



**70 GRAFTON WAY
LONDON, W1T 5DS**

“Continued use of the third and fourth floors in connection with the Class E medical use on the lower ground, ground, first and second floors, including as overnight sleeping accommodation for staff”.

PLANNING STATEMENT

PREPARED ON BEHALF OF MAIDENSGROVE LIMITED

SEPTEMBER 2020

CONTENTS

Section 1	Introduction	3
Section 2	Site and Surrounding Area	4
Section 3	Planning History	5
Section 4	Application Proposal	7
Section 5	Planning Policy Context	8
Section 6	Planning Assessment	13
Section 7	Conclusion	16

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by RENEW Planning Limited on behalf of Maidensgrove Limited ('the applicant') in support of an application for full planning permission relating to the property at 70 Grafton Way, London, W1T 5DS.

1.2 Planning permission is specifically sought on the following basis:

"Continued use of the third and fourth floors in connection with the Class E medical use on the lower ground, ground, first and second floors, including as overnight sleeping accommodation for staff".

1.3 The application comprises the following documentation:

- Completed planning application form and relevant certification;
- Drawing Nos.

GW01 P01	Site Location Plan
GW01 P02	Existing Floorplans
GW01 P03	Proposed Floorplans

- Community Infrastructure Levy (CIL) – Additional Information Form

1.4 The application has been submitted via the planning portal (PP-08873045) together with the necessary fee payment. This statement has been prepared to assist the London Borough of Camden (as local planning authority) in its consideration of the application and is structured as follows:

Section 2 describes the site and surrounding area.

Section 3 records the relevant site planning history.

Section 4 provides a full description of the development proposal.

Section 5 sets out the relevant planning policy framework.

Section 6 examines the overall planning justification for the development.

Section 7 outlines the reasons why planning permission can be granted.

2.0 SITE AND SURROUNDING AREA

- 2.1 The site comprises a 4-storey building (with mansard roof) situated on the north-west side of Grafton Way between its road junctions with Grafton Mews/Fitzroy Square (to the west) and Whitfield Street (to the east) and adjacent to The Grafton Arms public house. The property is arranged over lower ground, ground, first, second, third and fourth floors and has an overall GIA of 349m² (of which the third and fourth floors subject to this application extend to 101m²). It is situated within the Fitzroy Square Conservation Area, but the building is not listed either nationally or locally.

3.0 PLANNING HISTORY

- 3.1 The full planning history record of the subject property listed on the Council's statutory planning register is set out below.

Application Ref. No.	Proposed Development	Decision
2011/0418/P	68 & 70 Grafton Way - Installation of railings to front elevation of medical centre (Class D1) and offices (Class B1).	Granted, 01/04/11.
2008/4444/P	Change of use of lower ground, ground, first and second floor from office (Class B1a) use to dual office (Class B1a) or medical services (Class D1) use.	Granted, 05/11/08.
PS9804120	Application for certificate of existing lawful use to confirm the use of the ground, third, fourth floors as offices, as shown on Ordnance Survey site plan.	Part Granted/ Part Refused, 01/05/98.
2448	Change of use of the ground floor retail shop unit to a wholesale showroom.	Granted, 22/06/77.
19165	The change of use of the ground floor from retail use to showroom.	Refused, 11/02/75.
19461	The installation of a new shop front.	Granted, 11/02/75.
M/12/29/15/19250	Roof extension.	Granted, 11/02/75.

- 3.2 The freehold interest in the building was acquired by Maidensgrove Limited ('Maidensgrove') in September 2008 with the intention of using the property for medical purposes (which was classified as a Class D1 use at the time). The lawful planning use was for Class B1a offices (as so classified at the time), albeit confined to the lower ground, ground, first and second floors only. The planning status of the third and fourth floors was unclear and although there was some evidence of this floorspace being used for office purposes also, an application to regularise the lawfulness of this use was refused by the Council on 1 May 1998 (application reference no. PS9804120). Maidensgrove subsequently proceeded to secure a change of use planning permission on 5 November 2008 that had the effect of enabling a dual (Class B1(a)) office and medical services (Class D1) use on the lower ground, ground, first and second floors (application reference no. 2008/4444/P).
- 3.3 This permission proceeded to be implemented with the lower ground, ground, first and second floors being used by the London Hearing and Balance Centre ('LHBC'), a specialist clinical service for the diagnosis, management and rehabilitation of complex auditory, vestibular and voice disorders (Neuro-otology). The permission also expressly provides (under informative) that in the event of implementation, the lawful use would revert to whichever of the uses is taking place at the time of 10-years from the date of the permission (i.e. 5 November 2018). Accordingly, the current lawful use is for Class D1 (medical) purposes, which has now been reclassified as a Class E use for the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which took effect from 1 September 2020 and has had the effect of introducing three new use classes. The new Class E (commercial, business and service) use class includes medical and office uses (i.e. they have both been amalgamated into a single use class from the separate use classes previously).
- 3.4 The planning status of the third and fourth floors is unclear in the absence of any regularisation under lawful development certificate. However, other than a period from

January 2013-April 2020 when the third floor has been used temporarily for an extended medical use (Portland Physiotherapy), the third and fourth floors have simply been used on an ancillary basis in connection with the primary medical use (LHBC) and not for any other purpose. In this context, it is instructive that the Officer Report in respect of the 2011 planning permission for replacement railings (application reference no. 2011/0418/P) referred to the property as a whole being used as a private medical centre (Class D1 at the time).

4.0 PROPOSED DEVELOPMENT

- 4.1 Planning permission is sought for the continued use of the third and fourth floors for purposes ancillary to the primary and established Class E medical use in the remainder of the building, which would include using this space as overnight accommodation for staff.
- 4.2 The original 2008 planning permission originally authorising the then Class D1 use (and/or then Class B1a office use) was only confined to the lower ground, ground, first and second floors. At the time, the lawful planning status of the third and fourth floors was unclear. The building has only ever been used for medical purposes since the applicant acquired the freehold ownership interest in 2008 and so the applicant considers it prudent (if not necessary) to formalise under planning permission the continued use of the third and fourth floors in connection with the wider established Class E medical use of the property, which would also allow for the use of this floorspace as overnight sleeping accommodation for the benefit of the business employees only. The existing medical use (London Hearing and Balance Centre) currently employs 9 staff (FTE) and 5 contractor doctors, most of whom live outside of London and so providing these staff with an ability to use the upper floors of the property as overnight sleeping accommodation, especially in these unprecedented times, would be of major benefit in terms of helping to sustain the ongoing livelihood of the business and reducing any dependency on public transport relative to the continued sensitivities of the current Covid-19 pandemic.

5.0 PLANNING POLICY CONTEXT

- 5.1 The planning system is plan-led with the legislative provisions of the Town and Country Planning Act 1990 (as amended) requiring local planning authorities to determine all applications for planning permission in accordance with the provisions of the statutory development plan for the area, so far as material to the application and to any other material considerations. Specifically, Section 38(6) of the Planning and Compulsory Purchase Act (2004) provides that if regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.
- 5.2 The statutory development plan currently comprises the London Plan 2016, the Camden Local Plan 2017 and (for the purposes of this planning application assessment) the Fitzrovia Area Action Plan (Adopted March 2014). Central Government planning policy in the form of the National Planning Policy Framework (NPPF), as updated in February 2019, will also be material to Council decision-making alongside associated Planning Practice Guidance, while substantially increased weight should also now be afforded to the policy provisions of the draft New London Plan in view of the advanced (post-Examination) stage of the plan preparation process. Finally, regard should also be had to the Council's Supplementary Planning Guidance in the form of the Camden Planning Guidance.

National Planning Policy Framework (NPPF – February 2019)

- 5.3 The NPPF reinforces the overarching presumption in favour of sustainable development currently underpinning the planning system (Paragraph 7). Sustainable development is dependent on achieving 3 overarching objectives; an *“economic objective”*, ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, including identifying and coordinating the provision of infrastructure; a *“social objective”*, which, inter alia, is dependent on fostering a well-designed and safe built environment with accessible services and open spaces reflecting current and future needs and supporting community health, social and cultural well-being; and an *“environmental objective”*, which includes making effective use of land and protecting and enhancing the natural, built and historic environment (Paragraph 8). For decision-making, this means *“approving development proposals that accord with an up-to-date development plan without delay”* (Paragraph 11) with local planning authorities expected to engage *“in a positive and creative way”* to facilitate these outcomes (Paragraph 38).
- 5.4 The NPPF outlines the Government's objective to significantly boost the supply of homes and by ensuring that a sufficient amount and variety of land can come forward where it is needed (Paragraph 58). Planning policies and decisions are also expected to help create the conditions in which businesses can invest, expand and adapt. In this respect, significant weight is expected to be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (Paragraph 80). The NPPF also places an onus on the planning system to promote the effective use of land to meet the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (Paragraph 117).

London Plan 2016

- 5.5 The following policies are material to an assessment of this planning application:

- Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 2.9 Inner London
- Policy 3.1 Ensuring equal life chances for all
- Policy 3.2 Improving health and addressing health inequalities
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.8 Housing choice
- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.17 Health and social care facilities
- Policy 4.1 Developing London's economy
- Policy 6.3 Assessing the effects of development on transport capacity
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.4 Local character
- Policy 7.8 Heritage assets and archaeology

- 5.6 Policy 1.1 (Delivering the strategic vision and objectives for London) aimed at facilitating appropriate growth and change in London in the planning period to 2036 by encouraging sustainable development and ensuring that Londoners enjoy a good and improving quality of life.
- 5.7 Policy 2.9 (Inner London) outlining the Mayor's aim to sustain and enhance inner London's economic and demographic growth, whilst improving its distinct environment and neighbourhoods and improving quality of life and health for those living and working there.
- 5.8 Policy 3.1 (Ensuring equal life chances for all) requiring development proposals to protect and enhance facilities and services that meet the needs of particular groups and communities, including health and medical services.
- 5.9 Policy 3.2 (Improving health and addressing health inequalities) encouraging developments to be designed, constructed and managed in ways that improve health and promote healthy lifestyles to reduce health inequalities.
- 5.10 Policy 3.3 (Increasing housing supply) acknowledging the 'pressing need' for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs and at a price they can afford.
- 5.11 Policy 3.4 (Optimising housing potential) aimed at optimising the housing output for different types of location.
- 5.12 Policy 3.8 (Housing choice) aimed at providing Londoners with a genuine choice of homes and which meet their requirements for different sizes and types of dwellings in the highest quality environments.
- 5.13 Policy 3.16 (Protection and enhancement of social infrastructure) encouraging the provision of high-quality social infrastructure according to need.
- 5.14 Policy 3.17 (Health and social care facilities) supporting the provision of high-quality health and social care facilities appropriate for a growing and changing population.
- 5.15 Policy 4.1 (Developing London's economy) promoting and enabling the continued development of a strong, sustainable and increasingly diverse economy across all parts of London.

- 5.16 Policy 6.3 (Assessing the effects of development on transport capacity) requiring the overall transportation impacts of development to be assessed on a proportionate basis and with an emphasis on reducing the reliance on the private car.
- 5.17 Policy 7.1 (Lifetime neighbourhoods) requiring development to enable people to live healthy and active lives.
- 5.18 Policy 7.4 (Local character) requiring development to have regard to the form, function and structure of an area and be compatible with local context and character.
- 5.19 Policy 7.8 (Heritage assets and archaeology) requiring development to conserve the significance of designated heritage assets.

Camden Local Plan 2017

- 5.20 The Camden Local Plan (CLP) sets out the Council's planning policies for the borough over the period from 2016-2031. The CLP is principled on the combined objectives of harnessing the benefits of economic growth, reducing inequality and securing sustainable neighbourhoods (Paragraph 1.2). The borough-wide planning strategy is predicated on addressing a number of key challenges and issues, including adapting to Camden's growing population and to social change; the supply and cost of housing in the borough; maintaining a successful economy and improving opportunities and promoting health and general wellbeing. The overall vision is aimed at making Camden a better borough and a place where everyone has a chance to succeed and where nobody gets left behind (i.e. a place that works for everyone).
- 5.21 To this end, the Council has defined 13 strategic objectives aimed at realising this vision and which underpin the more detailed planning policies of the CLP. Those of particular relevance to this planning application are:
 - Strategic Objective 1 – to create the conditions for growth, ensuring it takes place in the most appropriate and sustainable locations and minimises the impacts of development, and to harness the benefits of this growth so it meets the needs of Camden's communities for homes, jobs and services and preserves and enhances the borough's unique character and appearance.
 - Strategic Objective 2 – to secure safe, socially mixed and balanced areas with strong, cohesive and resilient communities to help reduce inequality in the borough, while supporting the provision of the accessible facilities and services needed to meet community needs.
 - Strategic Objective 3 - To provide homes that meet the housing needs of existing and future residents in terms of number, affordability, quality, type of property and mix of dwelling sizes. Self-contained housing is the priority use of the Local Plan.
 - Strategic Objective 11 – To improve the health and wellbeing of Camden's population and reduce health inequalities through good spatial planning, supporting healthier lifestyles and environmental improvements, as well as ensuring appropriate access to health facilities.
- 5.22 The following planning policies are also material to an assessment of this planning application:

- Policy G1 Delivery and location of growth
- Policy H1 Maximising housing supply
- Policy H6 Housing choice and mix
- Policy H7 Large and small homes
- Policy C1 Health and wellbeing
- Policy C2 Community Facilities
- Policy A1 Managing the impact of development
- Policy D1 Design
- Policy D2 Heritage
- Policy CC3 Water and Flooding
- Policy CC4 Air Quality
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Parking and car-free development

- 5.23 Policy G1 (Delivery and location of growth) outlines the Council's intention to create the conditions for growth to deliver the homes, jobs, infrastructure and facilities required to meet Camden's identified needs, while harnessing the benefits for those living and working in the borough. Growth will be expected to help contribute towards achieving the strategic objectives of the Local Plan, including meeting the objectively assessed need for housing. Mixed-use development will be encouraged in the most accessible parts of the borough, including an element of self-contained housing, where possible.
- 5.24 Policy H1 (Maximising housing supply) aiming to secure a sufficient supply of homes to meet the needs of existing and future households by exceeding the defined target level of provision through a variety of measures, including using vacant and under-utilised sites for housing that is compatible with any other uses needed on the site.
- 5.25 Policy H6 (Housing choice and mix) outlining the Council's objective to create mixed, inclusive and sustainable communities by seeking a variety of housing suitable for Camden's existing and future households, having regard to household type, size, income and any particular housing needs. In this respect, a diverse range of housing products in the market and affordable sectors will be sought to meet the needs across the spectrum of household incomes.
- 5.26 Policy H7 (Large and small homes) outlines the Council's aim to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply.
- 5.27 Policy C1 (Health and wellbeing) seeking to improve and promote strong, vibrant and healthy communities by ensuring a high-quality environment with local services supporting health, social and cultural wellbeing and reducing inequalities. The provision of new and improved health facilities will be supported with existing health facilities protected.
- 5.28 Policy C2 (Community Facilities) aimed at ensuring that community facilities and services are developed and modernised to meet the changing needs of the community and reflect new approaches to the delivery of services. In this respect, the investment plans of educational, health, scientific and research bodies to expand and enhance their operations will be supported taking into account the social and economic benefits they generate for Camden, London and the UK.

- 5.29 Policy A1 (Managing the impact of development) seeking to protect the quality and life of occupiers and neighbours and ensuring that the amenity impacts of development do not result in any unacceptable harm and can be appropriately mitigated.
- 5.30 Policy D1 (Design) requiring high quality design and for all new development to respect local context and character and comply with other criteria aimed at facilitating this outcome.
- 5.31 Policy D2 (Heritage) aimed at preserving and, where appropriate, enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas. Development within conservation areas will be expected to preserve, or where possible, enhance the character and appearance of the area with regard had conservation area statements, appraisals and management strategies when assessing applications.
- 5.32 Policy CC3 (Water and Flooding) seeking to ensure that development does not increase flood risk and reduces the risk of flooding where possible. Applications will need to be the subject of flood risk assessment, where appropriate.
- 5.33 Policy CC4 (Air Quality) aiming to ensure that the impact of development on air quality is mitigated with assessments required where occupiers are likely to be exposed to high levels of air pollution.
- 5.34 Policy T1 (Prioritising walking, cycling and public transport) outlining the Council's objective to promote sustainable transport by prioritising walking, cycling and public transport in the borough.
- 5.35 Policy T2 (Parking and car-free development) requiring all new developments in the borough to be car-free.

6.0 PLANNING ASSESSMENT

6.1 The principal planning considerations relating to an assessment of this application proposal are as follows:

- Land Use Principle
- Heritage
- Amenity Impact
- Transport

Land Use Principle

6.2 The lower ground, ground, first and second floors of the subject property is in an established Class E medical use pursuant to an 'alternative use' planning permission granted on 5 November 2008 (reference no. 2008/4444/P), which had the effect of allowing this floorspace to be used for a dual office (Class B1a) or medical services (Class D1) use (as so classified under the Use Classes Order at the time). The planning permission conferred (via informative) flexibility of use for a period of 10 years from the date of any implementation of the planning permission, albeit with a provision that after 10 years the lawful use would revert to whichever of the uses is taking place at the time. The floorspace is currently occupied by the London Hearing and Balance Centre (LHBC), a specialist clinical service for the diagnosis, management and rehabilitation of complex auditory, vestibular and voice disorders (Neuro-otology). This occupancy has endured since 2008 when the applicant first acquired the freehold interest in the property and so consistent with the provisions of planning permission 2008/4444/P, the lawful planning use of the lower ground, ground, first and second floors is for Class E (medical) purposes. Notwithstanding this, the effect of the recent legislative changes to the Use Classes Order means that a Class E use would also allow for the office use of the building without the need for planning permission.

6.3 At the time of this 2008 planning permission, the planning status of the remaining third and fourth floors was unclear. A prior lawful development certificate application aimed at regularising an office use on these floors was refused by the Council in May 1998 on the grounds that there was insufficient evidence to support a continuous 10-year period of use (PS989804120). The Officer Report relating to the 2008 planning permission referenced a prevailing office use at the time (albeit with a question on lawfulness) although by 2011 the third and fourth floors were acknowledged to have been in a medical use (Officer Report – 2011/0418/P). This latterly is consistent with how the property has been used since the LHBC first took occupancy in 2008 (which intervening period has also included a temporary use of the third floor by another medical practice - Portland Physiotherapy).

6.4 Although the lawfulness of this extended medical use has not been regularised under Lawful Development Certificate application, there is more than adequate evidence on the balance of property that the third and fourth floors have been used either solely in connection with the current tenant (LHBC) as ancillary accommodation, or else, at least in part, for wider medical purposes. In view of the current planning status of the lower floors, the land use planning principle of using the building as a whole for medical purposes would clearly be acceptable and furthermore, aligns with Policies C1 and C2 of the CLP 2017. As the upper floors cannot be held to have an established or lawful office use, it also follows that Policy E2 of the CLP 2017 affording protection to established employment premises and sites does not need to be engaged. However, it is also the case that the amalgamation of medical and office uses into a new Class E use class would enable the upper floors of the property to be used for medical

purposes even if they were held to have a lawful office use (which we would maintain is not the case).

- 6.5 Notwithstanding this, the application proposal is aimed at not only allowing the upper floors to continue to be used in connection with (and for purposes incidental to) the current medical use, but also as overnight sleeping accommodation for the existing staff in order to reduce their travel time and exposure to public transport relative to the current Covid-19 pandemic and also mindful of the need ultimately to respect any wish to avoid public transport as a matter of personal preference.
- 6.6 While never formalised, the current layout configuration of the third and fourth floors (which has remained unaltered since 2008) provides some evidence of a prior residential use, not least with the existence of a formally demised kitchen area at fourth floor level, which continues to be used by the current medical staff. The sleeping accommodation would only be used in connection with the established medical use (and not as separate self-contained accommodation) and the applicant would be willing to accept a condition restricting the use on this basis (i.e. only in connection with the primary Class E medical use of the building).

Heritage

- 6.7 No internal or external alterations are needed to the building to enable the continued use of the upper floors in connection with the current medical use and as overnight accommodation for staff, although some minor remodelling works are nevertheless proposed to improve the quality of the accommodation. None of these works would affect the external appearance of the building. The internal layout configuration of the third and fourth floors already readily lends itself to such a use and is synonymous with a former residential use of at least this part of the building in the past (irrespective of any formalised planning status). Accordingly, the application proposal would not materially affect the significance of the Fitzrovia Conservation Area as a designated heritage asset and there would be no resultant harm arising in this respect relative to NPPF and development plan policies generally.

Amenity Impact

- 6.8 The current medical use was originally accepted under the 2008 planning permission as being appropriate in land use terms on account of it being a 'quiet, unobtrusive use' and similar in nature to the then office use that was established at the time (Officer Report – 2008/4444/P). Notwithstanding this, a condition was attached to this planning permission to prevent an alternative Class D1 use (as so defined at the time) that might have an impact on the amenity of the occupiers of neighbouring properties. The upper floors of the building that were not the subject of this planning permission have only ever been used in connection with the current medical use since the applicant first acquired the building in 2008 (or else, in the case of the third floor, temporarily for another medical purpose) and this ancillary link is not proposed to change. The use of the third and fourth floors as overnight sleeping accommodation in connection with the current medical use (which may only be occasional and according to staff demand) would be unlikely in itself to result in any harmful amenity impact and so the requirements of planning policy would be met in this respect.

Transport

- 6.9 The continued use of the third and fourth floors for purposes ancillary to the current medical use would be unlikely to generate any additional on-street parking demand. The subject site is situated within a Controlled Parking Zone (CA-E Bloomsbury Area)

and the application proposal is simply aimed at using the remaining parts of the building for purposes incidental to the primary medical use.

7.0 CONCLUSION

- 7.1 The proposed use of the third and fourth floors of the subject property as overnight accommodation for staff in connection with the primary Class E medical use of the building would be an acceptable extended use of the floorspace in land-use terms and would also be of major benefit to the continued livelihood of the medical practice, as it would provide the staff with an opportunity to live at the premises during the week at a time when there is a genuine concern at the health and safety implications of using public transport relative to the current Covid-19 pandemic. Overall, it represents a positive initiative from the business management team aimed at instilling a greater degree of confidence in the ability of practitioners to return to work and help sustain the ongoing livelihood of the business during these challenging and unprecedented times. In this respect, the application proposal is consistent with planning policies aimed at facilitating health and wellbeing and an improved quality of life generally. Accordingly, it is considered that planning permission can be appropriately granted on this basis.