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| Delegated Report | | Analysis sheet | | Expiry Date: | | EOT: | |
| | | N/A / attached | | Consultation Expiry Date: | | 02/02/2018 | |
| | | | | 10/01/2018 | | | |
| Officer | | | | Application Number(s) | | | |
| Ben Farrant | | | | 2017/5705/P | | | |
| Application Address | | | | Drawing Numbers | | | |
| 2 Torriano Mews London NW5 2RZ | | | | See Decision Notice | | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | | | |
| | | | | | | | |
| Proposal(s) | | | | | | | |
| Change of use of Office (B1a Use) into 3 x 2 bed residential flats (C3 Use) | | | | | | | |
| 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 | 00 | No. of responses | 00 | No. of objections | 00 |
| | | | | No. electronic | 00 | | |
| Summary of consultation responses: | | A site notice was displayed on 20/12/2017 (consultation end date 10/01/2018). No responses were received. | | | | | |
| CAAC/Local groups comments: | | N/A | | | | | |

Site Description

The application site is a two storey (with loft area) mid-terraced property within a row of similar units on Torriano Mews (off Torriano Avenue). The terrace is of modern design.

The site is not within a conservation area or near to any listed buildings; The property is however covered by an Article 4 direction which removes permitted development rights for properties within a specific area to change from office (B1) to residential use (C3).

Relevant History

2 Torriano Mews (application site)

2017/4260/P - Installation of 1 rooflight and repositioning of 2 rooflights to rear roofslope – Granted **18/09/2017**

2013/3957/P - Change the use from office (Class B1) to 3 x self contained residential flats (Class C3) – **Refuse prior approval 19/08/2013**

9200664 - Change of use of Units 1-4 from B1 business use to provide 4 ground floor flats and 4 maisonettes plus two additional parking spaces and new boundary fence – **Withdrawn 08/05/2003**

3 Torriano Mews

2014/0808/P - Change the use from office (Class B1) to 3 x self contained residential flats (Class C3) – **Grant Prior Approval 08/04/2014**

2013/3957/P - Change the use from office (Class B1) to 3 x self contained residential flats (Class C3) – **Refuse Prior Approval 19/08/2013**

Relevant policies

National Planning Policy Framework (2012)

The Town and Country Planning (General Permitted Development) (England) Order 2015 paragraph 1(13) of Schedule 3

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 3 x 2 bed self-contained flats.

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 designated 'non-immediate' Article 4 Direction for certain parts of the borough where removing the right to change the use 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 (outer Kentish Town area), which means that the proposal does not constitute permitted development. The application was submitted after this direction came into effect.

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.