

## PLANNING STATEMENT – 34 MAPLE STREET

### 1. INTRODUCTION AND PROPOSALS

34 Maple Street is a basement plus 5 floor mixed-use property consisting of retail storage at basement, a retail premises at ground floor, office at first floor, and residential at second, third and fourth floors.

The basement and ground floor retail premises have been vacant since 2008. The first floor office use is also currently vacant. The lawful uses of the basement, ground and first floor are currently Class E.

This application proposes the change of use of the basement and first floor to residential use (Class C3). The application also proposes some minor alterations to the front and rear façade of the property in connection with the proposed change of use.

### 2. SITE CONTEXT

The property is located on the north side of Maple Street. It is not listed but is located within the Fitzroy Square Conservation Area. There are no other policy designations at the site. The site is located within the Central London Area of Camden and the Central Activities Zone (according to Map 1 of the Local Plan).

### 3. PLANNING HISTORY

In July 2019, application 2019/1699/P was refused at the property for the change of use of the first floor from an office (then Class B1, now Class E) to a self-contained 1 bedroom flat (Class C3).

The reasons for refusal were:

- Insufficient justification demonstrating that the premises is no longer suitable for continued business use.
- Inadequate internal floorspace for the proposed residential unit resulting in sub-standard accommodation that would fail to provide an acceptable level of residential amenity to its occupants.
- The absence of a legal agreement for car-free housing meaning the proposal would contribute unacceptably to parking stress and congestion in the surrounding area.

### 4. PRE-APPLICATION ADVICE

In December 2019, the applicant sought pre-application advice from the London Borough of Camden regarding a proposal to change the use of the basement and ground floor to residential use.

The pre-application advice from the London Borough of Camden was to collect 6 months of marketing evidence to submit with a future planning application to justify the loss of the retail use due to the policy position set out within the Fitzrovia Area Action Plan and the Camden Local Plan.

Following the pre-application advice, the applicant has revised the proposals and now proposed to retain the retail use at the ground floor of the property in recognition of the need for retail accommodation for specialist and independent traders away from the main shopping streets in this part of the borough.

The applicant has also collected the requisite marketing evidence to demonstrate that there is no demand for the retail use in the basement of the building, or for office use in the first floor of the building (addressing the one of the reasons for refusal on the previous application).

Regarding the other reasons for refusal, the proposed residential accommodation now exceeds the nationally described space standards, and, should the London Borough of Camden be minded to approve this application, the applicant is willing to enter into a Section 106 agreement to ensure that the occupiers of the new residential accommodation are restricted from obtaining parking permits for within local area to ensure there is no added parking stress as a result of this proposal.

## **5. PLANNING POLICY FRAMEWORK**

The Development Plan for the London Borough of Camden is comprised of the London Plan (March 2016) and the Local Plan (July 2017).

The following policies from the Local Plan are relevant to the application proposals:

- Policy TC2: Camden’s centres and other shopping areas;
- Policy TC3: Shops outside of centres;
- Policy E2: Employment premises and sites;
- Policy H1: Maximising housing supply;
- Policy H4: Maximising the supply of affordable housing;
- Policy H6: Housing choice and mix;
- Policy H7: Large and small homes;
- Policy A1: Managing the impact of development;
- Policy A5: Basements;
- Policy D1: Design;
- Policy D2: Heritage;
- Policy T1: Prioritising walking, cycling and public transport; and
- Policy T2: Parking and car-free development.

Planning guidance within the Fitzrovia Area Action Plan (March 2014) is relevant to this proposal. There is also other Supplementary Planning Guidance within Camden that it is necessary to consider in the context of this proposal. The guidance is contained within:

- The ‘Town Centres and Retail Camden Planning Guidance’ (March 2018);
- The ‘Employment Sites and Business Premises’ Camden Planning Guidance (March 2018); and
- The ‘Basements’ Camden Planning Guidance (March 2018).

Given the advanced stage of the draft London Plan, the Intend to Publish version (December 2019) is more relevant to this application than the adopted March 2016 version.

## **6. PLANNING ASSESSMENT**

### **Land Use Principle**

#### **Change of use from retail (Class E) to residential (Class C3) at basement floor**

Policy TC2 of the Local Plan confirms that housing above and below shops within the Central London Area is acceptable where this does not prejudice the town centre function and particularly the ability of the ground floor to be used for town centre uses. The proposed residential use at the basement of the property would not compromise the existing ground floor retail premises that will be retained as part of the proposal.

Policy TC3 of the Local Plan sets out that the Council will seek to protect shops outside of centres and that the Council will only grant planning permission for loss of a shop outside of designated centres provided alternative provision is available within 5-10 minutes' walking distance; there is clear evidence that the use is not viable; and within the Central London Area, the proposed development positively contributes to local character, function, viability and amenity.

Principle 5 of the Fitzrovia Area Action Plan seeks to retain existing retail units and maintain the overall stock of retail premises in Fitzrovia. It explains that specialist and independent traders commonly rely on the availability of premises away from the main shopping streets (particularly shops that are on their own) where retail rents are comparatively low.

The 'Town Centres and Retail' Camden Planning Guidance sets out that, where a planning application proposes the loss of a shop in retail use, the Council will consider whether there is a realistic prospect of such use continuing. The Council generally requires the submission of marketing evidence to show that there is no realistic prospect of demand to use a site for continued retail use. 'Town Centres and Retail' Camden Planning Guidance sets out specifically what the marketing evidence should cover.

This application proposal is only for the basement floor of 34 Maple Street to be converted into residential use, whereas the ground floor of the property will be retained in retail use. The basement does not function as a shop and the policies outlined above therefore do not carry direct relevance to the proposal.

As it stands, the basement and ground floor of the property have not been used since 2008. The basement, ground and first floor of the property was marketed from December 2018 until March 2019 (a period of 15 months) for retail and office use. No interest was received even at a reduced rental offer over this timeframe. Refer to the submitted Marketing Report for further information.

The applicant considers that, with continued marketing and incentivisation, it should be possible to secure a retail occupier for the ground floor within the short-term. However, as marketing efforts to-date have been unsuccessful it is reasonable to assume that the basement of the property is surplus to retail requirements and that there is enough retail space within the ground floor of the property for a future retail occupier. An alternative viable use is required at the basement floor to ensure that the property is utilised to its full capacity and that reliable revenue is generated.

On the basis of the above, the change of use from retail to residential at the basement floor of the property is considered to be acceptable in terms of land use principle.

## 2. Change of use from office (Class E) to residential (Class C3) at first floor

Policy E2 of the Local Plan states the Council will protect premises or sites that are suitable for continued business use, in particular premises for small businesses that provide employment for Camden residents, and those that support the functioning of the Central Activities Zone. The policy sets out that the Council will resist development of business premises for non-business use unless it is demonstrated that:

- The site or building is no longer suitable for its existing business use; and
- 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.

The 'Employment Sites and Business Premises' Camden Planning Guidance provides the detail of the marketing exercises to be undertaken where loss of a business use is proposed. This requires continuous marketing over at least 2 years from when the property is advertised to the date of the submission of the planning application. The guidance states that the Council will consider shorter marketing periods in circumstances where the premises have been completely vacant for at least 3 continuous years up to the date of the submission of the planning application, which is the case for this site.

The property has been marketed for a period of 15 months (by comparison, 6 months was suggested to be appropriate by the London Borough of Camden in the pre-application advice). The submitted Marketing Report clearly demonstrates a lack of interest in the first floor office premises and that the space can no longer be retained for continued business use.

### Summary on land use principle

The proposal for the change of use of the basement and first floor to residential use would mean that these floors of the property are more compatible with the existing uses at the property (as the second, third and fourth floors are already in residential use).

Bringing the basement and first floor back into use after a prolonged period of vacancy would also create a more welcoming living environment for the existing residential occupiers within the remainder of the property.

Overall, it is considered that the requirements of Policies TC2, TC3 and E2 of the Local Plan have been satisfied and that the change of use proposed is acceptable in land use terms.

### Standard of Accommodation

#### Space standards

Policy H6 of the Local Plan requires all self-contained dwellings to meet the nationally described space standards. The proposed 1 bedroom flat is 53.87 sqm compared to the nationally described space standard of 50.00 sqm and the proposed studio flat is 38.24 sqm compared to the nationally described space standard of 37.00 sqm. Both of the proposed dwellings also exceed the level of storage required within the nationally described space standards. Accordingly, the proposal meets the requirements of Local Plan Policy H6.

## Basement dwelling

There are no policies within the Local Plan which state that residential accommodation is unacceptable at basement level. The proposed change of use of the basement from retail use to residential use would not involve any excavation of the existing basement because it is not proposed to extend the basement. The proposed 1 bedroom flat has a slightly greater GIA than the existing retail storage space. This is because the internal wall partitionings will be reconfigured.

Policy A5 of the Local Plan states that the Council will not permit habitable rooms and sensitive uses in basements within areas prone to flooding.

No parts of the borough including 34 Maple Street are identified by the Environment Agency as being prone to flooding from waterways, although some areas are subject to localised surface water flooding, as set out in the map of Local Flood Risk Zones within the Local Plan (Map 6). 34 Maple Street is not within a Local Flood Risk Zone.

The 'Basements' Camden Planning Guidance sets out that, outside of areas prone to flooding, where basement accommodation is to provide living space, it will be subject to the same standards as other housing in terms of space, amenity and daylight/sunlight. The 'Basements' Camden Planning Guidance also says that suitable access should also be provided to basement accommodation to allow for evacuation.

Policy A1 of the Local Plan sets out that the Council will seek to protect the quality of life of occupiers, and that generally, permission will be granted for proposals unless there is unacceptable harm to amenity. The supporting text to Policy A1 explains that the Council will take into account the most recent guidance published by the Building Research Establishment to consider the appropriateness of daylight/sunlight levels to residential accommodation.

An Internal Lighting Report is submitted with this application. This demonstrates that the proposals for the at 34 Maple Street accord with the Building Research Establishment Guidance as the internal illuminance for the living/dining room is in excess of the recommended level, as is the bedroom. It is therefore concluded within the Internal Lighting Report that planning permission should not be hindered in regard of internal illuminance.

As such, there would be no harm to the amenity of the occupiers of the basement flat in relation to daylight and sunlight, and so the proposal accords with Policy A1 of the Local Plan, and the information in the 'Basements' Camden Planning Guidance. A basement conversion is considered to make efficient use of the borough's limited land for residential accommodation in line with the strategic ambitions the London Borough of Camden and across London generally to maximise housing delivery.

## Residential Mix

Policy H7 of the Local Plan states that the Council will seek to ensure that all housing development, including conversion of existing homes and non-residential properties, contributes to meeting the priorities set out in the Dwelling Size Priorities Table.

The Dwelling Size Priorities Table outlines that 2 and 3 bedroom dwellings are a high priority whilst 1 bedroom dwellings and studios are a low priority within the borough. However, in the case of this proposal, the type of residential accommodation that can be delivered is dictated by the size of the

existing floors of 34 Maple Street and the need to retain the retail use at ground floor level in line with other planning policies. The second, third and fourth floors already contain occupied residential accommodation, so it is not possible to remodel 34 Maple Street more comprehensively to deliver bigger units within the basement and first floor levels.

The proposed 1 bedroom flat and studio will, notwithstanding the Policy H7 preference bigger units, still contribute to one of the key strategic objectives of the Local Plan to maximise the supply of housing, as set out in Policy H1. The need to maximise housing across London is also clearly set out within the draft London Plan.

The Council will aim to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,800 additional homes over the lifetime of the Local Plan.

### **Affordable Housing**

Policy H4 of the Local Plan states that the Council will expect 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. The total proposed residential floorspace is 92.11 sqm and so an affordable housing contribution is not required from this proposal.

### **Design and Conservation**

Some minor alterations to the front and rear façade of the property are proposed in connection with the change of use. To both elevations, it is proposed to add fixed black wrought cast iron railings at the ground floor level. At the basement floor level it is proposed to instate double glazed sash windows to the front elevation, and double glazed doors to the rear elevation.

Policy D1 of the Local Plan has been considered and the proposed architectural features are in-keeping with the style of detailed architectural features within the vicinity of the site. The proposed double glazed sash windows will be akin to the existing fenestration on the upper floors of the property and the double glazed doors will also reflect this style.

The proposals will preserve the special characteristics of the Fitzroy Square Conservation Area and so meet the objectives of Policy D2 of the Local Plan, mindful of the information within the Fitzroy Square Conservation Area Appraisal and Management Strategy (March 2010).

### **Cycle Storage and Car Parking**

Policy T1 of the Camden Local Plan and table 6.3 of the London Plan outline minimum requirements for cycle storage as 1 short stay space in this instance. Space for 3 cycles is accommodated to the rear of the building at ground floor level as identified on the submitted drawings.

No new or additional parking would be created as a result of the proposal which is compliant with Policy T2 of Camden's Local Plan. However, to ensure the development is car free, a Section 106 legal agreement would be used to secure this. As the application is recommended for refusal, a reason for refusal is raised in respect of the absence of a Section 106 legal agreement.

## **7. PLANNING OBLIGATIONS AND CIL**

The applicant is willing to enter into a Section 106 agreement to ensure that the proposed development represents car-free housing and does not contribute to parking stress and congestion in the surrounding area.

The applicant is also willing to discuss and agree other Heads of Terms with the London Borough of Camden should the authority feel that additional obligations are required in relation to this proposal.

A CIL Form 1 has been submitted with the planning application and the applicant can confirm agreement to paying the requisite CIL charge.

## **8. CONCLUSION**

This application proposes the change of use of the basement and first floor of 34 Maple Street from retail and office use to residential use. The application also proposes some minor alterations to the front and rear façade of the property in connection with the proposed change of use.

This Planning Statement has fully considered the London Borough of Camden's planning policies and guidance and demonstrates that the proposal accords with the salient requirements. On this basis, it is respectfully requested that planning permission is granted at the earliest opportunity.

**DP9 Ltd**

**12.10.20**