



Dear Ms Skelli-Yaoz,

Utopia Village, 7 Chalcot Road London NW1 8LF (The site)
Application No: 2013/6589/P
Utopia Properties Limited (The Applicant)

As residents of Gloucester Avenue, we ask that the Applicant's notification for prior approval for the change of use from business to residential use be **rejected** as there is a strong basis to do so.

The Applicant's notification and associated documents **do not fulfill the criteria** under GPDO Class J. J.2 and related legislation/guidelines documented in the National Planning Policy Framework (NPPF).

Summary

The grounds for objection are allowable as they fall within the admissible categories for objection, and that the Applicant has not complied with the Class J requirements. For the development to be allowed and prior approval decision to be taken, the Council need to base their decision 'as if it were a planning application' (see NPPF para 206) Specifically,

A. Non-Compliance with GPDO Class J requirements

Further technical errors and omissions on the part of the Applicant include

A.1 The need for planning permission in the context of the significant change that will result in a detrimental and irreversible change to a designated conservation area the 'indicative basis' of the drawings is wholly inadequate considering the % increase size of the development in terms of density in relation to the footprint of the site.

A.2 Material errors in the drawings, which are misleading to the viability of the site for residential use, e.g. no. of roof lights/skylights, boundary lines, internal wall bisecting existing window across more than one individual unit.

A.2 There is also the lack of evidence provided for the previous use of the building under Class J.1 specifically in relation to use that was not B1 prior to the application.

A.3 Lack of evidence of a s.106 agreement relating to car capped development (see section B Transport and Highways)

B. Transport and highways

The information provided by the Applicant in the report by Robert West is presented largely in the form of unsupported assertions and the conclusions are contradictory to the 'poor' accessibility and PTAL rating. The expertise and qualification of the advisor are not specified. More specifically,

B.1 There is **insufficient and /or erroneous** information contained in the report, e.g. there is little explanation of the underlying data use from the TRAVL Database

B.2 The majority of the survey data is over 10 years old, the alleged comparable sites of different demographic and socio-economic areas. Any comparable conservation areas are not referred to.

B.3 The implication and impact on existing CPZ and safe routes to school is not address adequately by the applicant.

B.4 Insufficient data and analysis on vehicle movement pathways, phasing and site accessibility capacity

B.5 A car capped development is referred to with no evidence of an agreement with Camden Council. There is confusion with regard to limiting car ownership of future residents. This raises issues of not only loss of amenity but difficulties with future enforcement as has happen with similar recent change of use developments that have already taken place with very close proximity to the Utopia site (see 58-60 Gloucester Avenue/Sunny Mews/Dumpton Place)

C. Contamination risk

C.1 There is insufficient detail provided by the Applicant in order to be able assess risk, specifically in light of the NPPF guidelines. The guidelines require details of the prior use of the site and implications this would have on future residents on the site, this includes sensitivity issues. Any report needs to present adequate technical data, i.e. 'site investigation'... 'by a competent person' (see NPPF Para 121) and 'suitable for the use intended' (see NPPF 362-12, pages 2 and 3) that considers the previous use of the building that may have the potential for contamination related to industrial and light industrial uses involving paints, solvent, heavy metals, chemicals and plastics.

C.2 There is no consideration made to the relationship of this risk with the safeguarding direction (Phase One of HS2, Secretary of State for Transport, 9th July 2013) currently affecting the North of the site where it runs parallel to Gloucester Avenue.

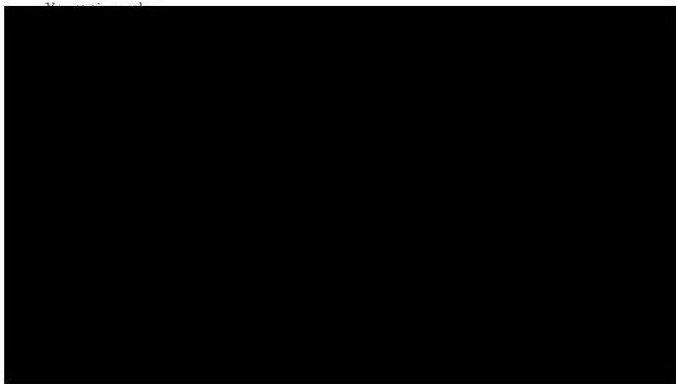
Finally, the Council is reminded that the Applicant needs to satisfy both the requirements of the GPDO Class J, J.2 and National Government Guidelines and legislation related to permitted developments and including those that relate to designated conservation areas. An acceptance would necessitate significant preconditions to be attached to any future development. These would need to include and address issues of:

- i) The need to approve based on prior agreements with the Council with regard to car usage, i.e. car capped development
- ii) Nature of permitted development and detriment to amenities in term of roof lights/skylights/window where there would be significant overlooking, light and noise pollution due to the very close proximity of the proposed residential units, i.e. well within the minimum 18 meter guideline prescribed by Camden's Planning Policy. In addition a restriction would be required in terms of development/use of balconies and other outside flat roof spaces.

Furthermore we request that the Council takes

- i) the necessary legal advice and action immediately as permitted under Article 4 of the GPDO as it relates to the above serious issues and concerns raised by the local community this includes both residents and local business
- ii) Actively engages immediately in light of the timescale for decision with the local residents groups, specific individuals directly affected, local councilors and the Primrose Hill Conservation Area Advisory Committee.

For avoidance of doubt we reserve our rights in relation to the Application.



[REDACTED]

Dear Ms. Skelli-Yaoz,

3P.11.13

Re. Planning application 2013/6589/ P.

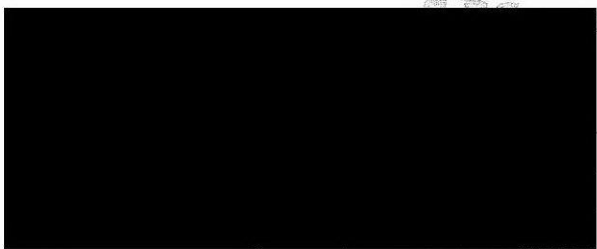
[REDACTED] My children were brought up here and went to the local schools (Primrose Hill and Haverstock). This area has succeeded in maintaining a balance by retaining a varied local population spanning all age groups and having vital services, ie. Doctor's surgeries, small shops, cafes, restaurants, a library which is now staffed by a group of volunteers, a bookshop, a community centre and many local services such as a yoga centre with a deserved reputation of excellence. Although the real estate has rocketed over the years we have retained a range inhabitants unlike other similar high income areas such as Chelsea. There are housing association flats in Chalcot and Princess Roads. The local people living here continue to use the local facilities such as the Yoga centre, shops and restaurants.

Utopia village, which in the past was home to publishers, now houses graphic designers and consultancies. We cannot imagine what life would be like if this hidden sanctuary were simply to benefit property developers who could rake in huge sums for luxury homes. The new residents would simply increase the amount of traffic crowding streets which are already congested, during the day when the local people come home from work and compete for the finite amount of parking space.

I urge you to consider these objections. As a long time resident, I regret some of the seriously mistaken planning decisions that were made in the past with permissions being given for the construction of private swimming pools, and gyms (at the back of Fitzroys studios) and in Fitzroy Rd which benefit solely the proprietors of these facilities.

[REDACTED]

RECEIVED
- 7 NOV 2013



Planning application number... 2013/6589/P

Planning application address... LUTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)

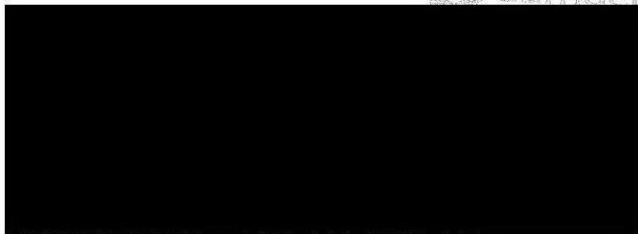
X

Your comments:

I object:

- 1) Transport ^{impact} proposed by the applicant is not sufficient to enable the Council to assess the transport and travel impact of what is a large development in a small and sensitive area
- 2) there will be a significant increase in vehicle movements by residents, their visitors, taxis and delivery services in and out of the site via an extremely limited access route
- 3) this point presents a very clear danger to the children / adults travelling to and from the nearby Primrose Hill school
- 4) there are concerns about access for emergency and service vehicles into and within the site

Please continue on extra sheets if you wish



Application number: 2015/6584/P

Planning application address: UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

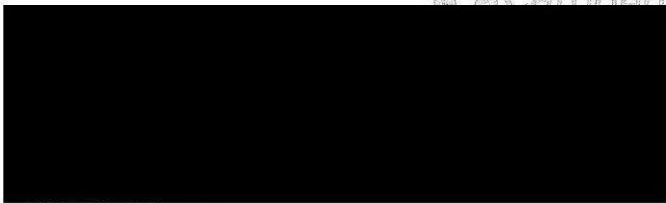
I object to the application (please state reasons below)



Your comments

My objections centre around the increased traffic volumes, the demolition to the schools nearby and ~~with~~ access will be hampered for emergency vehicles.

Please continue on extra sheets if you wish



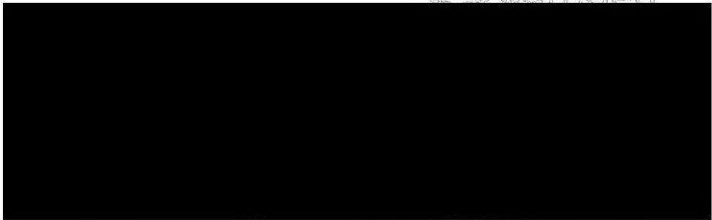
Telephone number.....
Planning application number 2013/6589/P

Planning application address UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)
I object to the application (please state reasons below)

Your comments:

There will be more gas guzzling 4x4s
Traffic
↳ Dangerous for elderly & children at
the school. Enough traffic at the
moment - we don't need any more.



Planning application number: 2013/6589/P

Planning application address: UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW2 8LH

I support the application (please state reasons below)

I object to the application (please state reasons below)



Your comments:

The transport report undertaken by applicant does not stand up to development in a small residential area.

Increase in traffic - cars, lorries, taxis deliveries etc could (will!) cause congestion as there is limited access to the place.

There is a school at end of Chalcot Rd

This plan of enormous disruption will be detrimental to the large number of children & adults going to school.

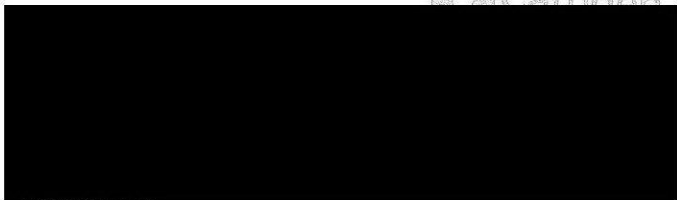
Businesses will lose out. Is this what

local councillors want? If this goes ahead we will blame you. People locally will not forget this usual overpriced property boom brought overseas investors as a hedge

against inflation. We will lose a lot of workers who currently support

The facilities of PRIMROSE Hill. Have I made my views clear?

Please continue on extra sheets if you wish



Telephone number.....

Planning application number: 2013/6589/P

Planning application address: UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW2 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)

Your comments:

1. Transport way access to site is going to be obstructively increased.
2. The school (Lanrose Hill) will become more dangerous to access for students / parents.
3. How will ambulances get into the site?

Please continue on extra sheets if you wish

Planning application number 2013/6589/P

Planning application address UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)



Your comments:

Change of use from office to residential
will affect local business & traffic.

- ① transport noise & vibration.
- ② more congestion on streets.
- ③ access to emergency vehicles compromised.

Please continue on extra sheets if you wish

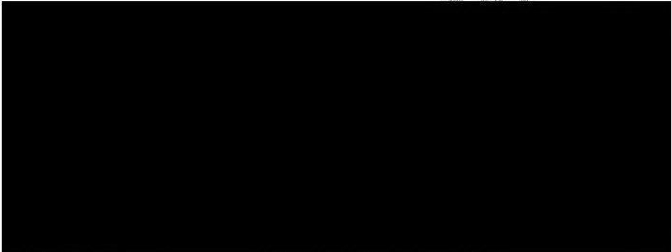
Your comments

INCREASE IN VEHICLE MOVEMENTS
WILL BE INTOLERABLE.

THE IMPACT OF THIS DEVELOPMENT
WILL HAVE A NEGATIVE IMPACT
ON AMENITY

DANGER TO SCHOOL CHILDREN TRAVELLING
FROM PRIMROSE HILL SCHOOL.

Please continue on extra sheets if you wish



Planning application number 2013/6589/P

Planning application address UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)

Your comments:

Please continue on extra sheets if you wish

Planning application address UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW2 8LJ

I support the application (please state reasons below)

I object to the application (please state reasons below)



Your comments

- I look onto the place/estate & enjoy
peace & quiet all night every night
& at weekends. Residential homes
will ruin that - there will be noise,
people boring into my flat &
I haven't had any information
through my letterbox NOR can I see
the planning application online.
Plus the noise of the building
works will be horrendous.

Don't Do IT!



Planning application address: UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

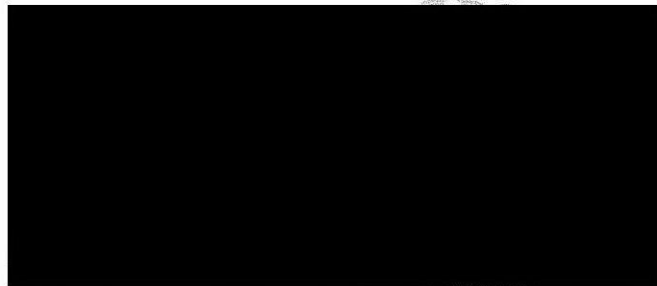
I support the application (please state reasons below)

I object to the application (please state reasons below)

Your comments:

- The transport report provided isn't sufficient to enable the Council to assess the transport in such a small residential area.
- too much vehicle movement as a result.
- v. clear danger to kids/adults going to primary school
- how will emergency vehicles get in / out.

Please continue on extra sheets if you wish



Planning application address UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)

Your comments:

Increase in volume of transport
pose an unacceptable risk and
change to locality

Please continue on extra sheets if you wish

Planning application number 2013/6589/P

Planning application address UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)



Your comments:

Way to much traffic for a residential area with a large school, lots of families with children. The applicants will say anything to get their scheme through.

Planning application address UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)

Your comments:

I object to this application on the basis of deperate transportation issues and ability of emergency vehicles to pass. Utopia Village is a key part of the village and it appears the applicant did not consider key transport or safety issues.

Please continue on extra sheets if you wish

Planning application number 2013/6589/P

Planning application address UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)



Your comments:

Significant increase in traffic by residents & visitors - limited access. a danger to pedestrians especially children.

Please continue on extra sheets if you wish

Planning application number: 2013/6589/P

Planning application address: UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)

Your comments:

The transport report was NOT sufficient for the council to assess the impact.

The increase in vehicle usage poses a danger & there are concerns about access for emergency vehicles.

Planning application number... 2013/6589/P

Planning application address... UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON NW1 8LF

I support the application (please state reasons below)

I object to the application (please state reasons below)



Your comments:

Increase of vehicle movements out of the site via a limited access this will pose a danger to the nearby school (Primrose Hill Sch) which includes my 3 grandchildren.
Concerns about access for emergency vehicles.

Planning application number..... 2013/6589/7

Planning application address..... Utopia Village 7 Chalcat rd NW1 8UF

I support the application (please state reasons below)



I object to the application (please state reasons below)

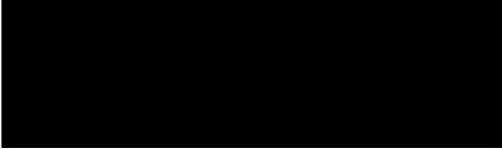


Your comments

My concerns over this application concern the additional traffic it will generate on Chalcat rd & surrounding streets, in a densely populated area with a school at the end of Chalcat rd.

Emergency access to Utopia Village is limited by very narrow access, would a fire engine get a with non-paved car.

Bats are believed to live in the building, we certainly see them frequently in the summer around the tall chimney.



6 November 2013

RE: Planning Application No 2013/6589/P- Utopia Village

Ms Tania Skelli-Yaoz
Planning Department
Application Comment
London Borough of Camden
Development Management
London WC1 8ND



Dear Ms Skelli-Yaoz,


As you can see from the above address, I live around the perimeter of Utopia Village and have done for 27 years. Aside from the fact that I value the mixed character of this neighbourhood, which I gather is not relevant, I have a clear understanding of the traffic issues in the surrounding roads.


Currently there is a one way system through Utopia Village. The entrance is extremely narrow and the curves to get out the other side are quite tight, particularly with cars parked. Egbert Street is restricted by cars parked on both sides, and is technically a two way street. This system copes with the current usage because many people who work in Utopia Village do not drive there. Replacing offices with housing would put more strain than these narrow arteries could bear. Any emergency vehicles could be held up or blocked by just one delivery van double parked in the wrong place.

Primrose Hill Primary School is at the end of the road. It appears that most of the children walk to school. A significant increase in traffic caused by the proposed residents of the Utopia Village complex going to work and returning from school runs would be an added danger to these children.

I understand that the transport report submitted by the applicant does not sufficiently address these and other issues.

I urge you to refuse this planning application and protect the children of Primrose Hill School and the safety of this neighbourhood.





Camden Council – Development Management
6th Floor
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

Attention: Tania Skelli-Yaoz
West Area Team

BY EMAIL and BY HAND

7 November 2013

Dear Ms Skelli-Yaoz

Utopia Village, 7 Chalcot Road, London, NW1 8LF (The Site)
Planning Application No. 2013/6589/P
By Utopia Properties Limited (The Applicant)

1. I refer the above planning application for prior approval (the *Application*) under the *Town and Country Planning (General Permitted Development) Order 1995* (as amended) (the *GPDO*).
2. As Camden Council (*Camden*) will be aware, the Application is a revised version of the Applicant's previous application in respect of the Site (Planning Application No. 2013/5111/P) submitted in August 2013 (the *Previous Application*).
3. As with the Previous Application, I oppose the Application and consider that Camden should determine (within the relevant 56 day period under the GPDO) that (i) prior approval is required and (ii) the Application for prior approval under the GPDO is refused.
4. Although I have limited my comments to those restricted by the provisions of GPDO, this remains a detailed letter. I make no apology for that: this is a serious issue for my family (our house backs on to Utopia Village). It is also a serious issue

for our wider community and for my neighbours and local businesses, many of whom I have spoken with. As you will appreciate, however, the detail of the GPDO is extremely complex and many of the people and businesses affected by this development have no familiarity with it. Whilst I don't presume to speak for them, as someone who has spent a lot of time working with the GPDO I wanted to set out my own objections in some detail so they are before the Camden planning officers.

A. Non-compliance with GPDO Class J requirements

5. First, GPDO Class J, paragraph J.(2) states that the provisions of paragraph N apply and requires the Application to be accompanied *inter alia* by "a written description of the proposed development". Although the Application purports to comply with this requirement,¹ the description given is wholly inadequate, including on the basis that:

- (a) the reference to "up to fifty three dwellings" as shown on plans "on an indicative basis" is unacceptably vague and unspecified for a proposed development of this size; and
- (b) the plans provided with the Application contain material errors: for example, showing multiple roof lights/skylights where no such amenities presently exist – which is liable both to mislead Camden as to the viability of the Site for residential purposes; and to complicate any enforcement action if the development proceeds.

6. Second, the Application (in contrast to the Previous Application) now states:²

"The application proposes to provide a car capped development. No residents living at the site will be permitted to apply for a residential car parking permit. ... By regulating the parking arrangements at the site this will control the parking arrangements for the future of the site and reduce the amount of vehicle trips to and from the site in comparison with the existing position."

7. For the reasons set out in Section C of this letter, car ownership and parking is central to any consideration of the transport and highways impact of this development. It is suggested elsewhere in this regard that a s.106 agreement has been entered into with Camden.³ If this is the case it should have been provided with the Application. For the reasons set out in Section C of this letter, any such agreement is fundamental to any proper understanding of (and consultation on) the Application. The non-provision of the s.106 agreement (if indeed it has been concluded)

¹ Letter from Turley Associates dated 9 October 2013, middle of page 3.

² Letter from Turley Associates dated 9 October 2013, top of page 4.

³ Robert West Transport Report, paragraph 6.4.

constitutes a material lack of information about relevant impacts/risks and their mitigation: see GPDO Class J, paragraph N.(7), which refers back to paragraph J.2.

8. Third, other than by assertion, the Applicant has not dealt with the fact that three of the units which comprise the building cannot be developed pursuant to GPDO Class J.⁴ “Building” as defined by s.336(1) of the *Town and Country Planning Act 1990 (TCPA)* includes “any part of a building”. The Applicant is therefore not correct when it asserts⁵ that the building was not used for anything other than Class B1(a) use immediately before 30 May 2013 – this is only true of those units which it now includes in its Application. It is (now) acknowledged that parts of the building (and therefore the building as defined by the TCPA) were not in Class B1(a) use. It is not open to the Applicant to cleave-off those parts of the building (as the term is used in the GPDO and defined in the TCPA) which are inconvenient to its Application, leaving those units, artificially, as islands of “business” use within a building otherwise to be used for residential purposes.

B. Insufficient and/or erroneous information on the transport and highways impact of the development

9. As you will be aware, a prior approval decision in respect of GPDO Class J requires the consideration of the transport and highways impact of the development (paragraph J.2(a)). The information provided by the Applicant in this regard is noticeably poor and deficient in a number of obvious respects for a proposed development of this size.

10. The transport report prepared by Robert West (the *Transport Report*) (which provides no details as to its author nor its author’s qualifications) consists largely of unsupported assertions and deals with the limited points it seeks to cover in a noticeably superficial way.

11. It is also noted that the Transport Report does not purport to provide an independent or complete view of the transport and highways impacts of the development. Rather, it states that “*Robert West has been appointed ... to provide traffic and transport advice to support [the Application].*” (See paragraph 1.1)

12. Leaving to one side the introductory material, the Transport Report has two stated objectives: (i) to review the Site’s accessibility to public transport; and (ii) to undertake a traffic generation comparison of the Site’s current and proposed use (see paragraph 1.6).

13. As to the first of these objectives:

⁴ Letter from Turley Associates dated 9 October 2013, top of page 2 (units 11, 11A and 8(c)).

⁵ Letter from Turley Associates dated 9 October 2013, middle of page 2 (sub-paragraph (b)).

- (a) The conclusion of the Transport Report is contained and repeated in paragraphs 3.14 and 3.15, which together state:

“Overall it is suggested that the site has a ‘poor’ level of accessibility to public transport with a calculated PTAL [Public Transport Accessibility Level index] of 2.... The PTAL rating of the site is considered ‘poor’.” (Emphasis added).

- (b) However, despite this conclusion, the author of the Transport Report then proceeds throughout the remainder of the report to progressively erode this conclusion (which is based on the accepted accessibility index) by stating that:

- *“It has clearly been demonstrated that despite a relatively low PTAL score the Site has access to a number of public transport facilities that provide significant access to services throughout London and the UK”* (paragraph 3.23).
- *“As set out within this report previously, the Site benefits from a good level of accessibility...”* (paragraph 5.5).
- *“It has been demonstrated that the Site has a good level of accessibility to public transport and that good links via sustainable modes such as walking and cycling exist”* (paragraph 6.5). (Emphasis added in each case).

- (c) It is on this basis that the Transport Report then erroneously concludes, as regards car use, that:

“It is therefore considered that both residents of the Site and their visitors will be able to readily access the Site by means other than private car.” (paragraph 5.6). (Emphasis added).

- (d) There is no basis for this conclusion. Indeed it conflicts with (much less “has been demonstrated” by) the PTAL calculation performed earlier in the Transport Report. It is only by the gradual shifting of position over the remainder of the report described above (“poor” access → “relatively low” access → “good” access → “demonstrably good” access → “ready” access) that this erroneous conclusion can be reached.

14. As to the second stated purpose of the Transport Report, namely undertaking a traffic generation comparison of the Site’s current and proposed use:

- (a) No attempt is made to explain the underlying data in the “TRAVL Database” which is said to be used “for the purposes of calculating the likely level of multi-modal trips that would be generated by the existing use of the Site”. (Paragraph 4.3)

- (b) No explanation is given as to the selection of the 7 data surveys used, other than that they are “*trip rates for similar sized residential sites*” (paragraph 5.10). This statement is demonstrably false or completely unsupported for the majority of the data provided: no relevant information is provided for 3 of the sites; and 2 others have fewer than half the number of residential units (14 and 22 units respectively) of the proposed development in this case.
- (c) Furthermore, the relevance of the data in Appendix A of the Transport Report is unexplained and no attempt is made to describe how it is applicable or analogous to the present Site. In particular in this regard:
- The data is very old: the data for the 7 sites comes from surveys conducted as far back as 1998. A majority of the survey data is over 10 years old – and even the most recent survey is from 2008.
 - The data concerns sites all over London including E17, E1, SW11, SW5, W1 and SE1, where presumably different transport, age demographic and socio-economic circumstances exist. None of this is discussed let alone taken into account.
 - On its face, certain data sets would indeed appear to be inapposite. For example, the Albion Wharf development (one of the few with a comparable number of residential units to the present Site) is an affordable housing development in Lambeth – very different from the proposal in this case.

15. It follows from the above that there is simply no basis on which the Transport Report can conclude that the “*trip rates and calculated trip generation*” (none of which is unexplained further) “*demonstrates that the existing office use is likely to generate a total of 1,784 two-way trips throughout a typical day*” or that “*of these a relatively small proportion will be made by car drivers*”. (Paragraphs 4.5 and 4.6) The material provided in the Transport Report does not even support these conclusions, much less “*demonstrate*” them.

16. For the same reasons as set out above, even a cursory review of the Transport Report shows that there is no foundation for the final conclusions of the report in this respect that:

“*...the proposed building re-use will result in a reduction in person trips when compared to the existing situation*” nor that “*in any event, the trips generated by the proposed development are expected to have no perceptible impact on any travel mode*”. (Paragraph 6.6)

These are merely unsupported assertions.

C. Insufficient and/or inadequate information on car ownership and parking in the Transport Report

17. Quite apart from the inadequacy of the Transport Report generally (as outlined above), most noticeably the Transport Report (and indeed the Application) fails to deal in any meaningful way with the issue of car ownership and parking at the Site if the development proceeds. In this regard:

- (a) The Transport Report simply notes that: "*Separately an agreement has been reached with LB Camden to provide a 'car capped scheme' with no more than 20 cap parking spaces.*"⁶ Later it suggests that this is in the form of a s.106 agreement.⁷ Nothing else whatsoever is said on the subject. Given the importance of this issue (as one of the limited matters for consideration under the GPDO) much more concrete, reliable detail is required. This is plainly not provided in the Transport Report.
- (b) As noted in paragraph 6 above, for its part the Applicant states that it "*proposes to provide*" a car capped scheme without any further information (or indeed reference to any s.106 agreement) – and then asserts on that basis that this "*will control the parking arrangements for the future of the site*".
- (c) As already noted above in Section A of this letter, if a s.106 agreement exists then it should have been provided as part of the Application. If no such agreement exists, then the Transport Report cannot rely upon it. In any event, there has been no consultation with affected parties on any such agreement.
- (d) The above statement in the Transport Report also appears to confuse or conflate the issue of the car spaces at the Site with the proposal to limit parking permits for future residents at the Site. This compounds the lack of clarity and detailed information about the purported car capped scheme.
- (e) All of this sits in the context of previous car capping schemes being either unenforceable or unenforced in the immediate area. To give a recent example, the development of 58-60 Gloucester Avenue/Sunny Mews, NW1 proceeded on a similar condition – but as matters stand at present it is common knowledge that this condition is openly flouted with no enforcement action. Camden should be alive to the fact that "car free developments" are not a general panacea or substitute for proper, probative transport impact information being provided with a planning application, particularly of this size : such proposals should be properly tested because, in practice, there is a very real risk of serious damage to amenity.

⁶ Robert West Transport Report, paragraph 1.5.

⁷ Robert West Transport Report, paragraph 6.4.

18. More broadly in this regard:

(a) Addressing the transport and highways impact of a development of 53 new dwellings without dealing with the car ownership and parking impacts on the Site and the surrounding community is a clear and obvious deficiency of the Transport Report.

(b) The National Planning Policy Framework (the *NPPF*) (to which Camden is required to have regard as part of this prior approval decision – see GPDO Class J, paragraphs J.2 and N.(8)(b)) addresses parking standards for residential and non-residential development in the context of promoting a sustainable transport policy, and notes that this should take into account, *inter alia*:

- the type, mix and use of development;
- the availability of and opportunities for public transport (as above, noted to be ‘poor’ by the Transport Report’s own admission); and
- local car ownership levels (as above, a matter not addressed at all by the Transport Report). (See *NPPF*, paragraph 39)

(c) The Applicant is therefore obliged to deal with these issues in the context of this prior approval application. This would normally encompass, for example, a consideration of:

- the likely levels of ownership and use of vehicles;
- the accessibility of the Site (unusual and restricted in this case – which also has implications for internet shopping/home delivery and emergency service access);
- the phasing of vehicle use (including in this case the loss of complementary phasing between residential and business users – who tend to travel and park at different times); and
- associated parking issues in the surrounding streets.

All of this should feed into a proper, detailed and meaningful report on the transport and highways impact of the development.

(d) As matters stand at present, however, the Application is unsupported by any meaningful report of this nature and prior approval for permitted development should be refused on this basis (in addition to the other deficiencies in the Transport Report described above).

D. Insufficient and/or erroneous information on the potential contamination risks on the Site

19. You will also be aware that a prior approval decision in respect of GPDO Class J requires the consideration of contamination risks on the Site (Condition J.2(b)).

20. The information concerning the contamination risks provided with the Application is unsatisfactory and insufficient to enable Camden to conduct a proper assessment of those risks, being dealt with in a mere 3 lines in the Application.

21. It is asserted by the Applicant that:⁸

"The change of use of the building will not present any risk to human health or other risks from contamination as the change of use will not cause any disturbance to the ground beneath the Site. There are no other contamination issues associated with the proposed change of use".

22. It is noted in this regard that the Applicant's position rests entirely on the assertion that the change of use will not cause any disturbance to the ground beneath the Site (itself an unlikely proposition if this is to be taken literally). Nothing is said about the extent or nature of any existing contamination.

23. It is not satisfactory for the Applicant to deal with this issue in such a cursory manner for a number of reasons.

(a) The Site has a long history of industrial use, with the potential for contamination that this brings. Uses over the last 75 years include:

- Piano and gramophone factory (paint and solvents);
- Electrical and chemical engineering (heavy metals, chemicals, plastics – and, so the rumour goes, mustard gas during World War II);⁹
- Pharmaceutical manufacturing and laboratories (chemicals and other agents); and
- Medical and electrical instrument manufacturing (metals smelting, plastics).

(b) A change in use may bring potential receptors (i.e. people) closer to sources of contamination, or subject them to a more sustained exposure to those sources. In short, moving to a more sensitive use of the Site (as residential dwellings)

⁸ Letter from Turley Associates dated 9 October 2013, page 4, fifth paragraph.

⁹ See "Primrose Hill Remembered", C. Read (Ed.), 2001, pg. 167.

requires at least some analysis of whether there are greater contamination risks involved in doing so.

- (c) In any event, quite apart from the Applicant's assertion that the refurbishment of the Site will not disturb the ground beneath the site (which, as above, is clearly open to challenge), this is not the end of the matter: there is at least some prospect that residential occupiers will cause, or need to cause, some disturbance to the ground beneath the Site beyond that of existing users. As the NPPF and related guidance makes clear (see below) the assessment of risk from contamination should consider both the current and the proposed use in this regard.
- (d) Furthermore, such matters may well be beyond the control of the Applicant, developer or future occupiers of the Site. I note in particular in this regard that all the properties immediately to the North of and backing directly onto the Site (i.e. those running along Gloucester Avenue) are subject to the safeguarding direction for Phase One of HS2 made by the Secretary of State for Transport on 9 July 2013.

24. I also note in this regard that the NPPF (to which, as noted above, Camden is required¹⁰ to have regard as part of this prior approval decision "as if it were a planning application") states that:

"Planning... decisions should also ensure that the site is suitable for its new use taking account of ground conditions... including... pollution arising from previous uses" and in this regard that "adequate site investigation information, prepared by a competent person, is presented." (Paragraph 121).

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"The developer is responsible for ensuring that a development is safe and that the land is suitable for the use intended. [...] Failure to provide the right information can lead to ... refusal of planning permission."

26. For the reasons set out above, the information and analysis provided by the Applicant concerning the contamination risks on the Site is unsatisfactory and insufficient to enable a proper assessment of those risks and prior approval should be refused on that basis.

¹⁰ GPDO Class J, paragraphs J.2 and N.(8)(b).

D. Conditions to any GPDO development

27. For all the reasons set out above, I consider there is a strong basis for refusing prior approval for the Application and Camden should proceed to do so.

28. If Camden is minded not to do so, and strictly in the alternative to my primary position, the Application should not be allowed to proceed without attaching appropriate planning obligations or conditions to the approval. As you will be aware, it is clear that Camden is able to apply such conditions: see, for example, paragraphs 200 and 203 of the NPPF (the first of which expressly refers to conditions in the context of the GPDO). Indeed, it would appear this is accepted by Camden as it has already either negotiated or entered into a planning obligation agreement with the Applicant (i.e. the s.106 Agreement referred to above).

29. As a minimum, such conditions should include:

- (a) A condition that any existing windows, skylights and sloped roofs (of which there are very many at Utopia) which currently contain opaque glass are maintained with that glazing (i.e. those windows are not replaced with clear glass). This is particularly important to the many residences along Gloucester Avenue which back on to Utopia Village at very close proximity. For example, in the case of my own house, under the proposal contained in the Application the windows for the living and bathroom areas of my house (to say nothing of the garden) will, in relation to the windows of the living areas of at least two of the proposed units, be well within the minimum 18 metre guideline prescribed by the relevant Camden planning policy.¹¹ Please see attached photograph.
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¹¹ See CPG 6, Amenity, paragraph 17.4.

(d) Workable, enforceable and transparent restrictions on residents parking permits for any residential units developed on the Site (for all the reasons referred to in Section C of this letter).

30. As noted above, there is no doubt there is a planning law basis for such conditions, there is clear foundation for the protection of these amenities in the NPPF (to which Camden is required to have regard as part of this prior approval decision "*as if it were a planning application*") and such conditions, for the reasons set out above, are necessary, directly relevant, enforceable, precise and reasonable (in accordance with NPPF paragraph 206).

31. Having said that, it should be clear to Camden that these issues are much more appropriately dealt with as part of a full planning application – which strongly militates in favour of refusing prior approval on the basis of the clear grounds on which to do so set out in Sections A to C of this letter.

E. GPDO Article 4 direction

32. I believe that there is a strong case for Camden issuing a direction under Article 4 of the GPDO – if necessary on an emergency basis with immediate effect – to withdraw GPDO rights in respect of the Site.

33. As you may be aware, a number of other Planning Authorities are considering such action in relation to similar development proposals being made since the May 2013 amendment to the GPDO – particularly where, like in this case, there are large scale amenity issues arising in a conservation area. The long-term potential impact in this case is significant: as you will know, there are instances where parts of designated conservation areas have lost their conservation area status because permitted development under the GPDO resulted in the loss of "special architectural or historic interest" that the very designation was designed to protect.

34. I will be writing to you separately about the case for an Article 4 direction. However, given the 56 day GPDO time limitation and the fact that an expedited judicial review of a failure to give an Article 4 direction withdrawing GPDO rights may be the only way to avert an adverse decision on prior approval, I would ask that Camden:

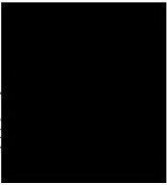
- (a) begin to consider its formal position on an Article 4 direction immediately; and
- (b) pro-actively engage with the Primrose Hill Conservation Area Advisory Committee, Local Councillors and the local community (specifically, me) on the Article 4 issue.

35. Should you wish to discuss any of the above please call me on 0207 832 7475 or contact me by return email.

36. For the avoidance of doubt, I entirely reserve my rights in relation to the Application.







Camden Council – Development Management
6th Floor
Camden Town Hall Extension
Argyle Street
London
WC1H 8EQ

Attention: Tania Skelli-Yaoz
West Area Team

BY EMAIL and BY HAND

7 November 2013

Dear Ms Skelli-Yaoz

Utopia Village, 7 Chalcot Road, London, NW1 8LF (The Site)
Planning Application No. 2013/6589/P
By Utopia Properties Limited (The Applicant)

1. I refer the above planning application for prior approval (the *Application*) under the *Town and Country Planning (General Permitted Development) Order 1995* (as amended) (the *GPDO*).
2. As Camden Council (*Camden*) will be aware, the Application is a revised version of the Applicant's previous application in respect of the Site (Planning Application No. 2013/5111/P) submitted in August 2013 (the *Previous Application*).
3. As with the Previous Application, I oppose the Application and consider that Camden should determine (within the relevant 56 day period under the GPDO) that (i) prior approval is required and (ii) the Application for prior approval under the GPDO is refused.
4. Although I have limited my comments to those restricted by the provisions of GPDO, this remains a detailed letter. I make no apology for that: this is a serious issue for my family (our house backs on to Utopia Village). It is also a serious issue

for our wider community and for my neighbours and local businesses, many of whom I have spoken with. As you will appreciate, however, the detail of the GPDO is extremely complex and many of the people and businesses affected by this development have no familiarity with it. Whilst I don't presume to speak for them, as someone who has spent a lot of time working with the GPDO I wanted to set out my own objections in some detail so they are before the Camden planning officers.

A. Non-compliance with GPDO Class J requirements

5. First, GPDO Class J, paragraph J.(2) states that the provisions of paragraph N apply and requires the Application to be accompanied *inter alia* by "a written description of the proposed development". Although the Application purports to comply with this requirement,¹ the description given is wholly inadequate, including on the basis that:

- (a) the reference to "up to fifty three dwellings" as shown on plans "on an indicative basis" is unacceptably vague and unspecified for a proposed development of this size; and
- (b) the plans provided with the Application contain material errors: for example, showing multiple roof lights/skylights where no such amenities presently exist – which is liable both to mislead Camden as to the viability of the Site for residential purposes; and to complicate any enforcement action if the development proceeds.

6. Second, the Application (in contrast to the Previous Application) now states:²

"The application proposes to provide a car capped development. No residents living at the site will be permitted to apply for a residential car parking permit. ... By regulating the parking arrangements at the site this will control the parking arrangements for the future of the site and reduce the amount of vehicle trips to and from the site in comparison with the existing position."

7. For the reasons set out in Section C of this letter, car ownership and parking is central to any consideration of the transport and highways impact of this development. It is suggested elsewhere in this regard that a s.106 agreement has been entered into with Camden.³ If this is the case it should have been provided with the Application. For the reasons set out in Section C of this letter, any such agreement is fundamental to any proper understanding of (and consultation on) the Application. The non-provision of the s.106 agreement (if indeed it has been concluded)

¹ Letter from Turley Associates dated 9 October 2013, middle of page 3.

² Letter from Turley Associates dated 9 October 2013, top of page 4.

³ Robert West Transport Report, paragraph 6.4.

constitutes a material lack of information about relevant impacts/risks and their mitigation: see GPDO Class J, paragraph N.(7), which refers back to paragraph J.2.

8. Third, other than by assertion, the Applicant has not dealt with the fact that three of the units which comprise the building cannot be developed pursuant to GPDO Class J.⁴ “Building” as defined by s.336(1) of the *Town and Country Planning Act 1990 (TCPA)* includes “any part of a building”. The Applicant is therefore not correct when it asserts⁵ that the building was not used for anything other than Class B1(a) use immediately before 30 May 2013 – this is only true of those units which it now includes in its Application. It is (now) acknowledged that parts of the building (and therefore the building as defined by the TCPA) were not in Class B1(a) use. It is not open to the Applicant to cleave-off those parts of the building (as the term is used in the GPDO and defined in the TCPA) which are inconvenient to its Application, leaving those units, artificially, as islands of “business” use within a building otherwise to be used for residential purposes.

B. Insufficient and/or erroneous information on the transport and highways impact of the development

9. As you will be aware, a prior approval decision in respect of GPDO Class J requires the consideration of the transport and highways impact of the development (paragraph J.2(a)). The information provided by the Applicant in this regard is noticeably poor and deficient in a number of obvious respects for a proposed development of this size.

10. The transport report prepared by Robert West (the *Transport Report*) (which provides no details as to its author nor its author’s qualifications) consists largely of unsupported assertions and deals with the limited points it seeks to cover in a noticeably superficial way.

11. It is also noted that the Transport Report does not purport to provide an independent or complete view of the transport and highways impacts of the development. Rather, it states that “*Robert West has been appointed ... to provide traffic and transport advice to support [the Application].*” (See paragraph 1.1)

12. Leaving to one side the introductory material, the Transport Report has two stated objectives: (i) to review the Site’s accessibility to public transport; and (ii) to undertake a traffic generation comparison of the Site’s current and proposed use (see paragraph 1.6).

13. As to the first of these objectives:

⁴ Letter from Turley Associates dated 9 October 2013, top of page 2 (units 11, 11A and 8(c)).

⁵ Letter from Turley Associates dated 9 October 2013, middle of page 2 (sub-paragraph (b)).

- (a) The conclusion of the Transport Report is contained and repeated in paragraphs 3.14 and 3.15, which together state:

“Overall it is suggested that the site has a ‘poor’ level of accessibility to public transport with a calculated PTAL [Public Transport Accessibility Level index] of 2.... The PTAL rating of the site is considered ‘poor’.” (Emphasis added).

- (b) However, despite this conclusion, the author of the Transport Report then proceeds throughout the remainder of the report to progressively erode this conclusion (which is based on the accepted accessibility index) by stating that:

- *“It has clearly been demonstrated that despite a relatively low PTAL score the Site has access to a number of public transport facilities that provide significant access to services throughout London and the UK”* (paragraph 3.23).
- *“As set out within this report previously, the Site benefits from a good level of accessibility...”* (paragraph 5.5).
- *“It has been demonstrated that the Site has a good level of accessibility to public transport and that good links via sustainable modes such as walking and cycling exist”* (paragraph 6.5). (Emphasis added in each case).

- (c) It is on this basis that the Transport Report then erroneously concludes, as regards car use, that:

“It is therefore considered that both residents of the Site and their visitors will be able to readily access the Site by means other than private car.” (paragraph 5.6). (Emphasis added).

- (d) There is no basis for this conclusion. Indeed it conflicts with (much less “has been demonstrated” by) the PTAL calculation performed earlier in the Transport Report. It is only by the gradual shifting of position over the remainder of the report described above (“poor” access → “relatively low” access → “good” access → “demonstrably good” access → “ready” access) that this erroneous conclusion can be reached.

14. As to the second stated purpose of the Transport Report, namely undertaking a traffic generation comparison of the Site’s current and proposed use:

- (a) No attempt is made to explain the underlying data in the “TRAVL Database” which is said to be used “for the purposes of calculating the likely level of multi-modal trips that would be generated by the existing use of the Site”. (Paragraph 4.3)

- (b) No explanation is given as to the selection of the 7 data surveys used, other than that they are “*trip rates for similar sized residential sites*” (paragraph 5.10). This statement is demonstrably false or completely unsupported for the majority of the data provided: no relevant information is provided for 3 of the sites; and 2 others have fewer than half the number of residential units (14 and 22 units respectively) of the proposed development in this case.
- (c) Furthermore, the relevance of the data in Appendix A of the Transport Report is unexplained and no attempt is made to describe how it is applicable or analogous to the present Site. In particular in this regard:
- The data is very old: the data for the 7 sites comes from surveys conducted as far back as 1998. A majority of the survey data is over 10 years old – and even the most recent survey is from 2008.
 - The data concerns sites all over London including E17, E1, SW11, SW5, W1 and SE1, where presumably different transport, age demographic and socio-economic circumstances exist. None of this is discussed let alone taken into account.
 - On its face, certain data sets would indeed appear to be inapposite. For example, the Albion Wharf development (one of the few with a comparable number of residential units to the present Site) is an affordable housing development in Lambeth – very different from the proposal in this case.

15. It follows from the above that there is simply no basis on which the Transport Report can conclude that the “*trip rates and calculated trip generation*” (none of which is unexplained further) “*demonstrates that the existing office use is likely to generate a total of 1,784 two-way trips throughout a typical day*” or that “*of these a relatively small proportion will be made by car drivers*”. (Paragraphs 4.5 and 4.6) The material provided in the Transport Report does not even support these conclusions, much less “*demonstrate*” them.

16. For the same reasons as set out above, even a cursory review of the Transport Report shows that there is no foundation for the final conclusions of the report in this respect that:

“*...the proposed building re-use will result in a reduction in person trips when compared to the existing situation*” nor that “*in any event, the trips generated by the proposed development are expected to have no perceptible impact on any travel mode*”. (Paragraph 6.6)

These are merely unsupported assertions.

C. Insufficient and/or inadequate information on car ownership and parking in the Transport Report

17. Quite apart from the inadequacy of the Transport Report generally (as outlined above), most noticeably the Transport Report (and indeed the Application) fails to deal in any meaningful way with the issue of car ownership and parking at the Site if the development proceeds. In this regard:

- (a) The Transport Report simply notes that: "*Separately an agreement has been reached with LB Camden to provide a 'car capped scheme' with no more than 20 cap parking spaces.*"⁶ Later it suggests that this is in the form of a s.106 agreement.⁷ Nothing else whatsoever is said on the subject. Given the importance of this issue (as one of the limited matters for consideration under the GPDO) much more concrete, reliable detail is required. This is plainly not provided in the Transport Report.
- (b) As noted in paragraph 6 above, for its part the Applicant states that it "*proposes to provide*" a car capped scheme without any further information (or indeed reference to any s.106 agreement) – and then asserts on that basis that this "*will control the parking arrangements for the future of the site*".
- (c) As already noted above in Section A of this letter, if a s.106 agreement exists then it should have been provided as part of the Application. If no such agreement exists, then the Transport Report cannot rely upon it. In any event, there has been no consultation with affected parties on any such agreement.
- (d) The above statement in the Transport Report also appears to confuse or conflate the issue of the car spaces at the Site with the proposal to limit parking permits for future residents at the Site. This compounds the lack of clarity and detailed information about the purported car capped scheme.
- (e) All of this sits in the context of previous car capping schemes being either unenforceable or unenforced in the immediate area. To give a recent example, the development of 58-60 Gloucester Avenue/Sunny Mews, NW1 proceeded on a similar condition – but as matters stand at present it is common knowledge that this condition is openly flouted with no enforcement action. Camden should be alive to the fact that "car free developments" are not a general panacea or substitute for proper, probative transport impact information being provided with a planning application, particularly of this size : such proposals should be properly tested because, in practice, there is a very real risk of serious damage to amenity.

⁶ Robert West Transport Report, paragraph 1.5.

⁷ Robert West Transport Report, paragraph 6.4.

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(a) Addressing the transport and highways impact of a development of 53 new dwellings without dealing with the car ownership and parking impacts on the Site and the surrounding community is a clear and obvious deficiency of the Transport Report.

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- (b) pro-actively engage with the Primrose Hill Conservation Area Advisory Committee, Local Councillors and the local community (specifically, me) on the Article 4 issue.

35. Should you wish to discuss any of the above please call me on 0207 832 7475 or contact me by return email.

36. For the avoidance of doubt, I entirely reserve my rights in relation to the Application.





BY EMAIL and By HAND

Ms Tania Skeli-Yaoz
Planning Department
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London
WC1H 8ND

Dear Ms Skelli-Yaoz

Re: Objection against Prior Approval application ref: 2013/6589/P for the change of use from offices (Class B1a) to 53 Residential units (Class C3).
Site: Utopia Village, 7 Chalcot Road, London, NW1 8LH

I am the leaseholder of Flat 4, 111 Gloucester Avenue and joint freeholder of the property. I overlook the north side of Utopia Village. I am writing in response to your letter of October 15th about the above application. I am objecting to the propose change of use to residential as, in my view, this change is not permitted development. As such, I argue that prior approval under the GPDO for this development is refused.

My objections to the proposed change are as follows:

1. Transport and traffic Issues

- a. I have serious concerns about the transport and traffic issues of the development. The transport report presented by the applicant altogether fails to adequately assess the transport and travel impact of this significant development in a very contained and sensitive area. There would be a significant increase in vehicle movement by residents, their visitors, taxis and delivery services in and out of the site via extremely limited access / and exit routes
- b. Surely there would be an increased danger for children and adults travelling to and from Primrose Hill School. A friend who has worked in Chalcot Road for many years has spoken of near accidents even with the existing flurry of vehicles at pick up and drop off school times. The risk of accidents would inevitably be substantially greater with the increase in vehicle movement mentioned in Point 1.
- c. There are concerns about access for emergency and service vehicles into and within the site. As it is, fire engines have to operate from outside the site, sending in hoses through the narrow entrance, which is then partially blocked for the other emergency vehicles such as ambulances and the police.
- d. At its narrowest, the current entrance is just 8 feet wide. Room for maneuvering inside the site is also very tight – more so given the proposal to park the cars inside the site at an angle to the buildings. The plan indicates passing room for a car but how will delivery and service vehicles such as Ocado and British Gas be able to move through?

2. GPDO Class J requirements not met

- a. The drawings have errors: in the boundaries and showing roof lights / skylights that do not exist. It seems these roof lights would be needed to provide light for the proposed flats. If this is so, the proposal is seeking to make external changes to the building and planning permission would be needed for this. e.g. I would maintain that an existing roof light is not shown on the plan – the section behind 115 Gloucester Avenue. It seems to be shown as a roof but it is all glass. Again it is likely that this 'roof light' would need to be changed to make it suitable for domestic use and this would require planning permission.

- b. It would appear that the Applicant has made an agreement (s106) with Camden to cap the number of car parking space in the site. However, I understand there is no evidence of this agreement in the case file and I cannot see it on the website. I have been advised that by introducing this additional condition to make sure the proposed change satisfies conditions in the Amendment¹, then surely this application for change of use requires prior approval.

3. Insufficient consideration about contamination risk

- a. The light industrial use of the site in the past that involved the use of many different kinds of toxic materials such as solvents, heavy metals, chemicals and plastics, surely necessitates a thorough and transparent investigation to ensure there is no contamination risk due to the development of the site that will inevitably involve some disturbance to the ground below, despite the Applicants airy claim that this will not be the case. Again, given that there has been no thorough assessment of the risks of contamination, prior approval should be refused on this basis.

For the above reasons, I believe the application does not constitute permitted development and the Council should refuse prior approval.

While I believe there are strong reasons for refusing prior approval, if Camden is minded not do so, and strictly in the alternative to my primary position, I feel the Application should not be allowed to proceed without attaching appropriate planning obligations or conditions to the approval. Camden seem to have accepted the application of prior conditions in negotiating or having entered into a planning obligation with the Applicant with regard to car capping. (The s106 Agreement in point 5)

The buildings on the north side of Utopia Village are very close to my house, and the current lax behaviour of the office tenants means that there is considerable light pollution often late into the night. Also people standing around on the flat roof can be clearly heard from my flat. The minimal conditions I propose are

1. All windows, skylights, and sloping roofs, which currently have opaque glass should be maintained with that type of glazing.
2. Prohibit the development and or use of balconies and other outside flat roof space. (This would impact me particularly – see photograph of outside areas directly behind my living space.)
3. Impose appropriate conditions concerning light pollution. This is especially important for me given the long run of large windows directly across from my bedroom. (See same photograph.)
4. Workable, enforceable and transparent restrictions on residents parking permits for any residential units developed on the site. We have seen a very close example in nearby 58-60 Gloucester Avenue / Sunny Mews where the developer has clearly ignored the condition attached to parking with there now being no enforcement action.

These issues are much more appropriately dealt with as part of a full planning application – which strongly militate in favour of refusing prior approval on the basis of the grounds set out in my points above.

For the avoidance of doubt, I entirely reserve my rights in relation to the Application.

1 The Town and Country Planning (General Permitted Development Order) (Amendment) (England) 2013-11-07 Amendments in relation to change of use

6. (1) In Part 3 of Schedule 2 (changes of use), in paragraph B.1 of Class B, for "235" substitute "500".

(2) In Part 3 of Schedule 2 (changes of use) after Class I insert—

"Class J Permitted development. Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

Ms Tania Skelli-Yaoz
Planning Department
London Borough of Camden
Camden Town Hall Extension
Argyle Street
London
WC1H 8ND

Dear Ms Skelli-Yaoz,

RE: OBJECTION AGAINST PRIOR APPROVAL APPLICATION REF: 2013/6589/P FOR THE CHANGE OF USE FROM OFFICES (CLASS B1A) TO 53 RESIDENTIAL UNITS (CLASS C3).
SITE: UTOPIA VILLAGE, 7 CHALCOT ROAD, LONDON, NW1 8LH.
LPA REF: 2013/6589/P.

I am the owner and occupier of 2 Chalcot Road ("No.2") and am writing to lodge my OBJECTION to the notification of the proposed change of use to residential. I submit that the proposed change of use is not permitted development and that prior approval is required for the development. My main objections to the proposal are set out below.

External Works

The GPDO considers the change of use of the building; it cannot however approve planning permission for external alterations. If one has regard to drawing ref: 638_GA01 P2 and 638_GA02 P6, and specifically the roof lights, one will note that the northern buildings shows rooflights on the rear roof slopes. However, if one has regard to the aerial photographs of the site (attached in PDF form of this objection sent by email) it is clear that the rear elevations do not currently benefit from such rooflights. The drawings have shown these rooflights as providing light to living space. These do not exist and therefore this proposal is seeking to make external alterations to the building for which planning permission is required. (See APP1).

Transport & Highways Impacts of the Development

Condition J.2(a) requires a consideration of whether transport or highways impact of the development will require the prior approval of the Council.

Under the application a change of use to 53 flats is proposed. I note that paragraph 1.5 and 6.4 of the Transport Statement indicates that "Separately an agreement has been reached with LB Camden to provide a 'car capped scheme' with no more than 20 car parking spaces." However, the Application Cover Letter simply states that application "proposes to provide a car capped development". There is no evidence of any binding agreement with LB Camden in the case file. No agreement was filed with the planning application nor is the supposed agreement available for comment on the planning website. If such an agreement has been made a part of this application by reference in both the Transport Statement and the Application Cover Letter, it should be included in the public file.

Further, the GPDO does not provide for the existence of such an agreement to be an express condition of "permitted development". The imposition of "car capped" restrictions is clearly a fundamental assumption underlying the conclusions of the Transport Statement. It is also expressly referenced in the application. If the imposition of additional conditions is essential to ensuring that a proposed change of use satisfies condition J.2(a), then by definition the change of use must require prior approval in order to make the change of use contingent on the imposition of such restrictions.

Having regard to the Transport Statement, my comments should be read in conjunction with the Transport Assessment.

- Para.2.3: the Author notes that the site circulation space is constrained. I am concerned that the layout as proposed, including the allocation of 11 parking spaces, will make access for emergency vehicles or other large vehicles impossible.

- Para.3.5: the closest Underground station is Chalk Farm and is actually 720m, not 680m from the site..
- Para.3.8 & 3.9: National Rail and Overground are 1.8km and 1.3km, respectively from the site.
- Para.3.14: the PTAL score is 2 and is therefore considered 'poor'.
- Para.3.23: the PTAL score is reflective of the poor accessibility of the site to public transport with Underground and rail services being a substantial walk from the site.
- Para.5.4: if the car parking spaces as shown are occupied a typical refuse vehicle will not be able to drive through the mews.
- Para.5.9: it is necessary to provide a direct comparison as one will be able to consider the likely trip generation associated with the development compared to the existing.
- Para.5.13: I fail to understand how they have reached a view that the number of trips would be only one third of the current employment use as they have failed to provide any indication of how they have reached these figures. These figures are purely speculation and as such cannot be used as a basis for evaluating traffic impact.
- Para.6.5: they have not demonstrated that the site has a good level of accessibility. The PTAL score is 2 and thus poor. The site is 720m from the nearest underground services, 1.3km and 1.8km from Overground and National Rail, respectively.
- Para.6.6: the assessment has not actually considered person or vehicle trips and fails to provide a direct comparison, which is acknowledged at Para.5.9. Further, they have offered no assessment of likely vehicle movements associated with the flats or the pressures that will be exerted on local on-street car parking.
- Para.6.7: the report has failed to justify that there would be 'no traffic and transport reasons to prevent the C3 use' - the report is poor and does not offer a direct comparison between the two uses.

My main concern is that the Transport Statement fails to properly consider the vehicle movements associated with the proposed use and the pressure demands for car parking, together with how that will impact the local highway network. I note the four sites they identify for TRAVL data. However, they have failed to provide an indication of 'car movements' or break the trip generation down. Further, the relative comparability of these sites is questionable; firstly, two of the sites are PTAL scores 3, one has a PTAL of 4 and only the NW3 site has a PTAL of 2 - the higher PTAL scores are likely to place less necessity for a car. The NW3 3NA site (Winchester Mews) is actually the most relevant in terms of location, demographics and accessibility; one will also note that trip generation is greater than the other three comparable examples they have provided.

Further, the SW11, E17, and E1 are not comparable, with the SW11 being an affordable housing scheme and all three locations being differently both socially and economically. One would expect car ownership to be substantially higher for the application site than the three sites identified.

I submit that the 'Transport Statement' prepared by Robert West fails to actually consider the highway and transport implications of the development and is at best poor, and at worst misleading. Based on this assessment, prior approval is required.

Car Parking

A CPZ is in operation in surrounding streets between 8:30 and 18:00, which is when there is pressure for car parking as a result of Utopia Village. However, if a change of use to residential proceeds there will be increased pressure for residents parking outside these hours. The Transport Statement fails to even mention this pressure or to consider the current parking stress that is exerted on the car parking spaces locally, or the implications this will have on highway safety. The addition of 57 dwellings, with 35 being capable of providing family occupation, is going to generate significant additional car parking demand and movements; the poor PTAL score for the site reinforces this assertion. The Applicant's agents have failed to even consider this matter let alone assess such. I therefore submit that the change of use would result in significant demand for parking that cannot be accommodated locally as parking pressures are already significant. 11 allocated spaces on site is not sufficient.

The only conclusion that one can reach is that the implications of the increased pressure for on-road car parking would have a substantial impact on highway and transportation matters, which could result in highway safety concerns.

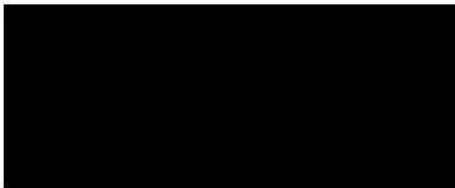
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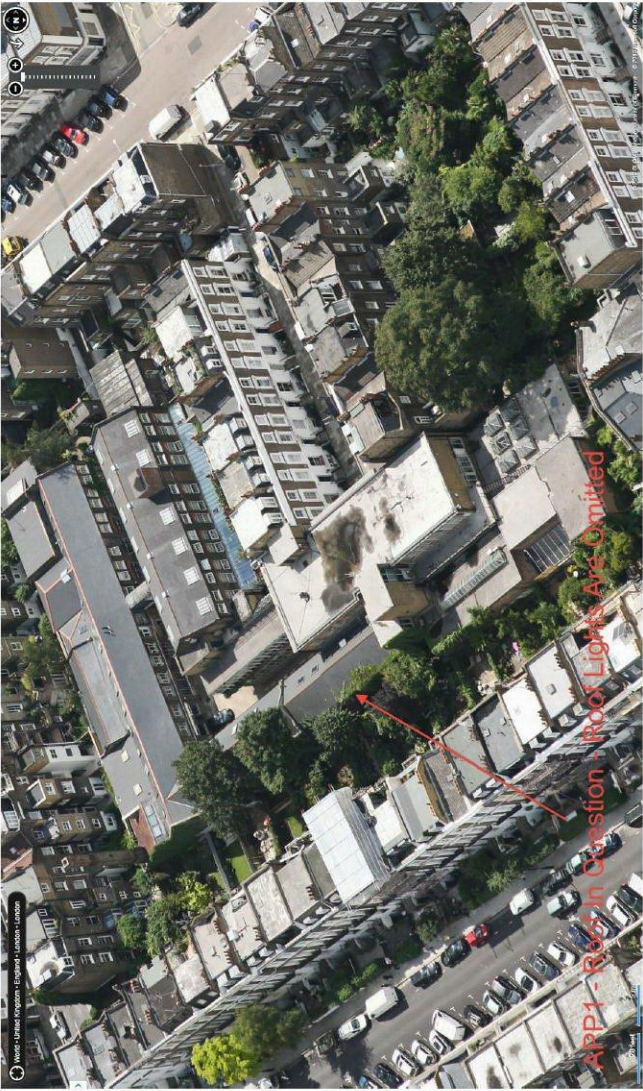
To summarise my objection as to why the development is not permitted development and that planning permission should be required are as follows:

- The proposed drawings show the addition of roof lights to the rear roof of one of the mews building, which would be required to provide natural light to the living areas of the flats. These rooflights require planning permission and a PD decision cannot be made.
- The Transport Statement is poor and fails to properly assess the implications of the change of use, specifically omitting any form of direct comparison between the B1 use and proposed C3 use.
- The Transport Statement fails to consider vehicle movements associated with the proposed use nor likely car ownership levels.
- The site drawings shows 11 allocated parking spaces for 53 flats, The use of the building as flats will result in significant pressure on existing parking provision that cannot be accommodated locally and the CPZ would be ineffective when demand would be at its highest.
- The change of use would have an impact on highway and transportation matters, which should be considered via the submission of a full planning application.

I therefore lodge my objection against this application, as it does not constitute permitted development and the prior approval of the Council is required.

May I request that you keep me updated with progress and I look forward to meeting you on site.





APP1 - Roof In Question - Roof Lights Are Omitted