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

30 January 2020

Dear Sirs,

**FIRST FLOOR, 53-54 TOTTENHAM COURT ROAD, LONDON, W1T 2EJ**

**APPLICATION FOR FULL PLANNING PERMISSION UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 FOR CHANGE OF USE FROM VACANT COMMERCIAL UNIT THAT HAS BEEN MARKETING AS A RESIDENTIAL FLAT TO AN OFFICE (B1 USE) – PLANNING PORTAL REF. PP-08467924**

I am pleased to confirm that I have submitted the above application via the Planning Portal on behalf of my client, the Trustees of Micro Anvika (hereafter 'the applicant'). The application comprises the following documentation:

- Completed Application Form;
- Completed Ownership and Agricultural Land Declaration Certificate;
- Planning Application Fee of £462.00 – this will be paid shortly;
- This Cover Letter;
- Location and Block Plans; and,
- Floor Plans.

The application is also accompanied by a Planning, Design and Access Statement (PDAS).

### ***Background and Site Planning History***

The lawful use of the application site is not clear in the site's planning history (**Section 4** of the PDAS).

The current planning application seeks planning permission for the same development that was applied for in 2018 under reference **2018/4674/P** which was ultimately withdrawn<sup>1</sup>. At that time, the current use of the property was described as residential but we now know that it has only ever been marketed as a residential flat by the current landlord and it has never been used in this way, either lawfully or unauthorised. Therefore, the current use is now described as a vacant commercial unit that has been marketed as a residential flat.

It is significant that there is no evidence in the site's planning history that the application site formally reverted back to residential use between 1982 and 1999, or between 1999 and the present day.

<sup>1</sup> Although this application was withdrawn, the Council acknowledged the difficulty of establishing the application site's lawful use. An email from the Case Officer on 14 November 2018 (**Appendix 1** of the PDAS) confirmed the following: "...I can't see any evidence of the first floor of No.54 going back to residential use between 1982 and 1999, or between 1999 and the present day, although our Council Tax department have confirmed that they believe the first floor to be residential for Council Tax purposes...". The former might suggest the lawful use of the first floor of No.54 is an office whereas the latter would suggest its lawful use is residential.

Notwithstanding the above, the application site has been vacant for close to six years and was last used as informal employment / business space. Despite the existence of a kitchen in the former communications room and a toilet where the staircase linking it to the ground floor shop formally existed (both of which were installed in 2014), and it has previously been marketed as a residential flat, to our knowledge it has not been used in this way since 1982.

### ***The Planning Balance***

In considering planning application **2018/4674/P**, the Council focused only on Policy H3 which seeks to protect all housing floorspace and accordingly, Planning Officers were going to refuse planning permission (also on the basis that it had last been in use as a residential flat). Given the application site has previously been marketed as a residential flat, it could be perceived that the proposed development will result in the loss of residential floorspace however, it is contended that even if Planning Officers are of this opinion, this does not mean the principle of the development is unacceptable. Unlike the Council's approach in considering planning application 2018/4674/P, I urge the Council to carry out a planning balance exercise to determine whether the proposed development is acceptable.

For assistance, I have carried out a planning balance exercise below.

The Framework confirms the presumption in favour of sustainable development and confirms that social, economic and environmental issues must be balanced and integrated, at the same time, by the decision-taker when determining planning applications.

Decisions should be assessed against the Development Plan unless material considerations suggest otherwise. Therefore, development not in accordance with a Development Plan can still be acceptable.

The task for the decision maker, then, is to weigh the level of conformity with the Development Plan together with other material considerations.

In this case, the proposed development is supported by Policy G1, which seeks to direct the most significant growth and concentrate development within Growth Areas, such as Tottenham Court Road, and promote the most efficient use of buildings. Additionally, Policy E1 provides the strategic policy for delivering economic development across the Borough and seeks to direct new office development to Growth Areas, amongst other things. Furthermore, Policy TC1 supports significant provision of town centre uses (which includes B1 office use) at Central London Frontages, such as Tottenham Court Road. The proposed development will also make a small, but important, contribution to the office floorspace target within the Borough, which is set by Policy G1. The principle of the development is also supported by several material considerations including the Fitzrovia Area Action Plan, the Employment sites and business premises SPD, and the national planning policy framework (The Framework).

In the light of the Article 4 Direction which removes PD rights that allow B1 offices to be changed to C3 residential dwellings, subject to prior approval, we contend that the Council must look favourably at proposals that seek to create new B1 office floorspace, particularly cases which involve properties that have historically been used for office purposes, and that are small-scale (so could be attractive to small and medium enterprises (SMEs), both of which apply to the proposed development.

The Framework's presumption in favour of sustainable development, the significant benefits associated with the proposed development and the general conformity with the Development Plan far outweigh perceived conflict with Policy H3 that seeks to protect all housing floorspace. Significantly, we now know the application

site has never actually been used as a residential flat and accordingly, there will be no loss of residential floorspace.

On this basis, the planning balance falls firmly in favour of approved the proposed development.

I trust that the application will be validated at your earliest convenience however, please do not hesitate to contact me if you should require any further information or clarification.

Yours faithfully,



**Owen Pike BA (Hons) PG Dip MRTPI**  
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For and behalf of Sanderson Weatherall LLP

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