

2014/0140/NEW

## KR PLANNING CHARTERED TOWN PLANNER

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Our Ref: L/HR/IS

23 December 2013

Planning Services  
London Borough of Camden.  
Camden Town Hall  
Argyll Street  
LONDON  
WC1H 8EQ



Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT (GENERAL PERMITTED DEVELOPMENT)  
(AMENDMENT)(ENGLAND) ORDER 2013  
CONVERSION OF OFFICE TO C3 RESIDENTIAL  
SITE AT 1<sup>ST</sup> AND 2<sup>ND</sup> FLOOT, 16 INVERNESS ST, LONDON, NW1 7HJ**

I am instructed by my Client Esaddiq Settlement to submit this Prior Approval Determination Application for the proposed conversion of the existing First and Second Floors of the above named premises from B1(a) to C3.

My Client's address is as follows:

Esaddiq Settlement  
46 Great Marlborough Street  
LONDON  
W1F 7JW

They would prefer that contact be made via myself and I can be contacted on email at Kieran@krplanning.com

The Application Site

The proposed development site is currently occupied by offices, above a nightclub. No vehicular access to the site is currently possible, due to the street being a pedestrianized highway.

Following recent changes to permitted development categories introduced by the Town and Country Planning Act (General Permitted Development) (Amendment)(England) Order 2013 the development proposal comprise a 'Class J' development where conversion is proposed from existing past use as B1a office to class C3 residential dwellings

### The Proposal

It is proposed to convert the building in the following manner:

#### First Floor

Total Gross Internal is 23.9 sqm to be converted into a studio flat

#### Second Floor

Total Gross Internal is 28.1 sqm to be converted into a studio flat

### The Legislation

The Town and Country Planning Act (General Permitted Development) (Amendment)(England) Order 2013 states:

*Class J development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*

29. *(a) transport and highways impacts of the development;*
30. *(b) contamination risks on the site; and*
31. *(c) flooding risks on the site,*

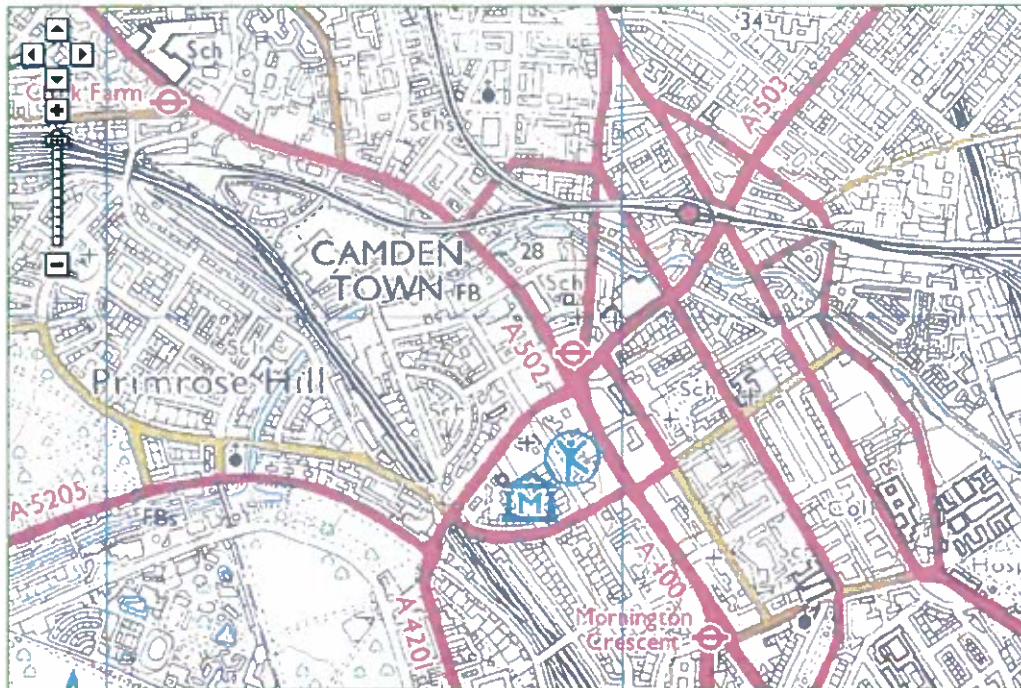
*and the provisions of paragraph N shall apply in relation to any such application.*

The proposal is permitted development under Class J of The Town and Country Planning Act (General Permitted Development) (Amendment)(England) Order 2013. The proposal is permitted by Class J for the following reasons:

- The site is not on Article 1 (6A) land
- The building was last used as Class B1(a) Offices
- The site does not form part of a safety hazard area
- The site does not form part of a military explosives storage area
- The building is not a listed building or scheduled monument

### Flood

The site does not lie within Flood Zone 2 or Flood Zone 3, nor does it lie within an area in Flood Zone 1 which has critical drainage problems.



### Contamination

The site does not contain any known contamination.

### Highways and Transport Impacts

Where consideration of transport in our impacts are requested by local planning authority further clarification of the requirements to provided within Paragraph N 'Procedure for applications for prior approval under Part 3 of the Town and Country Planning Act (General Permitted Development) (Amendment)(England) Order 2013.

*3) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult—*

*(a) the Secretary of State for Transport, where the increase or change relates to traffic entering or leaving a trunk road;*

*(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and*

*(c) the operator of the network which includes or consists of the railway in question, and the Secretary of*

*State for Transport, where the increase or change relates to traffic using a level crossing over a railway.*

The application site is not adjacent a trunk road, nor is it directly related to or material impacts upon a level crossing and therefore is not subject to (a) and (c) as set above and within The Town and Country Planning Act (General Permitted Development) (Amendment)(England) Order 2013.

With regard to N(3)(b) the conversion of approximately 52square metres of existing B1 office used to provide two flats will result in a reduction in trip generation during the weekday peak periods and throughout the day. It is therefore reasonable to conclude that the proposal will not result in a material increase or material change in the character of traffic entering or leaving a classified road or proposed highway in the vicinity of the site and is therefore not subject to requirement N(3)(b) of The Town and Country Planning Act (General Permitted Development) (Amendment)(England) Order 2013.

Given that the development proposals do not compromise the criteria for transport and highway impacts as detailed within the The Town and Country Planning Act (General Permitted Development) (Amendment)(England) Order 2013, it would be reasonable to assume that prior approval is unnecessary. However should the local planning authority consider that prior approval is required, the proposals meet the requirements for 'Prior Approval' in relation to highways and transport impacts.

Paragraph N(8)(b) requires Local Planning Authorities to have regard to the National Planning Policy Framework which was formally adopted in March 2012 in determining an application for 'Prior Approval'

The NPPF provides focus on the need to achieve sustainable development while also encouraging economic growth to stimulate the economy through planning and construction of new schemes.

*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

Effective transport planning is an important aspect to consider when seeking optimal sustainability and the NPPF acknowledges this within a series of criteria which should be met by new development.

*All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

The sustainable site location within the Camden town centre, with a PTAL rating of 6, reflecting the excellent access to the public transport, pedestrian and cycle infrastructure therefore meets the first and second test of the NPPF (as set out in the bullet points above).

My Client is willing to restrict the rights of tenants of the building to obtain resident parking permits.

Given that the proposals will also give rise to a material reduction in trip generation it would be reasonable to conclude the proposed residential development will not result in any severe impact to the adjacent infrastructure as defined within the NPPF and the proposal is therefore considered acceptable and policy compliant.

#### Conclusion

In summary, the Development Proposal

- Seek conversion of the existing first and second floors of 16 Inverness St, Camden Town, NW1 7HJ from B1(a) Office to C3 Permanent Residential.
- Are located within a sustainable town centre location with numerous public transport services, pedestrian-only and cycle opportunities
- Comply with the Criteria provided at both Class J and paragraph N

The proposal is therefore permitted development under Class J of The Town and Country Planning Act (General Permitted Development) (Amendment)(England) Order 2013.

Should you have any queries regarding the application, please do not hesitate to contact me on 07545 264 252 or at [Kieran@krplanning.com](mailto:Kieran@krplanning.com), otherwise we look forward to its expeditions approval.

Yours Sincerely



Kieran Rafferty  
**BA(URP) CUKPL MPIA MRTPI**

CC: *Client*  
*Consultants*