

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		16/12/2016	
		N/A / attached		<b>Consultation Expiry Date:</b>		17/11/2016	
<b>Officer</b>				<b>Application Number(s)</b>			
Robert Lester				2016/5420/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Former 5-6 Eton Garages London NW3 4PE				1519/TP3/02, 1519/TP3/01r1, Supporting Statement Rev 1, Design & Access Statement ref: 1519/TP3/DA.			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Change of use of ground floor from B1a office to C3 residential (2 x1 bed flats).							
<b>Recommendation(s):</b>		Grant Prior Approval Subject to a Section 106 Agreement					
<b>Application Type:</b>		GPDO Prior Approval Class O Change of use B1 to C3					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>28</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
				No. electronic	<b>01</b>		
<b>Summary of consultation responses:</b>		<p>Consultation letters were sent to 28 local residents on the 21/10/2016. A site notice was erected on the 26/10/2016 and a press advert was placed on the 27/10/2016.</p> <p>1 response was received with the following points of objection.</p> <ul style="list-style-type: none"> <li>Increased car parking congestion in the local area.</li> </ul> <p><i>Case Officer's Response: Please refer to the transport and highway impacts section of the attached report.</i></p>					
<b>CAAC/Local groups* comments:</b>		<p><u>Belsize CAAC</u></p> <ul style="list-style-type: none"> <li>No Objection</li> </ul>					

## Site Description

The property is a 2-storey mews building located centrally within a row of mews houses situated on the eastern side of Eton Garages and which is characterised by a variety of commercial buildings, offices, warehousing and residential uses. The building is identified as a positive contributor to the appearance and character of the Belsize Park conservation area.

The application relates to the ground floor of no's, 5-6 which are currently in use as offices (Class B1a) and operate as a single unit. The 1st floor is in residential use and has a separate entrance from the street.

## Relevant History

9301377 (no. 5) - Erection of a front dormer and rear velux window to roof slope to create additional residential space for an existing residential flat. Granted planning permission 12/08/1994.

9400742 (no. 6) - Erection of front dormer window. Refused planning permission 26/08/1994  
Relevant nearby sites.

2013/4492/P (no. 18) - Change of use from ground floor office (Class B1a) to 2 bedroom self contained flat (Class C3). Granted prior approval 09/09/2013.

2013/4402/P (no. 11) - Change of use from 1 bedroom live/work unit (sui generis) to 2 bedroom residential unit (Class C3). Granted planning permission 10/09/2013.

2013/6026/P (no. 14) - Change of use from 1 bedroom live/work unit (sui generis) to 2 bedroom residential unit (Class C3). Granted planning permission 25/11/2013.

2016/3872/P - Change of use from B1a office to C3 residential (2 x1 bed flats) – Withdrawn 29/09/2016.

## Relevant policies

National Planning Policy Framework 2012

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

The London Plan 2016

## Assessment

### Proposal

This is a prior approval application under Class O of the General Permitted Development Order (2015) for the change of use from B1 (a) offices to C3 residential use to provide 2 x1 bedroom flats.

### Procedure

Class O of the General Permitted Development Order 2015 permits the change of use from offices (B1a) to dwellinghouses (C3) subject to compliance with the provisions of paragraph O.1 of the order and subject to the requirement in paragraph O.2 to apply for prior approval for the assessment of the transport and highways impacts of the development; the contamination risks on the site; and the flooding risks on the site.

### Paragraph O.1 Requirements

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

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

The proposal complies: the site falls outside any 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 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 at ground floor level since before 30 May 2013. This has been confirmed by the applicant and was noted in the former prior approval application at this site ref: 2015/4630/P dated 16/10/2015.

*(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 within the curtilage of a listed building;*

The proposal complies: the building is not listed or within the curtilage of a listed building.

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

The proposal complies: the site is not, and does not contain, a scheduled monument. Therefore, the proposal accords with sub-paragraph O.1.

## **Paragraph O.2 Requirements**

Paragraph O.2 requires an application for prior approval for the assessment of the transport and highways impacts of the development; the contamination risks on the site; and the flooding risks on the site. In accordance with the GPDO the Council has consulted the Highway Authority on the transport/highway impacts of the development and has undertaken local public consultation. In accordance with the GPDO and Government advice, it is also necessary to have regard to the NPPF where it relates to the highway, contamination and flooding risks of the development.

### **(a) transport and highways impacts of the development**

The NPPF seeks to promote sustainable transport.

The Council expects development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport in order to promote sustainable transport and reduce congestion.

The site has a PTAL rating of 3 which means it has moderate access to public transport. It is located in the Belsize controlled parking zone which suffers from parking stress at present.

The proposed 2 flats would have use of 2 car parking spaces on Eton Garages which is a private road. However, Eton Garages is heavily congested at present and in order to ensure that the development would not increase parking stress in the wider CPZ and to promote sustainable transport, the development should be secured as car-free via a section 106 agreement.

### **(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 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. There are no extensions or excavation proposed and there is no outdoor garden space for the site which means the ground itself is not being disturbed. As such the prior approval of the Council with regard to contamination is not considered to be necessary

### **(c) flooding risks on the site**

The NPPF states that developments should reduce the causes and impacts of flooding and ensure that development is protected from flood risk and does not increase flood risk elsewhere.

The site falls within Flood Zone 1, which is assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). A Flood Risk Assessment (FRA) would not be required in the determination of this prior approval application.

This site does not fall within one of our Local Flood Risk Zones as defined within the Strategic Flood Risk Assessment (SFRA). The site is also not in an area identified in as being at risk of surface water flooding, but it is adjacent to a site which has previously experience surface water flooding.

In accordance with the NPPF the development should not place additional strain on adjoining sites or the existing drainage infrastructure. It also requires that the development is designed to cope with being flooded. A planning condition has been applied to ensure that the development provides the required drainage and flood prevention measures.

### **Additional issues**

#### ***Consultation Response***

One consultation response was received which objected on transport grounds which has been addressed in section A of this report.

#### ***National Planning Policy Framework***

Paragraph 17 of the NPPF states that, "*planning should always seek a good standard of amenity for all existing and future occupants of land and buildings*".

The NPPF falls short of providing specific standards protecting the amenity of adjoining and nearby properties. The proposal would not give rise to any additional overlooking to rear or front. As such, the residential accommodation is not considered likely to result in additional unacceptable privacy impacts on adjoining or nearby properties.

#### **Community Infrastructure Levy (CIL)**

As the proposal results in a new dwelling, it will be liable for the Mayor's and Camden's Community Infrastructure Levy (CIL). A standard informative is attached to the decision notice drawing CIL liability to the Applicant's attention.

#### **Conclusion and recommendation**

The proposal complies with Class O.2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.

#### **Grant Prior Approval**