

Delegated Report		Analysis sheet		Expiry Date:	06/10/2023
		N/A		Consultation Expiry Date:	18/05/2023
Officer			Application Number(s)		
Blythe Smith			2023/2256/P		
Application Address			Drawing Numbers		
Unit 22, 3-16 Russell Court Woburn Place London WC1H 0LL			See decision		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from an existing ground floor dental clinic (Class E) to a residential studio apartment (class C3)					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	Site notices were displayed on 23/06/2023 which expired on 17/07/2023. Press notice was published on 29/06/2023 which expired on 23/07/2023. The Bloomsbury Conservation Area Advisory Committee stated they had no comment about the application.					

Site Description

The application site is a ten-storey 1930s block in the Bloomsbury conservation area. It currently houses both residential and commercial businesses. The proposed unit is on the ground floor facing Woburn Place. The main building has 3 entrances (A, B and C). The building is not a listed building.



Site shown in blue

Relevant History

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2022/0213/A - Display of 1x internally illuminated fascia sign, 2x non-illuminated projecting signs and 1x mural sign - **Granted 25-04-2022**

2018/4491/P - Installation of aluminium framed double glazed fenestration to residential block. **Granted 16-09-2021**

2009/4618/P - Change of use from photographic studio (Class B1) to self contained flat (Class C3) at rear ground floor level. – **Granted 15-06-2010**

2009/4614/P - Change of use from photographic studio to office (Class B1) and associated external alterations including replacement of ventilation grilles with steel windows and glazed canopy above entrance door on basement level and installation of condenser units at second floor level (above the flat roof of the two storey plus basement side addition). **Granted 08-02-2010**

2006/4832/P - The change of use of the basement and ground floor from retail use ancillary to a petrol filling station (sui generis) to a cafe/restaurant (Use Class A3) with no primary cooking. – **Granted 30-11-2007**

2007/3630/P - Installation of handrail to front entrance 'B' of building on Woburn Place - **Granted 06-11-2007**

PS9904253- Installation of handrail to front entrance 'A' of building on Woburn Place to aid access. – **Granted 02-10-2006**

28-01-1999 - External alterations including the replacement of existing basement lights with a monopitched roof light and replacement of rear basement lights with pyramidal lantern and rooflights – **Granted 20-05-1999**

PS9805195 -

Installation of replacement double-glazed windows to whole block, as shown on drawing number 06/97 and photographs. **-Granted 28-01-1999**

8900669 - Change of use of part ground floor and basement of Russell Court Coram Street and part ground floor Rooms 3-16 Russell Court Woburn Place from photographic studio use to Class B8 storage use as shown on 1 un-numbered site plan and Ground & Basement floor plans. - **Granted 05-09-1990**

Reasons for refusal:

- 1) *The proposed development would result in substandard units of accommodation, providing insufficient and unsuitable amenity space and secure cycle parking; undersized units; poor quality of light, outlook, natural ventilation; refuse storage location and significant lack of privacy and defensible space. The proposal would therefore be contrary to D1 (Design) and H6 (Housing Choice and Mix) of the Camden Local Plan 2017.*
- 2) *The applicant has failed to demonstrate that the site is no longer suitable for business use and so the proposal would result in the loss of a business use contrary to policy E2 (Employment premises and sites) of the Camden Local Plan 2017.*

- 3) *The proposed development, in the absence of a legal agreement securing an affordable housing contribution, would fail to maximise the supply of affordable to meet the needs of households unable to access market housing, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017.*
- 4) *The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.*
- 5) *The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated contributions to support the implementation of the CMP, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.*
- 6) *The proposed development, in the absence of a legal agreement securing the carbon reduction targets of Part L1B of Building Regulations for retained thermal through the application of the energy hierarchy, would fail to ensure proper standards of sustainability in the development, contrary to policy CC1 (Climate change mitigation) of the Camden Local Plan 2017*

Relevant policies

National Planning Policy Framework

2021 The London Plan 2021

Camden Local Plan 2017

D1 - Design

D2 – Heritage

A1 – Managing the impact of development

A4 – Noise and vibration

E1 – Economic Development

E2 – Employment premises and sites

H1 – Maximising Housing Supply

H4 - Maximising the supply of affordable housing

T1 - Prioritising walking, cycling and public transport

T2 – Parking and car-free development

DM1 - Delivery and Monitoring

Camden Planning Guidance

CPG Design (2021)

CPG Amenity (2021)

CPG Employment sites and business premises

(2021) CPG Housing (January 2021)

CPG Transport (January 2021)

CPG Developer Contribution (March 2019)

Bloomsbury Conservation Area Appraisal and Management Plan (2011)

1. Proposal

1.1. Planning permission is sought for the change of use of unit 22 on the ground floor from business use (Class E) to a studio flat (Class C3).

1.2. The material considerations for this application are as follows:

- Loss of employment space
- Housing
- Design
- Amenity
- Transport
- S106/CIL

2. Loss of employment space

2.1 Policy E2 of the Camden Local Plan states that the Council will resist the development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction 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 E1 states that the Council will support businesses of all sizes, maintain a stock of premises that are suitable for a variety of business activities, and safeguard existing employment sites and premises in the borough.

2.2 CPG Employment Sites and Business Premises states that the Council will require evidence of a marketing exercise to support any application involving the loss of employment uses. The minimum expectation for marketing exercises includes the use of a reputable agent, a visible letting board, marketing material published on the internet on popular online property websites, the lawful existing use featuring on any material, continuous marketing over a 2-year period, reasonable advertised rents for the local market and reasonable lease terms. In addition, a commentary on the number and details of enquiries received, including viewings and details of why the interest was not pursued should be provided.

2.3 Some marketing material has been provided as part of the application in the form of a link to an online listing, which does not stipulate the address. The website does not state when advertising started so the period of marketing cannot be verified. No material has been submitted with specific regard to any marketing being undertaken at the application site in terms of a visible letting board. The minimum requirements for the marketing exercise as set out in CPG Employment Sites and Business Premises have not been met. There has been no analysis in the submission of marketing the unit to a range of other commercial uses within the flexible commercial Class E use. There is no meaningful discussion of potential interest in the property. As the application is not supported by any detailed marketing evidence, the Council can't determine if there is a realistic prospect of demand to use the site for continued employment use. The Council therefore cannot be satisfied that the site could not be retained for its business use contrary to Policy E2

3. Housing (including standard of accommodation)

- 3.1. Policy H6 seeks to provide new housing that is high quality, functional, adaptable and accessible, and meets space standards.
- 3.2. Policy D1 seeks to secure high-quality design in development and built to create high quality homes. Paragraph 7.32 of the supporting text to policy D1 states that the Council will seek to ensure that residential development, both new build and change of use:
- is self-contained and has its own secure private entrance;
 - has good ceiling heights and room sizes;
 - is dual aspect except in exceptional circumstances;
 - has good natural light and ventilation;
 - has good insulation from noise and vibration;
 - has a permanent partition between eating and sleeping areas (studio flats are acceptable where they provide adequate space to separate activities);
 - incorporates adequate storage space;
 - incorporates outdoor amenity space including balconies or terraces; and
 - is accessible and adaptable for a range of occupiers.
- 3.3. The proposed change of use would have a floor space of 24.9 sqm, of which 18.2 sqm is given to the combined kitchen/living room/bedroom space. The proposed GIA on the application form states the unit measures 37.5sqm which does not marry up with what is measured off plan. There is a shortfall of 12.1 sqm from the 37 sqm requirement for a studio with a shower room as per Nationally Described Space Standards. Additionally, no section has been provided to ensure the unit would meet the required head height for a liveable unit. No internal daylight report has been submitted, and there are concerns about the amount of light entering the unit. Photographers show that the main window has frosted glass and therefore outlook and light would be restricted. As such the dwelling would fail to provide a high-quality living standard for a future occupier. Therefore, the proposed unit has failed to meet the requirements for acceptable living standards under Policy D1 and H6.

4. Amenity

- 4.1. Policy A1 seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy. Policy A4 seeks to ensure that no unacceptable levels of noise and vibration result from new development.
- 4.2. The application site is located within the Russell Court block and does not propose any external changes to the building or unit. Additionally, a one-bed 2 person dwelling should not generate excessive noise over and above noise levels caused by the residential units on the upper floors and in neighbouring buildings. The proposed development would therefore not be considered to have an adverse effect on outlook, overlooking or privacy to any of the nearby residential units, and therefore in accordance with Policy A4.

5. Transport

- 5.1. Policy T1 aims to promote sustainable transport by prioritising walking cycling and public transport. This is achieved by improving pedestrian-friendly public realm, road safety and

crossings, contributing to the cycle networks and facilities and finally improving links with public transport. All these measures are in place to ensure the Council meets their zero carbon targets. The proposal has not provided plans relating to cycle storage and therefore would not meet Policy T1.

- 5.2. Policy T2 requires all new residential developments in the borough to be car free with access to parking permits removed by a S106 Legal Agreement. The absence of a section 106 agreement) constitutes a reason for refusal.

6. S106/CIL

- 6.1. If the proposals were supported, the following heads of terms would need to be secured by S106 Legal Agreement:

- Car-free development

- 6.2. The proposal would be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as it involves the creation of a new residential floorspace.

7. Recommendation

- 7.1. Refuse planning permission for the following reasons:

1. The change of use, in the absence of sufficient justification demonstrating that the premise is no longer suitable for continued business use, would fail to support economic activity and result in the loss of employment opportunities within the Borough contrary to Policies E1 (economic development) and E2 (employment premises and sites) of the London Borough of Camden Local Plan 2017.
2. The proposed dwelling, by reason of its total size and the size of the bedroom/sitting room, would fail to meet the nationally described space standards and it would therefore fail to provide a satisfactory quality of residential accommodation for future occupiers. The proposal is therefore contrary to Policy H6 (Housing Choice and Mix) of the London Borough of Camden Local Plan 2017.
3. The proposed development, in the absence of cycle parking, would fail to encourage sustainable modes of transport, contrary to Policies T1 (Prioritising walking, cycling and public transport) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
4. The proposed development, in the absence of a legal agreement securing car-free housing, would contribute to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport, contrary to Policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.