

APPEAL BY MR STEVEN HOWSON

AGAINST THE DECISION OF THE LONDON BOROUGH OF CAMDEN

Change of use from an existing ground floor dental clinic (Class E) to a residential studio apartment (class C3)

13 – 16 RUSSELL COURT, WOBURN PLACE, LONDON, WC1H 0LL

LPA APPLICATION REF: PP/2023/2256/P

DATE OF DECISION: 06 October 2023

DATE OF APPEAL: 30 January 2024

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APPENDICIES

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- 2. Email Correspondence from Christie and Co Regarding Marketing of the Unit
- 3. Copy of Christie and Co's Sales Brochure for the Unit
- 4. Right Move Floor Plans and Images of Existing Flats in Russel Court
- 5. Draft Legal Agreement to Secure Car Free Development

1.0 THE APPLICATION

- 1.1 The application was received by the Local Planning Authority (LPA) on the 2nd of June 2023 and made valid on 21st June 2023. The application was assigned reference number PP/2023/2256/P.
- 1.2 The application sought Full Planning Permission the change of use from an existing ground floor dental clinic (Class E) to a residential studio apartment (class C3) at 13 – 16 Russel Court, Woburn Place, London, WC1H 0LL.
- 1.3 The application was refused for four reasons, by notice dated 6th October 2023. Section 5 of this statement deals with each reason for refusal as set out on the notice.

2.0 SITE & SURROUNDINGS

- 2.1 The application site comprises a ground floor unit in a ten-storey 1930's building located on the north-eastern side of Russel Court, between the junctions with Coram Street and Russel Square (figure 1). The building comprises of 36 residential flats, a photograph studio/ office at basement level, two retail units and a vacant dental clinic at ground floor level and a self-store in the car park to the rear. The appeal unit was most recently used as a dental clinic but has been vacant for over 2 years due to a failure of the space to meet regulations to enable the use to continue.
- 2.2 The building is not listed but is located in Bloomsbury Conservation Area.



Figure 1: Google Street view image of the application building.

3.0 PLANNING HISTORY

Other similar sites:

- 3.1 On the 15th of June 2010, planning permission (reference 2009/4618/P) was granted for the change of use from photographic studio (Use Class B1) to self-contained flat (Class C3) at rear ground floor level. A copy of the permission can be found at Appendix 1.

4.0 PLANNING POLICY

- 4.1 The LPA's decision notice refers to the following planning policies.

Camden Local Plan (2017)

Policy H6 – Housing Choice and Mix

Policy E1 - Economic Development

Policy E2 – Employment Premises and Sites

Policy T1 – Prioritising Walking, Cycling and Public Transport

Policy T2 – Parking and Car Free Development

Policy DM1 – Delivery and Monitoring

5.0 THE APPELLANTS CASE

Reason for refusal 1: The change of use, in the absence of sufficient justification demonstrating that the premise is no longer suitable for continued business use, would fail to support economic activity 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.

- 5.1 Local Plan Policy E1 advises that the Council will maintain a stock of premises that are suitable for a variety of business activities for firms of differing sizes and on a range of terms and conditions.
- 5.2 Local Plan Policy E2 sets out that the Council will protect premises that are suitable for continued business use. The policy continues to set out that the Council will resist development of business premises for non-business use unless it is demonstrated that the site is no longer suitable for its existing business use and the possibility of retaining the premises for a similar or alternative business use has been fully explored over a reasonable timeframe.
- 5.3 The existing unit was most recently used as a dental clinic. The use ceased because the unit did not meet the spatial requirements for a modern day clinic. The unit has been vacant for over two years. The unit was actively marketed by Christie and Co, between the 20th of July 2022 and the 1st of December 2023. The marketing strategy included a listing on Christie and Co's website with email campaigns carried out throughout the marketing period totalling

3,354 recipients. During the marketing period 30 requests for the full sales brochure were made and provided, numerous telephone enquiries were made, 4 viewings took place and a single offer was received. The offer was rejected as it did not meet the owner's valuation of the unit and the prospective purchaser subsequently withdrew interest. Email correspondence regarding the marketing campaign and the sales brochure can be found at Appendix 2 and Appendix 3.

- 5.4 The unit is too small, giving no scope for expansion, with a restricted street presence and access arrangement and is surrounded by noise sensitive residential flats. The unit is not viable for a commercial operation in class E. The loss of a substandard class E unit would not have a material impact on employment land or job availability in the Borough. The site is not located in a priority commercial area and housing is a priority land use in Camden. The benefits of providing an additional residential dwelling and its associated social and economic benefits outweighs the limited harm of the loss of a substandard commercial unit. The proposal is considered to accord with Local Plan Policies E1 and E2.

Reason for refusal 2: The proposed dwelling, by reason of its total size and the size of the bedroom/sitting room, would fail to meet the nationally described space standards and it would therefore fail to provide a satisfactory quality of residential accommodation for future occupiers. The proposal is therefore contrary to Policy H6 (Housing Choice and Mix) of the London Borough of Camden Local Plan 2017.

- 5.5 Local Plan Policy H6 sets out that the council expects all self-contained homes to meet the nationally described space standards (criteria b). The policy also states that the council will seek a diverse range of housing products to meet the needs across the spectrum of household incomes (criteria f) and require a range of dwelling sizes (criteria i).
- 5.6 The proposal seeks to change the use of an existing substandard ground floor class E unit in an existing building. The very nature of converting part of an existing building into a residential use presents design challenges that are often not faced in new build residential development.
- 5.7 The proposed dwelling measures approximately 25 square metres. The proposed dwelling is efficiently laid out with space saving furniture, to maximise the spaciousness of the dwelling. The proposal contributes positively to a housing need, in an area where low-cost housing is at a premium. The site is well served by public transport, public open space and would receive ample natural light with a good quality outlook and natural ventilation.
- 5.8 The majority of the existing flats in the building fail to meet the Nationally Described Space Standards and are smaller than the proposed dwelling, yet they provide housing choice and acceptable living accommodation for the

occupants of the building, in an area where housing comes at a premium. Floorplans of existing flats in the building can be seen at Appendix 4.

- 5.9 The proposed development would provide an acceptable living environment for the future occupant of the building, in line with the aspirations of Local Plan Policies D1 and H6.

Reason for refusal 3: The proposed development, in the absence of cycle parking, would fail to encourage sustainable modes of transport, contrary to Policies T1 (Prioritising walking, cycling and public transport) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.

- 5.10 Local Plan Policy T1 (h) advises that the Council will seek to ensure that development provides for accessible secure cycle parking facilities exceeding the minimum standards outlined in the London Plan and the design requirements outlined in our supplementary planning document Camden Planning Guidance on transport.
- 5.11 Local Plan Policy DM1 is a general policy setting out how the council will deliver the vision, objectives and policies of the Local Plan and is not directly related to the reason for refusal.
- 5.12 In respect to cycle parking there is no space within the site boundary to provide a readily accessible cycle store. The site is located in an area with a public transport accessibility rating of 6b (the best) and therefore has exceptional access to existing public transport infrastructure include by foot, bus, train, car sharing and bike sharing spaces on Coram Street (figure 2). The lack of ability to provide on-site cycle parking would not prejudice the future occupant's ability to utilise sustainable modes of transportation.



Figure 2: Annotated Google Earth Image showing the location of bike sharing stations on Coram Street and Marchmont Street (dashed green), car club space on Coram Street (dashed yellow), Bus stops on Woburn Place (blue dot) and Tube Station on Bernard Street (red square) all within 150 metres of the application site (dashed red).

- 5.13 The future occupant of the dwelling would have ready access to a range of sustainable transport options in line with the aspirations of Local Plan Policy T1.

Reason for refusal 4: The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.

- 5.14 Local Pan Policy T2 sets out that Council will limit the availability of parking and require all new development to be car free. The policy continues to set out that the council will not issue on-street parking permits in connection with new development and use legal agreements to ensure future occupants are aware that they are not entitled to on-street parking permits.
- 5.15 Local Plan Policy DM1 is a general policy setting out how the council will deliver the vision, objectives and policies of the Local Plan and is not directly related to the reason for refusal.
- 5.16 The site does not have any on-site vehicle parking spaces and is located in an area with a PTAL rating of 6b (the best). The nearby road network is subject to a controlled parking regime (zones CA-D and CA-E) which restrict parking to resident permit holders between the hours of 08.30 and 18.30 Monday to Friday and between 8.30 and 13.30 on Saturday.

- 5.17 The Appellant, as part of the appeal process would like to work with the Local Planning Authority to complete an appropriately worded legal agreement to restrict future occupant of the additional dwelling gaining access to on-street parking permits, within the specified timeframes allowed in the appeal process. A copy of the agreement that was drafted but not signed and sealed during the planning application can be found at Appendix 5
- 5.18 Subject to the completion of a car free legal agreement, the proposal would accord with Local Plan Policies T2 and DM1.

6.0 SUMMARY AND CONCLUSION

- 6.1 In relation to reason for refusal 1, it has been demonstrated that the existing premises is not conducive to continued business use by virtue of its size and lack of street presence. The proposal would provide a relatively low-cost housing unit that would contribute positively to housing supply. The proposal is considered to accord with Local Plan Policy E2.
- 6.2 In relation to reason for refusal 2, it has been demonstrated the proposal would be efficiently laid out to provide the highest possible quality of living environment for the future occupants, given the site constraints. The proposal would provide a relatively low-cost dwelling in an area where housing is at a premium. The proposal is therefore considered acceptable in the context of Local Plan Policies H6.
- 6.3 In terms of reason for refusal 3, it has been demonstrated that the proposed development would have access to a range of sustainable transport options including walking, cycling, car sharing, bus and rail and therefore accords with the aspirations of Local Plan Policy T1.
- 6.4 In respect to reason for refusal 4, the appellant, as part of the appeal process would like to work with the Local Planning Authority to complete an appropriately worded legal agreement to restrict future occupant of the additional dwelling gaining access to on-street parking permits, within the specified timeframes allowed in the appeal process. Subject to the completion of a car free legal agreement, the proposal would accord with Local Plan Policies T2 and DM1.
- 6.5 For the reasons set out above, the proposed development complies with the development plan and would constitute sustainable development. In these circumstances, it is respectfully requested that the appeal is allowed.