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Our Ref: 20160106
Your Ref: 2016/3411/P

Date: 09 September 2016

Dear Ms Constantinescu

**LONDON WC1A 1JT – MUSEUM HOUSE, 23-26 MUSEUM STREET
APPLICATION FOR CHANGE OF USE OF PART OF THE SECOND FLOOR,
AND ALL OF THE THIRD FLOOR FROM CLASS B1 (OFFICE) USE TO CLASS
C3 (RESIDENTIAL) USE (RE-SUBMISSION)**

I refer to your email of 18 August raising a number of queries about certain aspects of the above planning application. I set out below a response to each of these queries. Whilst writing, I have also taken the opportunity to respond to some of the issues raised by third-party objectors (such that we are aware of, and that have been posted on the Council's website).

Marketing

Appended to this letter is a separate letter by Richard Weller of Glinsman Weller (GW) reporting on and assessing the outcome of the marketing exercise undertaken for the application premises. Marketing of the premises commenced in Mid-March, and has thus been ongoing for almost six months. In this period of time there has not been any offer from potential occupiers.

Having set out the mechanics of the marketing exercise the GW letter goes on to record the level of interest and viewings undertaken at the property. A range of potential occupiers from different occupations (albeit all office based) have viewed, however since mid-July there have been no viewings. GW record the feedback received from each viewing, and it is clear that the two principal shortcomings of the property are the inflexibility of the floor areas and the lack of DDA compliance. Given the nature of the building neither of these can be adequately addressed. As a consequence GW are not optimistic that further marketing of the property will result in significant interest.

It is important to stress that the rent sought (£59.50/sq.ft.) has not been cited by any interested party as a reason for not viewing the property nor making an

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offer. In our view this is because the rental terms sought are entirely consistent with the market-place for this type of property. The GW letter refers to various examples of comparable properties within the locality, both in terms of the asking rent and actual lettings. It is clear from this that the rent sought for Museum House is appropriate, competitive, and consistent with the market.

In any event, GW confirm that even if the asking rent were to be reduced this is unlikely to have any significant effect on market interest.

Having regard to the above we consider there is strong evidence that the application premises are no longer suited for office use, and will continue to remain vacant for the foreseeable future unless this change of use application is permitted.

Use of the First Floor

You stated in your email that it appeared part of the first floor of Museum House must still be in office use. I can confirm that this is not the case. The floor space you are referring to has been in long-term lawful residential use pursuant to planning permission granted in 1976 (see paragraph 3.2 of the Planning Statement). The floor space is taxed as domestic property, reflecting this position. As a consequence, and with respect, your assertion that paragraph 3.4 of the Planning Statement is 'misleading' is not correct.

As a temporary measure only the first floor residential accommodation was vacated in December 2015, so as to facilitate the building works that are presently being undertaken within Museum House, including the construction of the roof extension. Rather than having to provide a separate Portkabin for temporary site offices and welfare facilities, it was agreed that the building contractor could utilise the first floor residential accommodation (including bathroom and kitchen) for those purposes. Once the works are completed (estimated to be late 2016) the first floor will be returned to permanent residential use.

Affordable Housing

In your email you suggest the claim that the proposal does not breach the Council's affordable housing threshold appears to be 'false'. With respect, again this is not correct.

The matter of affordable housing has been dealt with previously. Specifically, in the context of the pre-application consultation prior to the submission of the previous application (ref: 2015/5169/P). For convenience, I set out below once more the factual position in respect of the relevant thresholds (1,000sq.m. or 10 residential units):

- The current planning application would only comprise three residential units, or about 321sq.m. (GIA) floor space;
- Even if added together with all recent permissions granted in the period 2013-15 the total floor space of permitted residential development would comprise 923sq.m. (or 8 units), well below the Council's threshold of 1,000sq.m. (or 10 units);

- Moreover, we do not consider that the permitted fifth floor roof-top apartment (ref: 2014/4117/P) can legitimately be included within any affordable housing equation. This is because the relevant s106 agreement is absent the required legal clauses, unlike the s106 agreements for earlier permissions 2013/4368/P and 2013/7239/P. The result of this would be to reduce the applicable area of the building to about 774sq.m. (or 7 units), substantially below the Council's threshold; and
- Under no circumstances would it be appropriate to include the existing first floor residential floor space within the affordable housing equation, this 1976 consent pre-dating the relevant policies by 34 years.

This data was considered by the Council, and the formal pre-application response (via letter dated 25 August 2015) confirmed that the affordable housing threshold would not be breached. This was addressed again via the officer's delegated report for the previous (refused) application (ref: 2015/5169/P) (case officer Mr Shane O'Donnell), as per page Section 8.0 of the document.

Since there has been no material change in circumstances since that time then the policy position remains the same. This latest application does not exceed the Council's affordable housing threshold, and thus no affordable housing provision should be required.

Third-Party Objectors

Although there are five separate objections to the application these raise similar issues, and we briefly comment on each as follows:

- *Marketing of the office premises:* two of the objectors raise queries about aspects of the marketing exercise. One suggests that there has been no 'real attempt' to market the premises. The other appears to suggest that there have been various abnormalities about the process, before going on to state that the marketing and particulars are "... nothing more than what any agent would produce..." i.e. normal practice.

In response, we cannot agree with the criticisms of the marketing exercise, and note that no evidence is offered to support those assertions. The property has been marketed by very reputable commercial agents in accordance with normal industry practice (see above and the attached letter for details). The rental terms sought are consistent with comparable evidence from recent lettings as set out in the Glinsman Weller letter, and there is no evidence that the quoting rent has discouraged interest or prevented offers from being made.

One objector has commented on the timing of the various applications over the last few years for change of use of parts of the property. For the avoidance of doubt, and as dictated by the Council's policy, the timing of the various applications relates to the different periods when vacant possession of different floors of the building has been obtained;

- *The Council's policy on offices and change of use:* one objector appears to assert that the relevant Council planning policies effectively prohibit change of use. Such an interpretation of the policy position would not be

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correct. The relevant policies (CS8 and DP13) make it absolutely clear that changes of use can and will be permitted in certain circumstances. We consider the application proposal meets all the required circumstances;

- *Car parking*: one objector raises concern that permitting the application would exacerbate pressure for parking space in the area. As you will be aware the applicant will enter into a legal obligation to ensure a car-free development (as with the other recently granted permissions for residential use of various parts of Museum House); and
- *Domestic waste and refuse*: several of the objectors comment that permitting the application would result in an unacceptable situation as regards bin bags being left on the street for collection. In response we make reference to three points: (1) none of the recent permissions for residential use of the property identified this as a significant issue; (2) all of the residential units would have plenty of internal storage space for refuse, and there is no reason to assume that bin bags would be, or need to be, left out for collection for prolonged periods; and, (3) leaving bin bags out for collection is, for most, the only practicable solution for the purposes of refuse collection. The suggestion that Museum House might be singled-out as an exception to this arrangement would seem to be grossly unfair. Indeed, if any future problems were to emerge (and we do not anticipate they would) then they would most appropriately be dealt with through the relevant environmental legislation.

Having regard to all of the above we consider, and respectfully request that the application should be permitted.

Should you require any further information please do not hesitate to contact me.

Yours sincerely,

Bruce Hartley-Raven

Director

for and on behalf of Prime Planning & Development Limited

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