

APPEAL STATEMENT

23a Great Queen Street, London WC2B 5BB

Prepared for

Mr. T Maltin

NOVEMBER 2023

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1 INTRODUCTION

1.1 This appeal is made against the decision of the London Borough of Camden to refuse to grant planning permission. The decision notice refers to the development as applied for in the application:

“Change of use from office (Class E) to a single family dwelling house (Class C3); erection of an additional storey; installation of rooflights; and creation of a terrace.”

1.2 It should be noted that the LPA raised no objection to the use of the building as a residential dwelling; the erection of an additional storey; the insertion of rooflights; and the creation of a terrace. The application was refused only because of the loss of office floorspace.

1.3 The change of use to residential which is sought, and which is a use which is supported by the LPA, would provide a good standard of accommodation and bring a vacant building back into use. The owner-occupiers of which would support the local economy by using its shops, cafes and restaurants.

1.4 Whilst this statement seeks to demonstrate why the proposed development is acceptable in planning terms, the following documents submitted with the original application are also material in the consideration of this appeal:

- Architectural drawings of Watson, Bertram and Fell;
- Design and Access Statement;
- Internal Daylight Assessment dated April 2023; and
- Planning Statement of TJR Planning Ltd dated February 2022.

Revised Drawings

1.5 During the application process and discussion with Council Officers, revised drawings were submitted to the LPA particularly with regard to demonstrating satisfactory living standards in terms of daylight within the building. The revised drawings are referenced in the Council’s decision notice.

The Reasons for Refusal of Planning Permission

1.6 The application (ref. 2022/0524/P) was refused at Officer level under the Council’s delegated powers. The three reasons for refusal are clearly set out in the Council’s decision notice dated 26th May 2023.

1.7 Reasons for refusal 2 & 3 relate to the absence of a legal agreement to secure an

affordable housing contribution and car-free housing.

- 1.8 The appellant is willing to accept these obligations in order to obtain planning permission and therefore agrees for these matters to be secured by the completion of a Section 106 Agreement. This will be submitted to the Inspectorate in accordance with the appeal timescales.
- 1.9 The main issue for consideration in this appeal therefore is the loss of Class E floorspace.

2 THE CASE FOR THE APPELLANT

Reason for Refusal 1

"The change of use, in the absence of sufficient justification demonstrating that the premises is no longer suitable for continued business use, would fail to support economic activity in Camden and result in the loss of employment opportunities within the Borough contrary to policies E1 (economic development) and E2 (employment premises and sites) of the London Borough of Camden Local Plan 2017"

The NPPF

2.1 The NPPF makes clear in paragraph 47:

"planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise."

2.2 The NPPF further makes clear that development plans should be up to date.

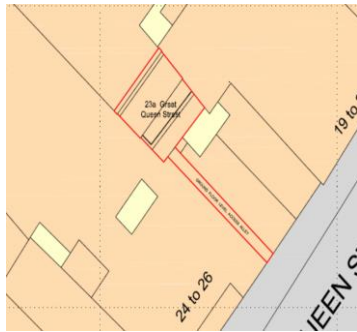
Policy E1 of Camden's Local Plan 2017

2.3 In order to secure a successful and inclusive economy, and with particular relevance to this proposal, Local Plan policy E1 will support businesses of all sizes and support Camden's Industries by safeguarding existing employment sites and premises that meet the needs of the industry. Policy E2 seeks to protect premises that are suitable for continued business use.

2.4 The supporting text to policy E1 (paragraph 5.9) advises that small business's often seek premises with layouts that can adapt as the business grows or changes and seek networking space to interact with other small business's. Open plan offices are often the most conducive environments for knowledge and work sharing in small businesses today.

The Existing Building and Use

2.5 The existing building sits behind no. 23 Great Queen Street and therefore has no street presence. It is accessed via a long passageway through an entrance door adjacent to the retail premises at 23. It thus cannot easily interact with other small business's and given site constraints, being landlocked, it is not easily adaptable.



2.6 The appellant purchased the building in 2019 just before the pandemic hit the UK with a view to refurbishing it for his marketing business employing some 25 staff.

2.7 However, with the Covid-19 pandemic and 'lockdown' which commenced in March 2020, staff were working from home. Following easing of lockdown and staff gradually returning to their place of work, it became apparent that the team wanted more suitable premises where they could work together on one level rather than be separated out on multiple floors. They were thus forced to find other more suitable premises nearby at 71-91 Aldwych, WC2B 4HN.

2.8 Now with 35 staff working nearby in more suitable open-plan premises and 23a being vacant, the appellant considered the building would be ideal as a place for him and his wife, a co-director in the business to live during the week because their main residence is in Wiltshire, where travelling to and from work on a daily basis is taking its toll for a number of reasons. It would also be a base for their daughter, Anna, who is planning to join the business next year, and a base at weekends from which to enjoy the local amenities such as shops and theatres. It thus makes perfect sense and utilises a building which will otherwise remain empty to convert 23a Great Queen Street, a building the family currently owns, into a residential dwelling to be close to their business, and a base for shopping and frequenting retailers in Great Queen Street, hence the reason for the application to Camden for a change of use of the long-empty property to residential use.

2.9 23a has been vacant since 2019 and has not been marketed for rental or sale because the family wants to retain the building for their own use and not least in any event there being an abundance of vacant commercial floor space in the locality including the building at the front, no. 23 Great Queen Street. This commercial property at 23 has also lain empty and unlet since 2019, despite having been refurbished and marketed as office space. Had planning permission been granted for change of use at 23a when applied for, the property would already be a hive of life and local spending, instead of being empty, like the nearby office space also is.

A Balancing Act

- 2.10 Consideration of a proposal involves balancing a number of issues, often pulling in different directions with a proposal complying with one policy but conflicting with another. The ultimate decision often being made by attributing weight to these different considerations and exercising a planning balance.
- 2.11 Notwithstanding our view that other material considerations prevail in this instance which outweigh local plan policies E1 & E2, there is also the additional residential dwelling as a result of the proposals which would comply with Local Plan policy H1 which seeks to maximise housing supply in the Borough.

Policy E2 of Camden's Local Plan 2017

- 2.12 Policy E2 protects premises or sites that are suitable for continued business use unless it can be demonstrated that the site or building is no longer suitable for its existing business use and the possibility of retaining, reusing or redeveloping the site for business use has been fully explored over an appropriate period of time.

Camden Planning Guidance 5 (CPG5)

- 2.13 The Council has produced various planning guidance documents to support its development plan policies. Planning guidance CPG5 (Employment Sites and Business Premises) amongst other matters, clarifies that the Council expects the supply of offices to meet the projected demand over the plan period and as a result the Council may allow the change of use from office use to another use in some circumstances. The document also advises that the Council will require evidence of a marketing exercise over a two-year period to be submitted with an application involving the loss of employment floorspace.
- 2.14 The building has not been marketed because of the appellants' need to retain the building for their own use to support their business which is in the immediate locality.

Other Material Considerations

- 2.15 Whilst we believe the proposal would not undermine economic activity or commercial viability in the CAZ and therefore would still comply with the broad aims and objectives of the development plan, we consider that other material considerations prevail in this instance which outweigh the requirements of policy E2 and CPG5. The NPPF makes clear that applications should be determined in accordance with the development plan ***unless material considerations indicate otherwise.***

Vacant Commercial Floorspace in the Local Area

- 2.16 As we advised in our supporting Planning Statement submitted with the application, the four-storey building at the front (23) has been refurbished in recent years to a high standard and comprises retail premises on the ground floor with office suites on the upper floors. The building is currently vacant and had been for many months before the planning application was submitted in February 2022 despite being actively marketed. It is still vacant today and still being marketed. See marketing material for 23 Great Queen Street in Appendix 1 from February 2022 to November 2023.
- 2.17 There are numerous other commercial premises in the local area which were available to rent in February 2022 when the application was first submitted to the LPA as we demonstrated with evidence in our application submission documents. Further marketing material was also sent to the LPA in September 2022 during their consideration of the application to further demonstrate an abundance of vacant commercial floor space in the immediate locality as there still is today (as at 09th November 2023). Please refer to additional marketing material in Appendix 2.
- 2.18 From the evidence we have provided at both the application stage and for this appeal, there currently is good availability of office space in the area including within comparable buildings which provide more suitable space. The demand is therefore low and is not even close to outstripping local supply. There is thus plenty of alternative sites still available to rent. As such, the relatively small amount of office floor space which would be lost by the proposed development would neither be significant or strategically important to harm economic activity in the local area or have a harmful impact on the Council's ability to plan positively for economic development in their Borough. Indeed, having 23a thriving and housing a family spending strongly on Great Queen Street, instead of lying empty like the commercial building in front of it also has for five years, will be an immediate boost to the local retail shops.
- 2.19 Despite our best endeavours during discussions with the LPA, they would not accept or consider the supporting material as "other material considerations" but rather just wanted to rely upon the requirement of evidence of 2 year marketing for the building itself.
- 2.20 The change of use to residential, a use which is supported by the LPA, would provide a good standard of accommodation and bring a vacant building back into use. The owner/occupiers of which would support the local economy by using its shops, cafes and restaurants.

Is Camden's 2017 Plan now Out of Date?

2.21 The NPPF makes clear that applications should be determined in accordance with an **up to date** development plan.

The Covid Pandemic

2.22 We are all aware there has been a significant shift in working patterns since the Covid Pandemic in 2020 with many people now working from home on a regular basis, some only 1 or 2 days a week, others 4 or even 5 days a week. This will undoubtedly have affected the commercial rental market particularly in London and the CAZ. It seems that Camden's policies which were adopted long before the Pandemic may well now be out of date in this respect and will need to be re-visited.

2.23 The current shift in working practices is such that many professionals spend at least 20% of their time now working at home. It stands therefore that as a result of this, there will be a reduction in the need for office space. Indeed, the current property, when a home, will also be used for home working, which otherwise would remain vacant like the many empty and unused nearby offices.

2.24 It certainly seems from the marketing evidence there is a surplus of commercial floorspace to rent and/or for sale in the locality of the appeal site and has been for at least the last 18 months. Given that there is the pressing need for more housing, it is our view that this is also a material consideration that should be taken into account. Whilst it might only be one residential unit, it nevertheless still adds to the housing stock.

Recent Appeal Decisions

31-33 High Holborn, London WC1V 6AZ

2.25 We would draw your attention to a recent appeal decision (APP/X5210/W/21/3286282). This proposal relates to the conversion of the second floor from offices to form five self-contained flats in a building in the London Borough of Camden, not far from the appeal site. Whilst the appeal was dismissed, it was not refused on grounds of loss of office/commercial floorspace but moreover for other reasons.

2.26 The Inspector comments in his report:

"There seems little point in retaining floorspace in a business use when there is no demand for it as such. Paragraph 82(d) of the Framework, as a material

consideration, explains the need for planning policies to be flexible and enable a rapid response to changes in economic circumstances.” He continues **“Many of the comparables have been on the market for a long period.”** The Inspector also points out in his report:

“...the pandemic seems to be altering the office market. This is because higher levels of home working may explain the sluggish demand...” He further continues **“...the Council’s evidence underpinning Policy E2 may be out of date, thereby possibly rendering the policy out of date...”** He sums up by saying **“there is very little interest... and market trends may be changing. Consequently, there would be little to gain from retaining its current use.”** See Appendix 3 for the appeal decision.

- 2.27 This is not dissimilar to the evidence we have provided, both at application stage and now for this appeal. There is an abundance of vacant business floorspace in the locality demonstrating very little interest, not least no. 23 Great Queen Street which has been vacant for more than 2 years now. Even today, some five months from the Council’s decision notice there is still an abundance of vacant commercial floorspace in the immediate locality demonstrating there is just not the demand in this current climate and nothing to say this is likely to change in the foreseeable future.
- 2.28 We maintain there is little point in retaining this office floorspace when there is no demand for it as such particularly given the evidence which demonstrates there are many comparable business premises in the locality which have been on the market for a long period.
- 2.29 It is surely far better for a building to be put to use, and for residential purposes at that, rather than a building sitting empty indefinitely.

40 Parker Street, WC2B 5PQ

- 2.30 In the appeal for 40 Parker Street (APP/X5210/A/14/2228526), situated immediately at the rear of 23a, involving the change of use of the third floor of the building from office to residential, bearing in mind this appeal decision (February 2015) was well before the Covid pandemic, the Inspector pointed out that the loss of office floorspace would not materially affect the Council’s ability to sustain and attract employment opportunities.

Section 106 Legal Agreement – Reasons for Refusal 2 & 3

- 2.31 As we have referenced in Section 1 of this Statement, the appellant is willing to agree

to a car-capped development and make a financial contribution towards the Council's affordable housing fund. A legal agreement has been drafted and we will forward the completed document to the Inspectorate within the appeal timescales subject to local authority engagement.

In Summary

- 2.32 Overall, the proposed development complies with the broad aims and objectives of Camden's Local Plan insofar as it is up to date together with other material considerations.

3 CONCLUSIONS

- 3.1 The change of use of the building to a residential single family dwelling house is supported by the LPA and complies with local plan policy H1 which seeks to maximise the supply of housing in the Borough.
- 3.2 The loss of office floor space would not undermine economic activity or materially affect the Council's ability to sustain and attract employment opportunities in the locality given the amount of vacant and available comparable office floorspace in the area which are material considerations and should be taken into account.
- 3.3 The proposed development thus complies with the broad aims and objectives of the Local Plan and central government policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 3.4 Accordingly, we trust that the Inspector will allow this appeal and grant planning permission for the development as proposed which will ultimately bring a vacant building back into use.

4 Appendices

1. Marketing material for 23 Great Queen Street;
2. Marketing material for commercial properties in the locality;
3. Appeal decision – 31-33 High Holborn;
4. Appeal decision – 40 Parker Street