



**Boyer**  
PLANNING

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Dear Sir or Madam,

**Asher House, Blackburn Road, NW6 1AW**  
**Application for Prior Approval for Change of Use from Office to Residential**

We hereby apply for determination as to whether prior approval is required for change of use of the office building known as Asher House, Blackburn Road, to residential use, as provided for by Part 3 Schedule 2 Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

This prior approval application follows a recently approved prior approval application 2014/1671/P. The approved development comprised of 25 no. dwellings and the proposed scheme in this application is for 29 no. dwellings. Given the proposed development is of the same character of the previous application and submitted on the same site, by the same applicant within 12 months, it is considered that no planning fee is required in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012.

This letter considers the issues associated with the proposed change of use in relation to Class J.

The application is formed from:

- Completed and signed application form.
- This covering letter that sets out the site details and site history, proposals, and assessment against the relevant requirements of the GPDO Amendment Order 2013.
- Plans, incorporating a Site Location Plan, showing the proposed development.

Description of site

The proposal relates to Asher House, Blackburn Road, NW6 1AW. The site belongs to the applicant who uses it as offices to support his businesses, including Lofts Family Properties and Accurist Watches, who have occupied the building for the last 16 years.

The building was originally built for British Telecom who used it as an office and recreational centre. The site to the east on Blackburn Road (recently completed as student accommodation and employment) was BT's vehicle storage and repair centre.



**RTPI**



The building is an irregular layout given the nature of its original function. However, it lent itself to adaption by Accurist who previously occupied the lower floors as office space. Loftus Family Property occupies the upper floors as their office accommodation.

#### Description of proposals

The current proposals are to convert the entire building to residential as permitted development, as allowed for by Part 3 Schedule 2 Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

The proposals are set out on the accompanying drawings from Allies and Morrison. A total of 29 flats are proposed, in the following mix of units:

Bedrooms	No.
Studio	15
1	13
2	1
	29

#### Application requirements

The requirements as set out by paragraph N are addressed below.

N (2) The application shall be accompanied by –

- (a) a written description of the proposed development;

The proposal is to convert the building to 29 x self-contained flats. Further detail is provided above and on the accompanying drawings from Allies and Morrison.

- (b) a plan indicating the site and showing the proposed development;

Please see enclosed plans from Allies and Morrison.

- (c) the developer's contact address;

The developer is Loftus Family Property, Asher House, Blackburn Road, NW6 1AW. Their address for service is care of Boyer Planning, 83 Blackfriars Road, SE1 8HA.

- (d) The developer's email address

Emails can be sent to [grantleggett@boyerplanning.co.uk](mailto:grantleggett@boyerplanning.co.uk)

#### Assessment

The site is not within Article 1(6) land.

The building is currently in lawful office use and has been for approximately 16 years.

The site is not within a safety hazard area, a military explosives storage area. The building is not listed and is not a scheduled monument.

The site therefore meets the qualifying criteria of Class J.1.

### Conditions

Changes of use under Class J are permitted subject to prior approval of the authority as to:

(a) transport and highways impacts of the development;

The proposed development is not likely to cause any material increase or material change in the character of traffic in the vicinity. The proposal would create 29 new dwellings, but is in a highly accessible location (PTAL 6a) near to several public transport links. It is also in a CPZ and the applicant would be willing to enter into a s106 agreement to make the development car-free. The development would therefore not cause any material change to the character of traffic in the vicinity.

The applicant would also be willing to accept heads of terms that require the provision of cycle parking spaces for the residential occupiers.

The applicant would also accepted heads of terms requiring a Construction Management Plan to be secured, and that works to repair damage caused to the public highway during the works of conversion also be paid for by the applicant. However this would be based upon any proposed financial contributions being reasonable to the proposed development (see additional detail below).

The transport and highways impacts of the development would therefore not be material. We therefore do not consider it is necessary to notify the Secretary of State for Transport, the local highway authority or the operators of railway services in the area.

(b) contamination risks on the site;

The risks of contamination on the site are negligible. We do not consider the change of use would present any risk to human health or other risks from contamination, as the proposed change of use would not cause any disturbance to the ground beneath the site.

(c) flooding risks on the site.

The site is in Flood Zone 1, an area where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year at the site. There is no record of critical drainage problems in the area.

We therefore do not consider it necessary to notify the Environment Agency of the proposal.

### S.106 Agreement

As part of the previous approval a S.106 agreement requested a highways contribution of £96,000, which appeared to be an excessive amount, for:

- a) Repaving of the vehicular access to the property;
- b) Repaving of the carriageway in the vicinity of the property;
- c) Repaving of footways and footpaths in the vicinity of the property; and
- d) Any other works required as a direct result of the Development (being such works as considered necessary by the Council acting reasonably).

Due to the nature of the proposal which is for the change of use of an existing office building for residential, with internal alteration work only, we are of the opinion that potential highways impact during construction will be significantly lower than would be expected under new build. As such major construction traffic including comings and goings of HGVs is not applicable and associated highways impact/damage is not anticipated.

In a recent approval for student accommodation on a neighbouring site, for the same applicant, highways contributions of £65,000 were made for:

- a) Removal of existing crossover and repaving of the footway at the western end of the property;
- b) Creation of a new vehicular crossover to the property;
- c) Improvements to lighting along Blackburn Road;
- d) Changes to on-street waiting and loading controls including any associated Traffic Management Orders and consultation in relation to the same; and
- e) Any other works the Council acting reasonably requires as a direct result of the development.

The student accommodation scheme involved new build and a significantly higher construction traffic impact than proposed, yet contributions were significantly less.

We respectfully request therefore that you reconsider the highways contribution as part of this application, and that the applicant is liable for the repair for any damage caused which is directly related to the construction traffic of the approved development and that the applicant is allowed to claim a refund for any money not spent.

Therefore, for the reasons set out above, we consider the proposed conversion of the office space to residential use is lawful development, and that prior approval is not required from the Local Planning Authority.

Please contact me on 0203 268 2431 if you have any questions about the application.

Yours sincerely

Grant Leggett  
Associate Director

**Boyer Planning Ltd**

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