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Date: 1 June 2023
Our ref: 61915/01/BK/26607355v3
Your ref: PP-12173814

Dear Jaspreet

62 Doughty Street, London WC1N 2JZ: Application for Minor Material Amendment pursuant to Planning Permission ref. 2020/4137/P

On behalf of our client, The Bill Thomas Settlement ('the Applicant'), please find enclosed an application under Section 73 of the Town and Country Planning Act (1990) (as amended) for Minor Material Amendments (MMA) to planning permission ref. 2020/4137/P at 62 Doughty Street, London WC1N 2JZ.

The Applicant seeks to vary the wording of Condition 4 of planning permission ref. 2020/4137/P in order to extend the temporary period for which permission was granted for a change of use to part of the property.

The application comprises the following:

- 1 Completed application form (PP-12173814);
- 2 Site Location Plan (ref. 01000); and
- 3 This Covering Letter, including planning assessment.

A payment of £298.00 (£234 application fee + £64 administration fee) has been made via the Planning Portal.

Background and Site Context

Doughty Street comprises a mixture of three and four-storey terraces with basements and mansard roofs. All the buildings within the street are grade II listed, with the exception of Dickens House Museum at No. 48 which is Grade I listed.

62 Doughty Street was first built as residential dwellings which were then converted for commercial purposes in 2010 under application ref. 2010/0187/P.

On 21st December 2020, planning permission ref. 2020/4137/P was granted for the following development at 62 Doughty Street:

Temporary subdivision and change of use of No.62 Doughty Street from C3 use to mixed B1 commercial floorspace with ancillary residential accommodation and a single self-contained residential unit at lower ground floor level for a 3 year period.”

Listed Building Consent (ref. 2020/4137/L) was also granted in parallel to this application. No subsequent planning permissions have been submitted on the site. This permission was implemented on the site in December 2020 and is due to expire by December 2023.

The works to enable the tenant to use the space have already taken place under the original planning permission and thus, there is no material operations proposed as part of this application.

Proposed Variation to Condition 4

A commercial tenant (Akeneo) has been occupying the part of the property since December 2020 and it wishes to continue using the commercial space within the property for a further temporary period of two years, bringing the full temporary period to five years. It is proposed that this extension of the temporary change of use is dealt with through a Section 73 application to amend the original planning permission.

The National Planning Practice Guidance (PPG) states that an application can be made under a S.73 (minor material amendment) of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. It also states that there is no statutory definition of ‘minor material’, but it is likely to include any amendments where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

This Section 73 application seeks to vary the wording of Condition 4 of permission ref. 2020/4137/P, which states:

“The use hereby permitted is for a temporary period only and shall cease on or before 3 years from the date of occupation, at which time the premises shall revert to their former lawful use which is C3 Dwelling house.”

This minor material amendment application has been submitted in order to extend the temporary period for which full planning permission was granted in December 2020. It is proposed to vary the wording of condition 4 so it references ‘five’ years as opposed to ‘three’ years, as follows:

“The use hereby permitted is for a temporary period only and shall cease on or before ~~3~~ 5 years from the date of occupation, at which time the premises shall revert to their former lawful use which is C3 Dwelling house.”

The principle of varying the wording of Condition 4 through a Section 73 application, in order to extend the temporary planning permission has been agreed with the LB Camden via email correspondence prior to the submission of this application. In the context of the PPG, the changes are minor material in nature and do not result in development which is substantially different to that which has been approved.

A parallel Section 96a (NMA) Application has been submitted to vary the description of development and remove reference to the specific time period for the change of use permitted. (Planning Portal reference PP-12173814). The two applications are linked, and it is necessary that they are determined in parallel by the London Borough of Camden.

Relevant Planning Policy

The Statutory Development Plan for the site comprises:

- 1 The London Plan (2021); and
- 2 The Camden Local Plan (2017)

Within the Development Plan, the site falls within the Bloomsbury Conservation area and the Central Activity Zone. The Site itself is also Grade II listed.

Planning Assessment

Policy H3 of the Camden Local Plan states that the Council will resist development that would involve a net loss of residential floorspace. This policy seeks to protect all housing floorspace where people live long-term as well as individual self-contained houses and flats (in Use Class C3) and individual houses and flats shared by 3-6 occupiers who do not live as a family but share facilities such as toilets, bathrooms and kitchens (small houses in multiple occupation or HMOs). The loss of residential floorspace sought by this current Section 73 application will be for a further temporary period of two years, after which the floorspace will return to its original use. However, as was the case previously, there would remain no net loss in units at the site, given the self-contained flat remains at the lower ground floor level.

In determining the original application, Camden Council officers noted the following within informative 6 of the decision notice:

“Whilst the property would involve a temporary change of use of the majority of the building from C3 - B1, a proposed self contained flat would be provided at the lower ground floor level and therefore, there is no technically loss of units and due to the temporary nature of the proposal, the proposed change of use from a large C3 unit to a 2 bed C3 unit and ancillary residential accommodation is considered acceptable in this instance.”

As with the parent application, this further temporary loss of residential floorspace is outweighed by the benefit of enabling the previously approved employment generating uses to continue to use the site.

The Camden Housing Guidance (2021) notes that the Council’s general presumption is against the net loss of two more homes and adds that the Council when assessing proposals, will take into account other material considerations and particularly the history of the building since June 2006, including previous developments. In this case, there is no net loss of homes, the site has a history of employment use and the principle of a temporary change of use was accepted in 2020.

Furthermore, the site is located in the area of Holborn, one of the areas where the Local Plan expects growth to be delivered (Policy G1). Policy G1 states that the Council will deliver growth by securing high

quality development and promoting the most efficient use of land and buildings in Camden. This policy also notes that the Council will support a mix of uses on site.

Local Plan Policy E2 encourages the provision of employment premises in the Borough and in particular within the Central Activities Zone, where the site is located, indicating the location of the site is appropriate for this temporary use. Policy E1 of the London Plan states that improvements to the quality, flexibility and adaptability of office space of different sizes should be supported by new office provision, refurbishment and mixed-use development. The temporary change of use to maintain the commercial element of the property is therefore, in line with the London Plan Policy E1 and Local Plan Policies E1, E2 and G1. The proposed development will enable the current tenants of the building to continue operating from the site on a further temporary period ensuring the building is being used efficiently and continuing to bring economic investment to the local area.

Overall, the proposed change is considered to be a minor material change in the context of the 2020 planning permission and the current Development Plan and other material considerations. It will provide an appropriate balance between the local economic and employment benefits provided by retaining the current occupants of the building for a further two years and the concurrent need to protect housing stock.

It is not the Applicant's intention to further extend the temporary nature of the planning permission beyond the two years being sought.

Concluding Remarks

This application is made under this Section 73 of the Town and Country Planning Act 1990 and proposes a minor-material amendment to Condition 4 of planning permission ref. 2020/4137/P.

The changes do not alter the principle of development previously deemed acceptable, nor do the proposed changes alter any of the Heritage Assessment and conclusions set out within the other technical reports and documents considered acceptable through the granting of the approved full planning permission.

We trust that the enclosed information allows the application to be validated and determined at the earliest opportunity. However, please do not hesitate to contact me or my colleagues Ben Kelway or Clare Catherall should you have any queries or require further information.

Yours sincerely



Anna Vincent
Planner