



53 Bayham Place, London, NW1 0ET
Retrospective application for change of use of ground floor level from
B1 (Office) to Class C3 (dwelling)

Planning Statement

22nd May 2018

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Planning Statement

**53 Bayham Place, London, NW1
0ET**

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Reference: AZ1704
Status: SUBMISSION
Date: 22.05.18

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1. Introduction

- 1.1. This Planning Statement sets out in detail the proposal to seek retrospective planning permission for the change of use of the ground floor of 53 Bayham Place from B1 (Office) to C3 (Dwelling). No external alterations are proposed to the building as part of this application.
- 1.2. This application follows on from a previous refused planning application (reference 2016/0159/P) for the retrospective change of use from office to a residential unit. It also follows a refused prior approval application for the change of use from office (Class B1a) to 1 x residential unit (Class C3) under Class O, Part 3 of the General Permitted Development Order (GPDO) 2015.
- 1.3. The reasons for refusal for each of the applications is set out in section 3 – *Planning History*, these reasons have been addressed within section 5 - *Planning Policy Review and Assessment*. As such, it is our contention that as demonstrated within this statement that retrospective planning permission should be granted.
- 1.4. This statement should be read in conjunction with other planning documents submitted, including:
 - Completed standard application form;
 - Completed CIL form;
 - Architects drawings (produced by Chris Dyson Architects);
 - Planning Statement (this statement);

2. Site Description

The site and site area

- 2.1. The application site is located at the south side of Bayham Place, it forms a two-storey end of terrace industrial building, constructed of brick. The site is currently in residential use at both ground and first floor, an internal lobby divides the two units.
- 2.2. The site area is approximately 0.006 Hectares

The surrounding area – character

- 2.3. The surrounding area contains a mix of uses, including Richard Cobden Primary School to the east and a large housing estate to the north. The row of industrial buildings aligning the south side of Bayham Place (which includes the site) historically were in commercial use, however the majority of them have been converted to residential use with some retaining their commercial use on the ground floor.

Site designations

- 2.4. The building is located within the Camden Town Conservation Area and is identified as a positive building on the Conservation Areas Townscape Appraisal Map.
- 2.5. The site has a PTAL rating of 6b (best)

3. Planning History

- 3.1. Prior approval was refused, on the 11th April 2016 for development described as *'Change of use of ground floor unit from office (Class B1a) to 1 x residential unit (Class C3) under Class O, Part 3 of the General Permitted Development Order (GPDO) 2015 (reference: 2016/1858/P)'*. The reasons for refusing prior approval included:

1. The ground floor level is already in Class C3 residential use and therefore the development is considered to have begun prior to the determination of criteria a-d as set out in sub-paragraph O.2. As such, the proposal does not accord with Condition O.2 of Class O of Part 3 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

2. The proposed development, in the absence of a Section 106 legal agreement to secure the residential unit as car-free, would contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote use of sustainable transport contrary to the National Planning Policy Framework chapter 4, paragraphs 29, 30, 35 and 39.

- 3.2. Planning permission was refused, on the 1st February 2016 for development described as *'Retrospective change of use of ground floor unit from office (use class B1) to residential (use class C3) (reference: 2016/0159/P)'*. The reasons for refusing prior approval included:

1. The proposed development, in the absence of a justification demonstrating that the premises is no longer suitable for continued business use would result in the loss of employment floorspace contrary to policies CS8 (Promoting a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment premises and sites) of the London Borough of Camden Local Development Framework Development Policies.

2. The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.

4. Planning Policy Review and Assessment

Planning Policy

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the relevant Development Plan unless material planning considerations indicate otherwise. The Statutory Development Plan for the site comprises the London Plan (2016) and the Camden Local Plan (2017).

Camden Local Plan (adopted July 2017)

- 4.2. Policy E1 - *Economic development* states that the council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. Part B of policy E1 identifies that the council will maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing resources.
- 4.3. Policy E2 - *Employment premises and sites* states the council will resist development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction that the site or building is no longer suitable for its existing business use (a) or the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time (b).
- 4.4. Policy H1 – Maximising housing supply states that the Council will aim to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,800 additional homes from 2016/17 - 2030/31, including 11,130 additional self-contained homes. The policy goes on to state that the council will seek to exceed the target for additional homes, particularly self-contained homes by regarding self-contained housing as the priority land-use of the Local Plan.

- 4.5. Policy H6 - *Housing choice and mix* states that the council will seek to secure high quality accessible homes in all developments that include housing. The council will
- a. encourage design of all housing to provide functional, adaptable and accessible spaces;*
 - b. expect all self-contained homes to meet the nationally described space standard;*
 - c. require 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2); and*
 - d. require 10% of new-build self-contained homes in each development to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3).*

Assessment

Principle of Development

- 4.6. Although the previous application for retrospective change of use was refused (reference: 2016/0159/P) the officer report usefully provides commentary regarding key considerations that were pertinent to the application, this included:
- 1. Principle of development;
 - 2. Housing;
 - 3. Design;
 - 4. Amenity; and
 - 5. Transport and Parking
- 4.7. Though the planning application was considered against the recently replaced Camden Core Strategy and Development Policies, we have undertaken an assessment of the now adopted Camden Local Plan (2017) and consider the relevant policies are similar in terms of requirements. One key change includes reference made to the *Technical housing standards – nationally described space standards (2015)*. However, the one-bedroom unit is 63sqm (GIA), therefore surpassing the minimum threshold of 50sqm for a 1b2p dwelling. As such, we consider the conclusions outlined within the officer report to still be of relevance with respect to this application.

- 4.8. The council were on balance satisfied with considerations 2 - 4, however concern was raised with regards to 1 (due to the lack of a justification demonstrating that the premises is no longer suitable for continued business use) and 5 (in the absence of a legal agreement securing car-free housing). These two concerns formed the reasons for refusal, and have been set out in section 3 – *Planning History*, an assessment to substantiate why these reasons for refusal have now been overcome is set out below.

Reason 1 for refusal (2016/0159/P)

- 4.9. As part of the application a letter from Spring Court Property Management Ltd was provided which identified the historic difficulties when marketing the property. This letter has been re-provided as part of this application. Since the previous application the ground floor unit has remained in residential use.
- 4.10. Irrespective of the council's position on whether the above document constitutes a sufficient amount of justification for the loss of employment floorspace, the client also benefits from a fall-back position that will result in the loss of this floorspace, as detailed below.
- 4.11. Prior approval was refused, on the 11th April 2016 for development described as 'Change of use of ground floor unit from office (Class B1a) to 1 x residential unit (Class C3) under Class O, Part 3 of the General Permitted Development Order (GPDO) 2015 (reference: 2016/1858/P)'. The reasons for refusing prior approval broadly related to the ground floor unit already being in Class C3 residential use prior to the application being made (Reason 1), and no Section 106 legal agreement being submitted in relation to car free housing (Reason 2).
- 4.12. Aside from the issues identified in the two reasons for refusal, the officers report confirms compliance with all other matters in both paragraph O.1 and O.2, and also paragraph W.
- 4.13. In direct response to the reasons for refusal it is our contention that if the client was to revert the ground floor unit back to B1 (Office) and provide a section 106 legal agreement securing car-free housing this would overcome both reasons for refusal, and therefore prior approval would be granted. As

such, this should be considered a realistic fall-back option and therefore a key material planning consideration when making the decision.

- 4.14. Although this is a fall-back position, we consider there to be no benefit of forcing the client to revert the ground floor to B1, this would force the tenants out of their home and result in unnecessary costs when the outcome will always result in the loss of the existing employment floorspace. Further, the change of use will secure a self-contained house, which as identified above in part (a) of policy H1, is a priority land use of the local plan and will contribute to meeting the housing targets also set out in this policy.
- 4.15. On balance, we consider the marketing evidence, the fall-back position and the clear need for self-contained housing in the borough to be key material planning considerations that carry significant weight to now overcome reason 1 for refusal.

Reason 2 for refusal (2016/0159/P)

- 4.16. The client would be happy to enter into a section 106 legal agreement securing car-free housing. As a result, this would overcome reason 2 for refusal.

5. Conclusion

- 5.1. This Planning Statement has demonstrated that there are site specific material planning considerations that in this instance clearly outweigh the loss of employment floorspace. The proposal will provide a self-contained dwelling house which finds support in policy H1 as self-contained dwelling houses are a priority land use of the local plan, the proposal will also contribute to meeting the housing targets also set out in this policy.
- 5.2. We therefore respectfully request that planning permission is granted for the proposal.