

PB/SS/PD9101

email: anthony.brogan@montagu-evans.co.uk

30 September 2014

Development Management
London Borough of Camden
2nd Floor, 5 Pancras Square
Town Hall, Judd Street
London
WC1H 9JE

Dear Sir(s)

**174-178 KENTISH TOWN ROAD, LONDON NW5 2AG
APPLICATION FOR DETERMINATION OF WHETHER PRIOR APPROVAL IS REQUIRED FOR
PERMITTED DEVELOPMENT RIGHTS UNDER CLASS J OF THE TOWN AND COUNTRY PLANNING
(GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2013.**

On behalf of our client Kentish Town Property Limited, please find enclosed an application for a determination as to whether prior approval is required for the proposed conversion of the first and second floors of the existing building 174-178 Kentish Town Road, London NW5 2AG, from Use Class B1a (offices) to Use Class C3 (13 residential units).

This application comprises the following documentation:

- This supporting letter prepared by Montagu Evans LLP, setting out a written description of the proposed development;
- A 1:1250 scale OS plan of the application site and surrounding area;
- Floor plans of the proposed development;
- Draft Section 106 Agreement;
- Legal Undertaking Acceptance of Fees; and
- Cheque for £80 payable to the London Borough of Camden for the application fee.

There is an extant prior approval decision notice (**2013/5411/P**) for a change of use from Class B1a (offices) to Use Class C3 (7 residential units) on the site which was granted on 21 October 2013. Therefore, the Council has already accepted the principle of the change of use on the site.

Under Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, from 30 May 2013 development consisting of the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) from a use falling within Class B1(a) (offices) constitutes 'permitted development', subject to a number of criteria, namely permitted development rights do not apply if:

- the building is on article 1(6A) land;
- the building was not used for a use falling within Class B1(a) immediately before 30th May 2013, or, if
- the building was not in use immediately before that date, when it was last in use;
- the use of the building falling within Class C3 (dwellinghouses) was begun after 30th May 2016;
- the site is or forms part of a military hazard area;
- the site is or forms part of a military explosives storage area;
- the building is a listed building or a scheduled monument.

Such permitted development is also subject to the condition that prior to commencing the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- transport and highway impacts of the development;
- contamination risks on the site; and
- flooding risks on the site.

The application site comprises a four storey building including basement and is situated on the corner of Kentish Town Road and Patshull Road. The current and lawful use of the building is as offices (Use Class B1(a)) and the site is not, nor forms part of, either a military hazard area or a military explosives storage area. The building is neither a listed building nor a scheduled monument, and nor does it fall within article 1(6A) land.

The developer proposes to convert the existing office building into 13 residential units, comprising 13 x 1 bedroom flats. Communal cycle storage facilities and refuse storage will be provided within the ground floor. It is intended that the residential use of the building will begin prior to 30 May 2016.

Effect of Paragraph N(8)(b)

In considering an application for prior approval under Class J, the 2014 further amendment to the GPDO amended the original (2013) wording of Paragraph N(8)(b) to clarify that the Local Authority shall *"have regard to the National Planning Policy Framework ..., so far as relevant to the subject matter of the prior approval, as if the application were a planning application"*.

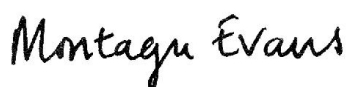
The 2014 amendment clarifies that the NPPF is not relevant in its entirety, but only as far as it relates to the matters referred to at J.2 (namely, flood risk, contamination and transport and highways impact) and the general positive manner in which planning authorities are required to approach planning applications. It also allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. The local planning authority is not directed, as a matter of law, to determine applications for prior approval under Class J with reference to the Development Plan.

The proposed conversion is not likely to result in any material increase or material change in the character of traffic in vicinity of the site as the residential development will be car-free. The site is also not situated in a Flood Risk Zone and therefore the development should not have any adverse impact nor create any risk requiring mitigation. The application site does not fall within the definition of 'contaminated land' as described in part 2A of the Environmental Protection Act 1990, and consequently there are no contamination risks associated with the proposed development.

Accordingly, the development satisfies all of the criteria set out in Class J.1 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. In conclusion therefore, we look forward to receipt of a written notice from the Council confirming that prior approval is not required, or that prior approval has been given, within 56 days of the date of this application being received.

In the meantime should any further clarification, information or assistance be required please do not hesitate to contact Peter Bovill (Tel. 020 7312 7456 / peter.bovill@montagu-evans.co.uk) or Anthony Brogan (Tel. 020 7866 8629 / anthony.brogan@montagu-evans.co.uk) of this office in the first instance.

Yours Faithfully



MONTAGU EVANS LLP

Encl.