

Our Ref: 130903/17-27-FRED-PD2

Date: 3rd September 2013

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

Dear Sir/Madam

Address: 17-27 Ferdinand Street, London, NW1 8EU

I am instructed by my Client Warmhaze Ltd, to submit this Prior Approval Determination Application for the proposed conversion of the existing Ground through Fourth Floors of the above named premises from B1(a) to C3.

My Client's address is as follows:

Warmhaze Ltd
46 Great Marlborough Street
LONDON
W1F 7JW

I can be contacted on email via dyar@hallmarkestates.com

The Application Site

The proposed development site is currently occupied by offices (17-27 Ferdinand Street)

Vehicular access to the site is currently made via Ferdinand Street through a private access way in to the area at the rear courtyard shared with other adjoining properties.

The rear yard does not have any marked parking bays and current parking arrangements are ad-hoc, though there are plans to formalize this space once the relevant permissions have been implemented and completed. The car parking is on private property and is enforced by a private contractor via clamping and towing enforcement notices placed at the entrance to, and around, the rear yard.

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

Ground Floor

Total Gross Internal is 95.8 sqm to be converted in to Flat-1 with 58.1 sqm plus secure communal cycle storage providing 6 x cycle stands.

First Floor

Total Gross Internal is 224 sqm to be converted in to Flat-2 with 73.8 sqm and Flat-3 with 68.1 sqm and Flat-4 with 52.2 sqm.

Second Floor

Total Gross Internal is 232.9 sqm to be converted in to Flat-5 with 127.9 sqm and Flat-6 with 84.1 sqm.

Third Floor Attic

Total Gross Internal is 74.1 sqm to be converted with 41 sqm added to flat 5 and 33.1 sqm added to flat 6 below.

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:

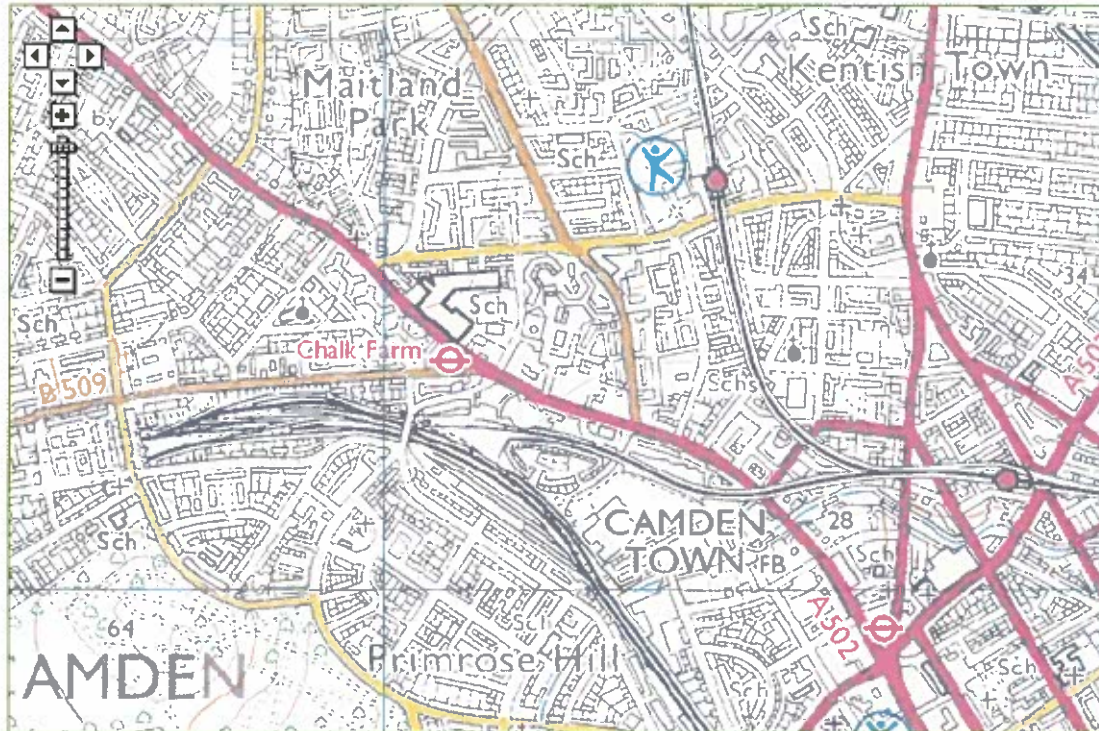
- The site is not on Article 1 (6A) land
- The building was last used as Class B1(a) Offices
- The site does not form part of a safety hazard area
- The site does not form part of a military explosives storage area
- The building is not a listed building or scheduled monument

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.

NW1 8HH at scale 1:10,000

[Data search](#)  [Text only version](#) 



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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 square metres of existing B1 office used to provide six 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 adjacent to the Camden town centre, with a PTAL rating of 5, 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).

As with previous developments on the site, 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 ground through to third floors of 17-27 Ferdinand St, Camden Town, NW1 8EU from B1(a) Office to C3 Permanent Residential.
- Are located within a sustainable, edge of 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.

We trust the attached documentation is sufficient for validation but as always, I can be contacted on 020 7479 4613 or at dyar@hallmarkstates.com to discuss any of the topics raised.

Yours Sincerely



Dyar Lally
Contemporary Design Solutions LLP