

our ref: TV/Q40106
your ref:
email:
date: 25 September 2015



Head of Planning
Development Management
Camden Council
Contact Camden Reception
5 Pancras Square
London
N1C 4AG

Dear Sir,

STATION HOUSE, 9-13 SWISS TERRACE, BELSIZE ROAD, LONDON, NW6 4RR
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT (AS AMENDED) ORDER 1995
CLASS J - CHANGE OF USE FROM OFFICES (B1A) TO DWELLING HOUSES

I am instructed by my client, Shapiro Shulman Properties, to submit this application for Prior Approval under Part 3 Class O of Schedule 2 to the General Permitted Development (As Amended) Order 1995 in respect of the conversion of the ground floor of Station House from office accommodation (Use Class B1a) to provide 3 no. residential units (Use Class C3).

This application is supported by the following documentation necessary in order for Camden Council to determine the application:

- Site Location Plan;
- Proposed Floor Plans;

The area proposed for conversion to residential is identified on the enclosed plan:

Proposed Permitted Development (17304-SK30B)

This application relates solely to the conversion of the ground floor as illustrated on the enclosed drawing. You will note that your Council recently determined two similar applications relating to the building, for the change of use of the ground and lower ground floors to provide six self-contained flats – approved 8th April 2014 (2014/0589/P) and the change of use of 1st to 5th floors to provide 20 self-contained dwellings – approved 12th November 2014 (Ref: 2014/5817/P).

Our client no longer wishes to convert the lower ground floor to residential, hence this application relates solely to the commercial floorspace on the ground floor.

a) Context

The ground floor of the existing building is currently or was last occupied as B1(a) and is therefore capable of being converted to use residential (Use class C3) under the Class O1(b) of the amended Order. Further, the buildings are not on article 2(5) land; (see paragraph O1(a) of the Order). Nor does the site form part of a safety hazard area or a military explosives storage area; (see paragraphs O1(d) and O1(e) of the Order).



Finally, the buildings at the property are not listed buildings nor a scheduled monument; (see paragraphs O1(f)). On the basis that none of these prohibitions are applicable, the site therefore benefits from the ability to convert the existing floorspace to residential, subject to the development test, discussed below.

The necessary pre-conditions are in place to enable the ground floor to be converted from B1(a) office space to residential use (use class C3), subject to paragraph O2 as to whether the prior approval of the authority will be required in respect of transport and highways impacts, contamination risks and flooding risks. I deal with each aspect of condition O2 below.

b) The Existing Building

The existing building comprises seven floors, floors 1-5 received Prior Approval for conversion to residential on 12th November 2014 and the ground/lower ground floor remain as office accommodation (Use Class B1a), which was in lawful use as such at 30th May 2013.

An external alterations permission was approved 24th December 2014 for the replacement of plant enclosure to roof level, replacement of all window and door frames and installation of 6 x windows to north elevation and 5 x windows to east elevation.

The building is accessed via a dedicated lift that serves each floor individually, along with separate stair core access. The main access for the building fronts the public realm area at Swiss Terrace, within 15 metres of the Swiss Cottage Underground Station. The building has a very good level of Public Transport Accessibility (6a), and is also served by 3 dedicated car parking bays. Further parking is also available in the close vicinity of the development. Access and servicing is readily available to the rear (north) of the building and will adequately serve the operation of the ground floor of the building as residential accommodation.

c) Permitted Development Rights Tests

On 30th May 2013, an amendment to the General Permitted Development Order was introduced that enabled office (Use Class B1a) floorspace to be changed to residential (Use Class C3) Under Class O of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015. The regulations contain a number of exceptions to the order, i.e. listed buildings, which I already discuss as not being applicable in this instance.

In addition, Class O development is permitted, subject to whether prior approval will be required relevant to three tests for development. These three tests (Conditions O.2 of the GPDO as amended) comprise:

- Transport and highways impacts;
- Contamination risks on the site; and
- Flooding risks on the site.

The building in its entirety has previously been the subject of the above technical assessments which were accepted by Camden Council. Given the small scale of development (1 storey) and recent technical assessment work it is considered that this demonstrates the ground floor is acceptable for a conversion to residential. Nonetheless a summary of the above points in relation to the new proposal, and subject of this application is provided below.



i. Transport and Highways

As noted within Part W of the amendment to the order:

“Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

- a) Where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;**
- b) The local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and**
- c) The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.”**

The local planning authority is therefore required, in the first instance, to consider whether the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site. Trigger of this then requires consultation with those parties identified at parts a) to c).

The PTAL calculations undertaken have ascertained a site specific PTAL rating of 6a (with a score of 27.63), which equates to an excellent level of public transport provision.

The PTAL score does not take into consideration the location of the site adjacent to excellent walking and cycling links or its proximity to a number of services. A range of key destinations can be accessed by a number of travel modes providing potential residents with a real and genuine choice of travel modes without needing to rely on the private car. Of note is Swiss Cottage London Underground Ltd Station that is adjacent to the site. This station serves the Jubilee Line. 350m away to southwest on Belsize Road is South Hampstead Station that serves the Overground Line. In addition, 500m to the north on Finchley Road is Finchley Road London Underground Ltd Station that serves both the Jubilee and Metropolitan lines.

There are bus stops in the immediate vicinity of the site that provide access to the following bus service numbers 13, 31, 46, 82, 113, 187, 268, C11, N13, N28, N31 and N113. Bus lanes are present on both sides of Finchley Road.

All of the above public transport services are well within maximum recommended walking distances.

The previous transport technical assessment looked at the cumulative impact of a development comprising conversion of the ground and lower ground floors as well as extant proposals for the upper floors for the conversion of 1,537m² of B1 office space to provide 20 self-contained residential units.

Under the new proposals the ground floor will be converted to 3 residential units with the lower ground floor remaining as commercial floorspace (155.9m² GIA). The building will therefore comprise:



FLOOR	PROPOSED USE	APPLICATION REF:
5	Residential	2014/5817/P
4	Residential	2014/5817/P
3	Residential	2014/5817/P
2	Residential	2014/5817/P
1	Residential	2014/5817/P
Ground	Residential	Subject of this application
Lower Ground	Existing B1 Floorspace	N/A (as existing)

To demonstrate that the proposed development will have no detrimental impact, the TRAVL database Release 8.18 has been interrogated using updated figures (incorporating new residential total and retained commercial floorspace) to determine likely trip rates for the existing and proposed use of the site. These are indicated within the table below:

Trip Rates for all Modes (highest ½ hour period)	AM Peak (Highest value 7am – 10am)			PM Peak (Highest Value 4pm – 7pm)		
	Arrival	Departure	Total	Arrival	Departure	Total
B1 Office Trip Rate / 100m ² (office greater than 1,000m ²)	1.6	0.4	2	0.2	1.2	1.4
Trips for 1,381 m ² B1	22	6	28	3	17	19
Residential Trip Rate / Dwelling	0.14	0.36	0.5	0.27	0.22	0.49
Trips for 23 dwellings	3	8	12	6	5	11
Trips Existing	22	6	28	3	17	19
Trips Proposed	3	8	12	6	5	11

The estimated numbers of trips shown in the table suggest that there will be a reduction of some 19 trips accessing the site and a very slight increase of two trips leaving the site in in the AM peak hour. The predicted net impact is a reduction of 16 trips in the AM peak hour. Consequently, it is estimated that the proposed development will have a reduced impact upon the highway network / public transport services and infrastructure in the AM peak hour.

The estimated numbers of trips shown in the table suggest that there will be a very slight increase of three trips accessing the site and a decrease of 12 trips leaving the site in the PM peak hour. The predicted net impact is a decrease of eight trips in the PM peak hour. Consequently, it is estimated that the proposed development will have a reduced impact upon the highway network / public transport services and infrastructure in the PM peak hour.

The servicing arrangements will remain as existing, with no subsequent impact on the highway network. Therefore the above demonstrates that the proposed development would have a reduced impact upon the highway network / public transport services and infrastructure in the AM peak hour and the PM peak hour.



On the basis that the development is unlikely to result in a material change to the character of traffic in the vicinity of the site, no further consultation is required and this test is met.

ii. Contaminated Land

Part W Paragraph 10(c) in relation to contamination risks on the site notes:

"The local planning authority shall, when determining an application...

i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and

ii) If they determine that the site will be contaminated land, refuse to give prior approval."

In accordance with the consideration of recent planning application (application ref. 2012/4046) proposals on adjacent land, it was not considered that a site investigation into the contamination levels on the site were appropriate given the history of the site, and no known contaminants being present in the vicinity. There is no reason to suggest that contamination would be present in this location.

In consideration of other application proposals relative to the same area of building, the Council accepted that the site did not comprise contaminated land as described in Part 2A of the Environmental Protection Act 1990.

This test is therefore met.

iii. Flood Risk

Paragraph 6 relative to flood risks on the site, the amended order states:

"Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency (b) where the development is—

(a) In an area within Flood Zone 2 or Flood Zone 3; or

(b) In an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order."

The site is within Flood Zone 1, and therefore there is no further requirement for further consultation on the basis of part a).

There are no critical drainage issues identified, as such the Environment Agency is not required to be consulted as part of the determination of the application. Part b) is therefore met.



The Government's planning legislation on addressing flood risk in relation to developments is outlined in the National Planning Policy Framework (NPPF).

Initial research indicates that Camden is not at risk of flooding from the River Thames or any other open rivers. The main risk of flooding within the Borough is from surface water after significant rainfall events, and insufficient capacity in the combined sewer to remove rain water.

Given the small scale of the development works and the site's location within Flood Zone 1, it is not anticipated that surface water attenuation will be required, given the nature of the proposed works (refurbishment of existing building to provide residential accommodation).

The site is considered to be at a low risk of flooding from all sources assessed. The development is therefore considered to be safe from a flood risk perspective. In addition, given the nature of the proposed works (comprising conversion of an existing building only) there will be no increase in flood risk as a result of the development proposal.

No further assessment or mitigation is considered necessary in relation to flood risk issues. Furthermore, the Council has previously accepted that there is no flood risk issue associated with a residential conversion of this building. On this basis, the conversion of the building to provide residential accommodation would meet the flood risk test within the prior approval process.

d) Legal Agreement

I note here that our client has already paid for the preparation of the requisite Section 106 legal agreement relative to the conversion of the property for residential purposes. It is therefore reasonable for the same legal agreement to be adopted for this proposals, with no additional legal fees incurred.

e) Conclusion

The principle of residential development is considered to be an appropriate form of development for the site as established by previous PD permissions and can provide high quality residential living.

With reference to the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, there are no prohibitions that would prevent the change of use.

The supporting information clearly demonstrates that there are no reasons why Prior Approval should not be granted for the conversion of the existing offices at ground floor (Class B1a) to 3 dwelling houses (Class C3). These tests have been accepted as being met relative to the conversion of the building in its entirety to residential, therefore the LPA cannot reasonably withhold Prior Approval In this instance.



I trust you have sufficient information to validate this application and look forward to receiving your approval in respect of the proposed conversion shortly.

Yours sincerely



Tom Vernon
Associate