

7000/08-1501AA01

22 January 2015



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Dear Sir or Madam

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, TPS Brighton Limited, we enclose an application for prior approval for a change of use from office use (Class B1a) to residential (Class C3) to create a single family dwelling.

This application follows Camden's recent decision, dated 08th October 2014, granting prior approval for a change of use from B1a to C3 to allow two units within this building (ref: 2014/5336/P).

This letter provides the relevant background to site and the proposal, and an analysis of the conditions set by part J.2 the GDPO in relation to (a) transport and highways impact; (b) contamination risk; and (c) flood risk.

In accordance with Paragraph N, this application constitutes a formal request to determine whether the prior approval is required for the change of use from B1a premises to form a single family dwelling.

This application comprises the following documentation:-

- Prior Approval (Class J) forms;
- This Covering Letter;
- Site Location Plan;
- Existing plans;
- Proposed plans;

- Application fee of £80 made payable to LB Camden (to follow).

The Site

There are two separate buildings sharing the address of 120 Fortune Green Road: a commercial 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 in office use (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.

Background

Class J of Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force on 30th May 2013 and states:

“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.”

Under Class J, 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.

Class J development is permitted subject to the condition that before beginning 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-

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,

Planning History

As already indicated, on 08th October 2014 Camden granted their prior approval allowing the change of use of this property from B1a to C3 to create two 1 bedroom self-contained flats.

In granting their prior approval, Camden agreed the lawful of the building is office use (Class B1a). It is also confirmed that C3 use would constitute permitted development as no harm or risk was presented by either:

- (a) transport and highways impacts;
- (b) contamination risks on the site; and
- (c) flooding risks on the site.

Proposal

This proposed application seeks to create one single dwellinghouse within St Luke's Hall at no.120 Fortune Green Road.

The existing car parking space will continue to serve the site. Dedicated cycle storage space is also provided within the dwelling.

No external changes are proposed as part of this application.

Assessment against Class J Conditions

In accordance with Paragraph J.2 (Class J) of the Town & Country Planning (General Permitted Development) (Amendment) (England) Order the applicant seeks confirmation that prior approval is not required in relation to the transport and highways impacts, contamination risks and flooding risks of the site. Each of these elements is addressed below:

(a) Transport and Highways

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.

The proposed change of use of the site will not have a material impact on traffic in the vicinity of the site. As a single dwellinghouse, the use of the building will represent a less intensive use than the two previously approved flats.

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.

The site is well served by public transport and has a public transport accessibility level (PTAL) of 3. The site's good PTAL rating and the provision of cycle parking allows residents to not be wholly reliant on private vehicles as their means of transportation.

If considered necessary by Camden, 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.

The proposals impact upon transport and highways were considered as part of the previous application and this matter considered to be an issue at the time.

(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.

Site contamination was not considered to be an issue when assessed as part of the previous application.

(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.

Flood risk was not considered to be an issue when assessed as part of the previous application.

Summary

It is proposed to carry out a change of use of the existing premises at St Luke's Hall, 120 Fortune Green Road, from B1(a) office to residential use.

It has been demonstrated within this statement that the transport and highways impacts, contamination and flood risks have been considered and do not give rise to any material or demonstrable reasons why the residential use of the building would not be considered acceptable in this location.

We do not therefore consider that prior approval of the local planning authority is required in relation to these impacts and therefore our client can carry out the conversion accordingly under schedule 2, Class J of the GPDO 1995 (as amended).

I trust that the information submitted is clear – should you require any further information or drawings please do not hesitate to contact us.

We look forward to receiving confirmation that prior approval is not required within 56 days in accordance with the provisions of the GPDO.

We would be grateful to receive your acknowledgement that this application has been registered as valid.

Yours sincerely
Metropolis Planning & Design LLP

Amir Aramfar
Planner

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