

## 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 basement and ground floor from Class E (office) into short-term letting accommodation with associated external alterations.

### Reasons for refusal:

*"1 The proposed short-term let accommodation, by virtue of its communal facilities and nature within the building, could result in security concerns and potential anti-social behaviour, compromising the safety and amenity of permanent residents. This would be contrary to Policies A1 (Amenity) and of the Camden Local Plan 2017.*

*2 The proposed development, in the absence of a legal agreement securing a management plan for the short-term let accommodation, would fail to ensure appropriate oversight and operation of the units, potentially resulting in unacceptable impacts such as noise, disturbance, and security concerns. This would be contrary to Policy A1 (Amenity) 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.

1.2 The site is located very close to the British Museum, as demonstrated by the image below.



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

1.4 The property lies within the Bloomsbury Conservation Area.

1.5 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.

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

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

## **2.0 Relevant planning history**

2.1 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.”*

### **3.0 The Planning Proposal**

3.1 Change of use of part of the basement and ground floor from Class E (office) into a 2-bedroom short-term letting unit.

3.2 The proposal includes the provision of a glass railing (1.1 metres high) and a small balcony area.

3.3 The proposal is car free and will provide a cycle parking space within the hallway of the proposed unit.

### **4.0 Relevant Planning Policies**

4.1 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”*.

#### **4.2 National Planning Policy Framework (NPPF) 2024**

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

#### **4.3 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.

- D3 Optimising site capacity through the design led approach
- S1 2 Minimising greenhouse gas emissions
- T5 Cycling
- T6 Car parking

#### **4.4 Camden Local Plan 2017**

Policy A1 Managing the impact of development

Policy E2 Employment Premises and Sites

Policy E3 Tourism

Policy T1 Prioritising Walking, Cycling, and Public Transport

Policy T2 Parking and Car-Free Development

## **5.0 Planning Considerations**

The main planning considerations are:

- Principle of losing existing commercial floorspace
- Principle of providing short term lets in this location
- Impact on the character and appearance of the conservation area
- Impact on neighbouring residential amenity
- Standard of accommodation
- Highway matters
- Refuse

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

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

6.2 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.

6.3 The application is supported by marketing evidence – please refer to:

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

6.4 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.

6.5 The principle of losing existing commercial floorspace is supported by the Council. The Council's planning report (paragraph 3.2) (appendix 1) states:

“The application is supported by a marketing statement which states the rear section of the ground floor is classified as Class E and appears to have been used primarily as storage space area specifications and market demand. The agent also provided a Marketing Report detailing efforts to sell and lease the ground and basement floors. Initially marketed by a third party agent from March 2020, the property failed to sell due to an oversupply of more market appropriate Class E commercial spaces. In February 2022, Robert Irving Burns (RIB) took over the campaign, targeting various stakeholders, including owner-occupiers, investors, and developers, through extensive marketing initiatives such as brochures and advertisements. Despite these efforts, market feedback revealed the property's configuration (151sqm ground floor, 168sqm basement) was too large to meet modern commercial needs, especially

as post COVID-19 work patterns have shifted toward smaller, flexible spaces and co-working environments.

The report advises that for retail purposes, scaling down the space could attract smaller, local businesses, better aligning with current market dynamics. The sustained absence of demand, coupled with the market preference for smaller units, supports the case for the proposed change of use of the rear part of the ground floor. This approach aligns with the principles of Local Plan Policy E2, which allows for flexibility in land use where evidence supports the unviability of existing employment space.”

## **7.0 Principle of providing short term lets in this location**

7.1 Paragraph 6.10.1 of the London Plan (2021) states: “London is the second most visited city in the world and the Mayor wants to spread economic and regeneration benefits by working with London & Partners to **promote tourism across the whole of the city**, including outside central London. This Plan supports the enhancement and extension of London’s attractions particularly to town centres and well-connected parts of outer London, complemented by supporting infrastructure including visitor accommodation, a high-quality public realm, public toilets and measures to promote access by walking, cycling and public transport.”

7.2 Paragraph 6.10.2 states: “Given the importance of tourism to London’s economy, London needs to ensure that it is able to **meet the accommodation demands of tourists** who want to visit the capital. It is estimated that London will need to build an additional 58,000 bedrooms of serviced accommodation by 2041, which is an average of 2,230 bedrooms per annum. In addition to leisure visitors the needs of business visitors require consideration, including provision of suitable facilities for meetings, conferences and exhibitions in both hotels and purpose-built convention and exhibition centres.”

7.3 The number of bedrooms sought to be delivered by the London Plan is higher than the levels currently being delivered.

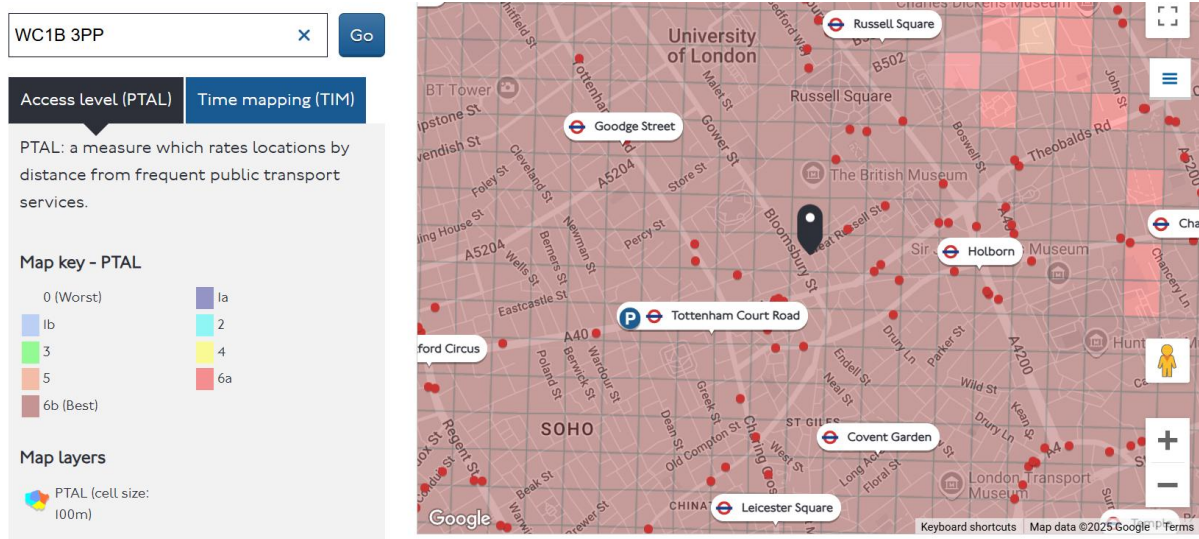
7.4 Paragraph 5.56 of the Local Plan states in part: “The London Plan sets a target of achieving 40,000 net additional hotel rooms by 2036 across London. The Working Paper also states that 37% of the expected increase in the number of rooms across Greater London will be met in Westminster, City of London and Camden.”

7.5 Policy E3 (Tourism) of the Local Plan states: “The Council recognises the importance of the visitor economy in Camden and will support tourism development and visitor accommodation.”

7.6 The Policy refers to areas the Council would support the provision of visitor accommodation, and the site is located within one of the listed areas (Holborn and Tottenham Court Road). The Policy also supports visitor accommodation proposals in areas with a high a public transport accessibility rating (PTAL) - the site has excellent access to public transport,



as indicated by the highest possible PTAL rating (6b). This is demonstrated by the image below.



7.7 Paragraph 3.3 of the LPA's planning report states: "While permanent residential accommodation is the priority land use of the Local Plan, in this instance the provision of permanent self-contained housing at basement and ground would provide an unacceptable quality for long-term use and would not meet residential development standards. Policy E3 (Tourism), recognises the importance of the visitor economy in Camden and supports visitor accommodation in the town centres. In the event of approval, a condition would be included to ensure that the short-term let unit cannot be occupied as permanent residential accommodation. Additionally, a management plan for the short-term let accommodation would be secured through S.106 agreement to ensure appropriate oversight and operation of the units. The failure to grant planning permission and therefore enter into a Section 106 legal agreement to secure management plan, forms a reason for refusal (RFR 2)."

## 8.0 Impact on the character and appearance of the property and conservation area

8.1 The property lies within the Bloomsbury Conservation Area.

8.2 The proposal includes the provision of a glass railing (1.1 metres high) and a small balcony area outside the ground floor existing window of the proposed living room area.

8.3 The proposal also includes the provision of a green living wall.

8.4 The Council have accepted the proposal has an acceptable impact on the character and appearance of the conservation area.

## **9.0 Impact on neighbouring amenity**

9.1 Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours.

9.2 The LPA's first reason for refusal refers to communal facilities potentially resulting in security concerns and potential anti-social behaviour. The proposal does not provide for any communal facilities and occupiers would not be permitted access to the residential roof top communal area.

9.3 Paragraph 6.3 of the LPA's planning report states: "Regarding the proposed short-term let accommodation, the shared access between the upper flats intended for long-term or permanent housing, raises potential concerns related to security and anti-social behaviour. The temporary nature of short-term lets results in transient occupation of the unit with a significant occupier turnover and the unknown number of occupiers. It is expected that some of these occupiers will not have the same level of respect for the communal spaces (including the roof terrace) shared with permanent residents and often create higher levels of noise and disturbance when compared to permanent residents. This is supported by evidence the Council has received where homes have been converted into short-term lets in similar contexts."

9.4 Reference by the Council to short term residents having access to the residential (Class C3) communal areas is incorrect. To clarify, the short-term letting guests will not have access to any communal areas.

9.5 The short-term letting residents also would not have access to the lightwell area – access is not possible.

9.6 It is accepted that the use of the property as a short-term letting 2-bedroom flat could have a large turnover of guests and that the entrance at the front is shared with Class C3 residential on the upper floors.

9.7 However, the proposal is for only one 2-bedroom unit and guests will be restricted to a maximum of 3-persons, and guests would not walk past the entrance of any residential flats which are located on the upper floors.

**9.8 The applicant has submitted a comprehensive management plan with the appeal documentation. The Inspector is invited to impose a planning condition requiring the use of the property to operate in accordance with the management plan.**

## **10.0 Standard of accommodation**

10.1 Short-term letting accommodation are not required to meet the standards applicable to new residential.

10.2 The proposed drawings demonstrate the proposed accommodation provides a very large glazing to floor space ratio. The large levels of glazing 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.

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

10.4 Paragraph 4.2 of the LPA's planning report states:

"The proposed short-term let is intended to provide temporary accommodation. As such, there are no specific standard requirements or guidelines for assessing the quality of accommodation for short-term stays. The proposed unit offers generous internal space of approximately 97sqm with a reasonable layout, ensuring a functional and comfortable living environment for short-term occupants. While the units are single aspect, the spacious internal arrangement helps to mitigate concerns related to outlook and natural light when considering the unit as a short-term let. Additionally, the inclusion of an external terrace, though limited in depth, provides some outdoor amenity space, complemented by access to a shared terrace. Given these factors, the proposed short-term lets are considered to provide an acceptable standard of visitor accommodation for their intended use."

## **11.0 Highway matters**

11.1 Paragraph 116 of the NPPF (2024) 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."*

11.2 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.

11.3 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.

11.4 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.

11.5 The proposal will be car free.

11.6 One of the Council's reasons for refusal refers to the need for a legal agreement securing car-free housing. Paragraph 7.2 of the LPA's planning report refers to the need to restrict access to car parking permits via a S.106 legal agreement. The LPA's planning report incorrectly refers to the proposal in this section of the report as a residential unit. Had proper consideration be given to the fact the proposal is for short-term lets the Council should have concluded that short-term let's don't currently have right of access to resident car parking permits so there is no need to enter into a legal agreement. However, the Appellant will



provide a legal agreement restricting access to car parking permits, if this is considered necessary by the Inspector.

### **12.0 Refuse and recycling provision**

12.1 The refuse will be collected privately.

### **13.0 Conclusion**

13.1 The principle of losing existing commercial floorspace is acceptable.

13.2 The principle of providing short term lets in this location is acceptable.

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

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

13.5 The proposal provides high quality visitor accommodation.

13.6 The proposal has no rights of access to residential car parking permits.

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

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