> <i>(b) contamination risks on the site; and</i> <i>(c) flooding risks on the site.</i></p> <p><i>Construction noise and traffic and parking issues during the construction period are not valid reasons to refuse this application and, taking into consideration the scale of the proposed works, it would not be reasonable to attach a condition to require a construction management plan. However, an Informative can be added to the decision to ensure that the applicant is aware of their responsibilities under the Control of Pollution Act 1974.</i></p>					
Primrose Hill CAAC	<p>We are very concerned to ensure that it is acknowledged that the change of use proposed has no impact on the viability of the shop unit at ground floor, and ask that it is recorded that the existing plan submitted shows no physical connection, like stairs, connecting the basement and ground floor shop unit at present. We note that the access to the proposed residential space at lower ground floor level is exclusively from the rear, from Calvert Street.</p> <p>Officer comment</p> <p><i>The ground floor unit is an office not a shop. This application relates to a change of use under permitted development rights and the Council can only consider the impacts outlined above.</i></p>					

Site Description

No. 21 Princess Road is a three storey, mid-terrace, brick building with a roof extension and roof-level terrace on the western side of the road. The building is painted blue.

Currently, the lower and upper ground floor levels are in office use (Class B1a), with a traditional shopfront at the ground level, and the upper floors are in residential use (Class C3). There is off-street parking for 2 no. cars at the rear of the building, accessed from Calvert Street.

The application site is within the Primrose Hill Conservation Area and Nos. 1-65 (odd) are identified as making a positive contribution to the character and appearance of the conservation area. The application site is also covered by an Article 4 direction which removes permitted development rights for certain works. It is noted that the Council's Article 4 Direction to remove permitted development rights for change of use from office to residential do not apply here.

Relevant History

No. 21 Princess Road (Application site)

2015/2598/P - Change of use of lower ground floor from office (Class B1a) to create 1 no. self-contained 2 bed flat (Class C3), creation of front lightwell and erection of railings, and erection of two storey rear extension to provide additional floor space at lower and upper ground floor levels – Refused 06/11/2015

Reasons for refusal:

- 1. The proposal to create a front lightwell and erect railings would fail to reflect the historical development of the building and the parade and would disrupt the building's relationship with the street. The proposal would cause harm to the character and appearance of the host building and the parade and would fail to preserve and enhance the character and appearance of the Primrose Hill Conservation Area, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 2. The proposal would, by virtue of the poor outlook from the main living space (living room and kitchen area), fail to provide a satisfactory standard of accommodation for future occupiers contrary to Policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

PEX0000788 - Use of the ground floor for food and drink use within Class A3. - Refuse Planning Permission 21-11-2000.

9003390 - Construction of a glazed infill extension at rear basement level - Grant Permission with Conditions 18-07-1991.

8600330 - The addition of a 3rd storey roof extension for residential purposes. Revised on 15th April 1986. - Grant Full Planning Permission 23-04-1986.

35131 - The rebuilding and enlargement of the garage at the rear. - Conditional permission 21-12-1982.

No. 29 Princess Road

8600627 - Change of use including works of conversion to form one self-contained flat at basement level with access from Calvert Street including the erection of a rear extension – Granted 25/09/1986

No. 27 Princess Road

PEX0000670 - Change of use of basement ancillary retail/storage to a self-contained flat together with the erection of a conservatory to the rear and excavation of the front area to create a light-well. – Appeal allowed 02/01/2001.

PEX0000130 – Change of use of lower ground floor from offices to a self-contained flat, the erection of a conservatory to the rear and the insertion of pavement lights to the front forecourt – Refuse Planning Permission 11-04-2000.

No. 19 Princess Road

5198 - The change of use of ground floor and basement to use as fish and chip restaurant - Permission 30-05-1968

J10/8/2/1375 - The use of the basement and ground floor of 19 Princess Road, Camden as a restaurant; the erection of an extension at the rear at ground floor level and the installation of a new shopfront - Permission 09-02-1966

No. 15 Princess Road

J10/8/5/9260 – Conversion of 15 Princess Road, N.W.1. into two flats and a maisonette - Permission 05-08-1970.

Relevant policies

National Planning Policy Framework 2012

Chapter 4 (Promoting sustainable transport)

Chapter 10 (Meeting the challenge of climate change, flooding and coastal change)

Chapter 11 (Conserving and enhancing the natural environment)

The Town and Country Planning (General Permitted Development) (England) Order 2015

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

The proposal

The proposal seeks to change the use of the ground floor of the building from office use (Class B1a) to residential use (Class C3), to provide 1 no. self-contained residential unit (1-bed flat).

Procedure

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 3, Class O allows for development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1 (a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

The change of use is subject to a number of conditions listed within sub-paragraph O.1 [(a)-(g)] and a subsequent condition in sub-paragraph O.2 which requires the developer to apply to the local planning authority for a determination as to whether prior approval of the authority is required for:

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site.

Paragraph W sets out the procedure for applications for prior approval under Part 3. This application seeks to ascertain whether the proposed change of use would constitute permitted development and whether prior approval is required.

Compliance with Paragraph O.1

Development is not permitted by Class O if —

(a) the building is on article 2(5) land;

The proposal complies. The application site is not on article 2(5) land.

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The proposal complies. The applicant notes that the lower ground floor currently provides ancillary storage space for the offices on the ground floor, and an initial investigation suggests that appropriate business rates have been paid for an office at ground and basement level from at least April 2010.

(c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;

The proposal complies. At the time of the officer's site visit, the change of use had not commenced and, given the limited changes required, it is considered that there is sufficient time for the change of use to occur before 30th May 2016.

(d) the site is, or forms part of, a safety hazard area;

The proposal complies. The application site is not within a safety hazard area.

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

The proposal complies. The application site is not within a military explosives area.

(f) the building is a listed building or is within the curtilage of a listed building;

The proposal complies. The host building is not listed and neither is it within the curtilage of a listed building.

(g) the site is, or contains, a scheduled monument.

The proposal complies. The application site is not and does not contain a scheduled monument.

Compliance with Paragraph O.2

Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to —

(a) Transport and highways impacts of the development;

The application site has 2 no. parking spaces at the rear, which would be retained. The application site has a Public Transport Accessibility Level (PTAL) of 2 (0 is very poor and 6b is excellent) and is within a Controlled Parking Zone (CA-J – Primrose Hill).

Policy DP18 expects development to be car-free in Controlled Parking Zones that are easily accessible by public transport. In this case, due to the availability of on-site parking and the relatively low levels of access to public transport, it is not considered necessary to use a legal agreement to make the development car-free. This is consistent with the approach that was taken at the time of the recent planning application to change the use of the ground floor from office to residential use (2015/2598/P).

Ordinarily, 1 cycle parking space should be provided for a 1-bed unit. However, the constraints of the application site do not easily allow for this. The proposal is therefore considered to be acceptable in this regard also.

(b) Contamination risks on the site;

The application site is not identified as being at risk from land contamination 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.

(c) Flooding risks on the site,

The application site is in a Local Flood Risk zone, as defined by Camden's Strategic Flood Risk Assessment (SFRA). This site is also in an area identified in the SFRA as being at risk of surface water flooding. As such, prior approval of the Council with regards to flooding risks on the site is considered to be necessary.

In response to the Council's request for further information, the applicant proposes to replace the existing concrete finish to the parking area with permeable pavers and they have indicated a willingness to install a water efficient WC, shower heads and low flow taps within the new dwelling.

It is considered that the applicant has satisfactorily demonstrated how methods will be included in the

proposal to ensure there is no additional strain on adjoining sites or the existing drainage infrastructure. The proposal is therefore considered to be acceptable in this regard.

Conclusion:

The proposal accords with the provisions of paragraph O.1 [(a)-(g)] and the proposal therefore constitutes permitted development. Prior approval is required and given.

Recommendation: Grant prior approval.