

REF: R00008/MC/MR

Planning - Development Control
Camden Council
Camden Town Hall
London
WC1H 8ND

29th May 2019

Dear Sir / Madam,

**PLANNING APPLICATION FOR CHANGE OF USE OF USE AT GROUND LEVEL FROM OFFICE (CLASS B1) TO STUDENT ACCOMODATION (SUI GENERIS), EXTERNAL ALTERATIONS, RECONFIGURATION OF EXTERNAL COUNTRYARD AND ASSOCIATED WORKS
111 to 113 BARTHOLOMEW ROAD, LONDON, NW5 2BJ**

I write on behalf of our client, Bartholomew Group Holding Ltd, to enclose a planning application for change of use at ground floor level from office (Class B1) to Student Accommodation (Sui Generis), external alterations and associated works at 111 to 113 Bartholomew Road, London, NW5 2BJ ('the application site').

Specifically, planning permission is sought for:

'Change of use at ground floor level from office (Class B1) to Student Accommodation (Sui Generis), external alterations, reconfiguration of external courtyard, and associated works.'

In considering the current proposal, it is important to highlight that the existing Class B1 floorspace within the application site has been vacant since the site was redeveloped following the grant of planning permission in 2008 and is therefore economically inactive and makes no positive contribution to the local economy. To date, following extensive marketing (as outlined in the supporting Marketing Commentary Report), there has been no substantive interest in the floorspace for its permitted use (flexible Class B1). In fact, prior to the site's redevelopment from office use (Class B1) to predominantly student accommodation, it had been vacant since May 2006.

The proposals, therefore, seek to occupy this longstanding vacant floorspace and bring this underutilised floorspace into beneficial use. The application is being advanced on this basis.

Background to Site

The application site is located on Bartholomew Road, approximately 500 metres east of Kentish Town Station.

The eastern edge of the application site falls within the Kentish Town Conservation Area (designated in June 1985).

The application site comprises a part 4 and part 5 storey building which provides 54no. student units and 445 square metres of flexible, commercial floorspace (Class B1) at ground floor. A private courtyard with

cycle and bin storage area is provided to the rear of the property.

The surrounding area is largely residential in character with employment uses to the immediate north and south of the application site.

Planning History

LPA Ref. 2008/1277/P – Full planning permission was granted subject to a Section 106 Legal Agreement in June 2008 for:

‘Redevelopment of the site including erection of part one, four and five storey building comprising Class B1 offices on ground floor and Sui Generis student accommodation (containing 54 selfcontained units plus shared facilities) on the ground and upper floors.’

LPA Ref. 2009/3069/P – An application for alterations to the design and layout of the development permitted under LPA Ref. 2008/1277/P granted permission on 25th February 2010 subject to a Section 106 Legal Agreement.

LPA Ref. 2017/3812/P – on 10th October 2017, planning permission was granted for the *‘Change of use at ground level from office (Class B1) to a gym (Class D2) with associated works to front elevation including new aluminium framed doors, windows and ventilation louvres’*.

LPA Ref. 2018/1086/NEW – An application seeking to discharge Conditions 7 and 8 of planning permission ref. 2017/3812/P was submitted in February 2018. The application was subsequently withdrawn by the applicant prior to determination as it was discovered that the floor was not adequately supported to house heavy gym equipment. This rendered the use of the unit as a gym unviable.

Proposed Development

The proposed development primarily seeks the change of use of the permitted Class B1 ground floor floorspace to provide student accommodation including an indoor communal area.

Details of the proposed alterations are set out below.

Change of Use

- Change of use of 445 square metres of Class B1 floorspace at ground floor level to student accommodation (Sui Generis) to provide 9no. studio units and a 112 square metre common room to be utilised by the entire student accommodation development.

External Alterations

- Removal of 1no. window and 2no. doors on west (front) elevation and infilling of 1no. doorway to match existing;
- Provision of 3no. new windows on west (front elevation) to match existing;
- Removal of existing doors and windows on north (side) elevation and provision of new entrance door and 6no. new windows to match existing;

- Provision of fire escape door on east (rear) elevation; and
- Modifications to rooflight glazing.

Alterations to External Courtyard

- Relocation of bin store to eastern boundary of bike store and extended roof to cover new bin store area;
- Reconfiguration of access to bike store including relocation of external steps; and
- Provision of landscaping buffer between relocated bin store and external steps.

Planning Policy Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the Camden Local Plan (adopted July 2017), the London Plan (adopted March 2016) and the Kentish Town Neighbourhood Development Plan (NDP)(adopted September 2016).

Material considerations include the National Planning Policy Framework (NPPF) (adopted February 2019), the supporting Planning Policy Guidance and the Student Housing Camden Planning Guidance (CPG) (adopted March 2019) and the Employment Land Review (ELR) (2014).

The New London Plan is currently at Examination.

Development Plan

Local Plan

Policy H1 (Maximising housing supply) seeks to secure a sufficient supply of homes to meet the needs of existing and future households and sets a target of 16,800 additional homes from 2016/17 - 2030/31. Supporting text to Policy H9 confirms that student housing forms part of the Council's overall housing target set out in Policy H1.

Policy H9 (Student housing) sets out to guarantee a supply of student housing to meet or exceed Camden's target of 160 additional places in student housing per year. Proposals for the development of student housing will be supported where the development, *inter alia*; serves higher education institutions that are accessible from it; has an undertaking in place to provide housing for students at one or more specific education institutions, or otherwise provide a range of accommodation that is affordable to the student body as a whole; will be accessible to public transport, workplaces, shops, services, and community facilities; and does not create a harmful concentration of such a use in the local area or cause harm to nearby residential amenity.

The policy notes that where proposed student housing development is not robustly secured as student housing that provides accommodation affordable to the student body, the Council will expect the development to provide an appropriate amount of affordable housing for general needs.

Policy E1 (Economic development) supports Camden's industries by safeguarding existing employment

sites and premises in the borough that meet the needs of industry and other employers.

Policy E2 (Employment premises and sites) resists redevelopment of business premises unless it is demonstrated that:

'a. the site or building is no longer suitable for its existing business use; and

b. that 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.'

Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours.

Policy D1 (Design) The Council will seek to secure high quality design in development and sets out the requirements for development including that it should respect local context and character, comprise details and materials that are of high quality and complement the local character, is inclusive and accessible for all and provides a high standard of accommodation.

The London Plan

Policy 3.8 (Housing Choice) seeks to ensure that strategic and local requirements for student housing meeting a demonstrable need are addressed by working closely with stakeholders in higher and further education.

Paragraph 3.53B states that where there is not an undertaking with a specified academic institution, providers of student accommodation should, subject to viability, deliver an element of student accommodation that is affordable for students in the context of average student incomes and rents for broadly comparable accommodation provided by London universities.

Kentish Town Neighbourhood Plan

Policy SW1 (Supporting Small Business) supports the retention of floorspace for the use of small businesses. Supporting text to Policy SW1 notes that the further loss of B1 uses will not be supported.

Material Considerations

National Planning Policy Framework

The NPPF is underpinned by a presumption in favour of sustainable development. Paragraph 11 of the NPPF explains that this means that for decision taking:

'...c) approving development proposals that accord with an up-to-date development plan without delay;

or d) 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:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. 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.'*

Paragraph 63 states that the *'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas'*.

Paragraph 117 states that decisions should promote an effective use of land in meeting the need for homes and other uses whilst ensuring safe and healthy living conditions.

Paragraph 118 promotes and supports the *'development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.'*

Paragraph 121 encourages local planning authorities to:

'take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework'.

Student Housing CPG

The CPG sets out benchmark areas for studios in student housing. For a double room studio, the benchmark area is 17.5 square metres.

The CPG expects developments for student housing to include shared lounges/ recreation rooms, outdoor amenity space and laundry facilities. The benchmark area recommended for shared lounges/recreation rooms is that 0.1 to 0.2 square metres of floorspace is provided for each bedspace.

The Draft New London Plan (July 2018 Version)

Draft Policy H3 (Monitoring housing target) Part C confirms that non-self-contained accommodation for students should count towards meeting housing targets on the basis of a 3:1 ratio, with three bedrooms/units being counted as a single home.

Policy H17 (Purpose-built student accommodation) encourages Boroughs to seek to ensure that local and strategic need for purpose-built student accommodation (PBSA) is addressed, provided that:

- '1) at the neighbourhood level, the development contributes to a mixed and inclusive neighbourhood*
- 2) the use of the accommodation is secured for students*

3) the accommodation is secured through a nomination agreement for occupation by students of one or more higher education provider

4) the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance, a) to follow the Fast Track Route, at least 35 per cent of the accommodation must be secured as affordable student accommodation or 50 per cent where the development is on public land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution b) where the requirements of 4a above are not met, applications must follow the Viability Tested Route set out in Policy H6 E Threshold approach to applications.

5) the accommodation provides adequate functional living space and layout.

Boroughs, student accommodation providers and higher education providers are encouraged to develop student accommodation in locations well connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes.'

Paragraph 4.17.1 highlights that London's higher education providers make a significant contribution to its economy and labour market and stresses the importance that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation.

Paragraph 4.17.2 sets out the requirement for 3,500 PBSA bed spaces to be provided annually over the Plan period.

Employment Land Review

The application site is located within a small area generally identified for 'Start-up and small business workspace (use classes B1a/b/c & B2)' within the most recent ELR published in 2014.

The ELR generally recommended that the council should consider protecting employment land. It was highlighted, however, that not all existing employment sites within the Borough are fit for purpose for modern occupiers. It goes on to allow for the release of '*some sites where the benefits of the existing employment use are limited and would be outweighed by the benefits of the proposed alternative use(s); and allow the release of some sites in specific locations where there is a long term over supply or which are no longer fit for purpose.*'

Finally, the ELR recommends the '*selective protection of employment land and premises to ensure that those sites and premises that have little prospect of coming forward for employment use during the Local Plan period are not left vacant.*'

Planning Justification

Principle of Development

Taking into account the context of the application site and the surrounding area, which is predominantly residential in character, the change of use of longstanding vacant Class B1 floorspace to student accommodation is entirely appropriate. The proposals are consistent with Paragraph 118 of the NPPF

which supports the development of under-utilised sites.

The Marketing Commentary Report submitted in support of this application confirms that there is no demand for the floorspace from Class B1 occupiers. Therefore, this proposal seeks to improve the student accommodation offer. The principle of PBSA development on this site is acceptable as a result of the granting of permission for student accommodation in 2008 (LPA ref. 2008/1277/P).

The development will contribute to the achievement of proposed student / housing numbers set out in the Local Plan. According to the adopted Local Plan, the Council aims to provide 16,800 new homes during the plan period and 160 additional places in student housing per year during this period. The principle of development is, therefore, acceptable on this site.

Loss of Employment Use

Part of the application site benefits from Class B1 consent and is therefore subject to Policies E1 and E2 of the Local Plan and Policy SW1 of the Kentish Town NDP. These policies seek to retain sites in employment use where suitable in terms of accessibility, size, location and condition. In particular, Policy SW1 seeks to resist the loss of B1 uses within the Kentish Town area.

It should be noted that the site is not located within a preferred office location within the local development plan. Moreover, the 2014 ELR highlighted that not all existing employment sites within the Borough are fit for purpose for modern occupiers and that the release of sites where the benefits of the existing employment use are limited and would be outweighed by the benefits of the proposed alternative use is acceptable as is the case here.

As discussed, the longstanding vacancy of the Class B1 floorspace, which has not been occupied since May 2006, confirms that there is no interest in the unit under its permitted use. This position is reinforced by the submitted Marketing Commentary Report which concludes that '*a change of use is the only viable solution into tenanting the accommodation for a number of factors*'. A change of use to Class D2 Gym was explored in 2017 however following planning permission being granted under LPA Ref. 2017/3812/P it was discovered that the floor was not adequately supported to house heavy gym equipment. This rendered the use of the unit as a gym or similar use unviable.

In line with Policy E2 (Employment premises and sites), this submission has demonstrated that the site is not suitable for office use or similar alternative uses, despite extensive marketing. However, in line with Paragraph 4.17.1 of the draft New London Plan it should be highlighted that '*London's higher education providers make a significant contribution to its economy and labour market and stresses the importance that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation.*'

In light of the above, the loss of this vacant and underutilised employment floorspace will not have a negative effect on the Borough's employment land provision and is entirely acceptable in this instance.

Quality of Accommodation

High quality studios will be provided to complement the existing student accommodation on site.

Each of the proposed studios exceeds the benchmark area of 17.5 square metres set out in the Student Housing CPG.

The existing development already provides outdoor amenity space and laundry facilities which are expected by the CPG. The CPG also sets out the expectation that student housing should include shared lounges or recreation rooms, which the current development lacks. To address this, the proposals include a 112 square metre common room for use by all residents of the student accommodation development.

Affordable Housing

The Development Plan generally requires PBSA developments to provide an appropriate amount of affordable housing for general needs. However, in line with the recent Appeal Decision (the Appeal) at 2-10 Denham Street, Greenwich decided on 24th April 2019 (Appeal Ref: APP/E5330/W/18/3213618), there is no requirement for affordable student accommodation to be provided as part of the current proposals.

The Appeal related to the proposed extension of an existing student accommodation building to provide 5no. new self-contained studio rooms at ground floor.

Whilst having regard to paragraph 3.53B of the London Plan, the Inspector noted that it does not refer to a minimum threshold for the provision of affordable student accommodation. She also noted that the development of 5no. studios would not fall within the NPPF definition of a 'major development'. Similarly, the proposed development which would result in the provision of 9no. studios is not considered major development.

The Inspector concluded that:

'The application of paragraph 3.53B to the current appeal proposal would thus be in conflict with paragraph 63 of the revised Framework, which was published after the adoption of the London Plan, and which states that provision of affordable housing should not be sought for residential developments that are not major developments.'

In this case, the Inspector gave significant weight to the more recently adopted NPPF as a material consideration and as a result, limited weight was afforded to paragraph 3.53B. It was also noted that the proposed development (of 5no. studios) would make only a very limited contribution towards the provision of student accommodation in the city and as there was no substantive evidence provided to suggest that the need for affordable student accommodation in the borough, or more widely, that the requirement for affordable student accommodation could not be justified for a 'very small-scale, non-major development' [our emphasis added].

In light of the Appeal and the small-scale development proposed by this application, the Development Plan is not consistent with the NPPF and can only be afforded limited weight. Therefore, there is no requirement for affordable student accommodation to be provided.

Impact on Conservation Area

The external alterations within the Conservation Area are limited and as the external changes will be limited to ground floor level, they will not materially affect the views to and from the Conservation Area.

Impact on the amenity of the adjacent residents

Similar to the above, the external changes are minor and will not result in overlooking or overshadowing of neighbouring properties in line with Local Plan Policy A1. The application site already benefits from a 2.4 m high fence along the boundaries with 11, 12 and 15 Torriano Cottages which will be retained as part of the proposed development.

The proposed student units will be managed through the policies of the Student Management Plan to ensure the neighbouring amenity is maintained.

Car and Cycle Parking

No car parking spaces will be provided in line with the requirements of the London Plan. Covered, secure cycle storage is provided onsite. 59no. cycle spaces are provided for a total of 63no. beds (54no. existing and 9no. proposed) meaning the proposals exceed the adopted London Plan requirement of a minimum of 1 space per 2 bed spaces with one additional space per 20 bed spaces for visitors by 24no. spaces. The proposals are therefore acceptable in this regard.

Conclusions

This application is being pursued to enable the change of use of longstanding vacant Class B1 floorspace to student accommodation. The application site is considered an acceptable location for the development of student accommodation by virtue of the extant planning consent.

In summary, the proposal will deliver a variety of benefits as follows:

- Development in a sustainable location – The development is within easy reach of a range of local shops and services and sustainable forms of public transport. Ample on-site cover and secure cycle parking is provided.
- Redevelopment of underutilised floorspace – The proposed development will ensure the beneficial re-use of an underutilised vacant floorspace.
- Student housing requirement benefits – Creation of 9no. student bedspaces which will contribute to meeting the requirements of the borough.

Overall, it has been demonstrated that there are no adverse impacts that would significantly and demonstrably outweigh the benefits brought about as a result of this proposal. For all of the reasons set out within this cover letter, the proposals comprise a sustainable development, the principle of which is supported by national and local planning policy. In conclusion, the application accords with the development plan and, applying the presumption in favour of sustainable development, planning permission should be granted without delay.

Scope of Application Submission

The following supporting documents have been submitted via planning portal in support of this

application:

- This covering letter produced by ROK Planning;
- The relevant planning application fee of £462.00;
- The completed application forms;
- Community Infrastructure Levy Form;
- Marketing Commentary Report, prepared by Drivers and Norris;
- Student Housing Management Plan;
- Design and Access Statement, prepared by FBM Architects; and
- Plans and drawings prepared by FBM Architects;

Drawing Title	Drawing No.	Scale
Site Location Plan	1051 P 0001	1:1250@A3
Existing Ground Floor Plan	1051 P 0100	1:100@A1
Existing Roof Plan	1051 P 0101	1:100@A1
Proposed Ground Floor Plan	1051 P 1000	1:100@A1
Proposed Roof Plan	1051 P 1001	1:100@A1
Existing and Proposed Front Elevations	1051 P 2000	1:100@A1
Existing and Proposed Rear Elevations	1051 P 2001	As shown
Front Elevation Detail	1051 P 2001	As shown

I trust that you have all the information you require to validate this application. If, in the interim, you have any queries please do not hesitate to contact either Maeve Cronin (maeve.cronin@rokplanning.co.uk) or myself at this office. I look forward to your formal acknowledgement of the application.

Yours faithfully,



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