



Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
W1CH 8ND

23<sup>rd</sup> September 2015

CHANGE OF USE FROM OFFICE (USE CLASS B1A) TO RESIDENTIAL (USE CLASS C3),  
COMPRISING 13 X STUDIO FLATS.  
AT: 48-56 BAYHAM STREET LONDON NW1 0EU (LPA REF: 2015/4598/P)

Dear Mr Tulloch,

As adjoining neighbours, we write in response to the above planning application consultation. We operate the premises at 1A Camden High Street which is a landmark Grade II listed building. Formerly the Camden Palace Theatre, the premises now trades under the name 'KOKO'.

#### Summary

We note that a Prior Approval application to convert existing offices to 13 residential units has been submitted with respect to the site at 48-56 Bayham Street, situated directly behind KOKO. We note that the site is situated in 'area 1A' where an article 4 direction will come into force on 19th October 2015, prohibiting office to residential conversions under permitted development. This has been agreed by Cabinet and makes a clear statement that this type of prior approval application is inappropriate in this location and a change of use application is required for full consideration. Therefore we believe for this reason, and the reasons outlined below, that the prior approval application should be refused on the following grounds:

- 1) No information has been submitted to demonstrate that the existing building was last used for a use falling within Class B1(a) and therefore fails to comply with the criteria of Paragraph O.2(b) of the GDPO.
- 2) No cycle or car parking is proposed, and the proposal does not secure the residential units as car free via a s.106 agreement, and therefore overspill car parking onto surrounding streets would cause unacceptable parking and traffic congestion and would not promote use of sustainable transport contrary to NPPF policy.

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T 0870 432 5527 F 020 7388 4388 WWW.KOKO.UK.COM  
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#### Prior Approval Process

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 came into force on 15th April 2015 and introduced Class O, which allows for development consisting of a change of use of a building and any land within its curtilage to a use falling within C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (office) of that Schedule.

This is subject to the conditions listed within sub-paragraph O.1 (a-f) and a subsequent condition in sub-paragraph O.2 relating to the need for the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority is required as to:

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

Having reviewed the conditions listed within sub-paragraph O.1 (a-f) we consider that the applicant has not demonstrated that condition (b) is met. No evidence has been submitted to demonstrate that the lawful use of the building was Class B1(a) on 29th May 2013 or before that date.

In addition, we consider that the highways impacts of the scheme are unacceptable, and the potential contamination impacts have not been fully considered.

#### Transport and Highways

With regard to transport and highways considerations, there is no mechanism to secure the development as 'car-free'. Camden's strategy and policies in line with national planning policy, seek to encourage car-free developments in areas with good access to public transport, such as the location of the application site. The development is located within a Controlled Parking Zone, where there is existing pressure on the local streets. The proposal would bring new permanent residents to the area and additional car ownership would give rise to further highways congestion. The applicant has not provided any evidence to demonstrate that the anticipated level of car trips generated by the development would not have an impact on the local highway.

As such in the absence of a s.106 agreement to secure the development as 'car-free', the development is likely to contribute to traffic and parking stress on local streets. Furthermore, the proposal does not provide for any cycle parking and therefore does not promote the use of sustainable transport modes, which together with the lack of 'car-free' development, is considered contrary to the NPPF and in particular paragraphs 29, 34, 35 and 39.



#### Flood Risk and Contamination

It is acknowledged that the site is not situated in a Flood Risk Zone and therefore is not at a high risk of flooding. The applicant has not submitted any information relating to contamination, and therefore based on the information provided with the application, it cannot be concluded that there are no contamination risks at the site.

#### Sustainable Development

In addition to the above we would also like to comment on the other impacts of residential use at the site. There are concerns regarding the suitability of the site for residential use given its location adjacent to numerous commercial uses, some of which include predominantly night-time uses, such as KOKO. Paragraph 7 of the NPPF sets out that the planning system is expected to perform an economic, social and environmental role in contributing to the achievement of sustainable development. The loss of the existing office space at the site, and the potential conflict of the proposed residential uses with existing commercial uses - consequently providing a risk to the operation of existing businesses which include night-time uses within the area - would not support the economic role in this case.

Concerns are raised regarding the quality of accommodation and amenity of future residents given the location of the site adjacent to commercial uses. Paragraph 9 of the NPPF outlines that sustainable development includes seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes. It is questioned whether the site is a suitable location for residential occupiers given it cannot be demonstrated that appropriate standards will be met to protect amenity and quality of life for future residents, from associated activities at adjacent commercial businesses. For example, suitable acoustic insulation to mitigate against noise impacts.

Overall, it is considered that increasing the residential presence in the area needs to be balanced against the suitability of sites and proposed buildings for residential occupation, whilst protecting the long term future of local businesses, by ensuring that new residential accommodation is appropriately located and designed, and includes adequate mitigation measures to reduce exposure to noise and activities relating to the existing established commercial uses within the area that contribute to the local economy and vibrancy of the area.



Given our interest in the area and our investment to date in Camden, we monitor further investment in the local area and particularly proposed developments coming forward. Whilst recognising the associated benefits of redevelopment within the area, such development should not prejudice the future of our long established business and role as a significant local employer and contributor to the local economy.

For the reasons outlined above, we consider that prior approval should be refused. We would be grateful if you could fully consider the above comments and keep us informed regarding the progress of the application.

Yours sincerely

A solid black rectangular box used to redact the signature of Hugh Doherty.

Hugh Doherty