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**LONDON WC1A 1JT– (PART) SECOND & THIRD FLOORS,
MUSEUM HOUSE, 23-26 MUSEUM STREET**

**CHANGE OF USE FROM CLASS B1 (OFFICE) USE TO
CLASS C3 (RESIDENTIAL) USE**

PLANNING STATEMENT

DEVONSHIRE DEVELOPMENT (UK) LIMITED

11 September 2015

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APPENDICES

A - Copy of Pre-Application Letter of Advice from the Borough Council.

1. INTRODUCTION

- 1.1 This statement is submitted in support of a planning application for the change of use of part of the second, and all of the third floor of this property from class B1 (office) use to class C3 (residential) use. A small part of the lower ground floor (basement) would also be converted to act as a bike store. The application follows on from pre-application advice obtained from the Borough Council.
- 1.2 The statement describes the nature of the proposal, and the planning and other relevant property history. Having considered the relevant planning policies the statement goes onto consider the planning issues raised by the proposal, and assess its overall acceptability.
- 1.3 This statement should not be read in isolation, and the planning application is accompanied by a number of other documents including a Design, Access, and Lifetime Homes Statement, a Marketing Report, and relevant plans and drawings (see covering letter).

2. SITE & SURROUNDINGS, AND THE DEVELOPMENT PROPOSAL

- 2.1 The application site is located within the Bloomsbury area of the Borough, between the British Museum to the north and New Oxford Street to the south. The area is mixed in character (in terms of the nature of uses), with predominantly commercial (class A) uses at ground floor level, and office and residential uses above. There are a number of restaurants and pubs in the immediate vicinity, as well as providers of day to day services.
- 2.2 The application premises are typical of this pattern. The building is arranged over five stories plus basement. At ground floor level the building is occupied by a gift shop, a hairdresser, an estate / lettings agency, and a café. Part of the first floor is occupied for residential use. The remainder of the first floor and second to fourth floors have lawful office use, however part of the second and all of the fourth floor of the building is vacant, pending conversion to residential use (see Planning History section of this Statement). The basement is utilised as ancillary storage space for all occupiers of the building.
- 2.3 The office areas are divided into small office suites, and are not well suited to the needs of modern office occupiers. More commentary on this matter is set out within the Marketing Report submitted as part of the application.
- 2.4 The application proposes the change of use of part of the second floor, and all the third floor of the building from office to residential use. The second floor would be converted to accommodate one two-bedroom apartment, and the third floor two two-bedroom apartments. All apartments would have communal access arrangements via the existing staircase and lightweight passenger lift. Cycle storage is proposed within the basement area.
- 2.5 The proposed size of each apartment, and individual rooms is largely defined by the internal layout of the building. We set out below a schedule of apartment / room dimensions:

Table 2.1: Proposed Apartment and Room Dimensions (Sq.m.)

	Apartment 2B	Apartment 3A	Apartment 3B
Kitchen	7	17	7
Sitting room	19	22	19
Bedroom 1	21	20	21
Bedroom 2	14	16	14
Study	n/a	11	n/a
Bathrooms/corridors/other	38	37	38
Total	99	123	99

Notes:

All dimensions measured on gross internal basis (GIA).

- 2.6 Access to the second and third floor apartments would be via the communal ground floor entrance, and stair case (there is also a light-weight passenger lift accessible via the half-landing adjacent each main floor). In order to ensure the appropriate level of security, in addition to the main entrance door each apartment would have its own secure key-locked front-door entrance.
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- 2.7 The only communal access is to the basement level, albeit at this level there are separate, individual locked rooms utilised for ancillary storage. It is proposed that two of these (one already has permission) would be reconfigured to accommodate cycle storage for the residential units (common entrance for the residents, and individual cycles to be locked for security).
- 2.8 No external physical alterations would be required as a result of the change of use. All of the apartments would utilise existing window openings, and the main habitable rooms would be arranged along the principal north and east frontages of the building to maximise outlook, and minimise overlooking.

3. PLANNING HISTORY

- 3.1 The application premises were constructed in about 1890. We anticipate the property would originally have been constructed as a single private residence before commercial and office uses took over, possibly in the inter-war years.
- 3.2 Part of the first floor is occupied for residential purposes, pursuant to planning permission granted in 1976.
- 3.3 Turning to the modern era, planning permission has recently been granted for the following:
- Change of use from office to residential use of the fourth floor and part-second floor – October 2013 (ref: 2013/4368/P);
 - Change of use from office to residential use of part of the first floor – October 2014 (ref: 2013/7239/P); and
 - Erection of a fifth floor extension for use as a self-contained flat – March 2015 (ref: 2014/4117/P).
- 3.4 As a consequence of these permissions the majority of the floor space in the upper (first to fourth) floors of the building has permission for residential use. This latest application therefore represents a final, logical and (in our view) non-contentious proposal that would facilitate the change of use of the remainder of the upper floor areas.
- 3.5 There is no other planning history for the property relevant to this proposal. There is, however, relevant planning history from a nearby property (28 Museum Street), being for a similar proposal (application reference 2011/6466/P). We refer to that permission later in this statement (section 5).
- 3.6 During the preparation of this application pre-application advice has been obtained from the Borough Council, and a copy of the Council's advice is attached as **Appendix A** to this statement.
- 3.7 We understand the property is not Listed, although it is located within the Bloomsbury Conservation Area. The latter is not relevant to the determination of this planning application.

4. PLANNING POLICY

- 4.1 The majority of planning policies relevant to the determination of the application are at a local level within the adopted Camden Core Strategy and Development Policies Local Development Document (LDDs), as well as the Council's Planning Guidance (CPG5). For completeness we also briefly refer to the London Plan published by the Mayor of London, and also the National Planning Policy Framework (NPPF) produced by Central Government.
- 4.2 It is relevant to note that a planning application is only necessary in relation to the proposed development due to special circumstances. Via Statutory Instrument 2013 No. 1101 (SI), the Government introduced a series of changes to the established system of permitted development rights i.e. activities meeting the definition of 'development' within The Act, and which are deemed not to require prior planning permission since they are considered to be generally beneficial and / or non-controversial. Permitted development rights include certain changes of use, and the SI widened the scope of these to include change of use of buildings and land from office to residential use (subject to a system of prior notification to local planning authorities).
- 4.3 When introducing the changes the Government made it clear that it would only grant exemptions to local planning authorities from the new rights in very limited circumstances (economic). This part of the Borough of Camden is one of only seventeen locations within England granted an exemption. Notwithstanding, the changes introduced by the SI send a clear signal that, in general terms, the Government considers changes of use from office to residential use to be an acceptable form of development.

The Principle of Change of Use

- 4.4 The starting point is to consider those policies that govern a change of use of office floor space to an alternate use.

Core Strategy (November 2010)

- 4.5 The most relevant policy is Policy CS8. This sets out a broad-brush policy approach, and criterion (b) confirms that existing employment premises will be safeguarded "*that meet the needs of modern industry and employers*". For reasons explained in Section 5 of this statement we do not consider the subject premises meet this test. As noted above the subject premises were constructed in about 1890, and likely for a different use.
- 4.6 In such circumstances paragraph 8.8 of the Core Strategy states that "*The Council will consider proposals for other uses of older office premises if they involve the provision of permanent housing...*" Reference is then made to Policy DP13 for more detail on the policy approach.

Development Policies LDD (November 2010)

- 4.7 Policy DP13 sets out the more detailed approach to changes of use from office to residential use. There are two main criteria to be addressed:
- a) that the site or building is no longer suitable for its existing business use; and
 - b) there is evidence that the possibility of reusing the site for similar or alternative business use has been fully explored over an appropriate period of time.
- 4.8 Paragraph 13.5 confirms that where a change of use to a non-business use is proposed, as in this case, the applicant must demonstrate that there is no realistic prospect of demand to use the site for an employment use.
- 4.9 The paragraph states such should include a thorough marketing exercise sustained over two years. The Borough Council's Planning Guidance (CPG5) does however provide some relief from these requirements in appropriate circumstances. Paragraph 7.4 sets out a detailed list of matters to be considered. Generally, these relate to the age and condition of the premises, and their quality by reference to modern standards and the requirements of occupiers. Paragraph 7.18 of CPG5 provides more information on marketing requirements. Although the fourth bullet point refers to the two year marketing period, it is confirmed that shorter marketing periods for office premises will be considered.
- 4.10 Moreover, the recent planning history of this and nearby property has confirmed the approach to the Council's interpretation of this aspect of policy. This is that a formal marketing exercise is clearly not appropriate nor necessary, where it can clearly be demonstrated that the application premises are not suitable for modern office requirements. Such is demonstrably the position in this case.

Other Policy Considerations

- 4.11 Having identified the relevant policy considerations for assessing a change of use from offices, it is then necessary to consider those policies that are relevant to the proposed (residential) use.
- 4.12 There are a large number of policies. In summary we consider the most relevant to be:
- Policy CS5: managing the impact of development;
 - Policy CS6: housing as "the priority land use" of the LDF (criterion e);
 - Policy DP2: maximising housing supply;

- Policy DP5: size of new residential units, particularly criterion (a) and the dwelling sizes priority table, which confirms that 2 bedroom market housing is a “very high” priority;
- Policy DP6: all new residential to meet Lifetime Homes standards (see the separate Lifetime Homes Statement submitted with the application);
- Policy DP18: car and cycle parking standards, including the use of s106 agreements for car-free development, and the cycle parking standards of appendix 2 (1 cycle space per unit); and
- Policy DP26: the impact of development, and adequacy of premises for use. This includes internal arrangements, dwelling and room sizes, storage for waste, and private or communal amenity space wherever practical.

4.13 In addition to the above the Council has identified the following policies as being relevant to the proposal:

- CS11: promoting sustainable and efficient travel; and
- DP17: walking, cycling and public transport.

4.14 We refer to these additional policies in this statement as appropriate.

The Mayor, and The London Plan (March 2015 version)

4.15 Residential use and development for housing is dealt with in chapter 3 (entitled London’s People) of the London Plan. At paragraph 3.13 the plan states “*The Mayor is clear that London desperately needs more homes...*” This strategic requirement is reflected in Policy 3.3 (increasing housing supply).

4.16 Within this context Policy 3.5 sets out certain standards that new residential development should meet. This includes minimum space standards as set out in Table 3.3. In respect of 2 bedroom flats (as proposed in this instance) the space standard ranges between 61-70sq.m. (GIA).

4.17 Beyond the London Plan, the Mayor’s powers in relation to the Community Infrastructure Levy (CIL) are relevant to the application. The Mayor commenced charging under CIL for certain forms of development in April 2012, and it is confirmed this includes the creation of new residential units via change of use (as a form of ‘development’). The Mayor’s charging schedule confirms the applicable rate is £50/sq.m. (measured upon a gross internal area basis).

The National Planning Policy Framework (NPPF) (March 2012)

4.18 Housing in addressed at section 6 of the NPPF.

- 4.19 At paragraph 51 it is confirmed that local planning authorities should seek to identify and bring back into residential use empty housing and buildings. It goes on to state "*They (LPAs) should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for housing in that area, provided there are no strong economic reasons why such development would be inappropriate.*" In due course it is anticipated that the upper floors of the building (that the subject of this application) would be vacant in the relatively short-term, mirroring the situation in the remainder of the upper floor space, and reflecting the poor quality of the space as office accommodation.

5. PLANNING ISSUES

5.1 In our view there are only two principal planning matters raised by the proposal, namely:

- i) Loss of office floor space; and
- ii) The acceptability of residential use.

5.2 We address each of these in turn below.

Loss of Office Floor Space

5.3 We consider the application proposal complies with Policy DP13, solely on the basis that the premises are no longer suitable for business use i.e. classes B1, B2 and B8. For example, the property has no service area or car parking, standard residential floor to ceiling heights (low by modern business use standards), standard floor loading capacities for a building of this type, and only a lightweight passenger lift for access to the upper floors. Moreover, the interior of the building, particularly structural walls, restricts reconfiguration to a significant extent. All in all the building falls well short of what contemporary office occupiers require.

5.4 It is important to note in this regard that Policy DP13 clearly draws a distinction between office use, and all other business uses. The policy states that when 'unsuitability' has been demonstrated for any business use "other than" (our underlining) B1(a) offices, the Council will favour permanent residential use in the first instance. Put another way, subject to meeting any separate and relevant residential policies and criteria (see below) the policy is permissive of change of use from office to residential use when other class B uses cannot be accommodated in the premises. We contend that is the case in this instance.

5.5 That said, and having regard to the pre-application advice, for the sake of completeness we have addressed the Council's policy requirement for some commentary and analysis in respect of marketing and local office supply. The purpose of the analysis is to: (i) provide a more detailed analysis and description of the shortcomings of the floor space relative to modern office occupier requirements; and (ii) ensure that should the application be granted, there would be sufficient supply of other office floor space opportunities in the locality (albeit as noted above, we do not consider such is a requirement of policy in this instance). We summarise the outcome below (paragraph 5.9-10).

5.6 The circumstances of the application proposal are very similar to a number of planning permissions granted by the Council over recent years. These include:

- 31 Museum Street (ref: 2011/5960/P);
- 28 Museum Street (ref: 2011/6466/P);
- 23-26 Museum Street (ref: 2013/4368/P); and

- 23-26 Museum Street (ref: 2013/7239/P).

5.7 The format and scope of the Local Office Availability Schedule submitted in support of this application reflects that utilised (and accepted) for the above planning applications.

5.8 The Council's pre-application response (see Appendix A) indicated that a different approach to the interpretation of Policy DP13 would be required for this latest application, and hence the scope and content of the relevant report. In the light of the above pattern of decisions (all of which were permitted by the Council) such an approach seems hard to justify – particularly so when the majority of the upper floor space of Museum House now has planning permission for residential use, and change of use of the remainder should therefore be relatively non-contentious.

Marketing Report

5.9 This has recently been prepared by Glinsman Weller, a commercial property consultancy dealing with property in the area around the application premises, and beyond. The report (in letter format to the applicant's managing agent – Hawes Price) sets out clear conclusions on the numerous shortcomings of the existing office floor space within Museum House. The report concludes that a formal marketing exercise would be a "fruitless" exercise.

5.10 In any event, the schedule attached to the letter identifies 29 available properties within the vicinity of the application premises that offer those searching for office accommodation substantial choice. Thus, the conversion of the application premises is unlikely to have any significant effect on the local supply of office space.

The Acceptability of Residential Use

5.11 On the basis that change of use of the application floor space from office use is acceptable, there is no doubt in terms of the Borough Council and the Mayor's planning policies that residential use is the most preferred alternate use.

5.12 Having regard to the detailed policies for residential use and standards identified in section 4 of this statement, we now turn to consider the proposal against the various criteria.

Residential Unit Sizes

5.13 Approval of the application would facilitate the creation of three new two-bedroom apartments ranging in size from 99-123sq.m. All of the apartments would be well in excess of the Mayor's minimum space standards for these forms of dwelling.

5.14 The proposal would also meet the Borough Council's own standards for individual room sizes as confirmed via the pre-application advice letter

(see **Appendix A**), and therefore would be in accordance with Policy DP26.

Lifetime Homes Standards

- 5.15 Via a written statement to the House of Commons on 25 March 2015 the then Secretary of State for Communities and Local Government effectively signalled that the Government will no longer support the Lifetime Homes Standards, and will expect local authorities to adopt a new set of technical standards for housing. The statement confirms that the new system will comprise additional optional Building Regulations on water and access, and a new national space standard – all to complement the existing mandatory Building Regulations.
- 5.16 The statement goes onto to confirm that the optional new standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered.
- 5.17 Notwithstanding, we are conscious that Camden’s relevant LDDs still make reference to the Lifetime Homes Standards and thus for completeness we have considered the proposal against these, albeit out-dated, standards.
- 5.18 Policy DP6 requires all housing development to meet Lifetime Homes standards. Paragraph 6.5 of the supporting text to the policy acknowledges that the design or nature of some existing (our underlining) properties means that it will not be possible to meet every element of the standards. Where standards cannot be met the reasons should be given. The Design, Access and Lifetime Homes statement submitted with the application therefore addresses each of the criteria for Lifetime Homes at Section 5. It can be seen from the table that the proposal would achieve eight of the sixteen standards, and with a further one stated as being not applicable. Of the standards that cannot be met we add the following comments:
- In respect of criterion 01, the property has no car parking; and
 - In respect of criteria 04-06, 10, 14 and 15 these matters are clearly restricted by the existing structure of the building, and the position cannot be significantly improved.

Affordable Housing

- 5.19 The Council’s pre-application response confirms that the proposal would not breach the threshold that would trigger the need for the provision of an affordable housing element.

Car and Cycle Parking

- 5.20 As noted above the property has no dedicated car parking. Moreover, and as noted in the Council’s pre-application response letter we confirm the applicant is prepared to enter into a s106 obligation to the effect that any

future owners or tenants of the proposed residential units will not be able to apply to the Council for an on-street parking permit.

- 5.21 The proposal would meet the Council's Policy DP18 in respect of cycle parking, by providing at least six secure dedicated cycle parking points in the lower ground floor (two per residential flat).

Other Matters

- 5.22 In all other respects we consider that the proposed residential units would be fit for purpose, including:

- *Waste storage:* each kitchen to be fitted with storage bins of appropriate capacity for both domestic waste, and recyclable materials. We understand that it is not possible to provide waste storage facilities at ground floor or basement level, either within or outside the building, and thus waste would be put out for collection by residents shortly before collection. This is, of course, common practice in Central London;
- *Natural light:* all of the proposed habitable rooms within the residential units would have good natural lighting (and ventilation), along with a satisfactory outlook for this central, densely developed urban location; and
- *Amenity and overlooking:* the internal configuration of the proposed dwellings has been devised to minimise any issues of overlooking of adjacent premises. It should be noted that the second floor of Museum House does not significantly overlook the adjoining building due to the presence of the party wall.

6. SUMMARY & CONCLUSION

- 6.1 The application proposes the change of use of office floor space on the second and third floors of the building to residential use, creating three new high-quality apartments.
- 6.2 The office floor space is very dated, and does not meet modern office occupier requirements in a number of respects. It would not be feasible to utilise the floor space for other business (class B) uses, and the only realistic prospect of reuse of the space is via residential use.
- 6.3 Unlike office and business use the layout and internal configuration of the premises would lend itself well to residential use, not surprising given the purpose for which the building most likely was originally constructed.
- 6.4 The proposed apartments would all be of generous proportions, well in excess of both the Council and Mayor's minimum space standards. The apartments would be configured to make the most of the building's main elevations and windows (north and east facing facades), and minimise any prospect of overlooking to the rear of the premises.
- 6.5 The property has no dedicated car parking. Secure cycle parking to meet the relevant standard would be provided at lower ground floor level.