

9<sup>th</sup> October 2013

**Delivered by post**

Development Management  
London Borough of Camden  
Camden Town Hall Extension  
Argyle Street  
London  
WC1H 8ND

FAO: Tanya Skelli-yaoz

Dear Sirs

**UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LH**

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2013 - APPLICATION FOR DETERMINATION AS TO WHETHER PRIOR APPROVAL IS REQUIRED UNDER CLASS J**

## Introduction

Turley Associates is instructed by Utopia Properties Ltd to apply for determination as to whether prior approval is required for a change of use from class B1(a) offices to class C3 residential use at Utopia Village, 7 Chalcot Road under Class J of the Town And Country Planning (General Permitted Development) (Amendment) (England) Order 2013 ('the Order'). This letter considers the key issues associated with the proposed change of use in relation to Class J, in accordance with the procedure set out in paragraph N of the Order. For the avoidance of doubt, the site does not lie within an 'exemption' area as listed in the Order (it is not within the Central Activities Zone).

In addition to this letter the application includes the following documents and plans:

- i. Notification of Proposed Change of Use to Dwelling(s) Form;
- ii. Site Location Plan - Ref: S00 Rev P1;
- iii. Area of Application Plan, Ground Floor – Ref: AOA00 Rev P2;
- iv. Area of Application Plan, First Floor - Ref: AOA01 Rev P2;
- v. Area of Application Plan, Second Floor - Ref: AOA02 Rev P2;
- vi. Tenant Occupation Layout Plan, Ground Floor – Ref: TO00 Rev P1;
- vii. Tenant Occupation Layout Plan, First Floor – Ref: TO01 Rev P1;
- viii. Tenant Occupation Layout Plan, Second Floor – Ref: AOA02 Rev P1;
- ix. Use Schedule of Units Subject to Prior Approval Application as of 30 May 2013;
- x. Existing Plan, Ground Floor – Ref: EX00 Rev P1;
- xi. Existing Plan, First Floor - Ref: EX01 Rev P2;
- xii. Existing Plan, Second Floor - Ref: EX02 Rev P2;
- xiii. Proposed Plan, Ground Floor – Ref: GA00 Rev P7;
- xiv. Proposed Plan, First Floor - Ref: GA01 Rev P6;
- xv. Proposed Plan, Second Floor - Ref: GA02 Rev P2;

- xvi. Existing Area Schedule;
- xvii. Proposed Area Schedule;
- xviii. Transport Statement by Robert West;
- xix. Draft Section 106 Legal Agreement; and
- xx. CIL Additional Information Form.

In addition we also enclose a cheque made payable to your council for the appropriate fee of £80.

### **The Site**

Utopia Village is a complex of 'mews style' B1(a) business units accessed from Chalcot Road. The units are set over three floors. For the avoidance of doubt, the units subject to this application are as follows: Units 1, 1A, 1B, 1C, 2, 2A, 3, 4, 4a, 5, 6, 7, 7A, 8, 8A, 8B, 8D, 9A, 9B, 10A, 10B, 12 and 12A. This is show on the Area of Application plans. For the avoidance of doubt units 11, 11A and 8C, as identified on the Tenant Occupation layouts, do not form part of this application to change the use to C3 residential.

### **Legislative Background**

Officers will be aware that on May 30<sup>th</sup> 2013 the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force. The Order introduces a new class of permitted development 'Class J' which allows a change of use from class B1(a) offices to class C3 residential without the need for planning permission. Class J includes criteria which should be considered before the permitted development, to change between an existing office use to residential, can take place. Class J states that development is not permitted where:

- (a) the building is on article 1(6A) 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;
- (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;
- (d) the site is or forms part of a safety hazard area;
- (e) the site is or forms part of a military explosives storage area;
- (f) the building is a listed building or a scheduled monument.

We can confirm that none of the above criteria apply to the units subject of this applicatoin which means that permitted development rights apply in this case. Turning to the legislative procedure, permitted development under Class J is subject to conditions 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. This includes:

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,

The provisions of paragraph N shall apply in relation to any such application. Paragraph N states that an application shall be accompanied by:

- (a) a written description of the proposed development - **please refer to description on the accompanying form and below;**
- (b) a plan indicating the site and showing the proposed development - **please refer to enclosed plans as listed above;**
- (c) The developer's contact address - the developer's address is **Utopia Property Sales Ltd, 14-16 Great Pulteney Street, London, W1F 9ND** However, please refer all correspondence to **Turley Associates, 25 Savile Row, London, W1S 2ES;**
- (d) the developer's email address if the developer is content to receive communications electronically - **please refer all email correspondence regarding the application to:**  
[wkumar@turleyassociates.co.uk;](mailto:wkumar@turleyassociates.co.uk)
- together with any fee required to be paid – **we have enclosed as cheque for £80 as payment of the application fee.**

### **Proposed Change of Use**

The written description as required by paragraph N(a) is:

***Change of use of Utopia Village, 7 Chalcot Road (excluding Units 8c, 11 and 11a) from offices (class B1a) to residential use (class C3) to include up to fifty three dwellings***

The layout of the proposed residential use is shown on an indicative basis on the accompanying plans as above. The change of use relates to internal alterations only and does not require separate planning permission.

### **Assessment**

As set out above, in relation to the restrictions set out in Class J, we can confirm that:

- (a) the building is not located on article 1(6A) land (i.e. it is not within an exempt area as defined in the Order)
- (b) The existing buildings have an established B1(a) office use which was in place prior to 30<sup>th</sup> May 2013
- (c) The change of use will take place prior to 30<sup>th</sup> May 2016
- (d) The site is not and does not form part of a safety hazard area
- (e) The site is not and does not form part of a military explosives storage area
- (f) The building is not listed, nor is it a scheduled monument.

In relation to the Conditions set out in Class J the following considerations are relevant:

### ***Transport and Highway Impacts***

A Transport Statement is provided in support of this application by Robert West.

The site is located in an accessible area with a good range of sustainable transport options available to occupiers. The site is a short distance from bus stops on Regents Park Road and Chalk Farm Road. Underground services are available from Chalk Farm, which is less than 1 km from the site.

Access to the buildings will remain the same as the existing arrangements. No external changes requiring planning permission are proposed as part of this application.

The Transport Statement shows that the total number of trips generated by the site associated with the change of use from offices to residential will be reduced.

The existing parking is currently unregulated and therefore anyone can park on the through road at the site. The application proposes to provide a car capped development. No residents living at the site will be permitted to apply for a residential car parking permit. However, 11 flats will be allocated a parking space at the site. By regulating the parking arrangements at the site this will control the parking arrangements for the future of the site and reduce the amount of vehicle trips to and from the site in comparison with the existing position.

It should also be noted that there a large number of trips to the site associated with the office use, in terms of deliveries and servicing. These trips will significantly reduce as a result of the residential use being implemented

Consequently the change of use will not lead to any adverse transport and highway impacts and will in fact improve upon the existing position.

### ***Contamination Risks***

The change of use of the building will not present any risk to human health or other risks from contamination as the change of use will not cause any disturbance to the ground beneath the site. There are no other contamination issues associated with the proposed change of use.

### ***Flooding Risks***

The site is not in a Flood Zone according the EA's Flood Risk Maps. It is not proposed to change the existing surface and foul water drainage arrangements at the site. There is no risk from flooding presented by the proposed change of use.

### **Conclusion**

It is proposed to change the use of Utopia Village, 7 Chalcot Road from class B1(a) office use to class C3 residential use to include up to fifty three residential units. As of 30<sup>th</sup> May 2013, this change is permitted development as set out in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

This letter, the accompanying documents and plans comprise an application for determination as to whether the Council's prior approval is required for the change of use in accordance with the procedure set out in paragraph N of the Order.

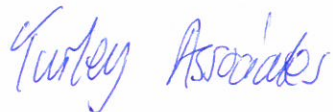
The application considers the proposed change of use in relation to the criteria and conditions set out in Class J and demonstrates that the change of use does not require prior approval from the Local Planning Authority.

The proposed change of use subject of this application does not propose works to the building requiring planning permission.

We look forward to hearing from you prior to the expiry of 56 days following the date on which this application is received. We will, of course, assume that prior approval is not required if we do not hear from you within the given timescales.

I trust that the application is satisfactory. Please do not hesitate to contact either William Kumar or Barry Cansfield at this office should you require any further information.

Yours faithfully



**Turley Associates**