

## **Planning Statement**

**Site:** 50-52 Eversholt Street, London NW1 1DA

**Proposal:** The subdivision and change of use of the property to form a mixed use development consisting of 9 units of self-contained short term let accommodation at lower ground floor level and at the rear of ground floor level, a bureau de change and coffee shop (Class A1) at ground floor level and the change of use of four self-contained flats at first and second floor level to provide two self-contained flats. Retention of external alterations to provide new shop fronts and windows and doors at the rear.

### **1.0 Application Site and Location**

1.1 The application site contains a 3 storey plus-basement mid-terrace Victorian building.

1.2 The ground floor was previously a double fronted sex shop but has been vacant since 2014. The unit was split to provide a bureau de change use, which commenced in July 2017, and the remaining retail space at the front has been used as a coffee shop.

1.3 Along Eversholt Street there are three commercial units that are being used as sex shops and three commercial units that are being used as a strip club.

1.4 The basement of Nos.50-52 and the first and second floors of No.50 were previously in office use (B1a use). Two GPDO prior approval permissions were granted in 2015 for 4 studio flats (C3 use) at basement level at Nos.50-52 and 4 studio flats (C3 use) at first/second floor level at No.50.

1.5 The site lies within an area identified in the local planning authorities (LPA) adopted Local Plan as a designated Neighbourhood Centre.

1.6 The site is also located within the Crossrail 2 Safeguarding Area. The site is directly adjacent to the area of land safeguarded for construction of the new Euston station (including works on Eversholt Street itself).

1.7 The site has a public transport accessibility level rating (PTAL) of 6b, which is the best possible PTAL rating.

1.8 The site lies within a low flood risk area (flood zone 1).

1.9 The property is not statutory listed and does not fall within a designated conservation area.

## **2.0 Relevant Planning History**

2.1 Prior approval was granted 12<sup>th</sup> October 2015 (ref: 2015/4734/P) for: *“Change of use from office (Class B1a) to 4 x studio flats (Class C3)”*. This permission related to the 1<sup>st</sup> and second floor level and was implemented.

2.2 Prior approval was granted 13<sup>th</sup> October 2015 (ref: 2015/4950/P) for: *“Change of use from office (Class B1a) to 4 x studio flats (Class C3) at lower ground floor level”*. The applicant maintains this permission was implemented.

2.3 Planning permission was refused 21<sup>st</sup> May 2018 (ref: 2017/5574/P) for: *“Change of use/conversion of existing retail unit (A1) to provide a retail unit (A1 use) and bureau de change (A2 use) at the front and two self-contained studio flats (C3 use) at the rear, together with alterations to the shopfront and window openings to the rear (part retrospective application).”*

2.4 Planning permission was refused 21<sup>st</sup> May 2018 (ref: 2017/5575/P) for: *“Change of use/conversion of existing retail unit (A1) to provide a retail unit (A1 use) and bureau de change (A2 use) at the front and 4 self-contained short term residential lets (C1 use) at the rear, together with alterations to the shopfront and window openings to the rear (part-retrospective application).”*

## **3.0 Planning Policy Context**

3.1 The adopted Local Plan is the Camden Local Plan 2017 and the relevant policies for the appellants case are as follows:

### **Policy E1 - Economic development**

This policy “recognises the contribution that tourism makes to the character of Camden and the way that is perceived by those living outside the borough, and also the substantial number of jobs it provides.” (paragraph 5.54).

### **Policy E3 – Tourism**

This policy sets out the detailed approach to supporting tourism and providing accommodation for those visiting the borough.

This policy states that; “the Council recognises the importance of the visitor economy in Camden and will support tourism development and visitor accommodation.”

Policy E3 states, inter alia:

*We will:*

*c. consider tourism development outside of the areas listed above where it would have a local or specialist focus and would attract limited numbers of visitors from outside the borough;*  
*All tourism development and visitor accommodation must: f. be easily reached by public transport;*

- g. provide any necessary pickup and set down points for private hire cars and coaches and provide taxi ranks and coach parking where necessary;*
- h. not harm the balance and mix of uses in the area, local character, residential amenity, services for the local community, the environment or transport systems;*
- and*
- i. not lead to the loss of permanent residential accommodation.*

Paragraph 5.58 of the Local Plan states: “The Council will guide tourism development that is likely to attract large numbers of people to Camden’s part of Central London, particularly the growth areas of King’s Cross, Euston, Holborn and Tottenham Court Road.” – the application site is within the Euston area.

**Policy TC2** in part seeks to protect retail frontages. In Neighbourhood Centres, which the application site falls within, the Council “*will seek to retain convenience shopping for local residents in Camden’s Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of that centre.*”

Paragraph 9.23 of the Local Plan states: “*The Council will seek to retain a strong element of convenience shopping for local residents in Camden’s neighbourhood centres and ensure that any development in them does not harm the function, character or success of that centre. We will take into account the individual character of the centre when assessing development proposals but, as a guide, we will resist schemes that would result in less than half of ground floor premises in a neighbourhood centre from being in retail use or in more than three consecutive premises being in non-retail use. We will also take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises.*”

**4.0** The main planning issues for consideration are as follows:

- Loss of Class B1(a) office space
- Principle of short-term holiday lets
- Quality of short-term holiday lets
- Impact on neighbouring residential amenity
- The loss of retail space
- Converting four self-contained flats into two self-contained flats
- Other material considerations

#### **5.0 Loss of Class B1(a) office floorspace at lower ground floor level.**

5.1 The basement of Nos.50-52 and the first and second floors of No.50 were previously in office use (B1a use). Two GPDO prior approval permissions were granted in 2015 for 4 studio flats (C3 use) at basement level at Nos.50-52 and 4 studio flats (C3 use) at first/second floor level at no. 50. These prior approvals were implemented. Therefore, the loss of Class B1(a) office accommodation is accepted in principle.

## **6.0 Principle of short-term holiday lets**

6.1 There are no policies which prohibit short term holiday lets subject to other policies being complied with. In fact, the Council policies encourage the provision of tourist accommodation/facilities in sustainable locations (like this site).

6.2 The site is located within the highest possible PTAL rating (6b), indicating the site has exceptional access to public transport. And the site is in close proximity to many tourist attractions and excellent transport links to London wide tourist attractions.

6.3 Paragraph 5.58 of the Local Plan states: *“The Council will guide tourism development that is likely to attract large numbers of people to Camden’s part of Central London, particularly the growth areas of King’s Cross, Euston, Holborn and Tottenham Court Road.”* – the application site is within the Euston area.

6.4 Policy E1 of the Local Plan *“recognises the contribution that tourism makes to the character of Camden and the way that is perceived by those living outside the borough, and also the substantial number of jobs it provides.”* (paragraph 5.54).

6.5 Policy E3 sets out the detailed approach to supporting tourism and providing accommodation for those visiting the borough. This policy states that; *“the Council recognises the importance of the visitor economy in Camden and will support tourism development and visitor accommodation.”*

6.6 Policy E3 states, inter alia:

*We will:*

*c. consider tourism development outside of the areas listed above where it would have a local or specialist focus and would attract limited numbers of visitors from outside the borough;*

*All tourism development and visitor accommodation must:*

*f. be easily reached by public transport;*

*g. provide any necessary pickup and set down points for private hire cars and coaches and provide taxi ranks and coach parking where necessary;*

*h. not harm the balance and mix of uses in the area, local character, residential amenity, services for the local community, the environment or transport systems;*

*and*

*i. not lead to the loss of permanent residential accommodation.*

6.7 Therefore, the Local Plan clearly supports the provision of short-term holiday lets in this location.

## **7.0 Quality of units**

7.1 The quality of the accommodation is appropriate for short term holiday lets because the units are used as a holiday base for sleeping and not general living. In fact, the units have proven to be very popular with exceptionally high occupancy throughout the year. Users of the short-term holiday lets are attracted by the high quality, good value holiday accommodation in an exceptionally accessible location (highest possible PTAL rating).

7.2 While there are no adopted standards that need to be met when providing short term holiday lets, the proposed units would provide good quality short-term accommodation in a highly accessible location to Camden and London wide tourist attractions.

7.3 There are five short term lets at lower ground floor level and four short term holiday let units located at the rear on the ground floor. The unit's range in size from 18sqm to 27sqm.

7.4 The holiday let units are modern, provide a good level of amenities, including kitchen facilities, have a reasonable outlook and decent levels of light – the side windows face a southerly direction. The nature of the use of these units is that the occupiers would reside short term (tourists) and would mainly use the premise for sleeping and not use the premise as living accommodation during the day for any prolonged period of minutes/hours. Therefore, the level of amenity required would be significantly below the standards expected of permanent living accommodation.

7.5 The applicant accepts there will be some angled overlooking between the four rooms. However, as stated before, the nature of the use is for short term holiday lets where occupiers would mainly use the units for sleeping when the curtains would ordinarily be drawn. And because each of the units would have minimal occupation during the day both during the week and weekend (by the very nature of a short-term holiday let use) there would be minimal actual overlooking occurring. And this is recognised by the fact there are no privacy standards for short term let properties.

7.6 The existing short term let residential units have proven to be very popular with exceptionally high occupancy throughout the year. Users of the short-term holiday lets are attracted by the high quality, good value holiday accommodation in an exceptionally accessible location (highest possible PTAL rating).

## **8.0 Impact on neighbouring residential amenity**

8.1 The change of use of part of the retail floor space at the rear at ground floor level to short-term holiday let units has included the installation of new windows on the rear and rear side/return elevations at ground floor level.

8.2 Potential overlooking to neighbouring residential properties is an oblique view with the reality being the level of overlooking to sensitive areas being minimal. And there are already upper residential units which overlook neighbouring properties.

8.3 If the council are of the view there is harmful overlooking into neighbouring residential properties, then a solution could be that the bottom half of the windows (up to a height of 1.7 metres measured from the floor level) are obscured glazed and permanently fixed shut only. This allows for natural ventilation on the upper parts of the windows and an outlook that would not cause harmful overlooking into neighbouring residential properties. And because the short-term holiday let's do not require an outlook, then this is a solution which would be accepted by the applicant.

8.4 The background noise levels in this relatively busy location would be reasonably high throughout the day and night. The lawful use of the ground floor premises is unrestricted retail use which means the premise can operate 24 hours 7 days a week. And such a use would continually attract night-time customers who may cause some disturbance.

8.5 The existing bureau de change use currently closes at night and a planning condition could be imposed to control the hours of use, if the Council considers necessary.

8.6 The short-term holiday lets are likely to generate minimal activity comparable to the lawful use of eight of the units as permanent residential use. It could be argued the permanent residential use would generate more activity than the short-term lets through visiting friends and more comings and goings associated with permanent residence.

## **9.0 The loss of retail space**

9.1 The ground floor was previously a double fronted sex shop but has not been used as such since 2014.

9.2 And along Eversholt Street there are three commercial units that are being used as sex shops and three commercial units that are being used as a strip club.

9.3 Policy TC2 of the Local Plan in part seeks to protect retail frontages. In Neighbourhood Centres, which the application site falls within, the Council *“will seek to retain convenience shopping for local residents in Camden’s Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of that centre.”*

9.4 Paragraph 9.23 of the Local Plan states: *“The Council will seek to retain a strong element of convenience shopping for local residents in Camden’s neighbourhood centres and ensure that any development in them does not harm the function, character or success of that centre. We will take into account the individual character of the centre when assessing development proposals but, as a guide, we will resist schemes that would result in less than half of ground floor premises in a neighbourhood centre from being in retail use or in more than three consecutive premises being in non-retail use. We will also take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises.”*

9.5 The last retail use of the premise was a sex shop and the road still has a strong sex industry presence. It cannot then be said that the premises formerly provided *“convenience shopping for local residents”*, as promoted by local plan policy.

9.6 It is accepted the existing situation has resulted in a significant loss of retail floorspace at the rear.

9.7 The existing bureau de change shop has operated successfully since it opened July 2017. This shop has helped to increase the footfall along the street so has contributed to helping the vitality and viability of the parade and centre generally.

9.8 Policy TC2 of the Local Plan also states that account will be taken on the history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises.

9.9 The marketing report, submitted as part of the application documents, demonstrates there were considerable difficulties attracting retail users for the premises.

9.10 The Cross Rail 2 Fact Sheet, submitted as part of the application documents, confirms the application site is located within a “designated area” and the map shows the site is within “Site B”.

9.11 In the previous application refused planning permission the council received an objection to the proposal from Transport for London (TfL). The objection stated the following:

*“The site is located within the Crossrail 2 Safeguarding area. The application proposes additional units of residential accommodation within an Area of Surface Interest (AOSI) identified in the 2015 Crossrail 2 Safeguarding Directions and therefore, represent development that would conflict with the proposals for the construction of the railway. TfL, in administering the Safeguarding Directions on behalf of the Department for Transport (DfT), have a responsibility to protect the delivery of Crossrail 2 from conflicting development.”*

9.12 The marketing report dated October 2018, written by MW Chartered Surveyors states the following, inter alia:

#### ***“HISTORY OF MARKETING***

*The premises were marketed in various ways (see above) and attracted interest mainly from developers/investors.*

*Many offers were received over the period and eventually the property went under offer at £1,79 million. The solicitors were a week from exchange of contracts when we understood the terrace had been designated as a safeguarded area due to possible future use as part of Crossrail 2.*

*Subsequently the purchaser withdrew so our marketing focused on letting the ground and lower ground. The Co-op retail chain showed initial interest but declined as the footfall was insufficient in that part of Eversholt Street. There was generally very little interest from retailers.*

*This is evidenced by the fact that there are a few vacant shops or businesses. Those that do survive are specialist retailers, betting offices or restaurants. However, from our conversations with the planners they do not necessarily want more of the same use but would prefer ‘a mix of uses’ and there in lies the problem, because ‘normal’ retailer from our feedback would not survive.*

#### ***EVERSHOLT STREET - LOOKING FORWARD***

*The problem that now exists for the existing retailers regarding the Safeguarding status is that they are trapped as no one will want to take assignment of their business lease whilst Safeguarding is in place, and the present timescale is 10 years.*

*The retail status of Eversholt Street at present is poor and the outlook is even worse. Assuming shop keepers are able to successfully serve a Blight Notice and provided the government will compensate can only make matters worse as you will have further vacant shops.*

*The vacant shops will be difficult to let because of the uncertainty with the Crossrail 2 (will it, or wont it go ahead) and if so in what format. Given this existing issues together with the foreseeable problems in the area, we feel the best use for the building would untimely to be residential, hotel, or hostel which will benefit the increased influx of people created by Crossrail 2 once its finished."*

9.13 This marketing statement confirms that securing tenants for the retail premises is difficult because of the low footfall of pedestrians and the fact the terrace has been designated for compulsory purchase for the future Crossrail 2 project.

9.14 The marketing statement also confirms the terrace had been designated as a "safeguarded area" due to possible future use as part of Crossrail 2. And this poses the biggest challenge to secure retail tenants because the safeguard designation for the Crossrail project serves as a negative blight to securing retails occupiers.

9.15 Because the site is within a designated "safeguard area" for Crossrail 2, any land registry search of the appeal property states this position. And this deters potential commercial tenants who are concerned about investment being lost if the properties are compulsory purchased as envisaged. As evidenced by the marketing report (appendix 4), the appeal site is blighted in respect of potential investors for a large retail unit.

9.16 While the proposal would lead to a loss of retail floorspace at the rear, the commercial frontage will be protected in compliance with Local Plan policy - there are no policies which restrict the change of use of retail floorspace at the rear unless the loss leads to unviable units. And in this case the appellant has demonstrated that one unit is viable solely because it is a small unit and the appellant is confident that by the time the Inspector makes their site visit that the other unit will also be leased, being attracted to the fact it is a small unit with less overheads and commercial risk – the commercial risk for a large unit is so high. because of the reasons outlined, it has become near impossible to rent large units in this location.

9.17 The smallest unit has been proven to be unaffected by the smaller provision of commercial floor space demonstrated by the lease agreement the applicant has secured for ten years for the bureau de change shop. This shop has helped to increase the footfall along the street contributing to helping the vitality and viability of the centre generally.

9.18 The significant benefit of small and flexible commercial units is that they have significantly reduced lease and business rates costs which can be prohibitively expensive for a larger unit.



## **10.0 Converting four self-contained flats into two self-contained flats**

10.1 The lawful use of the first and second floors are four self-contained flats (as per prior approval). These flats each provide approximately 17sqm of floor space significantly below the minimum standards of 37sqm for new residential development.

10.2 The proposal would provide two residential units each providing 35sqm of floorspace which is double the amount of floorspace for the lawful flats.

10.3 This significant improvement is being proposed not because the applicant wants to reduce the number of flats from four to two flats. but because the applicant recognises this would be a significant material consideration which could outweigh concerns the council may have for other parts of the proposal.

## **11.0 Other material considerations**

11.1 Class M of Part 3 of Schedule 2 of the General Permitted Development Order 2015, allows for the change of use of a retail use to a use falling within Class C3 (dwellinghouses) and also allows for building operations reasonably necessary to convert to dwellinghouses. Therefore, if prior approval was granted then clear glass could be introduced in the same positions as existing and the Council would have no power under the Order to prohibit this.

11.2 Class D of Part 4 of Schedule 2 of the General Permitted Development Order 2015, allows for the change of use of a Class A1 premises (or part of the premise) to a flexible use, including Class A2 and Class B1 uses for a period of 2 years. The change of use is permitted by Class D subject to the developer notifying the LPA of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins.