



**TOWN AND COUNTRY  
PLANNING ACT 1990**

**PLANNING DESIGN AND ACCESS  
STATEMENT**

**Change of use of property from  
Residential Institution (disused) to  
a Family Dwelling**

**28 Menelik Road  
London  
NW2 3RP**

**October 2009**

**On behalf of  
Mr D P Mason  
Law of Property Act Receiver**

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## **1. INTRODUCTION**

- 1.1 My name is James Holmes and I am a Senior Planning Consultant with Brian Barber Associates. I have a MA in Town Planning and am a Member of the Royal Town Planning Institute.
- 1.2 This Statement has been prepared in support of an application for the change of use of 28 Menelik Road, London from a residential care home (defined as a residential institution – Use Class C2) to a single dwelling house (Use Class C3).
- 1.3 The property has been repossessed by the Nationwide Building Society. The application is submitted on behalf of Mr D.P. Mason, the appointed Law of Property Act Receiver.
- 1.4 This Statement provides full details of the planning history of the property and provides an assessment of the merits of the proposed change of use against National and Local Planning Policies and Guidance. It demonstrates why planning permission should be granted.

## **2. THE SITE**

- 2.1 The site comprises a detached building located on the north side of Menelik Road, opposite the junction with Somali Road. The site is in a well established residential area.



***Site Location***

- 2.2 The site contains a two storey detached property which was originally built and used as a dwelling. The property was extended to the rear a number of years ago.



***Rear of Property***

### **3. PLANNING HISTORY**

- 3.1 The planning history of the property is as follows:

Planning Application Reference: 8700459

- 3.2 On 13 August 1987 the Council raised no objections to a Circular 18/84 consultation by the Hampstead Health Authority for the change of use of the property from residential to a home providing seven supported residential spaces with associated supervision.

Planning Application Reference: PWX0102041

- 3.3 On 15 January 2001 a planning application was submitted for the change of use of the residential care home to a single family dwelling. The application was withdrawn.

Planning Application Reference: PWX0103300

- 3.4 On 2 April 2001 an identical planning application was submitted for the change of use of the residential care home to a single family dwelling. Again the application was withdrawn.

#### **4. PLANNING ASSESSMENT**

##### **The Current Situation**

- 4.1 The authorised use of the premises is as a residential institution. However, the premises have been used for some time as several separate self contained private flats.
- 4.2 The property is currently arranged to provide seven self contained flats over the ground, first and attic floors. Each flat has its own kitchenette, living area, and toilet/shower room. At the rear of the property is a further self contained flat, accessed by a door from the rear garden. This flat contains one bedroom, a living area with glazed roof, a separate kitchen/dining area, and a bathroom.
- 4.3 Council tax records show that the building is registered as seven flats, numbered flat 1 to flat 7. The flats were registered in May 2007.
- 4.4 Despite the fact that the flats have been in existence for a substantial period of time, it is believed that consent was not obtained for this use.

##### **The Proposed Use**

- 4.5 The use of the premises as a residential institution ceased a number of years ago, certainly before May 2007 when the building was registered for council tax purposes as containing seven flats.
- 4.6 The property is currently in receivership because the current owners have defaulted on the loan acquired from the Nationwide Building Society. The LPA Receivers wish to regularise the planning position so that they are able to sell the property.
- 4.7 The proposal is to convert the property back into a single dwelling because this would relate to the established residential character of the area and there is no need for a residential institution in this location.
- 4.8 The application is for change of use only with no external changes being proposed. The only internal works are the removal of the individual kitchens and services within the individual flats and the restoration of the property back to a single dwelling again.
- 4.9 The property would have a living room, kitchen, conservatory and dining room on the ground floor and four bedrooms on the first floor. The flat in the attic would be removed and the area used for storage.





***Proposed Layout***

### **The Case in Support**

- 4.10 Policy H3 of the Camden Replacement Unitary Development Plan (2006) states that proposals for redevelopment or re-use of residential institutions (within Use Class C2) for a different use will be expected to retain the same level of residential floorspace. The policy is intended to retain residential floorspace and does not allow its loss to other non-residential uses (such as employment etc). The planning application seeks to use the building as a dwelling, which is clearly a residential use permitted by the policy. The requirements of the policy are therefore met.
- 4.11 Officers have verbally advised that the authorised use of the building is defined as a 'community use'. However, we question whether this is correct as paragraph 8.2 of the UDP states defined 'community uses' as follows:
- educational establishments, such as schools and university premises, where there is no residential element;



- health facilities, such as health centres, doctor's surgeries and hospitals, where there is no permanent residential element; and
- facilities such as community halls, places of worship, libraries; crèches / child care facilities and youth clubs.

4.12 The authorised use of the premises as a residential institution does not comply with the Council's definition of a 'community use' having regard to the above guidance.

4.13 Policy C2 of the Camden Replacement Unitary Development Plan (2006) states that the Council will not grant planning permission for development that results in the loss of a community use unless it is demonstrated that either an adequate replacement facility will be provided in a location accessible to the users of the facility; or that the specific community use is no longer required and it can be demonstrated that there is no demand for another suitable community use of the site.

4.14 We consider that it would be appropriate and desirable in planning terms to revert the property back to its original use as a dwelling. We consider that the following points should be taken into account in the consideration of this application:

Building originally constructed as a dwelling

4.15 The building was originally constructed as a dwelling and not as a residential institution. All the application seeks to do is to reinstate the original use of the property back to a family dwelling. Given the original use of the building, the application should be treated very differently to an application to convert a purpose built residential institution. Reinstating the property back to a dwelling would restore the character of Menelik Road which comprises of detached family dwellings.

Used as a residential institution for only a limited period

4.16 The dwelling has only been used as a residential institution for a limited period of time. The property is believed to have been constructed around 1930, and was used as a dwelling up until 1987 (a period of some 57 years).

4.17 It was only used as a residential institution from 1987 until 2001 when an application was submitted to return the building to a single dwelling (a period of 14 years).

4.18 It is believed that the use as a residential institution ceased in 2001 when the building was in the ownership of Safeland plc, a property development company. It is believed that the building has not been used as a residential institution between 2001 and 2009 (a period of 8





years). It has been used as separate self contained private flats for some time now.

- 4.19 Therefore, from the construction of the building as a dwelling in 1930 to the present day, a period of some 79 years, it has only been used as a residential institution for 14 years. A relatively small period in the lifetime of the building.

A family dwelling would be much less intensive

- 4.20 The use of the property as single dwelling would be far less intensive than its authorised use as a residential institution and also its current use as self contained private flats. It would, as a result, fit much better with the character of the area.

- 4.21 When used as a residential institution the building was split into seven separate self contained flats, each one with their own living, sleeping cooking and dining areas. The building was authorised to be used by eight adults, in addition to support staff who would need to be present.

- 4.22 There was no restriction on the age or precise type of occupant or whether they owned a car. Therefore, under the existing consent, there could be demand for 8 parking spaces for occupants, with additional spaces required for additional staff. Visiting families and friends would also place additional pressure on parking.

- 4.23 The comings and goings of the residential occupiers, staff and visiting friends and family would be likely to give rise to considerable disturbance to nearby residents. No such problems would occur if the building were reverted back to its intended use as a single dwelling.

Not suitable for a residential institution

- 4.24 The residential institution ceased in 2001, some 8 years ago, and the building has been used as private flats since. The building has been used as a number of private self contained flats for a substantial period of time. We therefore consider that the use as a residential institution has been abandoned.

- 4.25 The Hampstead Health Authority no longer own the building. They disposed of it a number of years ago. The fact that the use ceased a number of years ago demonstrates that it is no longer required.

- 4.26 The premises are not suitable for an alternative use within Use Class C2, such as a hospital, nursing home, college or training centre, due to the limited size of the building. Furthermore, alternative uses such as this would cause significant noise and disturbance to this quiet residential street. The site is not located in a local neighbourhood centre





where such alternative uses would be more suitable. The most appropriate use of this building is as a dwelling.

Consent granted through historic rights that have now been disbanded

- 4.27 Very importantly, it should be noted that the use of the building as a residential institution was only authorised through a 'Circular 18/84' application. This is because at that time, the building was owned by the Hampstead Health Authority which is a Government Department, and special rights once existed whereby certain development could be carried out by a Government Department without full planning permission.
- 4.28 It should be noted that the special dispensation to Government Departments has now been removed because the system resulted in considerable concern both in Local Government circles and with the public. As of 7 June 2006, the Planning Acts have applied to Government development, meaning that a full application would now be required to change a building from a dwelling to a residential institution. Such an application would be the subject of extensive consultation of local residents and interest groups and would come under more scrutiny. Had there been a requirement for full planning permission at the time, local residents may have objected and the application may well have been refused.
- 4.29 As the use was granted specifically to the Hampstead Health Authority, and as they no longer the owner of the building and have not had any interest in it for a number of years, we do not consider that there is any justification for this use being retained.

#### Need for Family Housing

- 4.30 It should be noted that here is a need for family housing generally throughout London and specifically in Camden. The scheme would reinstate the building as a family house again, which would help to satisfy this local need.
- 4.31 The Camden UDP (2006) supports the provision of family housing. Paragraph 9.50 in particular states that the Council:
- "Will seek a significant proportion of family housing to reflect local needs and the potential for more balanced communities. Homes suitable for families are a Camden priority".*
- 4.32 We therefore conclude that it is appropriate and advantageous in planning terms for the building to be reverted back to its intended and original use as a single dwelling. We therefore seek that the application is supported by the Council.

