

alan wiperman & co
property & town planning
planning statement

THE UNIVERSITY OF ARTS LONDON
5 RICHBELL PLACE LONDON WC1N 3LA.

FOR:

THE UNIVERSITY OF ARTS LONDON

BY: ALAN WIPPERMAN BA MRTPI MRICS C DIP AF

DATE: 31ST JULY 2017

1 INTRODUCTION.

- 1.1 This short Planning Statement once again supports the continuing requirement that has now emerged for the University of the Arts London, to once again, amend their operational plans to relocate from Richbell Place within two years of the planning permission granted in 2014, as extended by a further temporary consent to 14th January 2018. It has now clearly emerged that the University will now need to stay at Richbell Place for a further extended period of up to five years.
- 1.2 For reasons of educational needs and planning they will now need to stay at Richbell Place for this longer period, again pending the completion of a new building where the University can relocate to in Stratford, London E15. Their actual occupation and use of this new building is now expected to be sometime in 2023, possibly sooner. This additional and unexpected period of time now requires an exceptional request for a further amended planning permission to extend their occupation of 5 Richbell Place to 2023. This will allow them to stay at the premises until the expiry of a further extended period of lease, up to 14 January 2023 as may be needed.
- 1.3 They must, in any event, relocate from their building in Richbell Place as vacant possession will still be required by their landlord when the lease currently being negotiated expires. The landlord also requires that the building's authorised and lawful use to then revert to a B1 office use. Their use must cease and the building must be vacated by the 14 January 2023. No further extension of time will be agreed although it has been possible to agree this further extension of time from 2018 to 2023, provided that the user is personal to the University. This will allow the landlord to revert to the original authorised and lawful Class B1a office use on vacation, if earlier than the agreed lease expiry date.
- 1.4 Accordingly the Applicants wish to extend their temporary planning permission for a further period up to the date of lease expiry so that their authorised and lawful use can continue for a mixed sui generis education and office use that reverts to office use when the temporary permission expires, or upon vacation. The applied for date is the 14th January 2023.
- 1.5 This Statement supports the proposed amendment of Condition 1 to the original planning permission to allow for these possibilities, and is set out in the Application Form, to read as follows, with the suggested amendment in red below following the Planning Inspectorate's Model Conditions for a Personal Use:

Condition(s) and Reason(s): **REPLACEMENT CONDITION 1:**
1 The use hereby permitted is for the sole use of the University of the Arts London and is for a temporary period only, and the use shall cease on or before 14th January 2018 2023 at which time the premises shall revert to their former lawful use which is office (Class B1)

Reason: In order to prevent the long-term loss of employment space and owing to the special educational operational needs of the applicant in accordance with policies CS8, CS11 and CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP13, DP16, DP17, DP18, DP19 and DP22 of the London Borough of Camden Local Development Framework Development Policies.

However, if the Authority prefers the simpler wording as used before with just a date change then the following would be acceptable:

The use hereby permitted will be personal to University of the Arts London, (or any successor body), and is for a temporary period only, and it shall cease upon vacation of the premises, on or before the 14th January 2023, at which time the premises shall revert to their former lawful use which is office, (Class B1).

1.6 It is hoped that the local planning authority can agree this further extension of time in the exceptional circumstances arising by the imposition of an explicit personal use condition by the University to ensure a lease can be completed that will be agreeable to the landlord.

1.7 Please contact me if there is any issues arising with the description applied for or for that considered acceptable.

2 THE PROPERTY AND THE LOCATION.

2.1 Richbell House is a six storey office building with basement built for office use some 35 years ago. It was an office building with a single office use falling in Class B1 of the Use Classes Order (B1a). It was occupied by the University's IT support staff. The staff were relocated to offices in High Holborn after the grant of the temporary planning permission in 2014 to allow the implementation and use of the property for the mixed use permitted. The primary use permitted was for the provision and teaching of short art courses, falling within Class D1 of the Use Classes Order, and ancillary office use falling within Class B1(a) and this is the use currently undertaken on site as permitted.

2.2 No external alterations or significant alterations internally have been undertaken and it is being used as envisaged and approved.

2.3 The University of the Arts offers short art courses for the hours applied for, being 8am-10pm weekdays and 8am to 6pm Saturdays only, with no use on Sundays or Bank Holidays, and there is no provision of social facilities on site.

2.4 If the use continues until the lease expiry date, or up to some short time before, then the proposed reversion to office use will have to be deferred for up to five years, before a full relocation can be achieved.

2.5 The building has been made suitable for the mixed use. There has been a temporary permission for the use which has been implemented and no further works or disruption for the use will be required. It has worked well. The building remains by way of appearance in an office or employment use.

2.6 It is not thought that the use has caused complaints or issues.

2.7 It is a non-residential educational use that is very close to public transport and other supporting services and facilities for students and staff, and is well located for local and London wide access. It has a very high Public Transport Accessibility Level (PTAL) rating of 6b. (See the Delegated Decision Report granting permission in 2014).

2.8 The use is one that is well supported by development plan policies issued by the London Mayor (Consolidated London Plan adopted 2016) and the Social Infrastructure Special Planning Guidance adopted 2015, as well the new Camden Local Plan adopted this July 2017.

2.9 With the high PTAL rating and the useful re-use of an office building on a temporary basis for social infrastructure use, this is a sustainable location for the use when regard is had to the National Planning Policy Framework. Loss of office employment on site has been offset by educational and office staff employment on site, and the relocation of IT staff to another building.

2.10 The continued temporary use of the property accords with more recent development plan policies adopted since the 2015 permission and would not cause any significant adverse impacts. Nor would it conflict with any defined area policies for the location. It would be for a further short period of up to five years.

2.11 If relocation to Stratford is possible sooner than expected then the property can revert to office use sooner by way of the personal user condition and be surrendered to the landlord.

3 PLANNING HISTORY.

- 3.1 There is no relevant planning history prior to the 2014 consent.
- 3.2 Permission was given for a temporary sui generis mixed use on the 31st January 2014, for a period of two years, from the decision notice 2013/7055/P below:

Proposal:

Temporary change of use from office use (Class B1) to non- residential education and training centre (Class D1) with ancillary office use (Class B1) for a period of 2 years.

- 3.3 Condition 1 states the temporary permission will expire on the 31st January 2016 when the authorised and lawful use will revert of office use:

- 1 The use hereby permitted is for a temporary period only and shall cease on or before 31st January 2016 at which time the premises shall revert to their former lawful use which is office (Class B1).

- 3.4 As the University's move was delayed a further application was made, reference 2015/4410/P, and a further temporary consent was given for a further period of occupation until the 14th January 2018. The condition 1 in the original permission being varied, and condition 2 stating as below:

"1 REPLACEMENT CONDITION 1: The use hereby permitted is for a temporary period only and shall cease on or before 14th January 2018 at which time the premises shall revert to their former lawful use which is office (Class B1).

Reason: In order to prevent the long-term loss of employment space and owing to the special educational operational needs of the applicant in accordance with policies CS8, CS11 and CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP13, DP16, DP17, DP18, DP19 and DP22 of the London Borough of Camden Local Development Framework Development Policies.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Siteplan, (A1330D-) G100-T1, G101-T1, G102-T1, G103-T1, G104-T1, G105-T1, A1202-G06-B and Planning statement dated 31st July 2015 Reason: For the avoidance of doubt and in the interest of proper planning".

- 3.5 The special educational needs of the University were recognised and the long term loss of the business and employment space would not arise by this revision.
- 3.6 The Applicant seeks the Authority's support for the exceptional circumstances that have arisen in this case and that the permission be extended once again to the 14th January 2023. This will enable the University to enter into a new short lease and occupy until the new property in Stratford is available for educational use and still free the subject property for long term employment use as intended.
- 3.7 The new lease is due to expire on the 14th January 2023 and has been agreed in principle with the landlord, provided that the temporary use is personal and is given planning permission, for a period up to and not beyond that date.
- 3.8 If it is possible to relocate sooner, the University would be agreeable to a further condition making this consent personal to the continued occupation of the premises by the University so that the reversion to office employment use would more clearly take place upon vacation.
- 3.9 It would once again appear to be best achieved by a variation to the condition to the original permission whilst the permission is extant. The permission expires in January 2018.

3.10 The amendment must be made before then, and as soon as possible to give the University of Arts London security of occupation and time to complete the new lease with the landlord of the premises.

4 THE “CONSOLIDATED” LONDON PLAN 2016 AND THE SOCIAL INFRASTRUCTURE SPG 2015.

4.1 The Mayor’s London Plan extant at the time of the last permission was amended in March 2015 with further alterations and then further minor alterations in 2016. Current policy is in the London Plan – The Spatial Strategy for London Consolidated with Alterations since 2011, 2016 and 2016 as issued as adopted policy in March 2016.

4.2 Policy in the new Plan is favourable to Class D1 uses as these form part of the social infrastructure of London and the London Boroughs. Higher education is also identified as part of the City’s key strengths to be supported by policy and in planning decisions.

4.3 Support for the continued temporary use thus accords with the Consolidated London Plan and the reversion to office use by amendment to the date of expiry of Condition 1 to the permission is maintained to ensure that office employment use is maintained on vacation or by January 2023 whichever the earlier. This reversion to office use is required by the landlord and this also accords with Camden’s employment policy to safeguard employment and office use.(See below).

4.4 Since the 2015 decision the updated Consolidated London Plan 2016 is more favourable to the proposed use than the 2011 version. **The proposed extension of time accords with the policies in this up to date development plan document.**

4.15 See in particular para. 1.18 regarding growing demand for education, 1.21 world class higher education, 1.24 with regard to employment in health and education, 1.48 with regard to having the education and skills needed; and the relevant aspects of education as referred to in development plan Policy 2.1Aa, and Policy 2.1Da.

4.16 Educational inequalities are a material consideration, mentioned in the Mayor’s and Camden’s planning policy documents, and courses at the University of the Arts can help address this. See the Consolidated London Plan 2016. See para 3.88 with reference to lifelong learning, and in particular Policy 3.18 which also covers higher education. (3.18A in particular).

4.17 Policy 3.18C makes specific reference to planning decision making for changes of use:

Planning decisions
C Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address

4.18 See also Policy 3.18E and especially para.s 3.107 and 3.108, the latter being particularly relevant for supporting higher education and universities as part of London’s social infrastructure.

4.19 Policy 4.10Aa and 4.10Ab requires local planning authorities to give strong support in their LDFs and in their planning decisions to higher and further education institutions which the Applicant is just such an institution:

POLICY 4.10 NEW AND EMERGING ECONOMIC SECTORS

Strategic, planning decisions and LDF preparation

- A The Mayor will, and boroughs and other relevant agencies and stakeholders should:
- a support innovation and research, including strong promotion of London as a research location and encourage the application of the products of research in the capital's economic development
 - b give strong support for London's higher and further education institutions and their development, recognising their needs for accommodation and the special status of the parts of London where they are located, particularly the Bloomsbury/Euston and Strand university precincts
 - c work with developers, businesses and, where appropriate, higher education institutions and other relevant research and innovation agencies to ensure availability of a range of workspaces, including start-up space, co-working space and 'grow-on' space

4.20 See also para.s 4.54 and 4.59, and 4.61.

5 THE CAMDEN LOCAL DEVELOPMENT FRAMEWORK. (LDF).

5.1 The Camden LDF now mainly comprises the newly adopted Camden Local Plan of July 2017. Policy applicable in the Core Strategy and other planning policy documents has now been superseded by the recent up to date Local Plan. Various supplementary planning documents are of limited relevance to this decision relating to a variation of condition.

5.2 Para. 3.251 confirms:

"London's publicly-funded Universities are part of the national and regional education infrastructure, support London's role as an international centre of academic excellence, and are a key part of the growing knowledge based economy".

5.3 Para. 4.21 confirms place providing education, adult learning and training are part of the community facilities in the Borough. Policy C2e is particularly relevant as it requires the Authority to:

"support the investment plans of educational, health, scientific and research bodies to expand and enhance their operations, taking into account the social and economic benefits they generate for Camden, London and the UK. In assessing proposals, the Council will also balance the impact proposals may have on residential amenity and transport infrastructure";

5.4 As this continuing temporary use is vital to the provision of education services by the Applicant serving both Camden and for all of London, the Application should be given support to accord with this policy.

5.5 Policy C2gi and Policy C2gii will be satisfied as the new facilities in Stratford will provide a full replacement facility for all of London.

5.6 In the meanwhile this site is working well for an educational use, reflecting a PTAL of 6b (as rated by Camden) making it highly accessible across London.

5.7 Although it was not originally intended to have to extend the mixed use beyond the 31st January 2018 this now proves necessary. Without an extended permission the current occupier will be in breach of lease and planning control on expiry of the temporary permission, and would have great difficulty securing any alternative site before then, and relocating, by January 2018.

5.8 This will prove impossible to achieve and could bring the educational use and activity to an abrupt end. **This is a material consideration of some weight and an unfavourable outcome of a planning decision to this Application would be clearly contrary to the**

policies and explanatory paragraphs referred to above in the Consolidated London Plan 2016 and the Camden Local Plan 2017, both up to date policy documents. There is full need and accordance with significant adverse impacts.

- 5.9 **It is still the case that even with the extension of time now sought, that the use accords with current development plan policies, as was the case when the proposed use accorded with past policies, when it was first considered in 2014 by the local planning authority. It is still the case that if the use is extended for a further five years, or thereabouts to January 2023, there will be no significant adverse impacts arising and no other material considerations directing otherwise than to grant permission. The National Planning Policy Framework guidance and approach to such a decision is met. (See further below).**
- 5.10 On expiry of a permission given by this Application in January 2023 or before if the property is vacated by the Applicant, the use can or will revert of the previously authorised and lawful use as offices. (Class B1a of the Use Classes Order 1987 as amended).
- 5.11 Camden's Local Plan now seeks to protect this use as confirmed by para. 5.8:
"The Council has introduced 'Article 4 Directions' to remove the right to convert offices to homes without planning permission across much of the borough and secured an exemption for Camden's part of the Central Activities Zone (CAZ)".
- 5.12 Demand for office space is expected to increase between 2014 and 2031. This space will be returned to office use by 2023. Para. 5.42 securing flexibility of use will be maintained as the educational use and office use premises needs are similar. This would not amount to a significant adverse impact.
- 5.13 Para. 5.5 of the Plan confirms office use is an employment use.
- 5.14 Policy E1gi seeks to safeguard existing employment sites and premises in the Borough. **The office use will be safeguarded by the variation of this condition ensuring a return to office and therefore employment use on or before January 2023.**
- 5.15 **Additionally Policy E1i is supported in that there will be in the interim significant employment by the University with their educational and ancillary office use which conforms with and supports this policy. Policy E1 is met.**
- 5.16 Policy E2 requires business uses to be safeguarded and this temporary user and variation in condition achieves this in these exceptional circumstances and meets a need for a high priority use in the interim (E2h). It also assists with educational needs; (E2g), such that **there is compliance with Policy E2.**
- 5.17 There is accordance with the relevant development plan policies.

6 OTHER MATERIAL CONSIDERATIONS.

- 6.1 The continuation of this higher education and office mixed use meets a need for adult education in the Borough and London wide and forms part of the established social infrastructure and university course provision. This is a material consideration. Other material considerations also apply.
- 6.2 The use is understood to have not given rise to any objections or complaints.
- 6.3 The use is and has been considered comparable in activity and impacts to an office use. The use can be flexibly undertaken and readily adapted back to office use on cessation of the educational use. It still looks very much like office or employment type premises in the current use.

6.4 This was a general presumption adopted by Camden in making the 2014 decision and is confirmed in the delegated decision report with regard to such matters as operation, footfall and noise. No special conditions were imposed or considered necessary, and there appears no reason why any such special conditions should be needed again.

6.5 **There are no significant or adverse impacts arising that would now warrant refusal or the imposition of additional conditions.**

6.6 **There are no local policy or material considerations that direct a refusal.**

7 **NATIONAL PLANNING POLICY FRAMEWORK AND THE NATIONAL PLANNING PRACTICE GUIDANCE.**

7.1 NPPF para. 14 makes clear:

For **decision-taking** this means:¹⁰

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.⁹

7.2 It has already been accepted by the Local Planning Authority that this mixed temporary use can accord with the past Camden development plans and the use now accords well with the Consolidated London Plan 2016 and the new Camden Local Plan 2017.

7.3 Policy is silent in the NPPF for adult education uses and there is no indication in the adopted local policy documents that suggest such a development should be restricted, provided temporary.

7.4 The impacts of the grant of permission and the benefits of this would safeguard and significantly outweigh any adverse impacts of the period of the use being extended; whereas the impacts of refusal and the dis-benefits arising would be very adverse, abrupt, and significant.

7.5 **As a sustainably located proposal para.14 requirements are met.**

7.6 National Planning Practice Guidance advises that renewals of temporary planning permission should not normally be given and it would not be appropriate to await the expiry of the consent and re-apply.

7.7 **Accordingly an extension of time is being sought under the extant permission reflecting the now exceptional and special circumstances.**

7.8 **The NPPF indicates the balanced decision should be that there is a grant of permission to vary condition 1 to the permission and extend the life of the extant temporary permission to the 13 January 2023.**

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31st July 2017