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Date 17 April 2014
Our ref 13947/DG/6650472v12
Your ref

Dear Sir/Madam



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**Town and Country Planning (General Permitted Development) Order 1995 (GPD0)
Schedule 2 Part 3 (Class J): Application for prior notification of proposed change of use
from Class B1 (a) (offices) to Class C3 (dwellinghouse).**

Bruges Place, Ground and First Floor of 15-20 Baynes Street, London, NW1 0TF

On behalf of our client, CP Plus Holdings, we enclose a Prior Notification application for determination as to whether the prior approval of London Borough of Camden (LBC) will be required for the proposed change of use from B1(a) Offices to Class C3 (dwellinghouse) of the Ground and First Floor at Bruges Place, 15-20 Baynes Street.

In accordance with paragraph N (2) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 this application is accompanied by:

- A completed Prior Approval application form;
- A completed CIL Additional Information Form;
- A written description of the proposed development;
- A plan indicating the site and showing the proposed development :
 - Site Layout Plan ref: 1338-101-01;
 - Ground Floor Plan ref: 1338-101-02;
 - First Floor Plan ref: 1338-101-03;
- The owners contact address; and,
- A cheque for £80 payable to the London Borough of Camden for the requisite fee.

We set out below a summary of the planning history of the property subject to this application, a description of the proposed development, the owners contact details, and address the matters under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 which a local planning authority should have regard to in determining this application for prior approval.



Background/Planning History

Based on a planning history search undertaken of the above site we understand that Bruges Place has been subject to two relevant planning applications. On 24 May 1984 (i.e. some 30 years ago) planning permission was approved by LBC for "the erection of 2 four storey buildings for use as light industrial workshops on the ground and first floors with 20 residential maisonettes above"(REF: PL/8400307/R2)

Subsequently, planning permission (REF: PL/8600673/) was granted on 20 June 1986 for "amendment to: planning permission dated 24th May 1984 (Registered PL/8400307/R2) for the erection of 2 four storey buildings for use as light industrial workshops on the ground and first floors with 20 residential maisonettes above; and subsequent planning permission dated 24th October 1984 (REF: PL/8401504) to include additional industrial workshop space and 1 extra residential unit, to erect additional storey to make extra, residential unit as a family dwelling".

Bruges Place provides 21 residential flats at second and third floor with studio style offices at ground and first floor. The subject of this Prior Notification application relates only to the ground and first floors.

These two floors are occupied by a total of 5 organisations, with 9 vacant units and all of these fall within class B1(a) office use. Full details of this accommodation are contained in the sales brochures contained in **Appendix 1**.

Description of Proposed Development

The proposed development is for the change of use of the office units on the ground and first floor of the building from Class B1(a) Office to Class C3 residential use i.e.:

"Change of use of Bruges Place, 15-20 Baynes Place from use class B1(a) (Offices) on the ground and first floor to use class C3 (dwellinghouses)".

It is proposed that circa 27 residential units will be created with 7 residential units on the ground floor and a further 20 residential units on the first floor as shown on plans 1338-101-02 and 1338-101-03.

Owners Contact address

The owner of Bruges Place is CP Plus Holdings Ltd, c/o Marlinspike, 6 Harwood Grove, London, NW1 8DH. Nathaniel Lichfield & Partners is the agent for this application and any contact via email should be made to dpope@nlpplanning.com.

GDPO Paragraph J.1

The GDPO confirms at para J.1 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 the 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 form part of a safety hazard area;
- e The site is or forms part of a military explosives storage area; and
- f The building is a listed building or a scheduled monument.

We can confirm that none of the above applies to Bruges Place.

Condition J2

Class J (condition J2) of the GDPO Amendment 2013 requires that an owner is required to apply to the local authority before beginning the development to determine whether the prior approval of the authority will be required in respect of:-

- g Transport and highways impacts of the development;
- h Contamination risks on the site; and
- i Flooding risks on the site.

By way of background it should be recognised that the need for LPA's to apply a 'light touch' approach to this permitted development process has recently been confirmed by Planning Minister Nick Boles MP in his recent written statement to Parliament on 6 February 2014.

Mr Boles in this statement highlighted that "some local authorities may be unclear on the correct intention of the detail provisions of national legislation for office to home conversions. In some instances, authorities do not appear to have applied the correctly intended tests to determine applications for prior approval". Mr Boles went on to state that the Government has "kept in place a light-touch "prior approval" process, to allow any transport, contamination and flooding issues to be addressed by Councils".

Consistent with the above a recent appeal decision (APP/V2635/A/13/2203764) in King's Lynn and West Norfolk Borough confirmed the need for LPA's to assess proposals for permitted development change of use (B1 (a) to C3) only against the criteria in Paragraph J2 of the GDPO Amendment 2013.

The Inspector stated at paragraph 14 that "I conclude that the local planning authority misapplied paragraph N(8)(b) and in doing so requested additional information which should not have formed part of the prior approval determination. As such, the appeal proposal should have been strictly assessed against the criteria in Paragraph J2, and if necessary, the related parts of the Framework. It should not have been refused against the objectives of the Framework as they relate to amenity (paragraph 17) or standard of design". Costs were awarded against the Council given the above.



The appeal decision notice and Mr Boles' statement are attached to this letter in **Appendix 2** for information.

Although LPA's are encouraged to apply a 'light touch' in considering prior notification applications we have in any event addressed these three matters below in relation to the proposed change of use of this building.

(a) Transport and Highways Impacts of the Development

The current residential units at Bruges Place (second floor and above) have existing private car parking spaces. This position will remain unaffected by the proposals to convert the ground and first floor to residential use.

However, no car parking provision is proposed for the new residential units which would be created by the change of use. The ground and first floor of Bruges Place will therefore be a wholly car-free development. We can confirm that our clients are prepared to enter a legal agreement to confirm this. As a consequence this change of use will not generate any vehicle trips. Indeed, there will be a net reduction in vehicle trips given that the existing office users have the benefit of parking spaces.

The property in any event is located in close proximity to good public transport links with Camden Road Overground Station 0.2 miles away and Camden Town Underground Station 0.4 miles away. A sales brochure of Bruges Place has been attached to this letter in **Appendix 1**, setting out details of accessibility.

As a result of the above no transport or highway impacts are anticipated.

(b) Contamination risks on the site

There are no known contamination issues at the Bruges Place Site.

In any event it is not proposed to disrupt or break the ground floor slab of the office units.

The conversion of this B1(a) office use to C3 residential will involve the reuse of the existing building floorspace without involving any ground disturbance.

No contamination risks have therefore been identified.

c) Flooding risks on the site

The building is within Flood Zone 1: land assessed as having a low probability of flooding from fluvial sources.

Based on the above we can confirm there is no flood risk to the property.

Conclusion

Based on the above assessment the ground and first floors are in B1 (a) use and the change of use to residential will not result in any adverse impacts in respect of transport and highways, contamination and flooding, we consider that prior approval should not be required and that the permitted development should therefore be confirmed.



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We note that the Council has 56 days following receipt of this application to notify the applicant as to whether prior approval for the change of use is required.

We trust that you have sufficient information to determine this application. If you have any queries please contact Jennifer Woods or me.

Yours sincerely



Dennis Pope
Senior Associate Director