

RW/P5504
13 August 2014

Ms Nanayaa Ampoma
Development Management & Planning Services
London Borough of Camden
Town Hall
Argyle Street
London
WC1H 8ND

Dear Ms Ampoma

St Luke's Hall, 120 Fortune Green Road NW6 1DN

Application for Prior Approval of a change of use from existing office (Class B1a) to residential (Class C3) under Part 3 (Class J) of the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013

On behalf of our client, Mr Kelvin Murray, we enclose an application for prior approval for a change of use from office (Class B1a) to residential (Class C3), providing two self-contained one-bedroom flats. The application follows the withdrawal of an application for three one-bedroom flats (reference 2014/4241/P) which the Council advised went beyond the scope of the prior approval limits.

This application is submitted to Camden Council to determine whether prior approval is required, in relation to the proposal's transport and highways impact, site contamination and potential risk of flooding. A cheque for £80 is attached at the bottom of this letter.

Site and Location

There are two separate buildings sharing the address of 120 Fortune Green Road: a retail-type unit at No.120 and St Luke's Hall to the immediate north which has the same address. The two buildings are unrelated in planning terms and it is only St Luke's Hall that is the subject of this application.

St Luke's Hall occupies a site area of approximately 105 m² and is currently an office building falling with Class B1a, having originally been a church hall. The site is located close to the corner of Fortune Green Road and Weech Road. The building is neither listed nor in a conservation area.

Part 3 (Class J) Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013

On 30 May 2013 amendments to the General Permitted Development Order came into force, the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013

DD 020 7556 1534
E robertw@rolfe-judd.co.uk

Architecture Planning Interiors
Old Church Court, Claylands Road, The Oval, London SW8 1NZ
T 020 7556 1500
www.rolfe-judd.co.uk

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introduces permitted development under Class J: *“Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.”*

As noted under Paragraph J.2, the developer must apply to the local planning authority for a determination as to whether prior approval will be required in consideration of the impacts of the development on local transport and highways, the contamination of the site and the potential risk of flooding.

In accordance with Paragraph N, this letter and application constitutes a formal request to determine whether prior approval of the Council will be required. We confirm that this application is accompanied by a written description of the proposed development and plans indicating the site's red-line boundary and the proposed development.

Proposed Development

St Luke's Hall at No. 120 Fortune Green Road is in lawful office use (Class B1a), as confirmed in the accompanying statutory declaration and documentary evidence. This is submitted as a result of the insertion of paragraph N(2A) which now allows a local planning authority to refuse to give prior approval where, in the opinion of the LPA:

- 1) the proposed development would not be permitted development, or
- 2) the developer has provided insufficient information to establish that the proposed development would be permitted development.

It is beyond dispute that the building has a lawful Class B1 use. In our previous application we sought to remove any ambiguity about the existing lawful Class B1a use which has subsisted at this site since the occupant, Greywolf, took occupation in 2012. Prior to Greywolf's occupation, the building was occupied by the applicant, Kelvin Murray, who used the premises as a photographic studio for the purpose of photo shoots. Hence, the building was rated in 2010 for Business Rates purposes as “studio and premises”.

The accompanying statutory declaration from Mark Laing and the compelling evidence within the supporting exhibits demonstrate that, on the balance of probability, Greywolf's occupation of St Luke's Hall since 23 October 2012 constituted a permitted change of use within Class B1 to a use falling within Class B1a. This office use has subsisted to the present day. Hence, the lawful use of the premises on 30 May 2013 was Class B1a. As such a change of use from offices (Class B1a) to residential accommodation (Class C3) currently constitutes permitted development, subject to the provisions of Paragraph J.1, notably:

- a) The building is not on article 1(6A) land
- b) The building was used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30 May 2013
- c) The use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order will commence before 30 May 2016
- d) The site is not in a safety hazard area
- e) The site does not form part of a military explosives storage area
- f) The building is not a listed building or a scheduled monument.

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In support of this application, please find enclosed existing and proposed floors plans prepared by Draper Architects which highlight a scheme for the provision of two one-bedroom residential units. No external changes are proposed. In support of the application, the following drawings are enclosed:

Drawing Reference	Title
65(01)001	Existing Site Plan
65(06)001	Existing Floor Plans
65(06)002	Existing Elevations
65(06)003	Existing Sections
65(07)001	Proposed Floor Plans
65(07)002	Proposed Elevations
65(07)003	Proposed Sections

In addition, a Sitecheck contamination report is included with the application demonstrating that the land does not fall within the definition of contaminated land as set in Part IIA of the Environmental Protection Act 1990.

Impact of Proposed Development

In accordance with Paragraph J.2 (Class J) of the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013 the following information has been provided to assist in the determination of this application:

(a) transport and highways impacts of the development

Paragraph N(3) of the Order states that a Local Planning Authority must only consider whether the transport and highways impacts of the development are likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

Part J of the amended GPDO is explicit in its guidance on the interpretation of 'traffic and highways impacts'. Paragraph N.(3) states that the local authority shall consider whether the development will be likely to result in a material increase or material change in the character of traffic in the vicinity of the site. If the highways impact will be material, prior approval should be refused. If the impact is not material – as is the case at St Luke's Hall – prior approval should be given.

It is considered the proposed change of use of the site will not have a material impact on traffic in the vicinity of the site. Only two residential units are being provided, neither of which will be family-sized. Therefore the likelihood of the occupants requiring a car is lower.

It must also be noted that, until 2012, the occupants of St Luke's Hall held business parking permits for 15 years. The 'materiality' assessment must necessarily take into account a comparison of the net effect of the change of use versus the continued lawful use as offices. In this respect I draw your attention to the recent appeal decision (Your Ref: 2013/7304/P) at Marlborough House, 179-189 Finchley Road, NW3 6LB which turned on the transport impacts. In that case, the proposal involved 14 units as opposed to the two units proposed at St Luke's Hall. The Inspector concluded that the existing parking controls were sufficient to ensure that there would be no material impact.

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The plans show the provision of safe and secure cycle storage within each of the two flats. The site is therefore in an advantageous position in terms of public transport and cycle parking which means residents will not necessarily be reliant on cars as their primary means of transportation.

Nonetheless, the applicant is willing to enter into a car-free agreement secured via a unilateral undertaking, thus waiving any right to obtain on-street parking permits. This will be forwarded to you upon notification that this application is valid.

(b) contamination risks on the site

The accompanying Sitecheck report demonstrates that the site is not classed as being contaminated, as defined by Part IIA of the Environmental Protection Act 1990. Hence there is no need for any further investigations or mitigation measures to be carried out.

The scope of prior approval applications is limited solely to changes of use, not operational development. The existing building will not be demolished and no works will be carried out to the concrete slab on which the building currently sits.

(c) flooding risks on the site

The site is not located within an identified flood zone; as such it is considered the site is not at risk of flooding. This is based on the Environment Agency's flood zone mapping service.


Conclusion

As stated in Part 3, Class J of the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013, a change of use of the site from office (Class B1a) accommodation to residential (Class C3) use constitutes permitted development subject to the determination as to whether prior approval will be required in respect of (a) transport and highways impacts, (b) contamination risks on site, and (c) flooding risks.

The drawings and additional information provided in this letter demonstrates the proposal will satisfy the requirements of Part 3, Paragraphs J.1 and J.2. Thus it is considered prior approval should be granted for the proposed change of use.

We trust the submitted information is sufficient for the application to be determined favourably. Should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully



Robert Winkley
Rolfe Judd Planning Limited

cc Kelvin Murray