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15 December 2014

London Borough of Camden
2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London
WC1H 9JE

Dear Madame(s)/Sir(s)

Re 92 Prince of Wales Road NW5 3NE & Adjoining 1a Talacre Road NW5 3PH

**APPLICATION FOR DETERMINATION OF WHETHER PRIOR APPROVAL IS REQUIRED
FOR PERMITTED DEVELOPMENT RIGHTS UNDER CLASS J OF THE TOWN AND COUN-
TRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND)
ORDER 2013**

On behalf of our client Rigby Estates, please find enclosed an application for a determination as to whether prior approval is required for the proposed conversion of part of the ground of the existing building 92 Prince of Wales Road NW5 3NE and adjoining 1a Talacre Road NW5 3PH, from Use Class B1a (offices) to Use Class C3 (2 residential units).

This application comprises the following documentation:

- This supporting letter prepared by Factotum, setting out 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
- Legal Undertaking Acceptance of Fees; and
- cheque for £80 payable to the London Borough of Camden for the application fee

Information in Reference to Class J.1 - Development not permitted

The development conforms to the criteria set out in part J.1 (a-f) of the Order.

Information in Reference to Class J.2 - Conditions

In accordance with the conditions set out in part of J.2 of the Order we have considered transport, contamination and flood risk below.

The application site comprises an existing office space at ground level of a part 4, part 2 storey building situated on the corner of Prince of Wales Road and Talacre Road. There are currently 4 flats onsite which have been sold on long leases. The communal parts to the residential units belong to the freeholder who is the applicant. The current lawful use of the applicant site 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 applicant proposes to convert the existing office space into 2 residential units, comprising 1 x 1 bedroom and 1 x Studio flats. Communal cycle storage facilities will be provided within the hallway of 92 Prince of Wales Road. Refuse Storage will be provided within the unit. 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 the 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.

Transport

The site is located within a controlled parking zone. Whilst this CPZ as a whole is deemed by Camden Transport Team to be approaching a level of stress, the immediate vicinity of the site has a noticeable surplus of parking at varying times of the day and week. 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. It is not considered that mitigation measures are required to mediate against minor impact on the highway network when balanced against the existing access to permits from the existing B1 occupiers.

However, if Camden's Transport Team considers that the new dwellings will result in a material increase/ material change in the character of traffic in the vicinity of the site that would contribute further stress to the highway, the applicant has confirmed their willingness to enter a S106 legal agreement to ensure that the new dwellings are car free. The site has a Public Transport Accessibility Level (PTAL) of 6a (Excellent) and is within a CPZ. A signed undertaking to meet the councils costs in respect to such an agreement is included in the prior notification material enclosed.

Off street and covered storage for two bicycles is provided in a storage area at the back of the communal hall to 92 Prince of Wales Road. Access will be provided to the occupiers of both the new dwellings. Given that this is an existing constrained building that is being converted it is considered that this provision is acceptable.

Flood Risk

The site is not identified as being at risk of river or surface water flooding. Therefore the development should not have any adverse impact nor create any risk requiring mitigation.

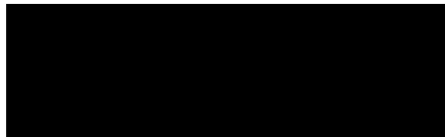
Contamination Risk

The site is not identified as falling within an area designated as contaminated land. Therefore, 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 Cameron Walker (Tel. 020 7209 7399 / studio@factotum-design.com) of this office in the first instance.

Yours Faithfully

A large black rectangular redaction box covering the signature and name of the sender.

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