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Fulwood Place PN Covering Letter 030723.doc

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Dear Sir / Madam

**PRIOR NOTIFICATION FOR CHANGE OF USE OF AN EXISTING BUILDING IN USE CLASS E (COMMERCIAL, BUSINESS AND SERVICE) TO MIXED USE UNDER CLASS G OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)**

Please find attached completed forms and drawings in support of a prior notification planning application under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in relation to the change of use of an existing building falling under Use Class E into a mixed use at 8 Fulwood Place, WC1V 6HG.

The application is submitted on behalf of our client, Myrtle Fine Properties LLP, who are the freehold owners of the property.

In support of the application, the following documents have been submitted:

- Application form, signed and duly completed;
- Location Plan identifying the location of buildings to change use and the wider site;
- Existing Floor Plans
- Proposed Floor Plans
- Existing Elevations
- Proposed Elevations
- Contamination Proforma;
- CIL Form 1; and
- this Covering Letter.

The correct application fee has been paid via the Planning Portal prior to transfer of the application to the Council.

**The Development**

Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') sets out that development consisting of a change of use of a building from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats is permitted development.

This prior notification application proposes to retain the ground and lower floor in a commercial use and then change the use of the upper floors (first through to fourth floor) into two flats. Flat one would be first and

second floors, and flat two would be third and fourth floors. No changes to the external fenestration to the buildings are proposed. Alterations are proposed to the internal space to allow for the position of the staircase to be altered and replacement of the lift to one that is compliant with current Building Regulations. The alterations proposed are not determined to be development in accordance with Section 55 of the Town and Country Planning Act 1990 and are also permissible under Class G.

Class G stipulates that before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the contamination and flooding risks to the building; impacts of noise; provision of natural light to habitable rooms; and arrangements for the storage of waste.

#### **The Site and Surroundings**

8 Fulwood Place is the former offices of Stowe Family Law LLP, which is solicitors, and a professional service falling under Use Class E. The application site comprises the full extent of the existing building in commercial business use located within a terrace of properties on the west side of Fulwood Place.

Fulwood Place is pedestrianised and accessed from High Holborn to the south or Bedford Row to the west. Access can also be gained onto Fulwood Place through Gray's Inn Square which is located directly to the north.

Entrance into the building is gained from Fulwood Place. A staircase and lift provides access to each floor. There is no external space serving the building.

The building itself consists of basement, ground and then four further storeys. The building is a later addition to the terraced street and is constructed of a concrete frame and floor slabs with red brick to the front and rear elevations.

#### **Material Planning Considerations**

Paragraph G.1 of the GPDO sets out the conditions in which Class G is permitted development. To this end, there are a number of conditions.

Condition (a) requires a floor below the lowest part of a flat to be retained in commercial use. In this instance the ground and basement are to be retained in commercial use.

Condition (b) requires any display window at ground floor to be retained and not be used in whole or part as a flat. This proposal retains the existing vernacular with the two flats located on the upper floors and so the condition is met.

Condition (c) requires that any flat is used as a dwelling consistent with the definition found under Use Class C3. One of the apartments has one bedroom and the other has two bedrooms where the space is designed for single family units to reside. As such, the drawings confirm compliance with the condition.

As mentioned previously, paragraph G.1(d) of Class G requires developers to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (i) contamination risks in relation to the building;
- (ii) flooding risks in relation to the building;
- (iii) impacts of noise from commercial premises on the intended occupiers of the development;
- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (v) arrangements required for the storage and management of domestic waste.

Each is addressed in turn below.

(i) contamination risks in relation to the building

The site comprises of an existing building that is located within the urban extent of London in an area of established offices known to be related to matters of Law. Historic maps make clear how long the area has been developed and the way in which the buildings have been used. As such, the building and its surroundings have not been used for any use that might give rise to contamination. The matter of contamination is therefore satisfied.

(ii) flooding risks in relation to the building

The Environment Agency flood risk maps, included under Appendix One, show how the site is within Flood Risk Zone One with reference to rivers and sea. The information held by the Environment Agency shows that the site is also unlikely to flood from surface water. As such, the building is not at risk of flooding and so the matter of flood risk is satisfied.

(iii) impacts of noise from commercial premises on the intended occupiers of the development

On either side of the application site are offices, as are the buildings to the rear. The building opposite is understood to be in a mix of commercial and residential use. Given the nature of the neighbouring uses, it is considered that the proposal will not be impacted upon by unacceptable noise levels, as Class E uses alongside residential are generally compatible. Additionally, Fulwood Place is pedestrianised and so there are no traffic noises that might cause disturbance in the immediate vicinity to the site.

The building benefits from insulation between floors and external walls, and double glazing. Additionally, the building was refurbished in 2010 and the works were completed to satisfy Approved Document E of the Building Regulations at that time. It means that the building offers sufficient acoustic protection to future occupants.

(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses

The existing building is served by large windows to both the front and rear, which are considered to exceed the minimum window aperture size required to satisfy Building Regulations. This is because all but one window has a glazed area to floor area ratio of more than 20%. The worst case is the first floor living room which as a window glazed area to floor area ratio of 15%. However, this still exceeds the minimum window aperture to provide sufficient natural daylight to satisfy Building Regulations. Please note that the proposed elevation and floor plan drawings include reference to the floor areas and window apertures to allow for the requirement to be confirmed.

(v) arrangements required for the storage and management of domestic waste

The building is existing and has been served by waste collection since it came into use. Currently, the building is served by a bin cupboard within the basement where all forms of waste are stored before being collected by the local authority. Current arrangements are to be continued.

**Fire**

In addition to satisfying Class G, we understand it is necessary to consider whether the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 apply in respect to fire safety and high-rise residential buildings.

In this instance the building is less than 7 storeys, and also under 18m in height. Consequently, a Fire Statement is not required as the development falls below the threshold.

The works associated with the change of use will be required to satisfy current Building Regulations, which mean that fire safety requirements will need to be complied with.

**Next Steps**

If you require any further information or clarification in order to validate or determine the application then please do not hesitate to contact myself.

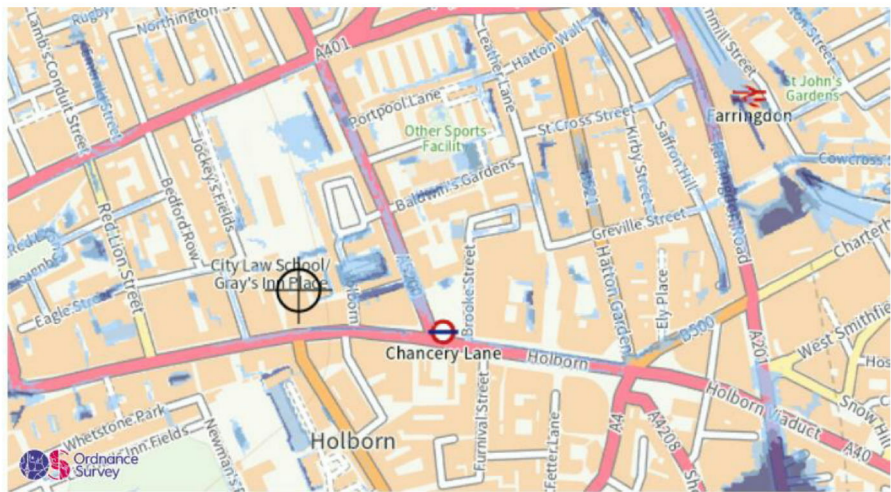
I look forward to receiving an acknowledgement of receipt of this application at your earliest convenience.

Yours sincerely



**Kathryn Jukes BA (Hons) DipTP MRTPI**  
Director

APPENDIX ONE: FLOOD RISK MAP SHOWING SURFACE WATER

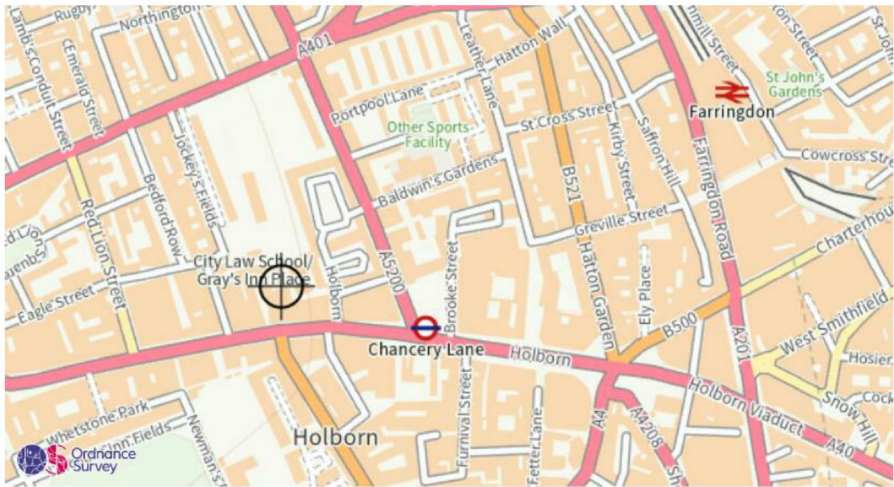


Extent of flooding from surface water

High Medium Low Very low Location you selected



FLOOD RISK MAP SHOWING RIVERS AND SEA



Extent of flooding from rivers or the sea

High Medium Low Very low Location you selected