

Delegated Report		Analysis sheet		Expiry Date:		09/05/2016	
		N/A / attached		Consultation Expiry Date:		13/04/2016	
Officer				Application Number(s)			
Kate Phillips				2016/1419/P			
Application Address				Drawing Numbers			
258 Belsize Road London NW6 4BT				Refer to Draft Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from offices (Class B1) to residential (Class C3) to create 34 self-contained flats (25x 1-beds, 9x 2-beds)							
Recommendation(s):		Refuse					
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	172	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed on 25/03/2016 (consultation end date 13/04/2016). No responses have been received.					
CAAC/Local groups comments:		N/A					

Site Description

No. 258 Belsize Road is a 4 storey office block on the northern side of the road, to the north of the railway which serves Kilburn High Road station.

The application site is designated as a Town Centre and it has been identified as being at risk of potential contamination.

The application site is also covered by an Article 4 direction which withdraws permitted development rights for a change of use from office to residential use.

Relevant History

2015/1136/P - Approval of Details of condition 1 (cycle storage specifications) granted under reference 2014/7511/P dated 29/01/15 - **Granted 07-05-2015**

2014/7511/P - Change of use from offices (Class B1) to 34 flats (16 x studios, 9 x 1-bed and 9x2-beds). - **Granted Prior approval subject to Section 106 Legal agreement 29-01-2015**

2014/5880/P: Change of use from office to 32 residential units (21 studio, 9 x 1 bed & 2 x 2 bed) – **Granted subject to Section 106 Legal agreement 27/10.2014**

2014/3843/P: Change of use from office to 32 residential units (21 studio, 9 x 1 bed & 2 x 2 bed)- **Refused 4/8/2014**

9401060 - Addition of a 5th floor roof extension as an amendment to the planning permission dated 14 September 1992 (Ref. 9100121R3) for the erection of a 4 storey office building as shown on drawing no(s) 259/200 201 3 computer images as revised on 12.09.94 - **Granted 29/09/1994**

9300828 - Amendments to planning permission dated 14.09.92 (Reg: No: 9100121) for redevelopment of site by new showroom and office building in respect of front and rear elevations. as shown on drawing numbers 0101A-0104A as revised on 15.09.93. - **Granted 05/11/1993**

9100121- The redevelopment of the site by the erection of a four storey building to be used for showroom and office use as shown on drawing no(s) TP 01B 03D 04 11A 16 17 18 19 as revised on 28.07.91 08.10.91 and 25.10.91- **Granted 03/09/1992**

8804151 - Redevelopment by the erection of a four storey building for use as an auction room with ancillary office floorspace as shown on drawings numbered A1B A2B and A3B as revised on 13th March 24th August and 18th September 1989. - **Granted 28/11/1989**

J4/9/F/3646 - The installation of a new shopfront at 258 Belsize Road, Camden – **Granted 22/06/1967**

Relevant policies

National Planning Policy Framework (2012)

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 building from office use (Class B1a) to residential use (Class C3), to provide 34x self-contained flats (25x 1-beds, 9x 2-beds).

Procedure

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, 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 permitted change of use is qualified within paragraph O.1 which specifies ((a)-(g)) where the change of use is not permitted. Paragraph O.2 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.
- (d) impacts of noise from commercial premises on the intended occupiers of the development.

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.

The Council confirmed 'non-immediate' Article 4 Directions for certain parts of the borough where withdrawing the right to change from office to residential use under permitted development rights is considered to be expedient on planning grounds. The Directions came into force on 19th October 2015 and were subsequently modified by the Secretary of State. The modified Direction came into force on 5th November 2015 and the application site is covered by the Article 4 direction, which means that the proposal does not constitute permitted development. The application was submitted after adoption of this direction.

On the basis that the proposal does not constitute permitted development, there is no requirement for the Council to determine whether or not prior approval is required.

Recommendation: Refuse.