

Our Ref: IDM/RH/COU

23 October 2017

Thomas Sild
London Borough of Camden
5 Pancras Square
London N1C 4AG

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
RUSKIN HOUSE, MUSEUM STREET WC1A 1LT**

I write further to our email correspondence, and thank you for your indulgence on timescales.

The National Planning Policy Framework (NPPF) is concerned with promoting sustainable development in the UK. This states that there should be an automatic presumption in favour of sustainable development. The NPPF puts heavy emphasis on looking at local needs, and promptly approving sustainable proposals. The NPPF identifies three components of a sustainable development:

- An Economic Role

In the current economic climate expansion of successful, local businesses should be encouraged. By providing people in central London with fast, convenient access to healthcare it reduces absenteeism through people taking time off to wait for their home GP and can improve productivity as patients are no longer put off visiting a GP. The proposal will also make use of an empty office space.

- A Social Role

By providing high quality, convenient medical care, the clinic will improve the lives and health of people in the area

- An Environmental Role

The site is in a very accessible location, reducing traveling for people who work in the area and require the service. The proposal is to make use of existing premises. The re-use of commercial premises for alternative mixed uses with positive benefits should be supported.

In relation to the categorization, the Applicant is content to have the D1 restricted to medical use only (doctor or dentist). Given the strong support for this land use in the newly adopted Local Plan, apparent at Policy C2, and also the London Plan at Policy 7.1 and of course para 70 of the NPPF there is significant policy and material consideration support for the change of use.

However, health uses face an obvious problem in finding suitable accommodation in that planning policies (not only in Camden but in other boroughs as well) seek to protect almost all other uses. The locational options for health uses, particularly smaller specialist clinics, are extremely limited almost to the point of exclusion. There is therefore a mismatch between the recognition that such uses are part of the character and function of central London and in the provision for those uses. In practice health uses are only allowed as an exception

You have raised the issue of 'potential loss of B1 space' if the application was to proceed, but the application seeks to retain both uses to try and avoid the space remaining vacant as is currently the circumstance. As you will have seen from your site visit, the space has recently been refurbished and is otherwise ready for occupation. Either use could be accommodated within the current floorspace, and with no internal alterations required to prevent a resumption of B1 if the D1 was to be implemented.

I attach to this letter details of the marketing undertaken so far, and as described the only interest has been from D1 or D2 users. My Client elected only to pursue the D1 option.

Case law has determined that it is not strictly necessary for a development to accord with the Plan as a whole – indeed in *R. v Rochdale Metropolitan Borough Council, ex parte Milne (2001)* J Sullivan advised that the proposition that if there is a breach of any one policy in a Development Plan a proposed development cannot be said to be in accordance with the Plan is untenable, given the numerous conflicting interests that Development Plans seek to reconcile: the needs for more housing, more employment, more leisure and recreational facilities, for improved transport facilities, the protection of listed buildings and attractive land etc.

Turning to Section 54A of the 1990 Act (now S38 (6) 2004 Act) Sullivan J advised that: -

“it is enough that the proposal accords with the Development Plan considered as a whole. It does not have to accord with each and every policy therein.”

It is accepted that the council's planning policies are intended to protect office use. However, we believe there are grounds for an exception in this case. First, the floorspace sought for flexible use and due to the layout of the building does not impact on other office units in the building. Second it is understood that the room has a somewhat 'patchy' letting history with a series of short term lets followed by periods of vacancy as currently.

Museum Street special interest is identified as a *Specialist Shopping Area* in the Local Plan, and this is repeated in Camden Planning Guidance 5. No such special interest is identified for the site or local area being a recognized area for office users. No adverse implications would arise on the special interest with a flexible use being consented.

As a listed building, the cellular nature of the accommodation doesn't suit modern market demand, where open plan space is seen as significantly more desirable (witness your own office accommodation). This inherent lack of flexibility reduces demand particularly from those business looking for small units.

The majority of new start up enterprises, looking for office space in central London are favouring Serviced Office/Business Centre's which can offer fully fitted and furnished high quality offices. These provide Air Conditioned offices, with raised floors, which are fully cabled and have telephone systems installed. This sort of occupier is looking to keep their start up costs to a minimum and they are unwilling to commit to conventional leases of 3 years or more.

M&E limitations are to be expected for a building that was originally constructed well over 100 years ago. However, it is increasingly common for occupiers to specify that their requirement is for "air conditioned and raised floors only". If a building is unable to offer these facilities it will fail to make the short list for viewing and stands little or no chance to attract a significant proportion of occupiers. The increased use of IT has created its own problems. Cabling requirements need to be satisfied and ideally temperature levels need to be kept consistent level.

Policy dictates that health uses cannot replace employment uses unless the premises have been marketed for an extended period. Few premises in central London will be in such poor condition that no occupier can be found during a period of extended marketing. However, it is understood that the premises have a patchy record of short term use and there is little doubt that further marketing would only result in this being repeated.

Finally, the proposed use would not preclude the future business use of the premises. The proposal is for 'flexible use' which would allow the building to revert to office use at any point during the next 10 years.

The proposal will provide high quality, convenient medical services to people in the area. People working in the area will need to take less time off work. Fewer people will delay seeing a doctor, meaning faster diagnosis and treatment. Local businesses will benefit from reduced absenteeism and healthier staff. The change of use will not in any way alter the operation of the remaining unit. There will be no external alterations and patients will make use of the existing access. It will make use of a currently empty office room.

Based on the points raised in this document, I respectfully request that planning permission be granted but should you require any further information to assist in formulating your decision, please do not hesitate to contact me.

Yours sincerely

Kieran Rafferty

Enc: Marketing Details

