

Prior Approval Report		Application number	2018/3423/P
Officer		Expiry date	
Charlotte Meynell		05/10/2018	
Application Address		Authorised Officer Signature	
Basement and Ground Floor 1 Belmont Street London NW1 8HJ			
Conservation Area		Article 4	
None		No	
Proposal			
Change of use of ground floor and basement from motorcycle repair business (B1c light industrial use) to residential (C3 use) comprising 1x2 bedroom flat.			
Recommendation:	Prior Approval Required – Approval Given		
Application Type:	GPDO Prior Approval Class PA Change of Use B1c to C3		
Consultations:	Site notice erected 08/08/2018; expired 01/09/2018		
	No consultation responses received.		
Site Description			
<p>The application site comprises a three-storey mid-terrace building on the western side of Belmont Street, to the north of the junction with Chalk Farm Road. The ground floor and basement currently contains a motorcycle repair business, with residential uses on the upper floors. The application relates only to the ground floor and basement.</p> <p>The host building is not listed and is not situated within a conservation area.</p>			
Relevant Policies			
<ul style="list-style-type: none"> • Class PA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended by SI 2016 No. 332 dated 6th April 2016) • National Planning Policy Framework (2018) <ul style="list-style-type: none"> ○ Chapter 9, paragraphs 102-109 ○ Chapter 15, paragraphs 178 and 179 			
Assessment			
1. Proposal			
<p>1.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended by SI 2016 No. 332 dated 6th April 2016) includes Class PA, which allows for development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1c (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.</p>			

1.2 This is subject to a number of conditions listed within sub-paragraph PA.1 [(a)-(i)] and a subsequent condition in sub-paragraph PA.2 relating to the need for the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority is required as to::

- (a) *transport and highways impacts of the development;*
- (b) *contamination risks on the site; and*
- (c) *flooding risks on the site;*
- (d) *where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.*

1.3 It also refers to paragraph W and its provisions apply to such an application.

2. Assessment

2.1 Sub-paragraph PA.1

2.2 The development is assessed against paragraphs (a)-(i). Development is not permitted by Class PA where –

- a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017; *(Complies: the application was received 17th July 2018)*
- b) the building was not used solely for a light industrial use on 19th March 2014 or, 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; *(Complies: the site was in lawful B1c use on 19th March 2014. Google Street View shows the unit in use as a motorcycle repair business with the name of 'Lazer Motorcycles' between 2008 and 2017)*
- c) the prior approval date falls on or after 1st October 2020; *(Complies: the statutory expiry date has been extended until 5th October 2018)*
- d) the gross floor space of the existing building exceeds 500 square metres; *(Complies: The part of the building where the residential use is sought is less than 500sqm)*
- e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; *(Complies: The site is not subject to an agricultural tenancy)*
- f) less than 1 year before the date the development begins –
 - (i) An agricultural tenancy over the site has been terminated, and
 - (ii) The termination was for the purpose of carrying out development under this Class unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes; *(Complies: The site has not been the subject of an agricultural tenancy)*
- g) the site is, or forms part of –
 - (i) A site of special scientific interest; *(Complies: The site is not an SSI)*
 - (ii) A safety hazard area; *(Complies: The site is not within a safety hazard area)*
 - (iii) A military explosives storage area; *(Complies: The site is not a military explosives storage area)*
- h) the building is a listed building or is within the curtilage of a listed building; or *(Complies: The site is not listed nor within the curtilage of a Listed Building)*

- i) the site is, or contains, a scheduled monument. (*Complies: The site is not a scheduled monument*)

2.3 The proposal complies with each of the above criteria.

2.4 Conditions

2.5 The applicant has submitted information in order for the Council to make a determination as to whether prior approval is required as to: “(a) transport and highways impacts of the development; (b) contamination risks on the site; and (c) flooding risks on the site”. Each of these criteria will be considered below.

2.6 *(a) Transport and highways impacts*

2.7 In determining these types of applications Paragraph W(9) (of Part 3 of GPDO) states that the local planning authority may require the developer to submit such information regarding the impacts and risks referred to in paragraphs PA2 [i.e. the transport and highways impacts of the development],... as the case may be, as the local planning authority may reasonably require in order to determine the application, which may include –

- (a) assessment of impacts or risks;
- (b) statements setting out how impacts or risks are to be mitigated.

(10) The local planning authority shall, when determining an application –

- (a) take into account any representations made to them as a result of any consultation under paragraphs (5) or (6) and any notice given under sub-paragraph (8);
- (b) have regard to the National Planning Policy Framework (NPPF) as if the application were a planning application;

2.8 Paragraph 102 of the NPPF states that “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of the development on transport networks can be addressed ... c) opportunities to promote walking, cycling and public transport use are identified and pursued; d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains”. Paragraph 103 of the NPPF also recognises that “opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”. Given that Camden is within a densely populated urban area of London it is considered necessary to maximise sustainable transport solutions.

2.9 *On-street parking*

2.10 The Council has considered the highways impacts of the change of use and whether to seek appropriate mitigation measures to mediate against any highways impacts. The development is likely to result in a material increase / material change in the character of traffic in the vicinity of the site and would seek mitigation measures to mediate against any impacts on the highway network. The new residential unit could apply for residents parking permits if there are no restrictions in place to remove this. The site has good access to public transport. The area suffers from parking stress and therefore the proposed flat

should be secured car free by a section 106 legal agreement.

2.11 *Cycle parking*

2.12 Whilst no formal cycle parking has been included on the submitted plans, contrary to London Borough of Camden/London Plan standards, the Council's Transport Officer has reviewed the proposals and confirmed that sufficient space exists within the flat to accommodate a cycle if required, which is considered acceptable.

2.13 *Servicing*

2.14 It is anticipated that there will be a minimal level of vehicular activity associated with the proposals in connection with servicing/deliveries, which would take place on-street locally within permitted waiting restrictions. The resident permit holder bays adjacent to the site on Belmont Street could also be suspended if required to enable deliveries or skip storage to take place.

2.15 *(b) Contamination risks on the site*

2.16 The site is currently used as a motorcycle repair business, which has the potential to cause ground contamination. In line with paragraph 179 of the NPPF, where a site is affected by contamination, responsibility for securing safe development and ensuring that the site is suitable for use rests with the developer and/or landowner. The Council's Environmental Health Officer has assessed the proposals and has considered that the contamination risk for the site is medium. As such, the submission of a written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas and any remediation works required will be secured by a pre-commencement condition, to ensure that future occupiers are protected from the presence of ground contamination arising in connection with the previous industrial use of the site. A further condition will secure the submission of an intrusive pre-demolition and refurbishment asbestos survey supported by an appropriate mitigation scheme in order to control risks of asbestos to future occupiers.

2.17 *(c) Flooding risks on the site*

2.18 The site is not located in a local flood risk zone.

2.19 *(d) Is within an area that is important for providing industrial services or storage or distribution services or a mix of those services*

2.20 An Article 4 Direction to remove permitted development rights for the change of use of light industrial use to dwellinghouses (B1c to C3) came into force in Camden on 1st June 2018. This covers both larger clusters and smaller sites within the borough; however, the site is not located in one of these areas and is therefore not covered by the Article 4 Direction. The site is not located within close proximity of any other B1c uses and the majority of the adjacent uses are indeed residential. It is therefore considered that the site is not located within an area important for providing industrial services or storage or distribution services or a mix of those services.

Recommendation: Grant Prior Approval subject to a Section 106 Legal Agreement