By email (Planning@camden.gov.uk)

London Borough of Camden

Development Management

Camden Town Hall Extension

Argyle Street

London

WC1H 8EQ

23rd September 2014

Dear Sir/Madam,

**Application for Prior Approval**

**Change of use from A1 retail to C3 dwelling houses on the ground floor at 19 Fortess Road, London, NW5 1AD**

**The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014**

On behalf of my client, Empyrean Developments Ltd (9th Floor, Hill House, 17 Highgate Hill, London, N19 5NA), please find enclosed the following information in support of this application for Prior Approval under Class IA of the above mentioned order in respect of the proposed conversion of the shop (A1) on the ground floor at 19 Fortess Road, London, NW 1AD into 2 one bedroom flats (C3):

* Application Form
* Site Location Plan
* Prior Approval Form
* Existing and Proposed Floor Plans
* Flood Risk Statement from Create Consulting Engineers
* Contamination Report (Parts 1 & 2) from Create Consulting Engineers
* Transport Statement from Create Consulting Engineers
* Retail Impact Assessment from Barton Willmore
* Cheque for £80 – application fee (sent in the post)

The areas proposed for conversion to residential are shown on the attached plans.

**Background**

A previous Prior Approval application (2014/4249/P) was withdrawn as it was not possible to complete a S106 agreement due to ownership issues. This has now been resolved.

The existing units in question at the Property were last occupied as A1 (condition IA.1(a)). Further, the buildings comply with the remainder of condition IA.1 of the Order.

Therefore, 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 A1 retail space to residential use (use class C3), subject to condition IA.2 as to whether the prior approval of the authority will be required in respect of transport and highways impacts, contamination risks, flooding risks and the impact on the retail offer in the area.

I deal with each aspect of condition IA.2 below.

**Flood Risk**

As stated in the Create Consulting Engineer’s letter:

*We conclude that no significant sources of flooding have been identified as part of this study that warrant further consideration as part of a more detailed flood risk assessment.*

*A number of residual flood risks have been identified principally with flooding from site drainage in the event of blockage or surcharge in the site drainage or public sewer network which can be managed by the design of the site drainage and regular inspection and maintenance of the public and private sewer network. Appropriate mitigation measures have been recommended to mange these risks as part of the design of the refurbishment and the operation of the proposed scheme.*

It is therefore submitted that there is no flood risk reason which would justify withholding approval for the proposed changes.

**Transport**

The Site is in an accessible, highly urbanised location with extensive pedestrian and cyclist infrastructure and lies in close proximity to existing public transport connections. The site records a PTAL score of 6a (“Excellent”).

The Proposed Development would be limited to no off-street parking spaces and would use the existing on-street delivery/service arrangements (single yellow lines, loading permitted). The Applicant is willing to enter in to a legal agreement to ensure the potential impacts on on-street parking are limited.

The development proposals considered are very modest in scale against the backdrop of existing development and highly unlikely to lead to any significant increase in accidents risk on the local highway network.

From the trip generation analysis carried out, the development proposals would be highly unlikely to have any significant detrimental impact on the operation of the local highway network with respect to capacity, or safety compared to the existing consent A1 use.

The development proposals fully comply with national and local transport policies and the planning application should raise no undue concerns from the Highway Authority with respect to highway safety and capacity.

In transport terms, there are no reasons why the class B1 office units are not suited to being converted to a class C3 residential use.

**Contamination**

As stated in the conclusions of Create Consulting Engineers’ report:

*This Contaminated Land Assessment has determined that there is a low potential for significant contamination to be present on‐site. This generally reflects the lack of significant contaminative land uses on site and the configuration and age of existing structures. An assessment of the site setting, including the geology and topography etc, and the local hydrogeological regime, has resulted in off‐site sources of contamination being discounted from the risk assessment.*

*Noting that the proposed works relate to the retention and renovation of the existing buildings and hardstanding, many of the potential exposure pathways between any residual contamination and future users are not considered viable.*

*The remaining potential exposure pathways include the inhalation of vapours and ground gases, generated by any Made Ground. In the footprint of the basement any Made Ground is likely to have been removed. The basement is also likely to be waterproofed/tanked or similar, which will further act as a barrier. Across the rest of the site however, the pathway remains. A Low risk has been identified from vapours, primarily related to the absence of a significant or likely source. Ground gas generation from Made Ground is typically very low, but the severity of the risk pathway has resulted in a Moderate /Low risk rating; however the risk is considered to be acceptably Low.*

It is therefore submitted that there is no contamination risk reason which would justify withholding approval for the proposed changes*.*

**Retail Impact Assessment**

Section 3 of the Impact Assessment provides a health check of Kentish Town Centre, concluding that it is a vital and viable Centre which performs an important local retail and services role and function. The test requires the demonstration that there will be no undesirable impact on the sustainability of a ‘key shopping area’. As stated, it can realistically be assumed that the site falls outside of the key shopping area of Kentish Town Centre being located at the far northern end of the Centre. Nevertheless, for completeness and without prejudice we consider whether the loss of the unit will harmfully affect the sustainability of the Town Centre.

Considering the function of the Centre and whether this will be compromised, we highlight that the Site is currently vacant and therefore there is effectively no impact in terms of the loss of the unit from the ‘stock’ of commercial (Class A1 or Class A2) floorspace. There is no evidence to suggest that the site plays any other role at present (or in the recent past) in the function of the Town Centre and therefore the impact on its sustainability is nil. As set out in the Statutory Instrument Explanatory Memorandum, the test seeks to only protect *“valued and successful retail provision”*. The site is not considered to provide a service which falls within such a definition.

The potential for there to be any negative impact is also limited by virtue of both the peripheral location of the Site relative to the central parts of the Town Centre (the assumed‘ key shopping area’) and the poor condition (both internal and external) of the unit. Without investment, which is not considered to be a viable option, the reoccupation of the unit cannot realistically be considered likely and therefore any theoretical harm to the Centre’s future function and sustainability cannot be substantiated.

Against this background, the proposed Change of Use of the Site from Class A1 retail to Class C3 residential will have no negative effects on the sustainability of Kentish Town Centre nor will it negatively impact the provision of Class A1 or Class A2 services. As such, it satisfies Condition (1)(b)(iv) parts (aa) and (bb) of the Order and can be considered to warrant Prior Approval as Permitted Development

**Conclusion**

The lawful use of the units immediately before the 20th March 2013 was retail (A1).

With reference toThe Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014, 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 retail (Class A1) to 2 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



**Mark Pender**

**PPM Planning Limited**