

## Appeal Statement

**Site:** Offices And Premises At Unit 5 Ground Floor 37 Great Russell Street, London, Camden, WC1B 3PP

**Proposal:** Change of use of part of the ground floor from Class E (office) to Class C3 (residential) with associated external alterations.

### Reasons for refusal:

“1 The proposed residential unit, by virtue of the proposed site layout and its location within the building, would result in a substandard unit of accommodation, providing poor quality outlook and sunlight contrary to policies D1 (Design) and H6 (Housing Choice and Mix) of the Camden Local Plan 2017 and policies D3 (Optimising site capacity through the design-led approach) and D4 (Delivering good design) of the London Plan 2021.

2 The proposed development, in the absence of a legal agreement securing an affordable housing contribution, would fail to maximise the supply of affordable to meet the needs of households unable to access market housing, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017.

3 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.”

### **1.0 Appeal Site**

1.1 The site is located in a mixed used area with shops, workplaces, entertainment and leisure facilities and other local amenities nearby which will reduce the need for travel.

1.2 The ground and basement levels are retail (A1) use; the first and second floors consist of B1 floorspace the third floor is residential.

1.3 The property lies within the Bloomsbury Conservation Area.

1.4 The site has a PTAL rating of 6b, with excellent access to public transport facilities (PTAL 6a), including three London Underground Stations in close proximity (Goodge Street, Tottenham Court Road and Holborn) as well as numerous bus routes.

1.5 The site is located within an area where controlled parking measures are in place.

1.6 The site is located in a low flood risk zone.

## **2.0 Public Consultation**

2.1 As confirmed by the local planning authorities (LPA) planning report (appendix 1), the application received no objections following the public consultation carried out.

## **3.0 Relevant planning history**

3.1 Planning permission was refused 18 October 2024 (Application ref: 2024/3047/P), for: *“Proposed change of use of part of the ground floor from Class E (office) to Class C3 (residential) with associated external alterations.”*

Reasons for Refusal:

“1 The proposed development has failed to demonstrate that the rear of the ground floor is no longer suitable for business use. The proposal would result in the loss of a business use contrary to policy E2 (Employment premises and sites) of the Camden Local Plan 2017.

2 The proposed development would result in substandard units of accommodation, providing poor quality of light, outlook, natural ventilation and proposing a single aspect unit. The proposal would therefore be contrary to D1 (Design) and H6 (Housing Choice and Mix) of the Camden Local Plan 2017.

3 The proposed development, in the absence of a legal agreement securing an affordable housing contribution, would fail to maximise the supply of affordable to meet the needs of households unable to access market housing, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017

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.”

## **4.0 The Planning Proposal**

4.1 This proposal is identical to the previous proposal, except the outlook has been improved by setting back the proposed dwelling from the boundary wall and evidence of sufficient outlook and light has been provided - this is demonstrated by the six CGI images and the light report, submitted as part of the application documents.

4.2 The proposal is for an open plan studio flat providing 47sqm of floor space. The proposal is car free and will provide a cycle parking space within the hallway of the proposed flat.

## **5.0 Relevant Planning Policies**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires planning proposals to be considered against planning policies *“unless material considerations indicate otherwise”*.

### **5.2 National Planning Policy Framework (NPPF) 2021**

Paragraph 10 of the National Planning Policy Framework Document (NPPF) states; *“So sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).”*

Paragraph 11 states; *“Plans and decisions should apply a presumption in favour of sustainable development.”*

Paragraph 60 states: *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

Paragraph 69 states: *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”*

Paragraph 119 states: *‘Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions’*

Paragraph 124 states: *“Planning policies and decisions should support development that makes efficient use of land...”*

### **5.3 London Plan 2021**

London Plan policies for housing encourage, inter alia: • housing in sustainable locations; • increase in housing supply; • make efficient use of land to provide more housing; • increase in housing mix.

The London Plan was adopted in March 2021, therefore its policies should be given significant material weight.

- D1 London’s form, character and capacity for growth
- D3 Optimising site capacity through the design led approach
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- S1 2 Minimising greenhouse gas emissions
- T5 Cycling
- T6 Car parking

## **5.4 Camden Local Plan 2017**

Policy G1 Delivery and Location of Growth

Policy H1 Maximising Housing Supply

Policy H4 Maximising the Supply of Affordable Housing

Policy H6 Housing Choice and Mix

Policy H7 Large and Small Homes

Policy A1 Managing the impact of development

Policy A3 Biodiversity Policy D1 Design Policy D2 Heritage

Policy E2 Employment Premises and Sites

Policy T1 Prioritising Walking, Cycling, and Public Transport

Policy T2 Parking and Car-Free Development

Policy CC1 Climate Change Mitigation

Policy CC2 Adapting to climate change

## **6.0 Planning Considerations**

6.1 The main issues for consideration in this case are:

- Principle of losing existing commercial floorspace.
- Impact on the character and appearance of the property and conservation area
- Impact on neighbouring amenity
- Standard of accommodation
- Affordable housing provision
- Highway matters
- Refuse & recycling
- Other material considerations

## **7.0 Principle of losing existing commercial floorspace.**

7.1 The LPA's planning report (appendix 1) confirms the application documents have sufficiently demonstrated that the loss of the rear part of the Class E use is acceptable.

7.2 Policy E2 (Employment premises and sites) seeks to protect employment premises or sites that are suitable for continued business use.

7.3 In line with Policy E2 the applicant has provided marketing evidence demonstrating the premises is no longer suitable for its existing business use and the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.

7.4 The application is supported by the following marketing evidence:

- Great Russell Marketing Report
- Ian Scott Marketing Letter
- Retail for Lease \_ LoopNet UK
- Serviced offices advertising

- Square One - Marketing Letter

7.5 It is the Appellants case that there is little to no demand in the market for larger commercial units. The preference in this locality is shifting toward smaller commercial spaces, which are more economically viable and align better with the hybrid remote/home working trend.

## **8.0 The impact the proposal would have on the character and appearance of the area.**

8.1 The property lies within the Bloomsbury Conservation Area.

8.2 S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires development to preserve or enhance the character or appearance of a conservation area.

8.3 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' its established character and appearance.

8.4 The LPA's planning report states:

"6.4 The external alterations include the installation of a green living wall and changing the glass of an existing window. These are included to improve the outlook and protect the privacy of future residents are not expected to negatively impact the character or setting of the existing building or the wider conservation area."

"6.8 As such, the proposed development is in general accordance with policies D1 (Design) of the London Borough of Camden Local Plan 2017 and Bloomsbury Conservation Area Appraisal and Management Strategy 2011. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023."

## **9.0 Impact on the amenity of neighbouring occupiers**

9.1 The proposal has no impact on neighbouring amenity.

9.2 The LPA's planning report states:

"7.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; noise and vibration; odour, fumes and dust; and impacts of the construction phase, including the use of Construction Management Plans.

7.2. The proposed rear alteration and new residential unit is not considered to create any new amenity impacts upon neighbouring residential occupiers. The closest residential property, located on the upper floors at no.38 Great Russell Street, will not be within direct sight lines of the new residential units. Therefore, the proposed new residential units will not result in

any loss of light or outlook to neighbouring residential properties, complying with Policy A1 of the Camden Local Plan 2017 and CPG Amenity.”

#### **10.0 The standard of accommodation provided and amenities of future occupiers of the proposed units.**

10.1 Policy D6 of the London Plan (2021) requires new housing to provide good quality accommodation.

10.2 This proposal provides is a single person dwelling providing 47sqm of floorspace.

10.3 The proposal is near identical to the previous proposal except the outlook has been improved by setting back the proposed dwelling from the boundary wall.

10.4 The application documents include a light report which justifies the light levels received. The submitted CGI's (six images) also demonstrates the light levels received at certain times of the day.

10.5 The proposed drawings and CGIs demonstrate the proposed open plan studio flat is provided a very large window with a very large glazing to floor space ratio. The large levels of glazing of the studio would be set back 3.5 metres from the boundary wall and would allow high level uninterrupted outlook. The outlook towards the boundary wall will be a pleasant view because the wall will be a green living wall – the provision of a green living wall can be required by the imposition of a planning condition.

10.6 It is not possible to provide cross ventilation in the proposed dwelling, but the large sliding glazed doors would allow a significant amount of ventilation. Additionally, if it is considered necessary then the applicant would accept a planning condition requiring mechanical ventilation.

#### **11.0 Affordable housing provision**

11.1 The proposal will provide affordable housing contributions in compliance with the Councils planning policies.

11.2 The LPA's planning report states the proposal requires an affordable contribution of £24,800. The Appellant will submit a s106 agreement to secure this contribution. This affordable housing contribution is a significant benefit of the proposal.

#### **12.0 Highways and parking matters**

12.1 Paragraph 111 of the NPPF advises that planning proposals should only be refused on highway grounds if the non-provision of a car parking space would; *“be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

12.2 Policy T6.1 of the London Plan (2021) requires that new residential development should not exceed the maximum parking standards set out in Table 10.3. Policy T6 indicates that car free development should be the starting point for all development proposals in places well-connected by public transport.

12.3 The site is located in a mixed used area with shops, workplaces, entertainment and leisure facilities and other local amenities nearby which will reduce the need for travel.

12.4 The site has a PTAL rating of 6b, with excellent access to public transport facilities (PTAL 6a), including three London Underground Stations in close proximity (Goodge Street, Tottenham Court Road and Holborn) as well as numerous bus routes.

12.5 The development is proposed to be “car free” with a restriction of future residents applying for parking permits, which can be secured via S106 legal agreement – the Appellant has submitted a draft legal agreement restricting car parking permits.

12.6 The proposal will provide a cycle parking space within the hallway of the proposed flat – this was considered acceptable in the previous application.

### **13.0 Refuse & recycling**

13.1 The LPA’s planning report states:

“Camden Local Plan Policy CC5 (Waste) and CPG (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments.

The previously approved refuse and recycling store can also accommodate refuse for the new 1-bedroom unit. These details will also be conditioned in the event of approval. This meets the design standards set out in Camden's Planning Guidance CPG1 and policy CC5 of Camden's Local Plan 2017.”

### **14.0 Other material considerations**

14.1 The provision of one additional dwelling will help deliver much needed housing of which there is a known shortage in the borough.

14.2 Policy H1 (Increasing Housing Supply) of the London Plan 2021, requires (in part) London local planning authorities to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a Tube station, rail station or town centre boundary - the site meets this criterion.

14.3 Policy H2 (Small Sites) of the London Plan states that small sites should play a much greater role in housing delivery to policy requires boroughs to apply a presumption in favour of small housing development.

14.4 This site meets all the criteria set by both policies, and as such, these policies are significant material planning considerations.

14.5 The Council cannot currently demonstrate a 5-year supply of deliverable housing land and are not meeting their housing delivery targets. On this basis, the (so called) tilted balance flowing from paragraph 11d)ii of the National Planning Policy Framework (the Framework) is engaged. As such, the policies which are most important for determining the appeal are deemed to be out of date, but this does not mean that they carry no weight, and the development plan remains the starting point for my decision making. When the tilted balance is engaged, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. It is the Appellants case that any disbenefits of the proposal are not outweighed by the benefit of providing an additional dwelling in an area which is woefully short of providing sufficient housing to meet an acute need.

14.6 Therefore, significant weight should be afforded to the provision of a much-needed dwelling.

## **15.0 Conclusion**

15.1 The proposal would preserve the character and appearance of the conservation area.

15.2 The proposal would not cause any harm to neighbouring residential amenity.

15.3 The proposal provides good quality housing.

15.4 The proposal represents an opportunity to put the site to its best and most efficient use in a sustainable location.

15.5 The proposal would provide a significant monetary contribution towards affordable housing.

15.6 The provision of one additional dwelling to help meet an acute shortage of housing is a significant benefit.

15.7 The Inspector is therefore respectfully requested to allow this appeal.