our ref: **TV/Q40106**
your ref:
email: tom.vernon@quod.com
date: 19 September 2013

Head of Planning
Development Management
Camden Council
6th Floor
Camden Town Hall Extension
Argyle Street
WC1h 8EQ

Dear Sir,

STATION HOUSE, 9-13 SWISS TERRACE, BELSIZE ROAD, LONDON, NW6 4RR
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT (AS AMENDED) ORDER 1995
CHANGE OF USE FROM OFFICES (B1A) TO DWELLING HOUSES

I am instructing by my client, Shapiro Shulman Properties, to submit this application for Prior Approval under Part 3 Class J of Schedule 2 to the General Permitted Development (As Amended) Order 1995 in respect of the conversion of the upper floors of Station House from office accommodation (Use Class B1a) to provide 14 no. residential units (Use Class C3).

This application is supported by the following documentation necessary in order for Camden Council to determine the application:

- Application Form;
- Site Location Plan;
- Proposed Floor Plans;
- Flood Risk Report, prepared by RPS;
- Site Environmental Risk Assessment, prepared by RPS; and
- Transport Note.

The areas proposed for conversion to residential are identified on the enclosed plans, which comprise:

- Proposed Lower Ground Floor Plan (ref. PD001);
- Proposed Ground Floor Plan (PD002 – Rev. A) – separate entrance;
- Proposed Ground Floor Plan (PD002 – Rev. B) – shared entrance;
- Proposed First Floor Plan (PD003);

- Proposed Second Floor Plan (PD004);
- Proposed Third Floor Plan (PD005);
- Proposed Fourth Floor Plan (PD006); and
- Proposed Fifth Floor Plan (PD007).

It is proposed to retain the lower ground and ground floors of Station House as office space, and convert the upper floors (1st floor to 5th floor) to provide residential accommodation. No external alterations are proposed within this application, albeit drawing ref. PD002 (Rev A) illustrates the preferred arrangement at ground floor, which demonstrates that this arrangement would be satisfactory, subject to full planning permission.

Our client will be seeking full planning permission within a separate submission to enhance the external envelope of the existing building to better suit the residential use of the upper floors in due course. The detail of these proposals are not developed at this stage, but for context this will most likely involve the provision of amenity space and a re-cladding of the external envelope of the building.

a) <u>Context</u>

The existing building is currently or was last occupied as B1(a) and is therefore capable of being converted to use class C3 under the Class J(1b) of the amended Order. Further, the buildings are not on article 1(6A) land; see paragraph J1(a) of the Order. Nor does the site form part of a safety hazard area or a military explosives storage area; see paragraphs J1(d) and J1(e) of the Order. Finally, the buildings at the Property are not listed buildings nor scheduled monument; see paragraphs J1(f). This means that all of these prohibitions are not applicable and would not prevent the proposed change.

The necessary pre-conditions are in place to enable the units to be converted from B1(a) office space to residential use (use class C3), subject to paragraph J2 as to whether the prior approval of the authority will be required in respect of transport and highways impacts, contamination risks and flooding risks. I deal with each aspect of condition J2 below.

b) <u>The Existing Building</u>

The existing building comprises seven floors of office accommodation (Use Class B1a), which was in lawful use as such at 30th May 2013, which has not been amended via any planning permission since.

The building is accessed via a dedicated lift that serves each floor individually, along with separate stair core access. The main access for the building fronts the public realm area at Swiss Terrace, within 15 metres of the Swiss Cottage Underground Station. The building has a very good level of Public Transport Accessibility (6a), and is also served by 3 dedicated car parking bays. Further parking is also available in the close vicinity of the development. Access and servicing is readily available to the rear (north) of the building, which is proposed to remain, and will adequately serve the operation of the upper floors of the building as residential accommodation.

c) Permitted Development Rights Tests

On 30th May 2013, an amendment to the General Permitted Development Order (1995 as amended) (GPDO) was introduced that enabled office (Use Class B1a) floorspace to be changed to residential (Use Class C3) under Class J of the Order without the requirement for planning permission. The regulations contain a number of exceptions to the order, i.e. listed buildings, which I already discuss as not being applicable in this instance.

In addition, Class J development is permitted, subject to whether prior approval will be required relevant to three tests for development. These three tests (Conditions J.2 of the GPDO as amended) comprise:

- Transport and highways impacts;
- Contamination risks on the site; and
- Flooding risks on the site.

Each of these tests are considered in detail within the accompanying technical assessment, but I provide a brief summary of each point below.

i) *Transport and Highways*

The enclosed Transport Note, prepared by RPS, provides a consideration of the accessibility of the site, the likely trip generation as a result of the proposed development and the likely pressure that this would place on the existing transport network.

As noted within Part N of the amendment to the order:

> **"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 highways 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 local planning authority is therefore required, in the first instance, to consider whether 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. Trigger of this then requires consultation with those parties identified at parts a) to c).

The Transport Note reviews the level of trip generation supported by the application proposals. This concludes that compared with the existing office space, the residential dwellings would generate a reduction of trip levels at both AM and PM peaks.

Servicing arrangements will remain as existing, with no subsequent impact on the highway network.

The Transport Note concludes the following relative to transport impacts at paras 1.16 to 1.18:

> **"This Transport Note demonstrates that the proposed development at Station House has excellent connectivity with the public transport network with an excellent PTAL rating of 6a.**
>
> **The Transport Note also demonstrates that the proposed development would have a reduced impact upon the highway network / public transport services and infrastructure in the AM peak hour and a very slight increased impact in the PM peak hour. However, such a light increase is considered negligible.**
>
> **The transport impact of the proposed development upon the highway network / public transport services and infrastructure is considered to be acceptable."**

On the basis that the development is unlikely to result in a material change to the character of traffic in the vicinity of the site, no further consultation is required and this test is met.

ii) *Contaminated Land*

In accordance with Part N paragraph 7 of the amendment, we submit the accompanying Site Environmental Risk Assessment prepared by RPS to review the contaminated land risks associated with the site. Paragraph 8(c) in relation to contamination risks on the site notes:

> **"The local planning authority shall, when determining an application…**
>
> **i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and**
>
> **ii) If they determine that the site will be contaminated land, refuse to give prior approval."**

This assessment concludes that the proposed land use represents a low risk, with the overall suitability for residential development in this location being acceptable with no further work required relative to ground contamination.

Furthermore, in accordance with the consideration of recent planning application (application ref. 2012/4046) proposals on adjacent land, it was not considered that a site investigation into the contamination levels on the site were appropriate given the history of the site, and no known contaminants

being present in the vicinity. There is no reason to suggest that contamination would be present in this location.

This test is therefore met.

iii) *Flood Risk*

At Paragraph 4 relative to flood risks on the site, the amended order states:

> **"Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is-**
>
> **a) In area within Flood Zone 2 or Flood Zone 3; or**
> **b) In an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (ze) (ii) in the Table in Schedule 5 to the 2010 Order."**

The site is within Flood Zone 1, and therefore there is no further requirement for further consultation on the basis of part a).

There are no critical drainage issues identified, as such the Environment Agency is not required to be consulted as part of the determination of the application. Part b) is therefore met.

The Government's planning legislation on addressing flood risk in relation to developments is outlined in the National Planning Policy Framework (NPPF).

Initial research indicates that Camden is not at risk of flooding from the River Thames or any other open rivers. The main risk of flooding within the Borough is from surface water after significant rainfall events, and insufficient capacity in the combined sewer to remove rain water.

Given the small scale of the development works and the site's location within Flood Zone 1, it is not anticipated that surface water attenuation will be required, given the nature of the proposed works (refurbishment of existing building to provide residential accommodation).

The assessment considers the risk to the site from key sources of flooding, including fluvial and tidal sources, surface water, sewer surcharging, groundwater and man-made features such as canals and reservoirs.

Overall, the site is considered to be at a low risk of flooding from all sources assessed. The development is therefore considered to be safe from a flood risk perspective. In addition, given the nature of the proposed works (comprising conversion of an existing building only) there will be no increase in flood risk as a result of the development proposal.

No further assessment or mitigation is considered necessary in relation to flood risk issues. On this basis, the conversion of the building to provide residential accommodation would meet the flood risk test within the prior approval process.

d) Conclusion

With reference to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, there are no prohibitions that would prevent the change of use.

The supporting information clearly demonstrates that there are no reasons why Prior Approval should not be granted for the conversion of the existing offices (Class B1a) to 8 dwelling houses (Class C3).

I trust you have sufficient information to validate this application and look forward to receiving your approval in respect of the proposed conversion shortly.

Yours sincerely

Tom Vernon
Senior Planner