



**PLANNING STATEMENT
ON BEHALF OF WEST
ROCK LIMITED**

**CHANGE OF USE OF B1A
OFFICE TO 19 UNITS
(BASEMENT & 1st-5th
FLOOR) OF C3 HOUSING
TOGETHER WITH
ANCILLARY WORKS**

**SITE AT 44 BEDFORD
ROW, LONDON**

DECEMBER 2010

1. INTRODUCTION

- 1.1. This statement is prepared in support of a planning application to change the use of the application site from B1a Office to C3 permanent residential.

2. THE SITE

- 2.1. The application is supported by a Design and Access Statement and the Applicant intends to rely upon the site and contextual analysis contained within that document
- 2.2. The site is located in the London Borough of Camden on Bedford Row, a busy thoroughfare, which is an area commonly known as 'Midtown' within the context of London. The block fronts onto Bedford Row and Sandlands Street. The site is equidistant from Holborn and Chancery Lane tube stations.
- 2.3. The site comprises a part ground plus 4 and ground plus 5 storey building with a basement located at the junction of Bedford Row and Sandland Street. There is a flying freehold over the adjacent public house.
- 2.4. The building is located within the Bloomsbury Conservation Area and, in our opinion, is considered to make a positive contribution to the character and appearance of that area. Photographs of the site and surrounds are included within the Design and Access Statement.
- 2.5. The site benefits from a Public Transport Accessibility Level (PTAL) of 6b and is within approximately 300-400m of Chancery Lane and Holborn Tube Stations. The site is located in predominantly a mixed use area with office and retail use to the south of the site, extending towards High Holborn and a mixture of office and residential use to the north of the site, along Bedford Row and Red Lion Street. There are also retail uses along High Holborn and Sandland Street.

2.6. It should be noted that the area along Bedford Row is slowly returning to its former residential use with planning permissions granted for the change of use to residential of 46-48, 45 and 51 Bedford Row (2009/0675/P) and 47 Bedford Row (2003/1791/P).

2.7. The site lies within the Central Activity Zone, but is not the subject of any other site specific designation.

3. THE DEVELOPMENT PLAN

3.1. The Development Plan for the purpose of S38(6) of the Planning and Compulsory Purchase Act 2004 is the London Plan (Feb 2008) and the recently adopted Core Strategy and Development Plan Documents (November 2010). The only remnant of the previous UDP (LU1) is not relevant to the determination of this application.

3.2. The enactment of the Planning Act 2008 provides for an amendment to S39 of the Planning and Compulsory Purchase Act 2004, to require LPA's, when complying with their S.39 duty to achieve sustainable development, to have regard (in particular) to the desirability of achieving good design. Para 33 of PPS 1 defines good design as follows:

Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

3.3. National advice relevant to the scheme is taken as read in relation to providing inclusive communities that meet the needs of all sectors and achieving higher densities on sustainable sites.

Planning Policy Statement 1: Delivering Sustainable Development (2005)

3.4. Planning Policy Statement (PPS) 1 outlines the governments overarching planning policies on the delivery of sustainable development through the planning system. Planning has a key role to play in contributing to the Governments Strategy for Sustainable Development at the heart of government, which seeks to ensure a better quality of life for everyone. PPS 1 states that

'planning has a key role to play in the creation of sustainable communities: communities that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential' (paragraph 6).

- 3.5. PPS 1 states that the government is committed to developing strong, vibrant and sustainable communities. It requires that 'development plans should promote development that creates socially inclusive communities, including suitable mixed use housing' (paragraph 16).
- 3.6. Paragraph 8 states that where the development plan contains relevant policies, applications should be determined in line with the plan, unless material considerations indicate otherwise. PPS 1 advocates the need for the planning system to operate in the public interest to ensure development and use of land results in better places for people to live.

Planning Policy Statement 3: Housing (2006)

- 3.7. In November 2006 the Department for Communities and Local Government published Planning Policy Statement 3 (PPS 3) which provides a new national policy framework for housing at local and regional levels. The framework seeks to ensure that local planning authorities deliver the right quantity of housing to address need and demand in their areas and the right quality and mix of housing for their communities.
- 3.8. There is a strong emphasis in national planning policies on housing, to ensure the delivery of good quality housing and to provide for a mix of households such as families with children, single person households and older people. It is considered that the provision of a mix of housing will assist in the delivery of mixed communities.
- 3.9. The guidance provides advice to local planning authorities when determining applications for new housing development. In paragraph 69 it states that local planning authorities should have regard to achieving 'high quality housing' and that they should 'ensure that developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people'. It goes on to state that Local Planning Authorities should ensure 'the proposed development is in line with planning for housing objectives,

reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives’.

PPS 4: Planning for Prosperous Economies

- 3.10. PPS4 was published in December 2009. A number of themes arise from the document, most notably ‘local planning authorities should actively positively and proactively encourage economic growth’.

The London Plan (consolidated with alterations since 2004) (2008)

- 3.11. The London Plan 2008 is the statutory plan for London and sets out the strategic, citywide guidance for London, to which individual boroughs’ planning policies are required to be in broad conformity. The original London Plan was published in 2004. The current version of the Plan, published in February 2008, incorporates two sets of subsequent changes, the Early Alterations (2006) and the Further Alterations (2008).
- 3.12. The Introduction to the Plan notes that the Mayor believes that London’s future will be significantly shaped by a number of factors driving change ‘The most significant of these, at least for a spatial development strategy, is the projected rapid growth of people and jobs, driven by powerful market and demographic forces... The London Plan cannot realistically reverse these strong, deep-rooted factors driving change, nor does the Mayor wish it to do so. This plan sets out policies to accommodate that growth in a sustainable way, within London’s own boundaries and without encroaching on London’s precious green spaces’.
- 3.13. With regard to housing, Policy 3A.1 seeks to increase London’s supply of housing, pursuant to which it sets a minimum target for housing provision of 30,500 homes per year.
- 3.14. Policy 3A.2 specifically requires that ‘UDP policies should seek to exceed the current targets and identify new sources of supply’ having regard to factors such as identified opportunity areas, intensification of housing provision through development at higher densities and redevelopment in town centres.

- 3.15. The London Plan also seeks to improve housing choice in the capital. Local Planning Authorities are advised that unitary development plan policies should seek to ‘ensure that new developments offer a range of housing choice, in terms of mix of housing sizes and types, taking into account the requirements of different groups’ .
- 3.16. The supporting text to this policy states that new developments should ‘help promote mixed and balanced communities by offering a range of housing types and sizes’.
- 3.17. With regard to industrial/warehousing uses, the Plan notes that ‘industrial land in London accommodates not only manufacturing, where employment is projected to decline, but a range of other activities essential to London’s wider success’, and ‘efficient logistics in particular is essential to London’s competitiveness’.
- 3.18. The Mayor’s aim is to release surplus industrial sites for other uses, while maintaining an appropriate supply to meet demand both in terms of quantity and qualitative requirements such as accessibility and clustering. Policy 3B.4, Industrial Locations, reads *‘With strategic partners, the Mayor will promote, manage and where necessary protect the varied industrial offer of the Strategic Industrial Locations (SILs)... as London’s strategic reservoir of industrial capacity. Boroughs should identify SILs in DPDs, and develop local policies and criteria to manage Locally Significant and other, smaller industrial sites outside the SILs, having regard to: The locational strategy in Chapters 2 and 5 of this plan, Supplementary Planning Guidance and Sub Regional Development Frameworks; Accessibility to the local workforce, public transport, walking and cycling and, where appropriate, freight movement; Quality and fitness for purpose of sites; The need for strategic and local provision for waste management, transport facilities, logistics and wholesale markets...; Integrated strategic and local assessments of industrial demand to justify retention and inform release of industrial capacity in order to achieve efficient use of land. The potential for surplus industrial land (as defined in assessments) to help meet strategic and local requirements for a mix of other uses such as housing and social infrastructure and, where appropriate, contribute to town centre renewal.’*

- 3.19. The Mayor of London has now published a consultation paper titled 'Shaping London' which sets out the draft London Plan for the next 20 – 25 years. This consultation period closed on 12 January 2009, and an Examination in Public is on-going.
- 3.20. While this process is going on, it will be the London Plan published in February 2008 (the version published consolidated with alterations since 2004) that will be in force, and which will have legal status as part of the development plan. This will apply until the replacement plan is formally published. However, the draft replacement London Plan will be a material consideration that can be taken into account in deciding planning applications, and will gather weight the further into the replacement process it goes.

London Plan - Supplementary Planning Guidance (2008)

- 3.21. Supplementary Planning Guidance (SPG) on Industrial Capacity was published in March 2008. The SPG aims to guide implementation of Policies 2A.10 and 2B.4 of the London Plan, providing guidance to both ensure an adequate stock of industrial capacity and to plan, monitor and manage the release of surplus industrial land.

Camden's Local Development Framework

- 3.22. The Council adopted the key planks of its LDF on 8th November 2010. With regard to this application, CS1 of the Core Strategy sets out the overarching approach to the location of future growth and development in the borough. It states that 'the Council expects that in the order of 12,700 new homes will be provided in Camden between 2010/11 and 2024/25'.
- 3.23. With regard to the Holborn area, this is nominated as a growth area in both the London Plan and newly adopted Core Strategy. The areas covered by policy CS2 are expected to provide the majority of the Borough's growth in relation to both jobs and homes. Holborn is expected to provide 2000 jobs and 200 homes in the period to 2031, with the expectation that most residential provision will come from the redevelopment of offices.
- 3.24. Policy CS6 – 'Providing Quality Homes' states that 'the Council will aim to make full use of Camden's capacity for housing by maximising the supply of additional housing to meet or

exceed Camden's target of 5,950 homes from 2007-2017, including 4,370 additional self contained homes'. Also of relevance to the application is the requirement to provide affordable housing (see para xx below).

- 3.25. Policy CS8 – 'Promoting a successful and inclusive Camden economy' seeks to support existing industries in Camden by 'safeguarding existing employment sites and premises in the borough that meet the needs of modern industry and other employers'.
- 3.26. The Development Policies document provides detailed policies outlining how the overarching aims of the Core Strategy will be delivered. Given the close relationship between the two, these documents have been prepared in parallel. Policy DP1 encourages mixed use developments to have a residential element to the scheme, particularly in locations such as the application site.
- 3.27. Development Policy DP2 – 'Making full use of Camden's capacity for housing' seeks to maximise the supply of additional homes in the Borough to meet housing targets. This is to be achieved by 'expecting the maximum appropriate contribution to the supply of housing on sites that are underused or vacant'.
- 3.28. Policy DP5 requires that development create mixed and balanced communities by providing a mix of dwelling sizes within each development site.
- 3.29. DP13 – 'Employment premises and sites' states that 'the council will retain land and buildings that are suitable for continued business use and will resist change to non-business unless a) it can be demonstrated to the Council's satisfaction that a site is no longer suitable for its existing business use; and b) there is evidence that the possibility of reusing or redeveloping the site for similar or alternative business use has been fully explored'. The policy goes on to state that where a change of use is proposed 'the council will seek to maintain some business use on site, with a higher priority for retaining flexible space that is suitable for a variety of business uses'.

Supplementary Planning Guidance (2006)

- 3.30. The Council has published supplementary planning guidance 'Camden Planning guidance' (December 2006) which provides further advice on the application of those policies contained within the UDP.
- 3.31. Camden commissioned Roger Tym and Partners to produce a report assessing the future demand for employment land, compare it with the land supply provided under current planning policies and make policy recommendations accordingly. The study, entitled 'Camden Employment Land Review', was completed in June 2008 and has been used as part of the evidence base for the formulation of the emerging Local Development Framework. This extends and updates an earlier study which was used as part of the evidence base for the 2006 UDP Inquiry. This revised reports final draft was published in June 2008.
- 3.32. A further review of the document is to go to consultation in early December 2010, and accordingly is accorded little weight at the time of submission.

4. PLANNING HISTORY

- 4.1. The site has very little planning history, but the best guess is that the original use of 44 Bedford Row was residential. However, we are aware, that the fifth floor of the site was previously used for residential purposes and note that online records indicate a planning permission from 1996(Ref: P9600083) which grants planning permission for the change of use from residential to office.

Design and Built Form

- 4.2. The proposed works are described in detail in the design and access statement. Given the nature of the proposed works, being limited to refurbishment on the main facades, there will be negligible impact on the streetscape.
- 4.3. The rooftop garden will require a balustrade to allow beneficial use. In accord with Officer advice at the pre-application stage, the Architects have designed a lightweight treatment – please see plan reference GE.00 for detail.

Principal of Land Use

- 4.4. The site is located within an area where employment use, mainly B1a Office, predominates over all other uses.
- 4.5. Policy DP13 states that planning permission will be granted for development that involve the loss of employment floorspace, where it can be demonstrated that the property is not suitable for any employment use other than B1a. Given the positive contribution the building makes to the character and appearance of the Conservation Area, the potential for a wholesale demolition and redevelopment of the site can be easily dismissed as being contrary to policy.
- 4.6. To that end, and notwithstanding acceptance of the difficulties of modifying the property in the pre-application discussions, the Applicant has instructed the views of a Chartered Surveyor to ascertain the potential for either B1c or B8 to be located within the existing building. This assessment demonstrates that the existing building does not provide for any of the features required for an alternate business use to be accommodated on site.
- 4.7. This lack of interest in the property remaining as B1a has been documented in the accompanying marketing statement, which demonstrates that the site has been marketed for a period in excess of 15 months, with no interest being expressed in the continued use of the site either by leaseholders or acquisition of the freehold for continued office occupation.
- 4.8. The existing tenant in the Ground Floor unit has been offered terms to remain in-situ. Notwithstanding their long term intentions, the Applicant believes that this particular unit can remain as a viable small office space.
- 4.9. The policy goes on to say that in the circumstance of the change of use of employment floorspace, then the LPA preference is for that space to be made available as permanent housing. Therefore, as the application seeks the change of use from redundant B1a office space to C3 housing, the principle of the change of use is policy compliant.

Quality of residential accommodation

- 4.10. The scheme proposes a mix of X x 1bed, X x 2bed and X x 3bed. Policy DP5 states the Council will seek the provision of a variety of housing, in terms of size and type to meet the physical and economic needs of the Borough. The mix proposed should be considered generally accepted as an adequate mix given the constraints of the site, notably the existing subdivision layout of the space, and in particular achieving in excess of 40% 2 bed units as highlighted as the policy aim at para 5.4.
- 4.11. Whilst the physical constraints of the site limit the potential mix of the units, consideration must also be given to the quality of the accommodation provided to ensure that the living conditions of the units reach acceptable levels for future occupiers. The scheme responds to the UDP and Camden Planning Guidance requirements for minimum floor areas.
- 4.12. As a lower ground floor level, it is imperative to provide sufficient levels of daylight and sunlight in these areas. To that end, the section demonstrates compliance with the BRE 'rule of thumb' assessment for sufficient daylight.
- 4.13. The CPG notes that all habitable rooms should have a minimum headroom of 2.3m, and the scheme exceeds this figure.

Amenity for neighbouring properties

- 4.14. Given the limited external alterations proposed, the scheme is unlikely to result in any harm to the amenities of adjoining occupiers in terms of loss of privacy, outlook, or sun/daylight.

Lifetime Homes

- 4.15. The applicants have indicated that the proposals comply with Part M of the Building Regulations in the context of Lifetime Homes. A full Lifetime Homes assessment is provided within the Design and Access Statement.

Parking

- 4.16. The scheme proposes an additional cycle stands in the existing cycle parking area (see drawing P090). The proposed flats will be car-free, and the Applicant is happy to enter into a S106 Agreement to restrict rights of residents to access the parking permit scheme.

Affordable Housing

- 5.16 National planning policy on housing has been the subject of extensive review and consultation over recent years culminating in the publication of Planning Policy Statement 3: Housing (PPS3) in November 2006. PPS3 provides the national planning policy framework for the delivery of Central Government's housing policy objectives.
- 5.17 PPS3 sets out the specific outcomes that the planning system should seek to deliver including the delivery of a sufficient quantity of housing taking into account need and demand and seeking to improve choice (paragraph 10). Targets are required to be tested to ensure that they are viable and deliverable taking into account risks to delivery and drawing on informed assessments of the likely levels of finance available for affordable housing, including public subsidy and the level of developer contributions that can reasonably be secured (paragraph 29).
- 5.18 The importance of the role of intermediate housing is promoted through PPS3 also where it is stated that:
- “A sufficient supply of intermediate affordable housing can help address the needs of key workers and those seeking to gain a first step on the housing ladder, reduce the call on social-rented housing, free up existing social-rented homes, provide wider choice for households and ensure that sites have a mix of tenures” (Paragraph 29).*
- 5.19 The sister document to PPS3, *Delivering Affordable Housing*, also promotes the role of intermediate housing especially where sufficient levels of social housing grant are not available to deliver social rented accommodation on unviable schemes. It is stated that in these circumstances options for local authorities could include requiring intermediate housing instead of social rented from developer contributions, or reducing the overall number of affordable homes required (Paragraph 94).

- 5.20 Paragraph 95 of Delivering Affordable Housing goes on to state that decisions on alternative options should be made with regard to what is economically viable and realistic on that site. The level of developer contribution should be at least maintained and it should not be assumed the developer can meet the cost of any shortfall.

London Plan Policy

- 5.21 The London Plan requires Boroughs to set targets with regard to the London wide 50% affordable housing delivery target and objective for a 70:30 affordable tenure split in terms of social rented: Intermediate provision. Specifically, policy 3A.10 on negotiating affordable housing in individual private residential and mixed-use schemes states.

Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with Policy 3A.9, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

- 5.22 The London Plan is supplemented by the London Housing SPG which was adopted in 2005. Both require consideration to be given to economic viability of developments in determining the maximum reasonable contribution which is able to be made to affordable housing on individual sites. The GLA Affordable Housing Toolkit is considered to be an appropriate model for assessing scheme viability, along with the HCA Economic Assessment Toolkit.
- 5.23 London Plan policy promotes the role which intermediate housing plays in meeting need across the region for example by addressing the requirements of key workers. Emerging policy in the form of the Mayors London Plan Alterations (July 2009) and the emerging Mayors Draft Housing Strategy (May 2009) seek to increase the proportion of intermediate housing delivered across the capital. It is proposed that the London wide target of 70:30 (Social Rented: Intermediate) tenure split be changed to a 60:40 tenure split to encourage the delivery of 20,000 intermediate homes across London between 2008 and 2011. The overall aim of

emerging policy is to promote choice and widen the eligibility of those wishing to purchase a home.

5.24 In terms of the affordability of intermediate products, the London Plan Annual Monitoring Report (February 2009) sets out that intermediate products should be affordable to households with annual incomes falling within the range of £18,100 - £61,400. It is proposed in the Draft Mayors Housing Strategy that the higher end of this range be increased to £74,800 to reflect London's unique position nationally in terms of housing prices to income ratios.

5.25 Local policy identifies that affordable housing will be sought in appropriate circumstances in line with Core Strategy policy CS6 - Providing quality homes and Policy DP3 - Contributions to the supply of affordable housing. The text of the policy states:

The Council will expect the affordable housing contribution to be made on site, but where it cannot practically be achieved on site, the Council may accept off-site affordable housing, or exceptionally a payment-in-lieu.

5.25 The reasoned justification relating to off-site delivery, states as follows:

On-site contributions to affordable housing offer the best prospect for mixed and inclusive communities, offer the best prospect for timely delivery of both the affordable and market elements of the development, and avoid the difficulties of having to identify a second suitable site nearby that can viably be developed for affordable housing. However, the Council accepts that off-site solutions will be necessary where it is not practical to include affordable housing within a market housing development, for example where the development is relatively small (up to 3,500 sq m gross).

5.26 Para 3.14 of the same identifies criteria to be considered when looking at the merits of an on or off site delivery. In considering whether an off-site contribution is appropriate, the Council will consider the criteria set out in policy DP3, and will also consider whether:

- *physical constraints of the site or premises would make on-site affordable elements impractical for management purposes;*
- *the management or service charges of an on-site scheme would be too costly for affordable housing providers or occupiers to meet;*

- *particular costs associated with the development would require an excessively high amount of subsidy for on-site provision, but the economics of the development do not preclude making an off-site affordable housing contribution;*
- *the necessary affordable housing funding is unlikely to be secured within a reasonable timescale to enable an on-site scheme;*
- *an off-site contribution will maximise the overall delivery of housing and affordable housing.*

5.26 Pre-application advice from officers was as follows:

You are advised that the policy expects all developments of 10 units or more to make a contribution to affordable housing. DP3 introduces a sliding scale for developments between 10 units and 50 units (e.g. a scheme of 2000sqm would be expected to provide 20% affordable housing; a scheme of 4000sqm would be expected to provide 40%).

In line with the requirements of the policy, the provision of affordable housing will be expected on the application site. Where this can not practically be achieved on site the Council may accept off-site affordable housing or, in exceptional circumstances, a payment-in-lieu. In considering whether an off-site contribution is appropriate the Council will have regard to the criteria (a-f) set out in Policy DP3 and also in the supporting text of the policy at 3.14.

Given the size of the scheme, the Council would expect 12% of the accommodation to be converted for affordable, which equates to approximately 130-140sqm. This could be interpreted as two self contained units. As discussed in the meeting you are advised to continue to engage the Council's Housing department (Mike Cox x5564) and an RSL at an early stage in order for them to have input into the design process.

With regard to tenure split, in instances where such a small amount of affordable accommodation is being brought forward, the Council would be flexible taking into account site size and housing demand in the local area, and importantly, grant funding. This is another reason why you should engage the Housing Department and the RSL at an early stage. This will need to be fully addressed in any submission and it is preferred that this is advanced as far

as possible prior to the submission of any application, in order to reduce the likelihood of such issues arising during the course of the application.

5.27 In accord with the verbal advice provided at the pre-application meeting, subsequently repeated in the formal advice note, initial contact was made with Mike Cox of the Housing Department. Mr Cox was asked to identify a HA who may be interested in acquiring the units for occupation as affordable housing. A subsequent discussions was had with Mr Cox, who suggested contacting Origin, who are a preferred development partner of the Council and who have stock in the area.

5.28 Contact was made with representatives of Origin on 2 November 2010. Subsequent advice from Origin received on 10 November 2010 was that they did not wish to operate a general needs unit in the block, and that:

What affordable tenure would it be? We would not be interested in it as a general needs unit. Have you had any discussions with Camden over the type of affordable provision.

Secondly, what is the timing for this project? We have a large programme at the present time. Like all other organisations we are keeping a close eye on our banking covenants and are being careful to avoid breaching our banking covenants by keeping sufficient headroom. It is only 1 unit but we will still need to feed it into our business plan all the same.

5.29 Feedback was sought from Mike Cox, as the Borough's income limits would prevent a shared equity/ownership occupation. Mr Cox indicated that it might be possible to apply the Mayor's income limits of £74k (sic). It has been quipped if a person on an income of three times the national average, or more than double the median full time weekly earnings¹, can be identified as being in housing need.

5.30 During this discourse, Origin disclosed an alternate site that was suitable for conversion to two units, but for which no funds were available. This site has been forwarded to Officers for a formal opinion on its suitability. Informal advice has been that it would not be suitable as it

¹ <http://www.statistics.gov.uk/cci/nugget.asp?id=285>

does not lie within *reasonable proximity of the site*, as it lies within another Ward of the Borough.

- 5.31 At the time of submission, there is no delivery partner available for an on-site contribution. Therefore, it has not been possible to conclude negotiations with the Planning & Housing Departments, and this must now be done within the life of the planning application.

6. CONCLUSION

- 6.1 National, strategic and local planning policies all place strong emphasis on the need to recycle urban land in order to safeguard Greenfield sites and land in other sensitive areas. The proposed development successfully achieves a balance between the potentially competing objectives of development and the conservation of the environment, and thereby satisfies the goal of "sustainability". They properly maximise the use of this central "brownfield" site without giving rise to any planning problems – in particular, the living standards of adjoining residents.
- 6.2 Although the loss of employment space is regrettable, the market has demonstrated that the space provided was no longer wanted by Office occupiers and inherently unsuitable for B1c or B8 use. In accord with the development plan, the LPA's priority is for the provision of permanent housing, and this scheme achieves that laudable aim.