

PB/JH/AP/PD10789

email: peter/bovill.@montagu-evans.co.uk
james.huish@montagu-evans.co.uk
adam.price@montagu-evans.co.uk

30 November 2016

Planning Department
London Borough of Camden
2nd Floor
5 Pancras Square c/o Town Hall
Judd Street
London
WC1H 9JE

**BY PLANNING PORTAL
PP REF: PP-05569927**

Dear Sir / Madam

**BASEMENT OF 20-26 LAMB'S CONDUIT STREET, LONDON, WC1N 3LE
PLANNING APPLICATION – PROPOSED CHANGE OF USE OF VACANT CAR PARK**

On behalf of our client, MHA London Ltd, please find enclosed an application (“the / this Application”) for planning permission at the basement car park of 20-26 Lamb’s Conduit Street (“the Site”), for:

“Change of use of the existing basement car park to a flexible B1/B8/D1/Gym (D2)/veterinary clinic (sui generis) use”

The Application comprises the following documentation:

1. Covering Letter (this document), prepared by Montagu Evans LLP;
2. Completed Application Form;
3. Site Location Plan at a scale of 1:1,250;
4. Existing and Proposed Drawings, prepared by MHA London Ltd;
5. Design and Access Statement, prepared by MHA London Ltd;
6. Energy Statement, prepared by Cundall;
7. Noise Assessment, prepared by Cole Jarman; and
8. Tracking Drawings, prepared by Mayer Brown.

Introduction and Background

Site Location

The Site is located in the administrative area of London Borough of Camden (“LBC”). A Site Location Plan is enclosed, as part of the Application.

The Site is located on the north east corner of Lamb’s Conduit Street and Richbell Place, to the north of Theobalds Road. This Site is at basement level of the above residential property. The northern boundary of the Site is defined by a mix of residential properties and commercial floorspace. To the east is the adjoining University of the Arts building at 5 Richbell Place, which provides the sole vehicular access to the basement of the Site via a shared ramp. Pedestrian access to the Site is achieved via an access door on Richbell Place.

Holborn Metropolitan Police Station is located on the opposite side of Richbell Place, to the south. Lacon House, an office building, is located to the west of the Site, on the opposite side of Lamb's Conduit Street.

The Site itself comprises a single level basement car park covering an area of approximately 272sqm (GIA) of car parking / storage. The car park is accessed via a shared ramp, at the corner of Richbell Place and Emerald Street. Planning permission (ref. P9601185R1) was granted on 20 September 1996 for the conversion of the above building from office floorspace to 15 residential units with ancillary car parking. The 15 residential units are served by a separate ground floor car park. As a result of the existing access via the ramp, the basement car park is unused and seemingly has been for at least 20 years since the 1999 permission, if not longer.

The surrounding area contains a mix of uses including offices (Use Class B1a) and residential apartments (Use Class C3), with retail (Use Classes A1 and A3) at ground floor along Lamb's Conduit Street.

Russell Square Underground Station is located approximately 0.4 miles to the north west of the Site. The closest bus stop is located on Theobalds Road to the south of the Site, from which a number of bus services including Number 19, 38, 55 and 243 operate.

Pre-Application Advice

In preparing this Application, pre-application advice was sought from LBC. The pre-application request was submitted on the basis of the change of use to a number of uses, in order to gauge which uses(s) LBC considered most suitable for the Site.

A site visit was carried out with Jennifer Walsh (Planning Officer) and Kate Gibbs (Economic Development Officer) of LBC on 22 September 2016. Both the exterior and interior of the Site, including pedestrian and vehicular access facilities, were visited and discussions were held. Officers responded positively to the proposals, stating that reuse of the vacant Site for one of the proposed uses would be acceptable in principle.

A formal pre-application response letter was issued by LBC officers on 13 October 2016. The letter provides comments and recommendations of LBC on each of the proposed uses and other considerations, including amenity and transport. LBC agreed, in principle, to each of the proposed uses. This Application has been prepared in light of the pre-application response from LBC.

Proposals

This Application seeks the change of use of the existing basement car park to a flexible use within Classes B1/B8/D1/Gym (D2) or veterinary clinic (sui generis). The car park is currently vacant and so represents a lost opportunity in a key Central London area.

The Application seeks a change of use of the Site only. No external changes or demolition are proposed and the existing access (from Richbell Place) would be retained.

Statutory Development Plan

S.38 (6) of the Planning and Compulsory Purchase Act 2004 advises that applications should be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The development plan for the Site comprises:

- Further Alterations to the London Plan (“FALP”) (2016);
- LBC Core Strategy (2010);
- LBC Development Policies (2010); and
- LBC Site Allocations (2013).

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) set out the national policy and guidance. Material considerations for the Site include local guidance contained within Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs).

LBC are in the process of reviewing the content of their Local Plan and supporting documents. LBC submitted a submission version of the revised documents to the Secretary of State on 24 June 2016. Public hearings began on 18 October 2016 as part of the Examination in Public (EIP) and closed on 25 October 2016. Due to the well progressed status of the document consideration will be made to its contents within the below policy assessment.

Designations

The adopted LBC Proposals Map identifies the following designations which apply to the Site:

- Central London Area;
- Archaeological Priority Zone (London Suburbs); and
- Designated View (4A.1 Primrose Hill summit to St Paul's Cathedral - Right Lateral Assessment Area).

The Site is not subject to any specific land use designation. It is not listed or in a conservation area but lies to the south of the Bloomsbury Conservation Area. The Site lies within Flood Zone 1 (least probability of flooding) and has a PTAL of 6b (highest rating).

Planning Assessment

Loss of Existing Use

The Site has planning permission to operate as a car park. The approved drawings from planning permission ref. P9601185R1 confirm this, showing the Site as primarily a car park, with some storage space and a plant room. The Tracking Drawings, submitted as part of this Application, identify that no vehicles are able to access the Site due to the configuration of the access ramp, which accordingly renders the Site unsuitable for its current use. As a result, the car park has been vacant for the majority of its lifespan, and has never been used solely as a car park. Another car park is located at ground floor level of the building which serves the 15 residential units. The Site is therefore surplus to requirements as a car park.

The Site has a PTAL rating of 6b (highest) and is therefore considered to be in a highly sustainable transport location. The loss of the existing car parking spaces was considered in the pre-application letter from LBC to be acceptable and in line with Policy DP18 of the Development Policies, which seeks minimal car parking and the promotion of sustainable transport modes.

Policy DP19 reinforces the acceptability of the loss of the existing parking spaces, stating that LBC will encourage the loss of surplus spaces to use the land for other purposes. Policy T2 of the Submission Version of the draft revised Local Plan states that LBC will support the redevelopment of existing car parks for

alternative uses. These policies adhere to the environmental requirements of the NPPF's aim for sustainable development.

Principle of Proposed Uses

Policy DP1 of the LBC Development Policies document seeks mixed-use development proposals within Camden. Developments within the Central London area, which propose more than 200 sqm (gross) additional floorspace, are expected to provide up to 50% of the additional floorspace as secondary uses, including housing. This Application seeks only a change of use of an existing property and no additional floorspace would be created. Policy DP1 is therefore not applicable to this Application. Notwithstanding this, the pre-application letter from LBC specifically requested an assessment of the proposals in respect of Policy DP1. Accordingly, this assessment is provided in the following paragraphs.

The Site has an approximate floorspace area of 272 sqm (GIA). By definition of Policy DP1, the Site would be required to deliver up to 136 sqm of the total floorspace (i.e. up to 50%) as a secondary use, with a LBC preference for housing. It would be extremely difficult to design a residential arrangement which could be feasibly be located in such a limited floorspace area, especially in conjunction with the eventual use in the other part of the Site.

As previously stated, the Site is entirely below ground and receives a low level of natural light, therefore being unsuitable for use as residential dwellings. Moreover, the existing access arrangements are unsuitable for residential purposes and would need to be separated from those of the proposed primary use in order to result in an appropriate level of residential amenity for the prospective residents.

By virtue of the above, and the nature of the Application being for a change of use only, no secondary uses are proposed. The following paragraphs provide an assessment of each of the possible uses proposed as part of this Application.

Offices (Class B1)

Policy CS9 (Achieving a successful Central London) of the Core Strategy states that LBC will promote development within the Central London Area to contribute to London's *"economic, social and cultural role while meeting the needs of local residents and respecting their quality of life"*. Conversion to office use would provide a more viable and active use of the Site and represent an economic benefit within Camden and the Central London Area. This would therefore meet the NPPF's aim for sustainable development.

Part A of Policy CS8 of the Core Strategy identifies the need for office floorspace within the Central London Area. The Site offers a good opportunity to provide for some of this forecasted demand in a sustainable location.

The Site is well located for occupation by small and medium enterprises (SME) and start-up businesses, encouraged by LBC within Part C of Policy CS8. LBC's vision to provide a diverse range of office stock mirrors the wording of Strategic Policy 4.2 of the FALP. A drawing of an indicative arrangement for a Class B1 use is submitted as part of this Application. The drawing is for indicative purposes only.

Part E of Policy CS8 states that LBC will also encourage creative and cultural businesses within Camden which would be suitable occupiers for the Site. The policy is in line with Policy 4.2 of the FALP which states that Boroughs should support mixed-use development offices for various businesses including SMEs.

The Application would therefore accord to Policy CS8 and CS9.

Storage (Class B8)

A change of use of the unit to entirely storage space would not represent a significant change and would allow the Site to once again be operational; satisfying LBC's Policy CS9 and the NPPF's aim for sustainable development.

The Tracking Drawings, submitted as part of the Application, identify that cars or vans would be able to reverse onto the ramp to load or unload the contents of the vehicle and therefore not need to access the unit itself. Larger vehicles could park along Emerald Street and use a trolley to transport the contents to and from the unit.

Policy DP27 (Basements and Lightwells) of the Development Policies document identifies that developments relating to basements will be assessed, in part, on their impact to the amenity of neighbours and the quality of the environment they would achieve. The existing Site contains two lightwells, providing some natural light. Typically, storage facilities primarily use artificial light sources and accordingly the combination of natural light and artificial light sources would provide sufficient light for storage purposes. The Application would have a minimal impact on neighbouring properties.

Non-residential Institution (Class D1)

This Application seeks the option to use the Site for purposes under Class D1 (Non-residential Institution). Class D1 is wide-ranging and accordingly some of the uses contained within the use class would not be suitable for the Site. For clarity, the uses identified as being appropriate for the Site, and those which form part of the policy review are: health clinics, day centres, art galleries, libraries, halls, education and training centres. This list is not exhaustive, however is included to identify the type of uses within the use class which are appropriate.

Class D1 uses are promoted in the Central London Area through Policy CS9 of the Core Strategy, which seeks developments which will contribute to London's economic, social and cultural role, as well as the concentration of medical, educational, cultural and research institutions within Central London.

The surrounding area is an established area for Class D1 uses, including the neighbouring University of the Arts building, as well as several art galleries with walking distance and the UCL Educational Lab to the north, along Emerald Street. The Site would therefore provide a good opportunity to further improve the presence of Class D1 uses, establishing the area as a mixed-use area.

Generally, the types of uses contained within the above identified list do not require high levels of natural light, however this would vary for each individual use. Each of the proposed uses within Class D1 are identified by LBC and in the FALP (Policy 4.5 and Policy 4.6) as appropriate uses for the Central London area.

The identified uses within Class D1 are typically accessed on foot and accordingly the Site is well positioned to be easily accessible for tenants and visitors of the use.

Assembly and Leisure (Class D2)

Planning permission is also sought for a gym within Use Class D2 (Assembly and Leisure). Other uses within the use class would not be appropriate due to the characteristics of the Site, primarily the limited access and overall available floorspace.

Policies DP14 of the Development Policies document supports tourism-related uses within Central London, subject to sites being close to public transport and not harming the mix of uses or character of the local area. The Site is located within a highly accessible area, with numerous public transport options available. As stated previously, the Site is located within a mixed-use area and accordingly the proposed use for a gym (Class D2), particularly, of the scale proposed, would not have adverse impacts on the existing character and would reinforce the established mixed-use nature of the area.

Similarly, Policy DP15 requires new community and leisure uses to be close and accessible to the community they serve and sited in buildings which are *“flexible and sited to maximise the shared use of premises”*. The Site is contained at basement level of a larger building which contains residential units on the upper floors, meaning that conversion to a Class D2 use would ‘maximise the shared use of the building’.

Veterinary Clinic (Sui generis)

The Site has appropriate characteristics for a change of use to a veterinary clinic (sui generis) which typically do not require a large amount of floorspace or natural light.

As identified within the Class D1 section of this document, medical uses are promoted by LBC in Policy CS9, with a particular desire for such uses in Central London.

As with the other proposed uses, the use of the Site as a veterinary clinic would have minimal impact on the level of amenity enjoyed by neighbouring residents and occupiers and accordingly would adhere to Policy DP26 of the Development Policies document. Typical opening hours for veterinary clinics are similar to office buildings and visitor trips are generally low, meaning a minimal interference with surrounding residents and occupiers.

Transport Considerations

Policy DP16 of the LBC Development Policies document requires developments to assess the movements to, from and within a site. As the existing Site is a vacant car park, there is currently no traffic movement in and out of the Site. This is due to the current access which, as identified above, is unable to accommodate any vehicles. The Tracking Drawings, submitted as part of this Application, shows a Swept Path Analysis for a car and a car derived van. In attempting to access the Site, the vehicles would conflict with the building at several points and incur damage, as well as possibly becoming stuck.

By virtue of the Tracking Drawings, the Application cannot reinstate the car park for its existing use. Instead, this Application seeks to make maximum use of the available floorspace and would be car-free, in line with Policy DP18, which seeks car-free developments in the Central London Area. Car-free development is also supported in the FALP.

Cycle parking is proposed as part of the Application to ensure the development is sustainable, in line with LBC’s ambitions within Policy CS11 of the Core Strategy and Policy DP17 of the Development Policies Document. The amount of cycle parking required would vary based on the proposed use, as set out in Appendix 2 of the Development Policies document. However, in order to provide a high level of sustainable

transport facilities on-site, the Application proposes the inclusion of 6 cycle spaces, which is over and beyond what is required for all of the proposed uses. The proposed cycle spaces would be located in a dedicated area close to the existing entrance.

Neighbouring Amenity

At a national and regional level there is a requirement to prevent unacceptable harm to amenity arising from development. Paragraph 109 of the NPPF seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.

London Plan Policy 7.6 states that buildings and structures should not “*cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate*”.

Policy DP26 seeks to protect the amenity of residents and occupiers surrounding proposed developments, and as such considers impact on aspects including, but not limited to, overlooking, sunlight and daylight levels and noise and vibration levels.

As the Site is entirely below ground and no external changes or extensions are proposed, there will be no changes to the levels of daylight and sunlight currently enjoyed by neighbouring properties. The proposed uses have been specifically chosen as they would have minimal harm on the amenity of neighbouring properties. The uses proposed in this Application would therefore be in accordance with Policy DP26. Minimal impacts to amenity will occur during construction as only minor works would be required. No demolition would be required.

London Plan Policy 7.15 considers the implications of noise as part of development proposals, stating that development proposals should seek to minimise the potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals.

A Noise Survey Report, prepared by Cole Jarman, provides information on the noise levels from the area surrounding the Site. The Report indicates that the existing background noise levels are already above those set by Policy DP28 of the Development Policies document. Specific details of proposed plant (e.g. air conditioning units) are not provided as part of this Application due to the nature of its flexible nature. However, it is understood that eventual plant, if needed, would be required to be within or below the identified noise levels of the surrounding area, in order to adhere to Policy DP26 and Policy DP28. Subject to this Application being consented, we suggest that the location of any plant be conditioned.

Design Principles

High quality and inclusive design is encouraged at all policy levels. The NPPF notes that good design is a key aspect of sustainable development, and should contribute positively to making places better for people.

Development proposals within LBC are expected to consider the “*character, setting, context and the form and scale of neighbouring buildings*” (Policy DP24). The entirety of the Site is located at basement level and therefore the works proposed within this Application would not be visible outside of the Site. Accordingly, the Scheme would adhere to the policy. No works are proposed to the existing vehicular access ramp on Richbell Place as our client does not own this land and only benefits from access rights.

The Design and Access Statement, submitted as part of this Application, sets out an evaluation of the proposed Application in relation to the various uses. It demonstrates that the proposals align with all relevant design policies and has been designed in a fully inclusive manner.

The Application proposes to make use of the existing refuse stores which are located at the bottom of the access ramp into the Site. The existing refuse and recycling bins are on wheels and so can be moved to ground floor level for emptying and then securely returned to the Site for use by occupiers of the unit. This Application proposes no change to the existing refuse arrangement.

Heritage Considerations

The Site is not located in a conservation area, however falls to the immediate south of the Bloomsbury Conservation Area. The Site also borders the Grade II listed 28-38 Lamb's Conduit Street, to the north. There is therefore the need for the proposals to acknowledge the significance of these assets and be designed accordingly. The NPPF states that developments should present an understanding of any heritage assets surrounding the proposed Site, including any contributions to the settings of the assets or any conservation areas.

Policy DP25 of the Development Policies document explains that LBC will seek to preserve or enhance heritage assets within the Borough. Part D of the policy states that planning permission will not be granted for development outside of a conservation area which causes harm to the character and appearance of the conservation area.

As explained above, within the 'Design Principles' section, the Application does not seek the construction of any additional floorspace or any changes to the exterior of the building and simply seeks the change of use of the unit.

Subject to the grant of planning permission for the Application and the implementation of an eventual use, subsequent applications may be required to make external changes to the building. The full impact of the changes would be considered within the applications.

Accordingly there will be minimal to no impact on the heritage assets.

Energy and Sustainability

The NPPF seeks to ensure the delivery of renewable or low carbon energy developments in order to address Climate Change and achieve environmental sustainability through improving biodiversity and minimising waste.

London Plan Policy 5.2 (Minimising Carbon Dioxide Emissions) states that development proposals should make the fullest contribution to minimising carbon dioxide emission in accordance with the 'be lean, be clean, be green' energy hierarchy. It seeks a 40% improvement in carbon reductions over 2010 Building Regulations for new residential buildings between 2013 and 2016.

At the local level, LBC supports developments which minimise carbon emissions and promotes the efficient use of land and buildings (Policy CS13). This Application would make the best use of an existing building, therefore providing a sustainable development through the overall reduction of carbon emissions when compared to the energy required to locate the eventual uses in a new building.

An Energy Statement has been prepared as part of this Application, as recommended in the formal pre-application response. The Energy Statement, prepared by Cundall, demonstrates that the Application would not result in any detrimental impacts to the amenity of neighbouring residents. Subject to planning permission, the eventual use would be implemented in a sustainable manner which would adhere to planning policy at all levels.

Summary

Having regard to the assessment undertaken within this letter, we consider that there are a number of planning benefits which would arise from this Application, including:

- Use of a vacant basement car park, for a more viable use, in a highly accessible site within Central London;
- Car-free development, with the integration of cycle parking over and beyond required provision;
- Provision of additional floorspace within the Central London area for a D1/D2/B1/B8 or sui generis use;
- The Site has attractive characteristics (size, location etc) for occupation by SMEs or start-up businesses;
- The proposed uses would have a minimal impact on residential amenity of neighbouring properties;
- The external appearance of the existing building would be unaffected by the proposals, therefore preserving the setting of the nearby Bloomsbury Conservation Area; and
- The proposed development is sustainable in accordance with the NPPF.

Application Procedure

The application fee has been calculated in accordance with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2012 (Statutory Instrument No. 472). This fee, amounting to £385.00, has been paid online via the Planning Portal.

We would be grateful if LBC could confirm that our Application is complete and will be validated shortly. In the meantime should any further clarification, information or assistance be required please do not hesitate to contact Peter Bovill (Tel. 020 7312 7456 / peter.bovill@montagu-evans.co.uk) or Adam Price (Tel. 020 7866 8674 / adam.price@montagu-evans.co.uk) of this office in the first instance.

Yours Faithfully



MONTAGU EVANS LLP

Enc.