



SUMMIT HOUSE, HIGHGATE
MR JEFFREY STUART SALMON
PLANNING REPORT

July 2014

Our Ref: DS/ag/JLQ0113

RPS
14 Cornhill
London
EC3V 3ND

Tel: 020 7280 3200
Fax: 020 7283 9248
Email: rpslp@rpsgroup.com



CONTENTS

1	PROPOSALS	2
2	SITE AND SURROUNDING AREA	3
3	PLANNING HISTORY	4
4	GOVERNMENT POLICY	5
5	DEVELOPMENT PLAN	6
6	RESIDENTIAL CONTEXT	7
7	PLANNING ISSUES.....	8
8	SUMMARY AND CONCLUSIONS.....	9

1 PROPOSALS

- 1.1 This planning report is produced in support of a change of use application submitted by Mr Jeffrey Stuart Salmon to London Borough of Camden in July 2014. The application proposals are for the change of use of a two storey building (plus basement) from use as offices (Class B1) and/or medical consultancy rooms (Class D1) to a single dwelling house (Class C3). The application property is Summit House, 40 Highgate West Hill, Highgate.
- 1.2 For the avoidance of doubt, the change of use proposals do not involve any external alterations. Similarly, the external areas, such as the area of car parking, are proposed to remain as existing.

2 SITE AND SURROUNDING AREA

- 2.1 Summit House is two storey (plus basement) nineteenth century red brick detached building, set back from Highgate West Hill. The property is also known as The Summit. The property is accessed from a private drive from Highgate West Hill, which also serves the residential properties of 38a, 38b and 38c, immediately to the west of Summit House. To the front of the property is 10 car parking spaces, all of which serve Summit House.
- 2.2 Summit House falls within the Highgate Conservation Area. However, Summit House is not a listed building.
- 2.3 Immediately to the north, north west and east of Summit House is the large residential property of Witanhurst. Witanhurst is understood to be one of the largest private residencies in the country. Witanhurst and its grounds take up a significant part of the area between Highgate West Hill/The Grove and Fitzroy Park. Witanhurst is a Grade II* listed building.
- 2.4 This part of Highgate is predominantly residential in character. Indeed, Summit House is the only non residential building in the immediate area.

3 PLANNING HISTORY

3.1 Summit House's planning history is highly relevant to these application proposals. The property was used for a number of years purely as offices. However, planning consent was granted on 22 December 2005 for the following:-

'Change of use from offices (Class B1) to alternative uses as offices (Class B1) or medical consultancy rooms (Class D1).'

3.2 This December 2005 consent is by its nature a very flexible consent, as confirmed by an informative attached to the consent:-

'If implemented, the alternative use permission gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would become the use split which is taking place at the time.'

3.3 In simple terms, the consent enables Summit House to be used for either offices (Class B1), for medical consultancy rooms (Class D1), or for a mixture of the two. In other words, the building can continually change between a B1 and a D1 use, including a mix of the two, without the requirement for a planning consent. This position can continue until December 2015.

3.4 For information, a copy the December 2005 consent is provided with this application. In reality, Summit House is used for a mixture of both serviced offices and medical consultancy rooms, although the precise mix does indeed change from time to time.

3.5 The December 2005 consent contained relevant conditions. Condition no. 2 stated that the D1 use shall not be used as a place of worship, a day nursery or a place of education. Condition no. 3 restricted the use to the hours of 0800 – 1900 hours.

3.6 In March 2006 and February 2008, the Council granted consents to relax the hours condition, as stated above. Collectively the consents related to both the B1 and D1 use, and also to the ancillary use of the basement as a gymnasium. The effect of the two consents was to allow the gymnasium to be used between the hours of 0600 – 2200 hours and for the offices and medical consultancy rooms to be used from 0800 – 2200 hours.

4 GOVERNMENT POLICY

- 4.1 The Government's policy guidance is set out in the National Planning Policy Framework (NPPF), issued in March 2012. At the heart of the NPPF is the presumption in favour of sustainable development. Amongst other things, paragraph 14 of the NPPF states that for decision making, the presumption means approving development proposals that accord with the development plan without delay. The same paragraph goes on to state that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so were to significantly and demonstrably outweigh the benefits.
- 4.2 As addressed in the next section, the development plan is broadly supportive of the application proposals. In any event, it is considered that the application proposals are of merit and do not give rise to any 'adverse impacts.' Rather, the application proposals will bring forward benefits, especially to nearby residential properties.
- 4.3 The NPPF is also relevant insofar as it encourages the creation of new homes. Notably, as set out in para 47, the NPPF seeks to boost significantly the supply of housing. Para 49 goes on to state that housing applications should be considered in the context of the presumption in favour of sustainable development. Significantly, para 50 emphasises that local planning authorities should seek to deliver a wide choice of high quality homes. Specific to these application proposals, para 51 of the NPPF is clear that local planning authorities should normally approve planning applications for a change to residential use from commercial buildings (currently in the B use classes) where there is an identified need for additional housing, provided that there are not strong economic reasons why such development would be inappropriate. On this point, there is a need for additional housing in this part of London, and as will be explained further on in this statement, there are no strong economic reasons to withhold consent for change of use.
- 4.4 Para 17 of the NPPF is relevant in terms of the issue of residential amenity, both in relation to the existing property and adjoining properties. This paragraph sets out a number of core planning principles, which includes the need to secure high quality design and a good standard of amenity for all existing and future occupants. Clearly, a major benefit of the application proposals is the ability to improve the amenity of existing residents in the area, especially nos 38a, 38b and 38c Highgate West Hill.
- 4.5 For all of the above reasons, it is considered that the application proposals are fully in accordance with the NPPF.

5 DEVELOPMENT PLAN

- 5.1 The development plan covering the application site comprises two documents, namely the Camden Core Strategy 2010-2025, adopted in November 2010, and the Camden Development Policies document, also adopted in November 2010.
- 5.2 The proposals map, which applies to the two development plan documents, confirms the position of Summit House within the Highgate Conservation Area. Also, the proposals map shows Summit House as falling within an area of archaeological importance. However, Summit House is not the subject of a specific land use allocation.
- 5.3 One of the key objectives of the Core Strategy is to provide an increase in housing in Camden. Notably, Policy CS6 seeks to make full use of the Council's capacity for housing by maximising supply. But importantly, Policy CS6 seeks to provide a variety of housing types, suitable for different groups and a diverse range of housing product.
- 5.4 Policy CS8 seeks to secure a strong economy in Camden and for example, aims to safeguard existing employment sites and premises in the Borough that meet the needs of modern industry. However, policies that seek to protect existing employment use are not relevant in this case, as Summit House has the flexibility to change from an employment/Class B1 use to a non B1 use (i.e. Class D1 use) without the requirement for a planning consent. Accordingly, the application site should not be considered as an existing employment site.
- 5.5 Policy CS14 of the Core Strategy promotes high quality places and seeks to conserve the Borough's heritage. In particular, the policy seeks to ensure that places and buildings are attractive and safe, and that development respects local context and character. The ability of the application proposals to improve the amenity of existing residents is important in the context of Policy CS14.
- 5.6 The Development Policies document seeks to add detail to those policies contained in the Core Strategy. In terms of the application proposals, the Development Policies document does not add or change the policy position, as set out in the Core Strategy.

6 RESIDENTIAL CONTEXT

- 6.1 As considered further in the next section, there is planning support, both in terms of site specific matters and in relation to policy, which weighs in favour of the application proposals. Notably, the existing Class B1/D1 use represents a non-conforming use within a predominantly residential area. A residential use of Summit House more properly reflects the character of the area and will be beneficial in terms of residential amenity.
- 6.2 Leaving aside the planning merits, it is highly relevant to the consideration of this application, that it is possible for the applicant to benefit from the recent change to the General Permitted Development Order (GPDO). This change introduced in May 2013, allows for the change of use from a use falling within Class B1(a) offices to Class C3 (dwelling houses), without the need for planning consent, but subject to certain conditions. In terms of these conditions, it is relevant that the application building was in use as Class B1(a) offices in May 2013, and that potentially it could be used in its entirety for Class B1(a) offices at any time in the future, without the requirement for a planning consent. So if the applicant were to choose, it would be possible to make an application for 'prior approval', which legitimately should be approved, following which a change of use to residential could take place automatically. However, whilst the applicant does not rule out pursuing this option, for example making a prior approval application, it is preferable at this stage to pursue the conventional change of use application. Nevertheless, this change of use application must be considered against the background of the ability to change use to residential without planning consent.

7 PLANNING ISSUES

- 7.1 The principle of residential use on the application site is wholly acceptable. First, policies in the development plan are supportive of new housing and notably, recognise the need to provide for a variety of housing types. So a large dwelling house, as proposed by the application, can be supported as a matter of policy. For the avoidance of doubt, the application proposals cannot be considered to be a conventional employment/B1 building, by virtue of the nature of the December 2005 consent. Consequently, development plan policies to safeguard employment buildings do not apply in this case
- 7.2 By nature of Summit House's position in a predominantly residential area, the application proposals are worthy of support. A residential use will be beneficial in terms of residential amenity, certainly when compared to the existing use. This is particularly the case for the adjoining residential properties of 38a, 38b and 38c Highgate West Hill. On this point, it should be noted that Summit House (including ancillary gymnasium) can operate from 0600 – 2200 hours, as a result of the consents granted in March 2006 and May 2008. The comings and goings, especially in the evening, are not desirable in terms of residential amenity.
- 7.3 As explained, the proposed residential use will be in the form of one residential dwelling. Traffic generated from the dwelling will be low. Certainly, any traffic generation will be far lower, than that generated by the serviced offices and medical consultancy rooms. The reduction in traffic is beneficial both in terms of residential amenity, and also in relation to highways matters. In relation to highways matters, the current arrangement whereby vehicles associated with the offices/medical consultancy rooms turn into the private access from Highgate West Hill is far from ideal. Indeed, this manoeuvre is made particularly problematic as a result of both the narrow width and the steep gradient of Highgate West Hill at this point.
- 7.4 The application proposals do not involve any physical alterations to the property itself. Consequently, there are no direct affects upon the conservation area, in visual terms. However, the ability to provide a use which is consistent with the character of the area, and the reduction in traffic along Highgate West Hill, both represent benefits which will enhance the character of the Highgate Conservation Area. Consequently, the application proposals are beneficial in terms of the property's designation in the conservation area.

8 SUMMARY AND CONCLUSIONS

- 8.1 The application proposals are for the change of use of a two storey building (plus basement) from use as offices (Class B1) and/or medical consultancy rooms (Class D1) to a single dwelling house (Class C3). The application property is Summit House, 40 Highgate West Hill, Highgate.
- 8.2 Relevant to the application proposals is the planning consent granted in December 2005. This consent enables Summit House to be used flexibly as both offices (Class B1) and/or medical consultancy rooms (Class D1). Indeed, Summit House is used for a mixture of both serviced offices and medical consultancy rooms, although the precise mix does change from time to time.
- 8.3 The application proposals are consistent with Government policy, as set out in the NPPF, by bringing forward housing and improvements in residential amenity. Furthermore, the proposals are in accordance with the development plan, again by bringing forward housing, consistent with the aim of providing a variety of housing types. Policies which seek to protect existing employment use are not relevant in this case, as Summit House has the flexibility to change from an employment use to a non B1 use (i.e. Class D1 use) without planning consent.
- 8.4 The application proposals should be considered within the context of recent changes to the General Permitted Development Order. Notably, the applicant is able to change the use of the property from Class B1(a) offices to residential use, without planning permission.
- 8.5 The application proposals can bring forward benefits in terms of residential amenity, reduction in traffic and enhancement to the character of the Highgate Conservation Area. Consequently, as well as being in accordance with planning policy, it is clear that the application proposals have overwhelming merit.