

20 April 2015

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 COUNTRY 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
- FRA/Drainage Statement
- Environmental Assessment; 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

Amy Farthing, Camden Sustainability Officer, in her consideration of the previous application (Ref 2014/7939/P) stated, email to Nanayaa Ampoma 06 Feb 2015, that DP23 requires "development within this area [Prince of Wales Road] to be designed to cope with being flooded without placing additional pressure on adjoining sites and on the combined sewer system. For example, development should not prevent the flow of water across its site where this would lead to water build up or divert water onto an adjoining site. Instead, water should be captured and stored for reuse or for slow release to the combined sewer. Where a site is known to have a particular drainage issue, development should not place additional strain on the existing drainage infrastructure.

In response the applicant has appointed Sanderson Associates to complete a Flood Risk Assessment which discusses the present and future flood risk to the site over the lifetime of the development. The report also recommends suitable mitigation measures that should be applied to the site to reduce the effects of a potential flood event and to ensure a development does not increase flood risk to the site itself and the surrounding area.

#### Contamination Risk

Anona Arthur, Camden Environmental Health Officer, in her consideration of the previous application (Ref 2014/7939/P) commented, email to Nanayaa Ampoma 05 Feb 2015, that '*the site is located within 50m of a Chemical Works*', that '*the historical land use of the area is high due to a history of past industrial use*', that '*the site is located within a hydro constraint surface water area*'. She concludes that there is the potential for ground contamination and has classified the site as medium risk requesting that a General Development condition (MR) be applied.

In response the applicant has appointed Foresite-ID to undertake an environmental assessment. Analysis concludes that the risk of liability associated with Part IIA of the Environmental Protection Act 1990 is low given the proposed development at the site. See the enclosed report recommending that no further action is required.

### **Asbestos**

The application site was in part comprehensively refurbished in 2002 and the rear part was a new build element - both undertaken by the applicant. There is negligible risk of asbestos being present on site. Anona Arthur proposed the following condition:

*'The developer must either submit evidence that the building was refurbished/built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and shall be submitted to the LPA and must be approved prior to commencement to the development. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.'*

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.

The case Officer in charge of the previous application supplied my studio with Officers' comments on day 50 of the 56 determination period. The applicant respectfully requests on this occasion that the officer in charge of this application acts reasonably and consults with the Environmental, Sustainability and Highways Officers and procures feedback from each in a timely fashion. We accordingly expect reasonable forewarning of any Officer comment that may result in cause for refusal, such that the applicant is reasonably able to address any issues raised.

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](mailto:studio@factotum-design.com)) of this office in the first instance.

Yours Faithfully



Cameron Walker  
Factotum