



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

7 November 2016

let.006.BF.S.23280001

Dear Sir/Madam

**PRIOR APPROVAL NOTIFICATION UNDER SCHEDULE 2, PART 3, CLASS M OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) ORDER 2016 - 50-52 EVERSOLT STREET, LONDON**

We write on behalf of our client, White Megalith Limited, to apply under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 for prior approval for the change of use of the ground floor of the above site from retail (Use Class A1) to residential (Use Class C3).

In accordance with the provisions of the Order relating to the procedure for applications for prior approval, we enclose three copies of the following:

- A written description of the proposed development;
- Completed application forms;
- Site Location Plan;
- Existing and proposed floor plans; and
- A Marketing Report (October 2016) prepared by MW Chartered Surveyors.

We also enclose a cheque for £80 made payable to the London Borough of Camden constituting the requisite planning application fee.

**Site Description**

The site comprises the ground floor of 50-52 Eversholt Street, London, a three storey terrace currently comprising a retail unit at ground floor and office (Use Class B1) at lower ground, first and second floor levels. The Council has previously confirmed that the ground floor and lower ground floor of both number 50 and 52 are currently A1 retail use and B1 office use respectively.

The site achieves a PTAL rating of Level 6b and has excellent connectivity links as it lies adjacent to Euston train, bus and underground stations.

The lower ground, first and second floors of the property benefit from prior approval for conversion from office to residential use. In October 2015 prior approval was granted for the change of use of the lower ground floor level from office (Class B1a) to four studio flats (Class C3)(LPA Ref: 2015/4950/P). In addition, prior approval was granted for the conversion of the first and second floor office units to four studio flats (LPA Ref: 2015/4734/P).

In the delegated reports for each of the prior approvals the officer concluded that the change of use would have an acceptable impact on the highway network and sufficient space would be available to provide the necessary cycle parking.

The site was not deemed to be at risk from contamination and, as the proposals would not disturb the ground itself, there was no concern in respect of land contamination.

Lastly, the site falls within Flood Zone 1 and as such was not deemed to be at risk from flooding. Therefore, the proposals were deemed to accord with all of the conditions set out by Class O of the GPDO (2015) and prior approval was granted.

### **Proposed development**

The proposal is for the change of use of the ground floor of the building from retail (A1) to four residential flats (C3). This would comprise internal works associated with the fit-out of the building for residential use. The building would be retained and no external works are proposed as part of this application. Any subsequent external works would be subject to a separate planning application, if required.

The proposed layout of the ground floor is outlined on the accompanying Proposed Ground Floor Plan.

### **Assessment**

Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2016 (as amended) grants development consisting of a change of use of a building from a use falling within Class A1 to a use falling within Class C3 of that schedule.

The Order states that development is only permitted under Class M where:

- The building is not on article 2(3) land;
- The site is not in a site of special scientific interest (SSSI);

- The building is not in a safety hazard area;
- The building is not part of a military explosives storage area;
- The building is not listed or a scheduled monument;
- The building has been in use as one of the classes referred to by Class M before 20 March 2013; and
- The floorspace changing use is less than 150 sqm;

We consider the proposed change of use to be permitted development as it is not restricted by any of the above criteria.

The applicant intends to implement the change of use as soon as prior approval is granted or confirmation is received that it is not required.

Applications for prior approval are subject to the consideration of the impacts set out within paragraph M.2 of the Order. The Order states that development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for 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 in relation to the building;
- c) Flooding risks in relation to the building;
- d) Whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use on retail provision; and
- e) The design or external appearance of the building.

This correspondence addresses each of these issues above and demonstrates that the proposal is acceptable.

### Transport and Highways

#### *Access*

The ground floor of the building is currently accessed from the building frontage on Eversholt Street. This access is maintained and no changes are proposed.

#### *Parking*

No off-street parking is currently available on the site and no additional parking is proposed. The site achieves a PTAL rating of Level 6b 'Excellent' and so it is

considered to be an accessible and sustainable location for residential use.

The site falls within the Somers Town controlled parking zone and as a result, the previous prior approvals in 2015 were subject to S106 agreements to ensure the development would be car free. Subject to the S106 agreement, the proposals were deemed to have an acceptable impact on the highway network. A similar approach could be adopted in this instance.

In relation to cycle parking, the case officer deemed the site capable of providing the necessary parking facilities, the provision of which was secured by condition and S106 agreement. Again, a similar approach could be adopted in this instance.

In light of the conclusions reached by the Council on the previous prior approvals, and provided that similar provisions are provided for in this application, we consider the proposal to be acceptable in highways terms.

#### Land Contamination

The building does not have a history of uses that pose a risk of contamination. Further, no ground will be broken as a result of the scheme as this application relates to the conversion of the ground floor of the property. Therefore, there is no risk in terms of land contamination on the site.

The case officer for the two previous prior approvals concluded that the site was not at risk from contamination and in any case the proposed development would not interfere with the ground itself. It was concluded that the Council's prior approval was not required on this point and as such a similar conclusion should be reached on this application.

We therefore consider that the proposal is acceptable as it poses no risk of contamination.

#### Flood Risk

The proposed change of use from retail to residential would not materially increase the risk of flooding within either the site or the surrounding area. The site falls within Flood Zone 1 according to the Environment Agency's Flood Risk Map for Planning and is not at any significant risk of flooding.

The case officer for the 2015 prior approvals deemed the proposed change of use to be acceptable and in accordance with the GPDO (2015) as the site was not at risk from surface water flooding.

In light of the above we consider the proposal to be acceptable in terms of flood risk.

#### Loss of Retail (A1) floor space

The site and surrounding buildings are identified as a proposed station worksite

in the Crossrail 2 consultation maps and documents. Therefore, if Crossrail 2 is confirmed, the site and surrounding buildings will be demolished. The uncertainty over the site's future will be unappealing to potential retail occupiers given the likelihood that the site will be demolished in the short to medium term.

This application is supported by a Marketing Report (October 2016) which has been prepared by MW Chartered Surveyors who have been actively marketing the site since it came on the market in May 2015. The report demonstrates that:

- The whole site has been marketed for offers in excess of £1.5million;
- The premises were first marketed for sale on a freehold basis but have since been marketed on a leasehold basis for the ground and lower ground floor;
- The site has been marketed through a number of channels;
- Offers were received for the whole site but fell through following the identification of the site as a safeguarded area due to Crossrail 2;
- Interest was received from a supermarket operator but this also fell away due to the poor footfall in the area; and
- There has been subsequent limited interest from retail operators for the site.

The Marketing Report advises that the vacant shops on Eversholt Street including the application site will be difficult to let because of the uncertainty with the Crossrail 2.

The proposal for prior approval at the ground floor level will ensure that the property is put to beneficial use in the interim period before work on Crossrail 2 commences and will assist the Council in meeting local housing needs in the Borough.

Furthermore, the proposals would bring a long term vacant property back into functional use. This would support the function of the neighbourhood centre in the short-medium term by providing residents who may frequent the local shops and support the local economy.

In light of the above, we believe it has been demonstrated that there is no conflict between the proposed change of use and the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2016 and prior approval should be granted.

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We trust that you have the requisite information to validate and determine this application but please do not hastate to contact me if you require anything further.

Yours faithfully

A large black rectangular redaction box covering the signature of Ben Frodsnam.

Ben Frodsnam

Enc: As listed on page 1  
cc: Mark Friedman - White Megalith Limited