

GPDO CLASS MA PLANNING STATEMENT

2 Rugby Street, London, WC1N 3QU

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June 2024

REPORT

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1 INTRODUCTION

- 1.1 This Planning Statement has been prepared by RPS Group Consulting on behalf of Rugby School to inform the proposed conversion of the existing office building at 2 Rugby Street, London, WC1N 3QU ('the site') to residential use for 11 self-contained apartments, under the Prior Approval procedure within the Class MA of the General Permitted Development Order (GPDO) (as Amended).
- 1.2 The application submitted is accompanied by the following documents. This includes statements and technical reports which have fully assessed the applicable GPDO criteria required to demonstrate the change from office to residential use is appropriate for the site.
- Application form
 - CIL form (confirmation that there is no floorspace change and has been in use)
 - Planning statement covering letter outlining compliance with Class MA and other relevant provisions (*this statement*)
 - Farebrother letter (dated 03.06.2024), ratings report title schedule and historical fire regulation plans (Appendix 1).
 - Existing and proposed floor plans (scale 1:100)
 - Transport assessment including in principle S106 HoT – agreement to car-free development (Appendix 2)
 - Phase 1 Geo-environmental Preliminary Risk Assessment (Appendix 3)
 - Flood Risk Assessment (Appendix 4)
 - Noise Assessment (Appendix 5)
 - Heritage Assessment (Appendix 6)
 - Natural Light Assessment (Appendix 7)
- 1.3 This statement provides an overview of the site and appraisal against the relevant GPDO legislation. The remainder of this report is structured as follows:
- Section 2 describes the site and surrounding area;
 - Section 3 outlines the planning history of the site;
 - Section 4 summarises the proposed development;
 - Section 5 assesses compliance with GPDO Class MA;
 - Section 6 concludes the assessment.

2 SITE DESCRIPTION AND POLICY DESIGNATIONS

2.1 The site at 2 Rugby Street, London, WC1N 3QU currently comprises a 943sqm commercial office premises (within Use Class E(g) (i)) located within the London Borough of Camden (LBC). Figure 1 below shows the location of the site highlighted in red.



Figure 1: Site Location (Source: Google Earth)

2.2 The building is in use as offices within Use Class E(g) i. The building is located on the eastern end of Rugby Street, on the corner junction with Millman Street. The site comprises a six storey building, including a basement below street level and subsequent levels above, and external rear courtyard area. The table below lists the floorspace per level.

Floor	Existing GIA (m2)
LG	157.3
0	155.94
1	157.97
2	157.86
3	158.09
4	156.31
TOTAL	943.60

2.3 Figure 2 below shows the site and its surrounding context.



Figure 2: Site and Surrounding Area (Source: Google Earth)

2.4 To the north, east and west of the site are predominately residential uses. To the south of the site is a public house and retail uses. The surrounding area comprises a mix of uses, notably residential, commercial, retail, and educational and medical institutions.

2.5 The site is located within the Bloomsbury Conservation Area and is within proximity of a number of Grade II and Grade II* Listed Buildings, including 1-7 Great Ormond Street and attached railings and lamp holder (Historic England list entry no. 1322066), 10-16 Rugby Street and attached railings (Historic England list entry no. 1246366), and Rugby Public House (Historic England list entry no. 1271397). Figure 3 below illustrates the listed buildings which surround the site.

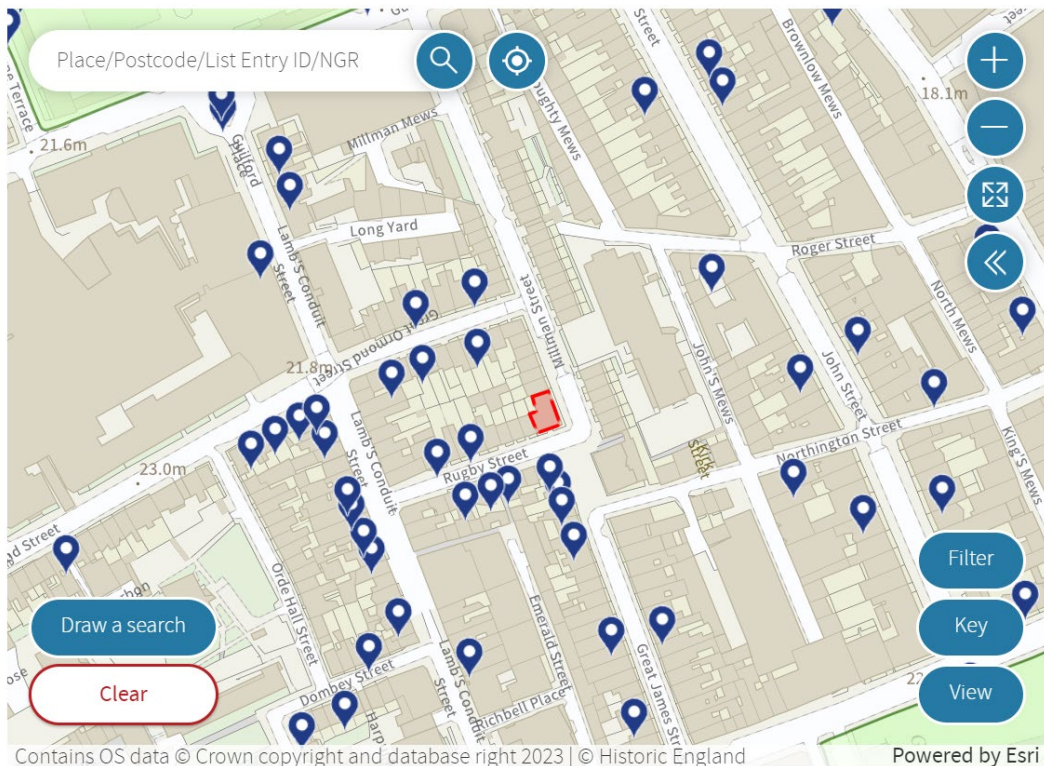


Figure 3: Listed Buildings Surrounding the Site (Source: Historic England)

2.6 There are no Locally Listed Buildings on or in close proximity to the site. Furthermore, there are no specific Tree Protection Orders (TPOs) on or in close proximity to the site, although noting trees within a Conversation Area are subject to protection.

2.7 The site is entirely located within the Environment Agency's (EA) Flood Zone 1 where the annual probability of flooding from rivers or tidal flooding is less than 1 in 1,000 (0.1%). Therefore, the flood risk is categorised as 'low probability' and there is low risk from surface water flooding. Figure 4 below shows the Environment Agency's flood map for the site.

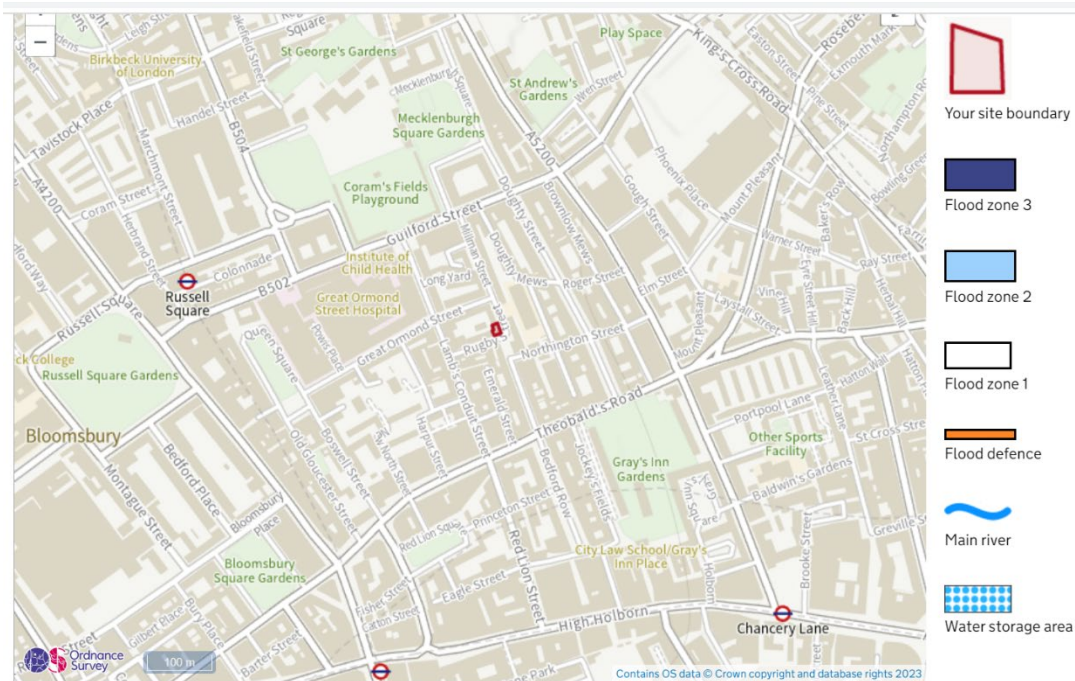


Figure 4: Flood Risk at the Site (Source: Ordnance Survey)

2.8 The site has a Public Transport Accessibility Level (PTAL) rating of 6a for the site, predominately surrounded by PTAL ratings 6a and 6b (the best rating). Figure 5 below shows the PTAL rating of the site and its surrounding area.

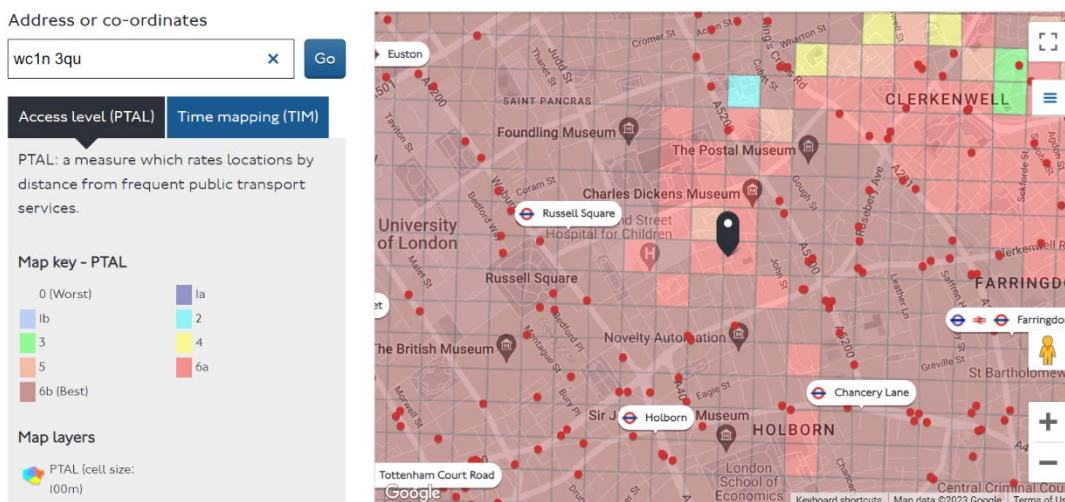


Figure 5: PTAL Rating of the Site (Source: TFL)

2.9 The site is also designated in the Local Plan as:

- Bloomsbury Conservation Area;
- A Central London Area;
- London Suburbs Archaeological Priority Area;

- Blackheath Point to St Paul's Cathedral Protected Vista;
- Primrose Hill summit to St Paul's Cathedral Protected Vista; and
- Greenwich Park Wolfe statue to St Paul's Cathedral Protected Vista.

2.10 There are no site allocations on or in close proximity to the site.

Article 4 direction

2.11 LBC made an Article 4 Direction to withdraw the General Permitted Development Order 2015 (Amended) Class MA permitted development (PD) right to change from Use Class E (Commercial, Business, and Service) to Use Class C3 (dwellinghouses) for parts of the borough. These came into effect on 29 July 2022 and applied borough-wide, although since then the Secretary of State modified these Directions with a revision to legislation, requiring Local Authorities to review and specifically justify any direction to remove PD rights seeking to restrict the application of change of use.

2.12 Consequently, the effect of the modified Directions was that from 23 February 2023, permitted development rights for this type of development are withdrawn in **the modified areas only** and that planning permission will be required for change of use from Use Class E to Use Class C3.

2.13 **The site is excluded from the modified areas** within Central Activities Zone Knowledge Quarter Article 4 Direction, meaning PD rights for office Use Class E to residential Use Class C3 can be applied, subject to the prior approval process. Figure 6 below shows the site's exclusion from the Article 4 Direction, highlighted in the black dot.

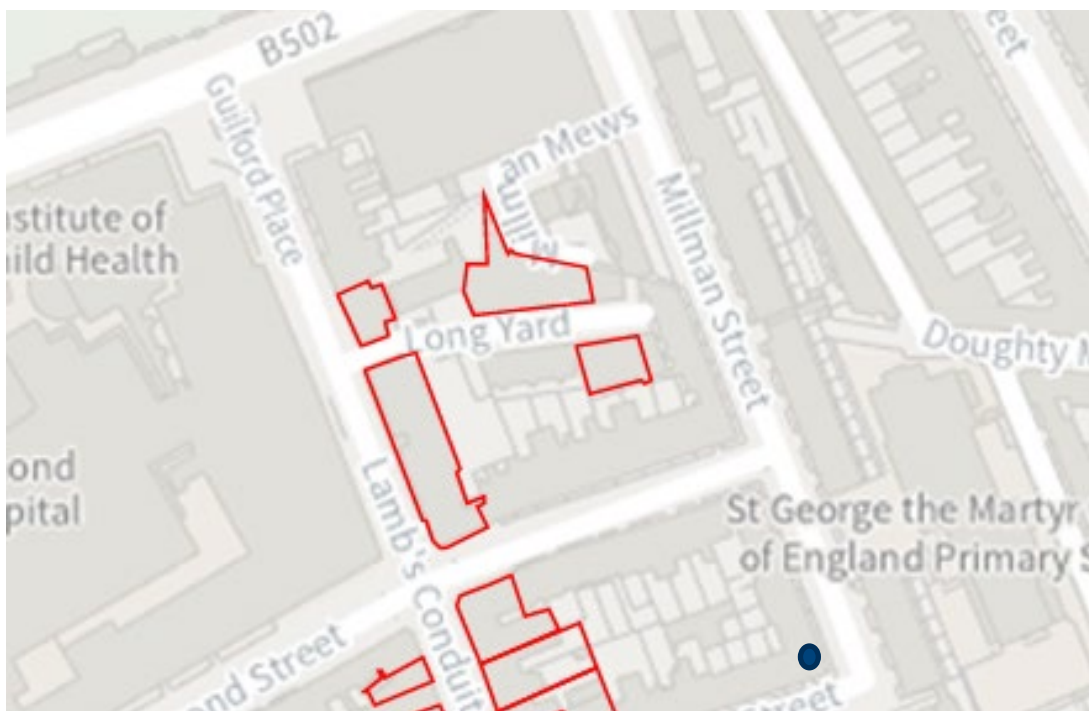


Figure 6: Central Activities Zone Knowledge Quarter Article 4 Direction Area (Source: LBC)

2.14 It is on this basis than a Prior Approval application for residential use is submitted.

3 PLANNING HISTORY

Application Site

3.1 A review of LBC’s online planning register has shown that the site has no recent planning history and a limited historic planning history. The most recent history is summarised in the table below.

Reference No.	Proposal	Decision
24618	Change of use to office and residential with internal alterations to stairs and lavatories.	Refused on 09/05/1977
27699	Change of use of basement to caretaker’s flat and storage, ground floor to surgeries, first, second and third floors to offices, and fourth floor to three self-contained one-bedroom flats.	Refused on 12/04/1979
26440	The change of use from residential to offices on part of the first floor, second floor and third floor and the provision of Paladins storage.	Refused on 12/04/1979
30613	Change of use from residential to offices on part of the basement, part of the first floor and the whole of the second floor.	Refused on 24/04/1980

3.2 The Decision Notices for these applications have been reviewed. Application ref. 24618, 26440 and 30613 were refused due to the loss of housing accommodation which would result from the proposal is unacceptable to the Council and the increase of office accommodation is unacceptable in this predominantly residential area. Application ref. 27699 was refused because the proposed development involves the loss of existing residential accommodation of a type which the Council considers should be retained in this area.

Existing office use

3.3 Notwithstanding reference to historical residential use between 1977-1980 above, further to investigation of the site history, titles and leases, it can be demonstrated that the entire premises has been in continuous use as offices for a greater period than 30 years.

3.4 Appendix 1 has been prepared by Farebrother Chartered Surveyors. Farebrother has been instructed by the landowner in relation to the site to provide a review of titles and leases. Since at least 1993 each floor of the building has been in use and registered as offices. Details of the ratings, land titles and lease, including office tenants for each floor of the building are included with the submission as supporting evidence.

3.5 This is replicated on the Government Tax Service business rates website which lists each floor of the building separately, as office and premises for the periods publicly available (2017-2023 and 2023 onwards).

3.6 Further, having been subject to review as part of this proposal, Fire Safety plans (prepared by the London Fire Brigade) dated 4th May 1995 are enclosed, which demonstrate office use over each floor since at least this date.

3.7 As required by the GPDO, the building is required to be in operation for a continuous period of at least 2 years within Use Class E. The existing operation significantly exceeds this minimum requirement, as presented by the supporting information.

4 PROPOSED DEVELOPMENT

- 4.1 The proposed change of use comprises no. 11 self-contained apartments comprising a mix of no. 6 x two-bedroom units and no. 5 x one- bedroom units.
- 4.2 Floors from ground level to fourth would each contain a one-bedroom unit (38 sqm) and a two-bedroom unit (81-82 sqm). The lower ground floor would contain a two-bedroom unit (71 sqm).
- 4.3 Refuse storage and cycle storage (for 20 spaces) would be at lower ground floor level within the external courtyard communal space, below street level.
- 4.4 The next section confirms compliance with GPDO Class MA.

5 GENERAL PERMITTED DEVELOPMENT ORDER COMPLIANCE

- 5.1 The following section provides an overview of the relevant part of the GPDO and a summary of how the proposed development complies with each criterion.
- 5.2 The application is submitted under the Prior Approval process of Class MA, as amended in March 2024.
- 5.3 This relates to development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
- 5.4 The table below summaries compliance and refers to the relevant supporting appendices which are submitted with this application.

Part MA.1 – Development is <u>not</u> permitted by Class MA - Assessment	
Unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	The lawful use of the site is Class E g (i) (office) which is confirmed through evidence. Please see Appendix 1.
If land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest; (ii) is or forms part of a listed building or land within its curtilage; (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or (v) is or forms part of a military explosives storage area;	The site is not located within any of the stipulated designations.
If the building is within— (i) an area of outstanding natural beauty; (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1); (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;	The site is not located within any of the stipulated designations.
If the site is occupied under an agricultural tenancy, unless the	The site is not occupied under an agricultural tenancy.

express consent of both the landlord and the tenant has been obtained;	
Before 1 August 2022, if—	N/A – application post-dates 1 August 2022. However, we
(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and	confirm the site is not located within any current Article 4 direction.
(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	

5.5 The following table refers to the conditions attached to Class MA.

Conditions	Assessment
(a) transport impacts of the development, particularly to ensure safe site access;	Please see Appendix 2 - Transport assessment. The development is located within a PTAL rating of 6a. The development will provide 20 cycle spaces and will be car-free. This includes commitment to a S106 for car-free development, if required by the LPA.
(b) contamination risks in relation to the building;	Please see Appendix 3 - Phase 1 Geo-environmental Preliminary Risk Assessment. The report concludes there is no contamination risk present on site.
(c) flooding risks in relation to the building;	Please see Appendix 4 - Flood risk assessment. The site is located in Flood Zone 1. The premises include a lower ground floor level. The FRA demonstrates that there is no risk to future residents.
(d) impacts of noise from commercial premises on the intended occupiers of the development;	Please see Appendix 5 – Noise assessment which tested noise from commercial adjacent uses. The Public House opposite has closing hours of 2300hrs.
(e) where –	Please see Appendix 6 – Hertiage assessment. The site is located within a Conservation Area. No harm is identified to the character or sustainability of the Conservation Area.
(i) the building is located in a conservation area, and	
(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or	

sustainability of the conservation area;	
(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;	Please see Appendix 7 - Adequate natural light serves all habitable rooms. All units are dual aspect units.
(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and	The site is not in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.
(h) where the development involves the loss of services provided by – (i) a registered nursery, or (iii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(2),the impact on the local provision of the type of services lost.	The development does not involve the loss of services provided by a registered nursery or a health centre.
(j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building	MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will— (a) contain two or more dwellinghouses; and (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The building is below 18m when measured from ground level. It measures 13.71m from ground level to the top floor surface of the top storey of the building. See Existing Section drawing.

Unit size:

Article 3 9A –

Permitted Development

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse —

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

All units would comply with the nationally described standards.

Procedure for applications for prior approval under Part 3

W. — (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

Paragraph W - Application must be accompanied by -	Assessment
a) a written description of the proposed development, which, in relation to development proposed under Class M, N or Q of this Part, must in the same application include any building or other operations;	The proposed conversion of the existing office building at 2 Rugby Street, London, WC1N 3QU ('the site') to residential use for 11 self-contained apartments, under the Prior Approval procedure within the Class MA of the General Permitted Development Order (GPDO) (as Amended).
b) a plan indicating the site and showing the proposed development;	Plans provided.
ba) in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, "net increase in dwellinghouses" is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development)	Net increase in 11 residential units.
bc) in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses; <ul style="list-style-type: none"> a. the developer's contact address; b. the developer's email address if the developer is content to receive communications electronically; and c. where sub-paragraph (6) requires the Environment Agency M1 to be consulted, a site-specific flood risk assessment, together with any fee required to be paid.	Plans included. Developer details: The Governing Body of Rugby School c/o Tandem Property Asset Management LLP 1st Floor, 11-15 Wigmore Street, London, W1U 1PF c/o Chris Graham at Tandem cgraham@tandem-property.com
a) where sub-paragraph (6) requires the Environment Agency(1) to be consulted, a site-specific flood risk assessment	N/A

Further assessment

Heritage

5.6 London Plan Policy HC1 (Heritage Conservation and Growth) requires development proposals affecting heritage assets and their settings to conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

- 5.7 Local Plan Policy D2 (Heritage) states the Council will preserve and, where appropriate, enhance heritage assets and their settings, including conservation areas and listed buildings.
- 5.8 The site is located within the Bloomsbury Conservation Area which contains several listed buildings in the surrounding area. The proposals will be sensitive to the surrounding heritage assets and their settings within the Conservation Area.
- 5.9 The GPDO Prior Approval process requires the impact of the change of use on the character or sustainability of the conservation area. The Heritage Statement undertakes this assessment and concludes there is no harm to the character or sustainability of the Conservation Area.
- 5.10 In addition, the Council's planning history shows that several applications surrounding the site for a change of use from office to residential have been approved within the Bloomsbury Conservation Area and this further supports the principle that there would be no harm to the character or sustainability of the Conservation Area.

Residential Amenity

- 5.11 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that development proposals should deliver appropriate outlook, privacy and amenity.
- 5.12 London Plan Policy D6 (Housing quality and standards) states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 5.13 Local Plan Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours to ensure there is no unacceptable harm to amenity and requires all developments to ensure good living conditions.
- 5.14 The residential units will have sufficient daylight and sunlight and do not suffer from overshadowing, overlooking or a loss of privacy.
- 5.15 Each unit would meet the minimum space standards as set out in the Nationally Described Standards.
- 5.16 The surrounding area provides access to several public green spaces in the local vicinity of the site, such as Coram's Fields, Russel Square and Gray's Inn Gardens. Coram's Fields is approximately a 4 minute walk from the site (320 metres), Russel Square is a 10 minute walk (800 metres) and Gray's Inn Gardens is a 6 minute walk (480 metres).

Transport

- 5.17 London Plan Policy T5 (Cycling) provides minimum standards in Table 10.2 for cycle parking that would need to be adhered to, including:
- For long-stay: 1 space per studio or 1 person 1 bedroom dwelling, 1.5 spaces per 2 person 1 bedroom dwelling, 2 spaces per all other dwellings.
 - For short-stay: 2 spaces for 5-40 dwellings.
- 5.18 London Plan Policy 6.1 (Residential parking) states that all residential development within the CAZ should be car free. For proposals providing 10 or more units, disabled persons parking should be provided.
- 5.19 Local Plan Policy T1 (Prioritising walking, cycling and public transport) states that the Council will seek to ensure development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3).
- 5.20 Local Plan Policy T2 (Parking and car-free development) requires all new developments to be car-free.
- 5.21 The Council's Transport CPG states that an additional 20% of cycling spaces over and above the London Plan standard will be sought by the Council. It also states that where it is has been demonstrated to the Council's satisfaction that it is not possible to provide long stay cycle parking

within a small development, the Council may consider, a financial contribution in lieu of long stay parking.

5.22 The accompanying Transport Statement includes a detailed appraisal of the site and compliance with the above policy objectives.

5.23 It is also confirmed that if required, the applicant would be willing to enter into a Section 106 to ensure future occupiers are restricted from applying for local area parking permits.

Refuse and Recycling

5.24 London Plan Policy SI 7 (Reducing waste and supporting the circular economy) seeks for developments to have adequate flexible, and easily accessible waste storage space and collection systems. Local Plan Policy CC5 (Waste) seeks to ensure that developments include facilities for the storage and collection of waste and recycling.

5.25 Waste storage facilities, including refuse recycling storage space are provided in the existing lower ground courtyard.

6 CONCLUSION

- 6.1 The existing building is not subject to an Article 4 direction. The existing office use is within Class E and change of use to residential Class C3 is therefore Permitted Development.
- 6.2 This statement and supporting information has confirmed full compliance with the relevant criteria of Class MA of the GPDO.