

DP3354/RPW/MW

9th September 2014

London Borough of Camden
Regeneration and Planning
6th Floor
Argyle Street
London
WC1H 8ND

DP9 Ltd
100 Pall Mall
London SW1Y 5NQ

Registered No. 05092507

telephone 020 7004 1700
facsimile 020 7004 1790

www.dp9.co.uk

Dear Sir/Madam

**258 BELSIZE ROAD, LONDON, NW6 4BT
PRIOR NOTIFICATION OF THE PROPOSED CHANGE OF USE**

On behalf of our client, we enclose a submission seeking a notice of prior approval for the conversion of the building at 258 Belsize Road from Class B1a office use to Class C3 residential. This prior notification application is submitted under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

Paragraph N states that in order to determine if prior approval is required a developer must submit an application to a local authority which should be accompanied by:

- A written description of the proposed development;
- A plan indicating the site and showing the proposed development;
- The developer's contact address; and
- The developer's email address if the developer is content to receive communications electronically together with any fee required to be paid.

Please find enclosed the completed form, cover letter which includes a written description of the development, a site location plan, site plan and existing and proposed floor plans. In addition, we enclose an Environmental Risk Assessment (July 2014) and Intrusive Pre-Demolition Asbestos Assessment (August 2014) as well as information relating to the construction of the building, which took place in 1993.

The applicant is Oakenfield Enterprises Ltd and contact details are c/o DP9 Ltd. The correct application fee of £80.00 is also attached to this letter.

Background

This submission follows the prior approval application (ref: 2014/3843/P) which was refused on 4th August 2014. A total of 4 reasons for refusal were attached to the decision notice. Reason 1 relates to contamination impacts and reasons 2, 3 and 4 relate to transport and highways impacts (car free development, provision of Construction Management Plan and Highways Contribution). As discussed with the Case Officer, and set out within her email of 5th August, the key reason for refusal is reason 1 (contamination). The three other reasons for refusal could have been adequately addressed within a Section 106 agreement had the contamination issue been resolved.



The drawings submitted with this prior approval application are the same as those submitted under application 2014/3843/P.

The change of use will provide 32 new residential flats consisting of 21 studio apartments, 9 x 1 beds and 2 x 2 beds. The development will incorporate a shared bike store with 35 cycle spaces (1 per unit and 3 for visitors). Refuse and general storage will be located at ground floor, and a recreation room is provided for the use of residents. The development will be car free.

In summary the change of use will provide 32 high quality residential units within a sustainable location, the layout of which has previously been considered acceptable by Officers.

Prior Approval

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 states that prior to beginning development, the developer must apply to the local planning authority to establish whether prior approval will be required in relation to:

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

The Officer's Report for application 2014/3843/P confirms that the application is supported by the Highway Officer subject to a S106 agreement for car free, construction management and Associated Highways works. The Applicant is happy to enter into this legal agreement, and it is therefore considered that the application is acceptable in highways terms.

With regard to flood risk, the Officer's report confirms that the Council records indicate that the property is not within a flood zone. The proposals are therefore acceptable in flood risk terms.

Contamination Risks

Reason for refusal 1 of the August decision relates to contamination, and states:

Insufficient information has been submitted to demonstrate that the proposal for change of use from B1 to C3 would not be at 'contamination risk' or lead to any future contamination and therefore it does not comply with Paragraph J.2(b) of the Town and Country Planning (General Permitted Development Order), Schedule 2, Part 3, Class J.

This reason for refusal is based upon the objection raised by the Environmental Health Officer, which states:

The site has been identified as falling within a potential contaminated area. The former industrial uses of the site includes oil and colour storage, glass works, varnish & colour merchants, lead merchants and printers (within 25m) which may have led to contamination of the site. In addition, the site is adjacent to a priory works.

Since, there is evidence of former contaminative uses on the site as described above an objection is made on the grounds that the applicant has failed to provide sufficient information to confirm that the site is no longer contaminated or the development would not lead to contaminated land issues



The concerns raised by the Environmental Health Officer are as a result of the historic land uses of the site between 1896 and 1911, and the potential for these uses to have resulted in contamination of the site. Further discussion with the Officer has confirmed that the Council require the Applicant to investigate contamination within the fabric of the building or the surrounding environs, including asbestos (as the building was built prior to 2000), which could be exposed to residential occupiers. The request for this assessment is based upon the historic land uses of the site, and the age of the building, which dates back to 1993.

This cover letter and enclosed information provide background detail of the site and the existing building, and set out the results of an Environmental Risk Assessment which has been carried out by Earth & Marine Environmental Consultants, and a separate Asbestos Survey carried out by ESS (Southern) Ltd, in order to demonstrate that the proposal for a change of use would not lead to contamination risk.

History of the Existing Building

The Applicant owned the site at the time of the building construction in 1993, and therefore has full details of the design of the building, and the works and assessments which were undertaken at the time.

Accordingly, please find the enclosed documents:

- Drawing 259/02J Ground Floor Plan (includes details of drainage)
- Drawings 259/D.101A, 102A, and 103A Party Wall Details (details external fabric of the building)
- Structural Drawings 17134-14F (Piling Layout); 17134-16F (Foundation Layout); 17134-17F (Foundation Sections); 17134-18E (Ground Floor Plan)
- Site photographs of construction
- Soil Investigation Report, dated September 1993
- Archaeological Assessment, dated September 1993

This information contains a high level of detail on the construction of the building and provides a detailed understanding of the site in relation to the potential for contamination.

Environmental Risk Assessment

In the context of the historic information available, an Environmental Risk Assessment has been carried out by Earth & Marine Environmental Consultants (EAME), which considers the potential for contamination arising in the form of either chemicals in the soil or groundwater arising from current or historic activities, or the use of deleterious materials in the building construction. A copy of this report is enclosed with this submission.

Full details of this assessment are provided within the enclosed report, which concludes that the likelihood of the earlier historic activities having created a significant contamination source on the site is very low. Notwithstanding this, during the construction of the present building in 1993 approximately 3m of the previous ground surface was completely removed from the site and along with it any residual contamination that may have been present. The likelihood of contamination from historic activities still being present on the site today is therefore negligible.



As detailed on the proposed drawings, it is not intended to break the existing building slab to carry out the internal works to convert the building to residential use. The existing drainage layout is sufficient to meet the requirements of the residential units (as detailed on the enclosed ground floor drainage plan (259/02J), and no works to the existing concrete slab will be required. Therefore (notwithstanding the conclusions in relation to contamination) there is no potential for materials to be released from the ground beneath the building and no plausible pathway from below ground materials to future residential occupiers.

As part of the Environmental Risk Assessment, a PID survey of the site drains was carried out. These are the only aspect of the site in direct contact with the ground or which go below the proposed ground floor surface level. The results of this survey indicated that no volatile organic vapours are present.

The Environmental Risk Assessment has also considered potentially harmful materials within the fabric of the building, including asbestos and lead based paints. The report concludes that due to changes in practice within the 1980's there is no risk of lead based paints being used within the site.

Asbestos Assessment

With regard to asbestos, an intrusive pre-demolition survey has been carried in accordance with the requirements of HSG264 by ESS Southern Ltd, which identifies the location and type of asbestos containing materials within the building fabric. Those materials identified have been removed, and the report includes a Mitigation and Management Plan which sets out site specific procedures for 258 Belsize Road to ensure that the site is suitable for residential occupation. A copy of this report is enclosed with this submission.

We trust that the enclosed information is sufficient to demonstrate that the proposed change of use would not be a contamination risk.

We trust that this prior notification request can be validated and progressed; however, if you would like to discuss any aspect of this submission please do not hesitate to contact Mel Wykes of this office.

Yours faithfully

Mel Wykes
Planner
DP9 Ltd