

Development Control
Planning Services
London Borough of Camden
Town Hall
Argyle Street
London
WC1H 8ND

> 13 May 2014

Dear Sir/Madam

180 Albany Street, London, NW1 4AW

Application for Prior Approval under Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

We are instructed by our client, Jackie Orlik, to submit an application for prior approval for change of use from class B1(a) offices to class C3 residential use at 180 Albany Street, London, NW1 4AW under Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 ("the Order"). The application is for a:

"Change of use of 180 Albany Street, London, NW1 4AW from offices (Use Class B1(a)) to 15 residential units (Use Class C3)".

The Site

The building, 180 Albany Street, was constructed as part of a wider mixed use development in the mid 1980's. Part of this 4 storey building, which fronts Redhill Street and Albany Street, is already in use as residential apartments. The remainder of the building to which this application relates is solely a B1(a) use. Under Class J, the applicant is seeking to convert the entire vacant office building to 15 residential units.

The main pedestrian access to the building is from Albany Street. Vehicle access is to the rear basement. The roads in the immediate vicinity of the site are predominantly residential. The site is not Listed, but does fall within the Regent's Park Conservation Area.

The part of the building in question has been used as Class B1(a) offices since it was constructed. However, in June last year the previous tenants vacated the offices. Active marketing of the premises has taken place for many months (including marketing prior to the departure of the previous tenants) and despite these efforts the building has remained vacant.

Legislative Background

Officers will be aware that on 30 May 2013 the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force. This introduced 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 specifies the criteria which should be



considered before the permitted development can take place. In terms of the requirements of Class J:

- The subject site is not located on article 1(6A) land;
- The building was in use as offices (Class B1(a)) prior to it becoming vacant in June 2013;
- The site does not form part of a safety hazard area;
- 180 Albany Street is not part of a military explosives storage area; and
- The building is neither a listed building nor a scheduled monument.

In terms of the legislative procedure, J.2 Class J development is permitted subject to the condition that before beginning 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 for:

- a) Transport and highways impacts of the development;
- b) Contamination risks on the site; and
- c) Flooding risks on the site;

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

In addition to the above, it is also worth noting Paragraph 28 in the recently published Planning Practice Guidance (6 March 2014), which confirms:

"The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, prior approval is a light touch process which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion on what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers and does not seek to replicate the planning application system."

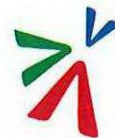
With the above in mind, the remainder of this letter covers the three pertinent issues under Class J.

Transport and Highways Impact

In order to support this application a Supporting Transport Statement has been produced by Robert West Consulting. The key findings of the report are set out below.

The site is located in a central and accessible area with a moderate (PTAL 3) range of sustainable transport options available to occupiers. Great Portland Street underground station is within approximately a seven minute walk of the site and there are a number of bus stops within a short distance on Albany Street.

You will note that there is limited parking available on site, with some of the existing spaces in the basement contracted to the adjoining residents and houses. The office has three available parking spaces and a large storage area, taking up two spaces in the basement. The proposals include removing this storage area to provide an additional car parking space which would result in a total of four spaces for the 15 units. This is in line with Camden's parking standards which set a maximum of 0.5 spaces per dwelling within low parking provision areas.



The remainder of the reconfigured storage space will be used to provide 15 secure bicycle parking spaces for residents. The provision of one cycle space per residential unit is in line with the London Borough of Camden/London Plan standards of one cycle space per one or two bed dwelling.

The attached Supporting Transport Statement produced by Robert West Consulting confirms that the trip generation of the proposed re-development shows a reduction in trips and a minor variation in trip tidality and mode used.

It is expected that the reduction in the number of persons associated to the site and other servicing and movements will result in a reduction in the number of trips and movements, as a residential use compared to the situation under the existing lawful use as offices.

The provision of 15 dwellings will not result in a material increase in traffic and would not therefore have an unacceptable impact in highway terms. Whilst the site is within a "Controlled Parking Zone" (zone CAG), which restricts parking between 08:30-18:00 Monday- Friday, it is anticipated that the majority of residents will not own cars.

With the exception of the four spaces that exist within the basement of the building (these will be allocated to specific residential units), the applicant is willing to secure the scheme as a car-free development by means of a Section 106 Legal Agreement. A signed Legal Agreement will confirm that future residents will not be eligible for on street parking permits (in accordance with the Council's standard wording). This is in line with car parking Policy DP18 which expects development to be car-free in "Controlled Parking Zones" that are accessible by public transport. By securing a car-free scheme there will be no direct impact on parking provision within the vicinity of the site as a result of this development.

In addition to the above and in accordance with other applications similar to this within the London Borough of Camden, my client is also willing to sign up to a legal agreement to ensure a Construction Management Plan is provided in advance of work starting on site and also that an obligation is included within the same Section 106 Legal Agreement to ensure that the requisite number of cycle parking spaces (1 space per unit) are provided on site.

Access to the building will remain as existing and no external changes requiring planning permission are proposed as part of this application.

Consequently the prior approval of the local planning authority in relation to the transport and highways impacts is not required.

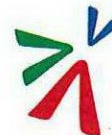
Contaminated Land

There is no evidence to suggest that this site, located within a predominately residential area, is subject to any contamination risk. The proposed change of use only concerns internal changes so will not cause any disturbance to the ground beneath the site or alter any land levels. It is considered that the proposal would not be impacted by land contamination.

The historic and proposed uses will not raise any contamination risk. Therefore, no further detail should be required to obtain prior approval in the context of contaminated land.

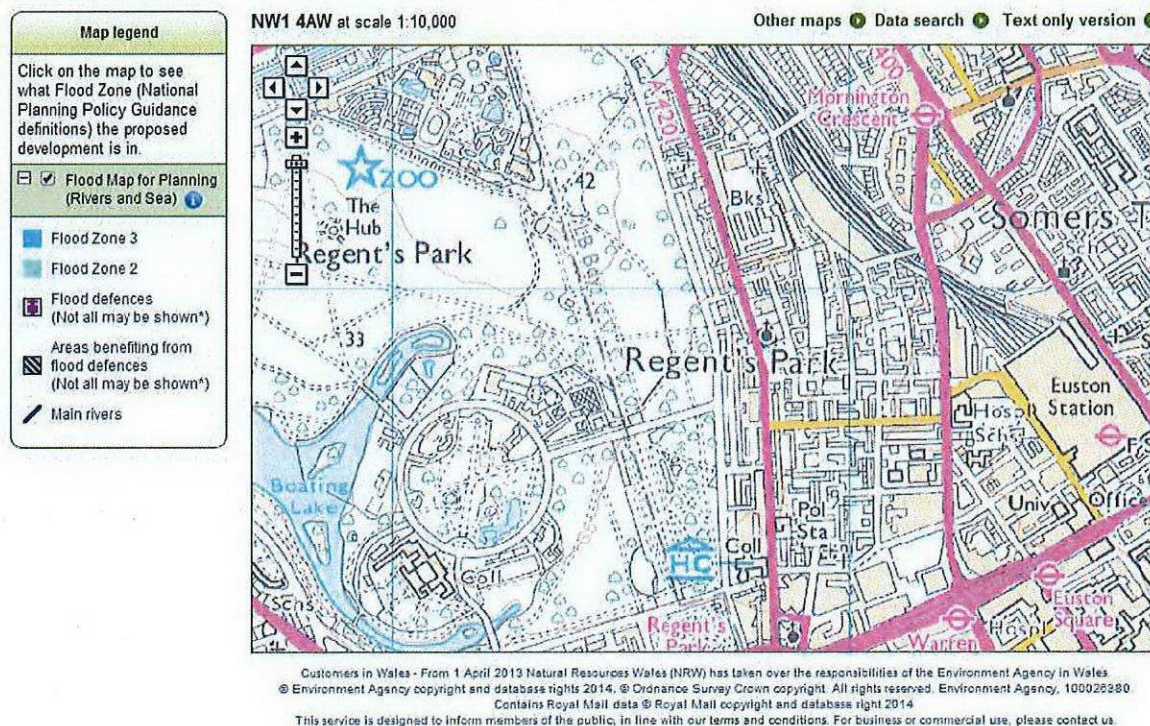
Flood Risk

The site is not at risk of flooding according to the Environment Agency's Flood Risk Maps and is located within Flood zone 1. The proposals do not include any changes to the existing surface and



foul water drainage arrangements at the site. As such, it is considered that there is no risk from flooding as a result of the proposed change of use.

An extract from the EA website demonstrating this point is included below:



Supporting Information

As stated above, the provisions of paragraph N shall apply to an application made to a local planning authority for determination as to whether the prior approval of the authority will be required. Paragraph N requires the application to be accompanied by:

- A written description of the proposed development – **please refer to this covering letter;**
- A plan indicating the site and showing the proposed development – **please find enclosed the following plans:**
 - Site Location Plan – Red Line Plan
 - Existing Basement Plan: 142_L100;
 - Existing Ground Floor Plan: 142_L101;
 - Existing First Floor Plan: 142_L102;
 - Existing Second Floor Plan: 142_L103;
 - Existing Third Floor Plan: 142_L104;
 - Existing Roof Plan: 142_L105;



- Proposed Basement Plan: 142_L110
 - Proposed Ground Floor Plan: 142_L111;
 - Proposed First Floor Plan: 142_L112;
 - Proposed Second Floor Plan: 142_L113;
 - Proposed Third Floor Plan: 142_L114; and
 - Proposed Roof Plan: 142_L115.
- A Supporting Transport Statement – Robert West Consulting
 - The developer's contact address – 12 Highbury Terrace Mews, London, N5 1UT, **However, please refer all correspondence to Planning Perspectives LLP, Waterloo Court, 10 Theed Street, SE1 8ST** in the first instance.
 - The developer's email address if the developer is content to receive communications electronically – **please refer all email correspondence to alister.henderson@planper.com.**
 - Together with any fee required to be paid – **a cheque made payable to Camden Council to cover the requisite fee payment of £80 is enclosed.**

Finally, in order to complete the application for prior approval please find enclosed the Notification of Proposed Change of use to Dwellings application forms duly completed.

A full electronic version of the submission is also attached on CD to assist in uploading onto the Council's website.

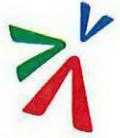
Conclusion

This application proposes to change the use of 180 Albany Street, London, NW1 4AW from class B1(a) offices to class C3 residential to include up to 15 units. As of 30 May 2013, this change is permitted development as set out in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

The application site has a lawful class B1(a) office use. It is not on contaminated land or in an area of flood risk. It is considered that there will not be any impact on transport and highways as a result of the change of use.

In addition, the application site has now been vacant (despite active marketing) since June 2013 and the permitted change of use will allow the building to come back into active use and will assist in meeting the considerable housing shortfall in London.

Therefore, this application demonstrates that the change of use does not require prior approval from the local planning authority.



I trust that you find the above in order and that you have the necessary information to grant prior approval for the change of use under Class J. However, should you require any further information, please do hesitate to contact me.

Yours faithfully



Alister Henderson

Partner

For and on behalf of Planning Perspectives LLP

cc Jackie Orlik