

Supplementary Planning Information for 19&20 Eaton Garages

Including reference to policy E2 of the July 2017 Camden Local Plan.

19 & 20 Eton Garages, London Application ref: 2017/2990/P

Further to Richard Lester's email of the 21st of July 2017, and notwithstanding our argument that this proposal ought now to be considered under the General Permitted Development Order (see below) and the reluctance/inability to answer my previous correspondence, we are following your advice that we make a case for where our proposal sits in relation to policy E2 adopted by Council on the 3rd of July 2017. I also note that as the planning application was made on the 14th of May 2017, the guidance policy E2 was not in force. The active Policy was DP13, and although the text is similar, there is perhaps a slightly different emphasis on priority uses at that time.

1. Our prima facie argument is that as there is already a prior approval to convert the offices to residential, the application ought to be allowed as there is no loss of employment as the employment use *has already been surrendered*.
2. Policy (DP13) states that '*When assessing proposals that involve the loss of a business use we will consider whether there is potential for that use to continue...*' As noted above, there is no potential for that use to continue, as my client will have no option other than to implement the existing prior permission. It is likely that as a consequence they will have to move out of Camden and live somewhere else.
3. The TBR 'Office to Residential Permitted Development Rights Impact Study Study' commissioned by Camden in July 2014 was driven by the spectre of speculation due to the price differentials between offices and dwellings. The case planning officer has implied that somehow my client was taking advantage of the prior permission by now seeking conversion into a single house. The proof of the genuine ambition of my client *not* being driven by financial considerations, is that the value of two separate flats (one a two bedroom flat, the other a three bedroom flat) is greater than the single house for which permission is being sought.
4. When the right for conversion from B1 to C3 was introduced in 2013, the government allowed some areas to be exempted by article 2(5) of the GDPO so that local planning authorities could protect office space in key business areas. Camden secured one of the 17 exempted areas, as part of the Central Activities Zone (CAZ) and Eton Garages is not within the area that Camden sought to protect. Because Eton garages has not been identified as a key business area it would indicate less weight for policy E2 to apply to Eton Garages.
5. Furthermore, in the intervening period since 2013 the area in which Eton Garages is located could have been protected by an article 4 direction to prevent conversion, but that has not happened either. Paragraph 5.8 of the local plan makes the point that

'The Council has introduced 'Article 4 Directions' to remove the right to convert offices to homes without planning permission across much of the boroughEvidence shows that the demand to convert office premises to residential has been particularly high

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in Kentish Town, Camden Town with Primrose Hill and Kilburn where there are significant concentrations of premises suitable for start-up, small and medium-sized enterprises'

This further reinforces the supposition that Eton Garages is not located in the areas where the E2 policy is aiming to work.

6. House of Commons library Briefing Paper number 01301, 30 March 2016 notes on page 5 that Permitted development rights can be removed if a local authority makes an 'article 4 direction'. The Secretary of State needs to confirm all article 4 directions in the light of local consultation. In terms of local consultation, this particular application has not received any objections from the public or amenity societies such as the local CAAC.
7. The policy that was in force at the time of our planning application was (DP13). It states that

'When it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses, except in Hatton Garden where we will expect mixed use developments that include light industrial premises suitable for use as jewellery workshops'.

Because Eton Garages has had many changes of use granted over the last decade, it is more like a residential street in character, consequently B1(a) offices would be the only contextually sympathetic useage for this ground floor office. In which case under (DP13) the Council should allow a change to permanent residential if they applied the policy that was in place at the time of the application.

8. Both new Policy E2 and old policy DP13 provides for priority uses, such as housing, when considering *sites*. Eton Garages is not a site, but a small ground floor office located under a maisonette this is awkward to access up a steep narrow internal stair. The existing staircase would not comply with contemporary Building Regulations. There has to be a balance between good housing and small offices. This is an opportunity to provide a home with accessible ground floor accommodation suitable for the requirements of a multi generational family unit – for *existing* Camden residents.
9. DP13 needs to be read in conjunction with CPG 5 which states

'We expect the supply of offices to meet the projected demand over the plan period and as a result we may allow a change from B1a offices to another use in some circumstances, such as older office premises or buildings that were originally built as residential dwellings. Our priority is for the replacement use to be permanent housing or community use'

10. One reason why Eton Garages is no longer a suitable place for small offices and enterprises, is because it does not provide an 'incubator' type of environment where there is the modern flexibility required for the sorts of enterprise policy E2 seeks to protect. Paragraph 5.9 of the local plan makes this point very well where it characterises the modern requirement-

'Small businesses often seek premises that have flexible terms like shorter leases, layouts that can adapt as the business grows or

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changes and networking space to interact with other small business or to meet with clients.'

Eton Garages is not that location. The Small Creative industries require innovative new employment space, with a range of shared support facilities, flexible renting arrangements etc. not the 40sq meters available in isolation at Eton Garages.

11. 2017 policy G1 'Delivery and location of growth' paragraph 2.16 states

'The Council's overall spatial strategy is illustrated on 'Map1:Key Diagram' on page 21. This shows the broad locations of Camden's growth areas, town centres, main Community Investment programme (CIP) areas (where we expect a concentration of development to be located) together with major transport schemes and main open spaces.'

Eton Garages is not located in any of the areas shown.

12. On page 151 of the Camden Local Plan the section 'Office floorspace' needs to be quoted in full, as paragraph 5.24 states that

'The high concentration of property, banking and service activities and large number of publishing and media businesses in the borough mean that a significant number of Camden's jobs are in offices. The Camden Employment Land Review 2014 forecast that the demand for offices will increase by 695,000sqm between 2014 and 2013. To meet this demand, the Council will direct new office development primarily to the growth areas and Central London (see also 'Policy G1 Deliver and location of growth').'

This would seem to suggest that office supply will be met without relying on Eton Garages.

13. Paragraph 5.25 continues:

'The majority of demand will be met at King's Cross, through the implementation of 444,000sqm of permitted office space in King's Cross Central. There are plans for further large-scale office development in Euston, where the Council envisages in the region of 180,000 to 280,000sqm of business floor space being provided in the second half the plan period (sic)'

That accounts for large-scale provision of offices.

14. The document goes on to reassure us in paragraph 5.26:

'Smaller scale office development will also occur at other sites across Central London, with some provision in Camden Town.'

And it goes on to refer to Camden's Site Allocations document. Eton Garages location not included.

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15. As for local services, the document identifies in paragraph 5.27

*'The Camden Employment Land Review 2014 identifies the town centres of Swiss Cottage, Kilburn and Kentish Town as having an important role for businesses that provide local services. Although these areas are not expected to experience an increase in demand for office space, **we will seek to protect existing offices in these locations** subject to the criteria set out in policies E1 and E2'*

My emphasis in bold. The point being that while the office employment issues in relation to office provision are clearly explained in the Local Plan – without any fear for lack of capacity, it is only here that in an area where (ironically) there is not expected to be an increase in demand for office space, that the Council adopts the policy in reference to *town centres*. And yet we are being asked to account for the loss of a small office (40m2 net) in terms of employment in the residential backwater of Eton Garages.

16. It is noted in paragraph 2.17 that

'Many parts of Camden, particularly in the northern part of the borough are predominantly residential in character. Substantial parts of these are designated as conservation areas, where the Council will seek to preserve and, where possible, enhance their valued character and heritage assets'

Eton Garages would fall into this category. The visual amenity of these special residential areas does not depend on their office use.

17. Paragraph 2.42 notes that 'Significant elements of Camden's growth will be delivered in highly accessible locations outside the growth areas identified above' and goes on to identify 'the town centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, including appropriate edge of centre locations.' Eton Garages does not fall into these locations and the small office space is not really central to employment in the Borough as a matter of fact and degree.

18. Due to amalgamation with a larger business my clients stopped using the office in 2006 the office was unused for many months in spite of being advertised at that time.

19. A tenant was finally found in 2007 when the ground floor was let for storage purposes (B8). The employment was therefore minimal. That firm went bankrupt and the property remained unlet until 2009 in spite of being placed with several agents. My clients sought permission for a change of use to a Pilates studio but were not permitted to convert. At that time many of the properties were being converted to residential and live/work.

20. The current office tenant has been using the space since September 2009, with a large part of the area used as storage.

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21. I attach a search made on Zoopla (dated 02 August 2017) for offices up to 500sq ft, located within 20 minutes of NW3. Twenty-three properties were returned, with 8 of them having being on the market since 2016. This indicates both availability and low uptake. The properties are – naturally – not in residential areas, and tend to be closer to public transport facilities than Eton Garages.
22. As many of the properties in Eton Garages have been converted into dwelling houses and flats, the congestion on the private street has been slightly eased. This is a 'backwater area', where many of the properties are now residential at ground floor level. Part of the reason for the difficulty of letting the office at 19 Eton Garages is that it has no presence on the main street, the access is off a private road, which is often very congested due to a remaining car workshop (Rayden) which is located opposite the property.
23. In the newly adopted Local Plan the major employment areas are identified by the Council to be in other, more obvious locations. Not in the largely residential backwater of Eton Garages.
24. Although Eton Garages are within reach of public transport facilities, those facilities are not 'on the doorstep' The walking times to transport links are as follows:
 - a. Belsize Park 10 minutes
 - b. Swiss Cottage 12 minutes
 - c. Bus routes 31, 168 9 minutes
 - d. Bus routes 113,13 9 minutes
 - e. Bus route 24 19 minutes
 - f.

This makes the Garages less desirable for office use than the obvious employment areas in Camden.

25. Paragraph 5.7 of the Local Plan states that

'Most of the secondary local office provision is located in Camden Town, Kentish Town and Kilburn. These locations also provide a substantial amount of workshop space, which supports the needs of digital technology, communication, media and consultancy businesses.'

None of these employment areas includes Eton Garages, and the paragraph seems to suggest the need is adequately supported.

26. In the London Councils briefing "The Impact of Permitted Development Rights for Office to Residential Conversions" page 8 notes

'The London Borough of Camden has received a total of 195 prior approval applications up to the end of February 2015, of which it was required to grant approval to 114. The approvals could lead to the loss of approximately 57,000sq m of floor space'

On this basis, the *average quantum* of lost office space would be 500sq m per conversion. At Eton Garages we are to lose 40sq m net. The loss of employment that the Council is seeking to avoid is the displacement of large floor spaces such as seen at Linton House, Highgate Road where 54

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new residential dwellings resulted in the loss of 3,900 sq m of occupied office space.

27. Understandably London Councils are also trying to control an additional consequence of GPDO loss of office space, which is a significant source of new affordable housing or contributions to offsite provision that would have resulted had *large* office conversions gone through the planning process. Eton Garages is not of a sufficient size to be relevant in that context. (London Councils briefing paper referred to above)
28. The council has been made aware in the full plan application that this is a one-off conversion of an office that was purchased by the applicants in 2003 for use as their own office. The family has inhabited the maisonette above the office since 2006. Due to their age and need for ground floor accessibility, they now want to convert their office to residential use and combine it with their maisonette above, for their own use.
29. This application is an instance of a quality non-speculative conversion for the owner/occupier's own use which will be an asset to the Borough's housing stock. Permitted development rights for conversions to housing has been resisted by Councils as noted in an RTPI London presentation on 6th of February 2017

'As residential conversions of this nature are no longer to be plan-compliant and many poor quality conversions have been brought forward.'

In this instance Camden will be secure in the knowledge of giving permission to a high quality proposal.

30. The change of use will make sense of the existing upper floor use, and provide another 'priority use' for Camden – a four bed roomed self contained house with accessible ground floor facilities.
31. Policy H3 Protecting existing homes, paragraph 3.75 states that

'Net loss of one home is acceptable when two dwellings are being combined into a single dwelling. Such developments can help families to deal with overcrowding, to grow without moving home, or to care for an elderly relative.'

This proposal is to allow for future care of my clients as they progress through life, but more immediately to allow them to entertain contemporary friends who are not so able. In particular to have less able visitors stay overnight.

32. Paragraph 3.141 states that

'Housing should also be designed to take account of changes in the age profile of Camden residents, and particularly the growth in the number of older people....Helpful aspects include a focus on good natural light and lighting, safety, security, accessibility and ease of use'

The new proposal has been designed to take these requirements into account.

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33. There is a dearth of suitable lifetime accommodation in the private housing sector. Many of the large houses in the area could not be converted economically to provide the accommodation proposed here. Our proposal goes much further than required by making real changes to suit our clients, following much of the guidance Building Regulations Optional requirement M4(2); Category 2-Accessible and adaptable dwellings.
34. The ground floor layout has been carefully planned to provide an easily accessible living area that meets the needs of the occupants and their changing needs as they get older. It will be a true family unit where grandchildren can visit with their parents, and as needs be, a carer could live-in.
35. A ground floor bedroom has been designed to have generous clear access around the bed, greater than the requirements of the optional building regulations Part M4(2) which superseded Lifetime Homes requirements referred to in paragraph 3.147 of the July 2017 Local Plan, which states:

‘Lifetime Homes are dwellings specifically designed to support the changing needs arising through a family’s lifecycle incorporating features to help accommodate pregnancy, prams and pushchairs, injury, disability, and old age. These features also allow a dwelling to be easily adapted for even higher levels of accessibility in the future, if need arises, allowing people to live in their own home for as much of their life as possible.’
36. The bedroom is linked to a wet room that is shown on the plan with a large walk in shower. At 1900mm x 2650 mm it exceeds the 1900mm x 2150 bathroom that would meet the requirements of Part M4(2).
37. All doors internally provide 775mm clear openings with 300 nibs on the pull/leading edge side following accessible guidelines.
38. Although the existing front door is very narrow, the design anticipates the future use of the external living room double doors as a front entrance with a ramp approximately @ 1:15 running parallel to the front elevation.
39. The approach in this truly sustainable design is suitable for its owners for their whole life. It will allow them to remain within their home, have continuity of contact with their neighbours (having lived here for over ten years. They will be able to retain their existing connections with friends, doctors, local hospital and support networks.
40. Policy H ‘Housing for older people, homeless people and vulnerable people’ states that

‘The Council will aim to ensure that there is a sufficient supply of appropriate housing available for older people, homeless people and vulnerable people to live as independently as possible.’

This proposal can be part of that solution.

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41. Policy H, paragraph 3.211 states

'It is now widely recognised that the quality of life for older people can be increased and support costs reduced if more older people live in homes that can foster their independence but easily accommodate support needs they may have as they age.'

The layout of the house supports the Care Act 2014 by enabling the principle of sustaining people in their own home for as long as possible. The house will accommodate extra support needs they may have as they age.

42. Policy C6 'Access for all' paragraph 4.103 states

'The Council believes that new housing should allow less mobile residents to live as independently as possible. Accessible homes give then greater choice about where to live and mean people are less likely to need to move when they become less mobile.'

In Conclusion

We conclude therefore that the proposal to convert the building into a single family dwelling house would comply with the aims and objectives of the hierarchy of planning legislation in England. National Planning Policy Framework drives the change of use argument. Below the NNPF lies the London Plan, and below that lies Camden's new Local Framework.

Camden advised me in writing not to submit a prior approval application but to make a full plans application. That may have been a bureaucratic error. Or it may have been a deliberate attempt to avoid the automatic change of use that the government has recently extended legislation for. By being asked to submit the proposal under a full plans application it allows the Council to assess the proposal against its own planning policy. The Local Plan (which came into force after the application) states the frustration very clearly on page 148, item 5.6. *There would have been no requirement to test our proposal against policy E2 had this not been a full plans application.*

Leaving that to one side, I have shown how the proposal complies with the NNPF (de facto, permission exists for the change of use from office to a flat) and demonstrated also how the proposal does comply with the aspirations of both the London Plan and Camden's Local Plan.

The impact of this proposal on employment is 'de minimus' relative to the Councils identification of new locations. The Local Plan does not rely on sustaining 19 Eton Garages for its employment policy. Camden has taken action to protect B1 uses where possible. Much of the Local Plan details exactly where office employment will be maintained, and how it will be accommodated over future years.

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Within the hierarchy of the Authorities Strategic objectives (page 12 of the Local Plan) Local Plan policy E2 does not get referenced against a Strategic policy until Strategic Objective no. 4. The higher priority of housing probably will trump this particular policy in this particular instance of conversion in this particular location as we argue above. Having said that, we have also made our arguments as to why the proposal does comply with policy E2 as set out in the Local Plan policy.

I trust that this document will demonstrate that the proposal complies with the aims and objectives of national policy and the recently adopted Local Plan. I maintain that there is not a conflict with the requirements of policy E2. The project will generate a needed good quality home for lifetime use compared with a poor quality badly located office.

I hope that this statement and evidence will result in the application being recommended favorably and that planning permission can be granted without going to appeal.

Gerard Ryan Architect

Attachment: Zoopla office search for 500sq ft of offices currently on the market within 1 mile of NW3