

Delegated Report		Analysis sheet		Expiry Date:		20/06/2016	
		N/A		Consultation Expiry Date:		24/06/2014	
Officer				Application Number(s)			
Kristina Smith				2016/2778/P			
Application Address				Drawing Numbers			
4-8A Haverstock Hill & 45-47 Crogsland Road London NW3 2BL				Refer to Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Demolition of existing building (with retention of existing facade on Crogsland Road) in advance of redevelopment of site (as proposed in planning application reference 2015/0487/P)							
Recommendation(s):		Refuse Prior Approval					
Application Type:		GPDO Prior Approval of Demolition					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Under Part 11 of Section 2 of the GDPO 2015 the applicant was required to display a site notice for 21 days. A site notice has been displayed from 17 th May 2016 and the Council has received no response					
CAAC/Local groups comments:		N/A					

Site Description

The site is located on the north-eastern side of Haverstock Hill, to the north of the junction with Crogsland Road. The site is approximately L-shaped and has frontages on both Haverstock Hill and Crogsland Road. The Enterprise public house (not part of this application) sits at the corner of the two roads between the two site frontages.

The site comprises a former restaurant and ice cream manufacturing business with ancillary storage and office uses. All elements of the site are now vacant.

It is proposed that the existing building be demolished, with the exception of the Crogsland Road frontage which would be retained. The site would then be redeveloped in accordance with a scheme proposed in a planning application (ref 2015/0487/P) which has been agreed in principle by DC Committee subject to a S106- see history below.

The site is located outside a conservation area and is not listed.

Relevant History

2015/0487/P - Demolition of existing buildings, with retention of facade at 45-47 Crogsland Road and construction of a part 4/part 5 storey building with basement comprising flexible use of cinema (class D2) at basement and ground level with ancillary restaurant and bar (class A3/A4) at ground level or retail class (class A1 at basement and ground floor level and 19 residential dwellings (8 x 1 bed, 9 x 2 bed and 2 x 3 bed units) on upper floors with associated cycle parking, amenity space and refuse and recycling storage. **Pending Decision-** Agreed by DC Committee on 15/10/2015 subject to satisfactory completion of a S106 legal agreement

8501561- Planning permission granted for change of use from shop to restaurant as an extension to the existing restaurant at Nos. 6, 8 and 8a Haverstock Hill. **Granted November 1985**

PEX0000531- Planning permission granted for erection of extension at rear first and second floor level for B1 light industrial use. **Granted October 2000**

Relevant policies

Town and Country Planning (General Permitted Development) Order 2015- Schedule 2 Part 11

NPPF 2012

London Plan 2016

LDF Core Strategy and Development Policies

CS5 - Managing the impact of growth and development

CS11 - Promoting sustainable and efficient travel

CS14 - Promoting high quality places and conserving our heritage

CS16 - Improving Camden's health and well-being

CS19 - Delivering and monitoring the Core Strategy

DP17 - Walking, cycling and public transport

DP20 - Movement of goods and materials

DP24 - Securing high quality design

DP26 - Managing the impact of development on occupiers and neighbours

DP28 - Noise and vibration

DP32 - Air quality and Camden's Clear Zone

Camden Planning Guidance 2011/2013 (as amended)

Assessment

1.0 Proposal

1.1 Prior approval is sought for demolition of existing building with retention of existing facade on Crogsland Road, in advance of redevelopment of site (as proposed in planning application reference 2015/0487/P)

2.0 Analysis

A Court of Appeal judgement in 2011 (SAVE Britain's Heritage v SSCLG), now means that demolition of any non-residential building outside a conservation area constitutes 'development' subject to certain conditions. Therefore this prior approval application is to determine whether of the method of demolition is appropriate and subsequently whether it should be approved in accordance with Part 11 of the Town and Country Planning (General Permitted Development) Order 2015.

Class B of Part 11 of Schedule 2 to the GPDO allows as Permitted development:

B. Any building operation consisting of the demolition of a building.

'Building' is defined in Article 2(1) of the GPDO as-

*'...includes any structure or erection and, **except in Class F of Part 2, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 and Class T of Part 19, of Schedule 2, includes any part of a building**'* (my underlining)

The effect of the definition of 'building' in Article 2(1) of the GPDO is to provide that the extended definition of building (to include part of a building) which normally applies for the purposes of the TCPA 1990, does not apply to Class B of Part 11.

Therefore this application which seeks to retain 'part of the building' (the façade), falls within the exception from Class B of Part 11 of Schedule 2 to the GPDO, which does not allow for demolition of part of the building. It follows therefore that an application for Prior Approval for partial demolition, which proposes the retention of the façade, is not permissible by virtue of this GPDO definition.

Class B gives further criteria and conditions as to when demolition is permitted.

Development not permitted by Class B

The demolition works do not fall within any of the criteria listed where development is not permitted by Class B (as set out in Paragraph B.1), namely:

- a) the building has not been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;
- b) the demolition is not "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc. building in a conservation area); and
- c) the building is not a specified building where the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

Conditions of permitted development

The 'Prior Approval' application fully accords with the relevant conditions set out within Paragraph B.2 of Part 11, Class B of the GPDO. Notably, as required by Paragraph B.2, part (b) (iv) of the conditions, the applicant has submitted with the application, a copy of the site notice which has been displayed near to the site for a minimum period of 21 days since 17th May 2016.

As required by Paragraph B.2, part (b) (i) (aa) of the conditions, the developer has applied to the local planning authority for a determination as to whether 'prior approval' will be required for the method of demolition and any proposed restoration of the site before development commences. The purpose of this control is to give the local planning authority the opportunity to regulate the details of demolition in order to minimise the impact of that activity on local amenity.

The documents which have been submitted to assess the demolition works include the following:

- Site Plan showing extent of demolition works (177_S_03)
- Demolition Method Statement (prepared by Metro)
- Site Fire Risk Assessment
- Camden traffic Management Plan
- Hospital Route
- BT application – request for Open reach Plant Maps
- Thames Water Utilities – Asset Location Search
- National Grid UK Gas Distribution
- UK Power Networks (pt 1,2,3,4)
- Asbestos Survey Report
- Vodafone correspondence – confirmation of apparatus within vicinity of proposed works
- Demolition Temp Works and Protection Plan (6700/300)
- Crogsland Façade 1 (6700/302)
- Crogsland Façade 2 (6700/303)
- Site Notice for Prior Approval
- Party Wall (Salvation Army) details

The documentation submitted illustrates how the demolition works will be managed. The reports and information have been reviewed by both the Council's Transportation and Environmental Health Sections and the following comments have been received.

Transport

The proposed development is likely to cause significant damage to the public highway directly adjacent to the site. A highways contribution of £16,697 would therefore need to be secured as a section 106 planning obligation. This would allow the Council to repair any damage to the public highway caused as a direct result of the development in the general vicinity of the site (e.g. repaving the footway and carriageway on Haverstock Hill and Crogsland Road).

A traffic management plan and a deconstruction method statement have been submitted in support of the GPDO application. Both documents provide useful information; however they do not demonstrate that the impacts of the development could be mitigated to the satisfaction of the Council, contrary to Camden Development Policy DP20. Therefore the details of the method of demolition as currently proposed is unacceptable.

The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. This is particularly important given its location on a busy cycle route and in close proximity to Haverstock School. A Construction Management Plan (CMP) and an implementation support contribution must therefore be secured as a Section 106 planning obligation.

The applicant has not stated within their submission whether they would be willing to enter into such an agreement for both the CMP and highway works contribution. In the absence of such a legal agreement, this forms a further reason for the refusal of the application.

Environmental Health

No objection is raised to the proposal in principle but, on the basis of the information submitted, any approval should be subject to a revised demolition method statement and a construction management plan to ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site. No objection has been raised to the contamination risks resulting from the Asbestos Survey and the Demolition Method Statement.

Site restoration

The condition (aa) also requires an applicant to provide details of the site's restoration following the demolition, to ensure the works do not unacceptably harm the appearance of the local environment. There is little detail of how this will be achieved from the information submitted, aside from a small section on removal of waste material which would be stockpiled on site and disposed of at a local recycling centre. This level of detail is insufficient and unacceptable and forms another reason for refusal.

Conclusion

The proposed development does not constitute permitted development owing to the fact that part of the building (the Crogsland Road façade) will be retained, contrary to the definition of 'building' as specified by Article 2(1) of the GPDO.

The supporting documents provided are not of appropriate detail and content to give comfort that that the demolition would occur without causing harm to the local environment, highways and the general public. The application does not convey a willingness to enter into a S106, nor has one been completed within the determination date of this application. Hence prior approval cannot be granted, as the details required in Paragraph B.2, part (b) (i) (aa) are insufficient.

Inadequate details have been provided regarding the proposed restoration of the site, again contrary to the requirement of the above-mentioned Para B2.

Recommendation: Refuse Prior Approval