

21 December 2017

Development Control
London Borough of Camden
5 Pancras Square
LONDON
N1C 4AG

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
CLASS PA CONVERSION OF LIGHT INDUSTRIAL TO C3 RESIDENTIAL
SITE AT: 1 HAMPSHIRE STREET, LONDON, NW5 2TW

I am instructed by my Client Redtree Ventures to submit this Prior Approval Determination Application for the proposed conversion of the existing building of the above named premises from B1c to C3. The fee has been paid over the phone.

My Client's address is as follows:

44 Great Eastern Street
London
EC2A 3EP

They prefer electronic communications to be via myself at:

Kieran@krplanning.com

The Site

The application site is located on the southeastern side of Hampshire Street in the LBC. The site (0.13 acres) is located on Hampshire Street, a cul-de-sac off Torriano Avenue, NW5. The site is bordered by Hampshire Street to the northwest, existing commercial uses to the southwest and northeast, and the rear gardens of properties fronting Camden Road to the southeast.

The site is currently occupied by a building with floor area amounting to 609sqm provided over two floors that is currently occupied by a photography studio under Use Class B1(c).

The Legislation

Section 55 of the Town and Country Planning Act 1990 (“the 1990 Act”) defines “development” for the purposes of the Act to cover both operational development (i.e. building work) and material change of use.

Section 57 provides that planning permission is normally required for any development of land. Under section 58, planning permission may be granted on application to a local planning authority or by way of a development order under the 1990 Act. The Order is made under sections 59, 60, 61 and 333(7) of the 1990 Act. These provisions give the Secretary of State power to grant planning permission for categories of development specified in a development order.

Pursuant to the Town and Country Planning Act (General Permitted Development) Order 2015 the proposed development proposal comprise a ‘Class PA’ development where conversion is proposed from existing past use as B1C Warehouse to class C3 residential dwellings

The Town and Country Planning Act (General Permitted Development) Order 2015 states:

Class PA 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—

- (i) transport and highways impacts of the development,*
- (ii) contamination risks in relation to the building,*
- (iii) flooding risks in relation to the building,*
- (vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services,*

whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services, and the provisions of paragraph W (prior approval) shall apply in relation to any such application.

Paragraph W restricts the consideration of the Local Planning Authority to those heads listed above, with reference to the NPPF.

The proposal is permitted development under Class O of The Town and Country Planning Act (General Permitted Development) Order 2015. The proposal is permitted by Class PA for the following reasons:

the application under paragraph PA 2(1) in respect of development is received by the LPA after 30 September 2017	The application is submitted on 21 December 2017
The building was used solely for light industrial use on 19 th March 2014	Yes the site was in lawful B1c use on 19 th March 2014. The website associated with the current occupier states that the use commenced in 1998 on the site and is on-going
The Prior Approval dates falls on or after 1 st October 2020	Yes. Application submitted 21 st December meaning the three years is after this date.
The gross floor space of the existing building is below 500sqm	The part of the building where residential use is sought is less than 500sqm
The site is not occupied under an agricultural tenancy, unless the express consent of landlord and tenant has been obtained	The site is not subject to an agricultural tenancy
Less than 1 year before the date the development begins – An agricultural tenancy has been terminated	The site has not been the subject of an agricultural tenancy
The site is, or forms part of a special scientific interest	The site is not an SSI
the site is not near, nor forms part of, a safety hazard area;	The site is not within a safety hazard area
the site is not, nor forms part of, a military explosives storage area;	The site is not a military explosives storage area

the building is not listed building nor within the curtilage of a listed building	The site is not listed nor within the curtilage of a LB
the site doesn't contain a scheduled monument.	The site is not a scheduled monument.

The 'Building'

Building is defined in the 2015 Order as follows:

"building"—

(a) includes any structure or erection and, except in Class F of Part 2, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 and Class T of Part 19, of Schedule 2, includes any part of a building;

(b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and

Class C of Part 11, does not include any gate, fence, wall or other means of enclosure; (my emphasis)

Section 336(1) of the Town and Country Planning Act 1990 defines 'building' as:

any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building (my emphasis)

The Courts have now accepted that the 500sqm restriction still permits buildings larger than this floor area to benefit from the PD rights (Mansell v Tonbridge & Malling Borough Council [2016] EWHC 2832 (Admin) (10 November 2016))

Highways and Transport Impacts

The sustainable site location within an urban area reflecting the excellent access to the public transport, pedestrian and cycle infrastructure therefore meets the first and second test of the NPPF.

The Applicant will sign a S106 to remove rights to parking permits.

Contamination

No break out works are proposed, and this matter could be subject to a suitably worded condition

Flood

A FRA is included with the application, and it provides that the site does not lie within Flood Zone 2 or Flood Zone 3, nor does it lie within an area in Flood Zone 1 which has critical drainage problems.

The London Borough of Camden Surface Water Management Plan flood mapping shows that the site has not been subject to any historical flooding

Locational Criteria

The GPDO reflects that in certain locations it may not be appropriate for premises to change use, which is why this permitted development right is subject to prior approval. Local planning authorities are able to take account of the impact of the loss of a light industrial unit on the sustainability of the employment park, and to ensure that an adequate provision of B1C services of the sort provided is retained, provided there is a reasonable prospect of the building being used to provide such services, or on the sustainability of the area where the building is located in an employment zone.

The aim of the Class PA of the GPDO is to enable local planning authorities to protect valued and successful employment sites, and adjacent site from potential nuisance claims.

The site is not identified on a proposals map as lying within a defined Industrial/Warehouse (such as Regis Road. None of the adjacent uses can be categorised as B1C light industrial, and are indeed residential.

Conclusion

Class PA already grants planning permission for the change of use from B1C Light Industrial to C3 Residential.

There is no harm identified by the material submitted in support of the application in respect of transport and highways, contamination risks, or flooding risks.

The aim of the Class PA of the GPDO 2015 is to enable local planning authorities to protect valued and successful employment site in employment lead areas. It is the Applicant's firm submission that its conversion will not undermine the sustainability of B1C sites within the local or wider area.

We trust that the application will be dealt with expeditiously, but as always, I can be contacted on 07545 264 252 or at Kieran@krplanning.com.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Kieran Rafferty', written over a horizontal line.

Kieran Rafferty

BA(URP) MPIA