



GL Hearn

Part of Capita Real Estate

Planning Statement

283 Grays Inn Road, London, WC1X 8QF

CreateREIT
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London
SE1 1YP

October 2018

Prepared by

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DATE

24 October 2018

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Limitations

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1 INTRODUCTION

- 1.1 GL Hearn provides planning advice to our client CreateREIT. On behalf of our client, we are pleased to enclose a full application for 283 Grays Inn Road, London, WC1X 8QF, for the following:

“Change of use of 1st, 2nd and 3^d floors from A2 use to create 2no. residential units 1 x 1 bed & 1 x 2 bed (Use Class C3) together with extensions and alterations including mansard roof extension, rear roof terrace to the rear of 2nd floor, infill of ground floor light well, and shopfront alterations.”

- 1.2 A similar application (ref: 2018/0733/P) was submitted for the change of use of the upper floors of the property to residential. During the course of the application’s determination it came to light that the property’s lawful use was Use Class A2 (and not B1), as the property has operated as a Recruitment Agency across all floors for a continuous period greater than 10 years. This planning application is subsequently supported by evidence to substantiate the position change in terms of the lawful use.
- 1.3 The design of the proposal is identical to the design of application ref: 2018/0733/P which was amended following officers advice, and which was agreed as acceptable.
- 1.4 The planning application comprises the following:
- Planning Application Form
 - Site Location Plan
 - Plans
- 1.5 In addition to this planning statement, the planning application is submitted with the following supporting documents:
- Design and Access Statement prepared by Fresson & Tee Chartered Surveyors;
 - Statutory Declaration from Mr Orenstein;
 - Energy Statement prepared by Ensphere Group Ltd; and,
 - Daylight Sunlight Report from 2018/0733/P prepared by Point 2 Surveyors.
- 1.6 In addition to the above documents a full set of plans are submitted, prepared by Fresson & Tee Chartered Surveyors as set out in the covering letter, as well as necessary planning application forms, fee, notices and certificates.

2 SITE AND SURROUNDINGS

The application site

- 2.1 The site comprises a 4no. storey plus basement commercial building on the western side of Grays Inn Road within the London Borough of Camden. The building was last occupied by a recruitment agency but has now been vacant for 2.5no. years.
- 2.2 The existing building layout provides a small number of cellular offices on each floor.
- 2.3 The property is located in a row of ex-residential terraced houses, typical of the mid-town area. Heights in the area range from 4no. to 7no. storeys.
- 2.4 The site is located within the Central Activities Zone (CAZ), and consequently is surrounded by a mix of commercial uses, with some residential uses at upper floors
- 2.5 The building is not listed but is located within the Kings Cross Conservation Area.
- 2.6 The site is located within a highly accessible location with Kings Cross underground and train station located less than 300m away. Grays Inn Road is well served by a number of bus services. Consequently, the site has a PTAL rating of 6B, the highest possible rating.
- 2.7 The property is located within Flood Zone 1, and therefore has a low probability of flooding.

Planning History

Site Planning History

- 2.8 GL Hearn has requested a full planning history check from LB Camden and has also considered surrounding sites and their planning history.
- 2.9 The following relevant planning history for the site has been found:
 - **4037:** Planning permission was granted on 27th July 1967 for:
The use for a limited period of the ground floor for office purposes, with ancillary use in the basement at 283 Grays Inn Road, Camden.
 - **19327:** Temporary planning permission was granted on 19th August 1974 for:
Continued use of ground floor for office purposes with ancillary use in the basement
 - **28353:** temporary planning permission was granted on 21st March 1979 for:
The continued use of the ground floor for office purposes with ancillary use in the basement.

- **32519**: Planning permission was refused on 27th May 1981 for:
Erection of a rear extension at second floor level for use as an office.
- **37238**: Planning permission was refused on 3rd October 1983 for:
The change of use of the basement and ground floors from retail to office use.
- **8400880**: Planning permission was refused on 17th April 1984 for:
The change of use of the basement and ground floors from retail to offices
- Appeal **T/APP/X5210/A/84/019993/P5** then granted permission for application **37238** and **8400880** on 11th April 1985
- **8500945**: Planning permission was granted on 13th June 1985 for:
The installation of a shopfront
- **8800596**: Planning permission was granted on 22nd December 1985 for:
Alterations to the ground floor including the installation of a new shopfront railings and the re-opening of a lightwell

2.10 Planning application **2018/0733/P** was submitted in March 2018 for:

Change of use from offices (Use Class B1a) at 1st, 2nd and 3rd floor levels to create 2 residential flats 1 x 1 bed & 1 x 2 bed (Use Class C3) together with extensions and alterations including second floor rear extension, mansard roof extension, rear roof terraces to the rear of 2nd and 3rd floors, infill of ground floor light well, and shopfront alterations.

2.11 This application was withdrawn on 24 October 2018.

2.12 The application was amended several times during determination, the amendments included:

- Removal of the second storey rear extension and third floor roof terrace, which was contrary to CPG guidance;
- Reduce the size of the second floor properties and the introduction of a privacy screen to reduce overlooking to neighbouring properties;
- Amendments to the layout of the 1 bed unit at first floor to ensure it meets space standards for a 1 bed 1 person unit; and,
- A set back of the mansard roof / dormer windows to meet CPG guidance.

2.13 Following these amendments it was agreed that the design of the proposal was acceptable, and the only outstanding issue was the form and delivery of the commercial space at ground and basement levels.

3 THE PROPOSED DEVELOPMENT

3.1 The proposed description of development is:

“Change of use of 1st, 2nd and 3rd floors from A2 use to create 2no. residential units 1 x 1 bed & 1 x 2 bed (Use Class C3) together with extensions and alterations including mansard roof extension, rear roof terrace to the rear of 2nd floor, infill of ground floor light well, and shopfront alterations.”

3.2 It has been confirmed that the property has operated as an A2 recruitment agency, Taylor Gordon & Co Ltd (trading under Plan Personnel), since 2002 and under Section 171B of the Town and Country Planning Act 1990 is now considered to be the lawful use.

3.3 The ground floor and basement level will have internal alterations to ensure a more modern and useable commercial space. In addition, the light well to the front of the property will be paved over and the front railings will be reinstated. These changes will result in an increase of commercial space at basement level of 9.2sqm.

3.4 The installation of a new shopfront will include the following works:

- New painted timber framed shopfront with 2no. symmetrical glazed doors
- Fascia board and projecting sign to be renewed
- Railings either side to be renewed as per the existing

3.5 The first floor will be converted from a recruitment agency, Use Class A2, into a 1 bedroom studio apartment (Use Class C3) with the creation of a 4.1m² courtyard/light well at the rear of the first floor to provide natural light to the flat.

3.6 The second and third floors will be also be converted from a recruitment agency, Use Class A2, into a 2 bedroom apartment, Use Class C3, split over both floors.

3.7 The second floor will be served by a 14m² roof terraces at the rear of the second floor. This terrace extends to the edge of the first floor lightwell, rather than to the full curtilage of the property, in order to prevent overlooking to neighbouring properties. For the same reason, a 1.8m high privacy screen sloping to 1.2m, made from hardwood timber on top of the existing brick parapet is also proposed on either side of the terrace to mitigate against overlooking.

3.8 The existing mansard roof at third floor will be converted and extended by 3.7sqm to be converted into usable residential space with the addition of 2no. dormer windows to match neighbouring properties in the same terrace.

3.9 The Residential Accommodation Schedule is as follows:

Unit	Floor	Unit type	Floor size
1	1 st Floor	1 Bed 1 Person	45.9m ²
2	2 nd & 3 rd Floor	2 Bed 3 Person	70.4m ²

- 3.10 As part of the shopfront works, the residential accommodation will be accessed via a shared stair core, with access to the street via a separate door from the access to the office space at ground floor and basement.
- 3.11 2no. dormer windows will be installed in the mansard roof on the front elevation of the property; these have been designed to meet the guidance set out in Figure 5 of CPG1 Design.
- 3.12 Please refer to the Design and Access Statement, prepared by Fresson & Tee Chartered Surveyors, for full details regarding design.

4 THE DEVELOPMENT PLAN

4.1 For the purposes of this application the Development Plan comprises:

- London Plan 2016
- Camden Local Plan 2017

4.2 The Camden Local Plan was adopted on 3rd July 2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough.

4.3 The National Planning Policy Framework provides the overarching guidance to which all Development Plan Documents must conform; it is therefore a material consideration of considerable weight.

4.4 Other material Considerations include:

- Kings Cross St Pancras Conservation Area Appraisal
- CPG 1 Design
- CPG 2 Housing
- CPG 5 Town Centres, Retail and Employment
- CPG Amenity
- The draft New London Plan 2017 (amended 2018)

Land use designations

4.5 The Site has the following land use designations:

- Central Activities Zone (CAZ)
- Kings Cross St Pancras Conservation Area
- Designated View - 2A.1 Parliament Hill summit to St Paul's Cathedral - Right Lateral Assessment Area

Key Planning Policies

4.6 The following planning policies are particularly relevant to consider:

The London Plan (2016)

4.7 The London Plan seeks to set housing numbers across all boroughs. Camden's annual average was to provide 889. However, in October 2017 the GLA released new proposed targets for London as part of the preparation for the draft New London Plan. Camden's target was increased by 22% to 1,086 new homes per year.

- 4.8 The London Plan also contains policies defining the required levels of cycle parking, space and amenity standards, affordable housing and density levels for new residential development.
- 4.9 London Plan Policy 3.8 states Londoners should have a genuine choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environments.

Camden Local Plan (2017)

- 4.10 Policy H1 states LB Camden's aim to meet the needs of existing and future households by maximising its housing supply and exceeding their target of 16,800 additional homes by 2031.
- 4.11 Policy H4 states Camden expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity. The guideline mix of affordable housing types is 60% social-affordable rented housing and 40% intermediate housing.
- 4.12 Policy H6 states the council will aim to encourage housing to provide functional adaptable and accessible homes.
- 4.13 Policy H7 states development should provide a range of home sizes to contribute to mixed, inclusive and sustainable communities. It states development should contributing to meeting the Dwelling Size Priorities Table, which identifies the greatest demand for 2 and 3 bedroom dwellings for privately marketed homes.
- 4.14 Policy TC2 aims to promote successful and vibrant centres throughout Camden, which serve the needs of residents, workers and visitors. The policy supports the development of housing within centres and Central London including above and below shops where this does not prejudice the town centre function, or cause harm to the vitality and viability of these centres and particularly the ability of the ground floor to be used for town centre uses.

Kings Cross St Pancras Conservation Area Appraisal

- 4.15 The Kings Cross St Pancras Conservation Area character appraisal states changes of use may be permitted where they are consistent with maintaining the viability and historic character or appearance of the area.

- 4.16 It also states the Council will consider a change of use that will preserve the architectural features, original plan form and historic value of the building, and will not damage its fabric, structural stability or adversely affect its setting.

CPG 1 – Design

- 4.17 CPG 1 outlines the design principles all development within must Camden must aim to achieve. Of relevance to this proposal, CPG 1 contains guidance on design related to:

- Heritage;
- Mansard Roof Extensions; and,
- Shopfronts.

CPG 2 – Housing

- 4.18 This planning guidance outlines the minimum requirements new residential development to meet. This covers issues involving space standards, privacy, daylight & sunlight and storage space.

CPG - Town Centres and Retail

- 4.19 The Planning guidance sets out guidance for town Centre, retail uses including those within Central London. It expects new development to contain appropriate ground floor uses in line with the Council's mixed-use requirements in Local Plan policy G1 and TC2

CPG Amenity

- 4.20 The CPG on Amenity provides information on key amenity issues within the Camden and includes the following sections relating to Local Plan Policy A:

- Overlooking, privacy and outlook
- Daylight and sunlight
- Artificial light
- Construction management plans
- Noise and vibration
- Wind and micro-climate
- Contaminated land.

Draft New London Plan 2017 (Amended 2018)

- 4.21 The New Draft London Plan is due to be adopted in 2019, and as such, this document forms a material consideration of limited weight. The emerging policies that are most pertinent to these development proposals are:

- Policy GG2 Making the best use of land
- Policy GG4 Delivering the homes Londoners need
- Policy D1 London's form and characteristics
- Policy D2 Delivering good design
- Policy D4 Housing quality and standards
- Policy D6 Optimising housing density
- Policy H1 Increasing housing supply
- Policy T5 Cycling
- Policy T6.1 Residential parking

The National Planning Policy Framework

- 4.22 The National Planning Policy Framework (NPPF) published in July 2018 sets out the Government's planning policies for England and how they are expected to be applied.
- 4.23 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs (Paragraph 7).
- 4.24 To achieve sustainable development Paragraph 8 states that the planning system has three overarching principles:
- Economic – to help build a strong, responsive and competitive economy
 - Social - to support strong, vibrant and healthy communities
 - Environmental - to contribute to protecting and enhancing our natural, built and historic environment
- 4.25 To ensure sustainable development is pursued positively Paragraph 11 states plans and decisions should always apply a presumption in favour of sustainable development.
- 4.26 For decision making this means:
- Approving development proposals that accord with an up-to-date development plan without delay; and
 - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 4.27 Paragraph 38 goes on to state that local planning authorities should approach decision on proposed development in a positive and creative way seeking to approve applications for sustainable development where possible.

Delivering a sufficient supply of homes

- 4.28 One of the primary objectives of the NPPF is to significantly boost housing supply, especially the supply of affordable homes.
- 4.29 Paragraph 61 of the framework requires Local Planning Authorities to assess and plan for the size, type and tenure of housing needed for different groups in the community.

Ensuring the Vitality of Town Centres

- 4.30 The NPPF promotes a town centre first approach to development and seeks to support the role that town centres play at the heart of local communities. Local Planning Authorities are encouraged to allow town centres to grow and diversify in a way that can respond to rapid changes in the market, and to reflect their distinctive characters. Residential development is identified as playing an important role in ensuring the vitality of town centres and should therefore be encouraged on appropriate sites. (Paragraph 85).

Making effective use of land

- 4.31 Section 11 of the Framework looks to make an effective use of land. Decisions should promote an effective use of land in meeting the need for homes with an emphasis on making use of previously-developed or 'brownfield' land. Paragraph 118 supports this promoting and supporting the development of underutilised land.
- 4.32 Paragraph 122 states in order to achieve appropriate densities from a site decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and local market conditions and viability

Requiring good design

- 4.33 Section 12 relates to achieving well-designed places and sets out that the creation of high quality buildings is fundamental as well as being a key aspect of sustainable development. Decisions should:
- ensure that developments function well and add to the quality of the area in the long term;
 - are visually attractive as a result of good architecture and layout;
 - are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change;

- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development;
- create places that are safe, inclusive and accessible and which promote health and wellbeing.

Heritage

- 4.34 In terms of heritage the Framework requires that applications describe the significance of heritage assets affected by a proposal. Local planning authorities take account of: the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (Paragraph 192).
- 4.35 Paragraph 200 states opportunities should be sought for development in Conservation Areas that help to better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.

5 PLANNING ASSESSMENT

5.1 Having regard to the Development Plan and stakeholder consultation the following key issues are to be addressed:

- Principle of development
- Confirmation of Lawful A2 Use
- The Loss of Existing Use
- The Principle of Residential Development
- Design
- Heritage
- Highways and Transport

5.2 We consider each of these in turn below.

Principle of Development

5.3 The site comprises a 4no. storey building in an area characterised by high density development. The site is located in an urban location within the CAZ, and as previously developed land the principle of development is therefore deemed acceptable.

Confirmation of Lawful A2 Use

5.4 As set out in previous sections, this application is supported by evidence to confirm the existing lawful use of the property as a Recruitment Agency, Use Class A2. The property has operated as a recruitment agency, Taylor Gordon & Co Ltd (trading under Plan Personnel), since 2002. It can also be confirmed that during this time there had been no enforcement proceedings taken by the Council at the property.

5.5 Section 171B of the Town and Country Planning Act 1990 states (GL Hearn's emphasis):

- 1) *Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.*
- 2) *Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.*
- 3) *In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*

5.6 Consequently by virtue of part (3) of Section 171B any unlawful change of use becomes lawful after a consecutive period of 10 years of use.

5.7 The statutory declaration submitted in support of this application confirms that the property operated as a recruitment agency, Use Class A2, from 2002 to 2016, when the property became vacant. This is supported by the two leases for the recruitment agency, and a schedule of 13 years' worth of continuous rental payments from them.

5.8 Use Class A2 is defined by The Town and Country Planning (Use Classes) Order 1987 as:

Use for the provision of —

- a) financial services, or*
- b) professional services (other than health or medical services), or*
- c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area,*

where the services are provided principally to visiting members of the public.

5.9 The following applications confirm that recruitment agencies operate under Use Class A2 in LB Camden:

- **2011/3291/P** - *Change of use from retail (Class A1) to recruitment agency (Class A2) - 219 Belsize Road, NW6 4AA - Approved 08/07/2011*
- **2009/4134/P** - *Change of use from retail (Class A1) to recruitment agency (Class A2) at lower ground and ground floor level. - 108-110 Judd Street, WC1H 9NX – Approved 22/09/2009*
- **2006/2352/P** - *Use of the eastern portion of the ground floor totalling 500sqm as an recruitment/employment agency falling within Class A2. - 350 Euston Road, NW1 3AX – Approved 22/09/2006*
- **PSX0004469** - *The change of use of ground floor shop from (A1 retail) use to (A2 Employment Recruitment Agency) - 181 Sinclair House, Thanet Street, WC1H 9QA – Approved 20/04/2000*

5.10 Furthermore, appeal decision APP/A5270/W/15/3131627, attached in full at **Appendix 1**, confirms that a recruitment agency operates as Use Class A2 and not under Use Class B1(a).

5.11 Consequently, it is considered that the lawful use of the property is Use Class A2 due to Section 171B(3) of the Town and Country Planning Act 1990 and for the purpose of this application the existing use should be treated as such.

Loss of Existing Use

- 5.12 The site currently benefits from Use Class A2 use across all floors. Camden Local Plan Policy TC2 supports the conversion of the upper floors of commercial premises to residential accommodation within centres and Central London including above and below shops where this does not prejudice the town centre function and particularly the ability of the ground floor to be used for town centre uses.
- 5.13 The proposal includes the retention of commercial A2 premises at ground and basement level, and installs a new shopfront to the premises. Consequently the proposal does not prejudice the town centre function of the CAZ and would retain the active frontage at ground floor. Indeed, the proposals would also enhance the visual appearance of the ground floor by virtue of the improved shopfront. It is therefore considered to be fully in accordance with Policy TC2.
- 5.14 Subsequently, it is considered the loss of A2 use at upper floors for residential development is acceptable.

The Principle of Residential Development

- 5.15 The NPPF requires all planning applications for housing to be considered in the context of the presumption in favour of sustainable development. The London Plan also recognises the 'pressing need' for more homes across the city.
- 5.16 The site is in a sustainable and highly accessible location and the property is an ex-residential property located on a street where the council has already accepted residential development.
- 5.17 Policy H1 of the Local Plan outlines LB Camden's commitment maximising its housing supply and exceeding their target of 16,800 additional homes by 2031. The London Plan outlines Camden's requirement to deliver 889 homes per year, which has been increased by 22% in the draft New London Plan to 1,086. Additionally, Paragraph 85 of the NPPF identifies residential development as playing an important role in ensuring the vitality of town centres and should therefore be encouraged on appropriate sites.
- 5.18 Furthermore, residential development will maximise the potential of the site and previously vacant commercial space. Consequently, it is deemed the principle of residential development is acceptable.

Heritage and Design

- 5.19 The application proposes minimal alterations to the front elevation of the property, with minor shopfront alterations and the addition of 2no. dormer windows to the mansard roof. These design

changes are considered to be minor and will not affect the character of the Grays Inn Road. Additionally, these alterations mirror the adjacent properties of 285 and 287 Grays Inn Road and are therefore in keeping with the immediate surrounds.

- 5.20 The mansard roof and dormer window design has been carefully designed following officers comments during the determination of application 2018/0733/P and is fully in accordance with the design guidance set out in CPG 1.
- 5.21 The Conservation Area Appraisal notes that numbers 279-295 *'have been variously altered, mainly at ground floor and roof level. All but no. 291 have shopfronts which are of a poor design quality and which detract from the appearance of the terrace. Most original detailing at ground floor level has been lost; the shopfront and surround of 279 is an exception.'*
- 5.22 On that basis the proposal seeks to install a shopfront of high quality design to 283 Grays Inn Road and reinstate original detailing to the shopfront, contributing to the appearance of the terrace and Conservation Area.
- 5.23 The Conservation Area Appraisal also states that change of uses will be permitted where they maintain the viability and historic character of the area, as well preserving the architectural and historic value of the building, and not damaging the structural stability.
- 5.24 The proposal will return a poor quality and vacant property back into a viable use and improve its appearance within the Conservation Area. The high quality residential units will restore the upper floors of the property to its historic use and the proposal will reinstate a traditional shopfront. Consequently, it is considered the proposal is acceptable in heritage and design terms, and will contribute positively to the appearance and viability of Grays Inn Road and the wider Conservation Area in both use and design.
- 5.25 Furthermore, the physical design of the proposal is identical to the final design proposed by application 2018/0733/P, which was confirmed as acceptable by officers.

Affordable Housing

- 5.26 As the development is providing 2no. residential units, Policy H4 does not require the property to provide any affordable housing as part of the development. However, it is acknowledged that the same policy requires the development to provide a payment-in-lieu contribution towards affordable housing.

Mix

- 5.27 Policy H7 of the Local Plan states that residential development within the Borough of Camden should contribute to meeting the Dwelling Size Priorities Table, which identifies the greatest demand for 2 and 3 bedroom dwellings.
- 5.28 Although only proposing 2no. units, the proposal includes a 2 bedroom unit and will contribute to meeting the housing mix priorities of the borough whilst maximising the residential potential of the currently vacant upper floors of 283 Grays Inn Road.

Amenity

- 5.29 The proposal includes the creation of two roof terraces to the rear of the second and third floors, creating outdoor amenity space, and the creation of a light well at the rear of the first floor ensuring natural daylight to the first floor flat.
- 5.30 Each of the 2no. flats provided in the proposed development have been designed to meet the standards set out in Table 3.3 of the London Plan. In addition they are dual aspect and it is considered they will afford a high level of residential amenity for future residents.
- 5.31 In line with the guidance set out within Camden's Amenity CPG, the second floor roof terrace and rear windows will be located approximately 18m away from residential units facing the property to the rear, to protect neighbouring amenity. This 18m separation distance is the recommended good practice separation distance to ensure privacy.
- 5.32 This terrace extends to the edge of the first floor lightwell, rather than to the full curtilage of the property, in order to prevent overlooking to neighbouring properties. For the same reason, a 1.8m high privacy screen is also proposed on either side of the terrace to mitigate against overlooking.
- 5.33 Furthermore, during the determination of 2018/0733/P a daylight sunlight report was provided to demonstrate that the proposal, then including a bulky second floor rear extension, did not negatively impact the neighbouring residential amenity. The report, also submitted in support of this application, concluded that:

Based upon the sources of information detailed within section 4, the proposed scheme does not cause any noticeable reductions in daylight or sunlight to the recently constructed Courtyard Terrace (277A Gray's Inn Road) to the rear of the of the development site. The proposed scheme therefore demonstrates compliance with BRE Guidance in this regard.

- 5.34 The current proposal is smaller in mass than the previous scheme due to the removal of the second floor rear extension, and as such any impact on the daylight and sunlight received by neighbouring properties will be reduced. Therefore, it is concluded that there is no negative daylight sunlight impact on neighbouring amenity from the proposal.

- 5.35 Consequently, it is considered the amenity levels for future and neighbouring residents provided by this application is acceptable.

Transport and Highways

- 5.36 As previously stated, the site is located within a highly accessible location and well served by public transport, with a PTAL rating of 6b, the highest possible rating.
- 5.37 Consequently, it is considered the car-free development proposed by this application is considered acceptable.

6 CONCLUSION

- 6.1 This application is supported by evidence to confirm beyond doubt the lawful existing use of the property as Use Class A2 (Recruitment Agency).
- 6.2 The application proposes the change of use of the upper floors of 283 Grays Inn Road to provide 2no. residential apartments, with the refurbishment of the commercial space at basement and ground floors and the installation of a new shopfront.
- 6.3 The residential apartments will help meet LB Camden deliver their housing requirements. The property is ex-residential and in a highly sustainable location therefore the principle of residential development is acceptable.
- 6.4 The retention of the commercial activity at ground and basement floors will ensure that the vitality and viability of the town centre is protected.
- 6.5 The proposal will return a poor quality and vacant property back into viable use, whilst restoring a traditional shopfront, contributing positively the Conservation Area.
- 6.6 In summary the application proposals provide much needed housing in an appropriate area whilst retaining and refurbishing existing commercial space on basement and ground floors. The mix of complementary uses will ensure the viability and vitality of the site and indeed this area of the CAZ.

APPENDIX 1 - APPEAL DECISION APP/A5270/W/15/3131627

Appeal Decision

Site visit made on 8 February 2016

by David Spencer BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th February 2016

Appeal Ref: APP/A5270/W/15/3131627
221 High Street, Acton, London W3 9BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 3, Class O of the Town & Country Planning General Permitted Development Order 2015.
 - The appeal is made by Mr Yakov Levy against the decision of the Council of the London Borough of Ealing.
 - The application Ref PAN/2015/2761, dated 27 May 2015, was refused by notice dated 27 July 2015.
 - The development proposed is change of use from offices (Class B1a) to residential (Class C3).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Yakov Levy against the Council of the London Borough of Ealing. This application is the subject of a separate Decision.

Procedural Matters

3. Class O of Schedule 2 of the GPDO¹ permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule subject to criteria. Paragraph O.1 sets out specific circumstances under which development is not permitted.

Main Issue

4. The main issue is whether the proposed change of use constitutes permitted development pursuant to Class O of Part 3 of Schedule 2 to the GPDO, having regard to whether the site was used for a use falling within Class B1(a) of the Schedule to the Use Classes Order on or before 29 May 2013.

Reasons

5. The appeal site comprises the first and second floors of a town centre building. There is an inconspicuous ground floor entrance to the appeal property directly on to the footway along this part of the High Street. I observed that other than the doorway the appeal site has no ground floor presence on the High Street

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015

with the property underneath the appeal premises being occupied by separate commercial enterprises.

6. The property has historically had planning permission for office use². However, I have little evidence that these permissions provided specificity for a use that falls within Class B1(a) of the Schedule to the Use Classes Order.
7. The property appeared to be vacant at the time of my site visit but I note the **appellant's evidence that the premises were occupied by a recruitment** company (Beechwood Recruitment) for a period in excess of 10 years. There is **a signed and dated lease of 10 June 2002 to confirm Beechwood Recruitment's** tenure of the appeal site and Beechwood Recruitment have submitted an email asserting that they have been at the site for 34 years. I also have evidence of quarterly rental payments from Beechwood Recruitment for the period 2011-2015.
8. Accordingly, I have no doubt that Beechwood Recruitment occupied the appeal site on and before 29 May 2013. The appellant submits that Beechwood Recruitment was a Class B1(a) use and contests that it could be interpreted as falling under the ambit of Class A2 of the Schedule to the Use Classes Order which encompasses financial and professional services. In coming to this view the appellant submits that Beechwood Recruitment did not have a ground floor frontage or were open to visiting members of the public.
9. Class A2 of the Schedule to the Use Classes Order is widely taken to include employment agencies as a professional service. However the lawful use of the appeal building will depend on matters of fact and degree, which are not sufficiently before me and more appropriately tested through a mechanism such as a Lawful Development Certificate. For the purposes of this appeal there is nothing within Class A2 which stipulates that such uses are required to have a ground floor presence or be open to visiting members of the public. Nor do I have sufficient evidence that Beechwood Recruitment operated other than what would ordinarily be identified as a professional service in planning use terms.
10. Accordingly, based on the limited evidence before me I find that the use of the appeal site on or before 29 May 2013 is one which ordinarily would be interpreted as being with Class A2 of the Schedule to the Use Classes Order. The **appellant's grounds of appeal and application correspondence with the** Council do not provide the necessary persuasive evidence to the contrary and accordingly the limitation at paragraph O.1(b) would apply, meaning the proposal would not be permitted by Class O of the GPDO.

Conclusion

11. For the reasons given above I conclude that the proposal is not permitted development and that the appeal should be dismissed.

David Spencer

INSPECTOR.

² References A29452 (February 1963) and A30752 (March 1965)