

Application ref: 2023/2741/P
Contact: Daren Zuk
Tel: 020 7974 3368
Email: Daren.Zuk@camden.gov.uk
Date: 15 November 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Henry Planning Ltd
163 Church Hill Road
Barnet
EN4 8PQ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
36-37 Great Russell Street
London
WC1B 3PP

Proposal:

Proposed Change of use of part of the ground, first, and second floors from Class E (office) to Class C3 (residential). Erection of two-storey rear extension from first to second levels. Provision of 5x self-contained residential units and communal roof terrace. Provision of lift, bin and cycle store . Associated exterior alterations.
Drawing Nos: 36-37GRS-PP5-01, 36-37GRS-PP5-02, 36-37GRS-PP5-03, 36-37GRS-PP5-04, 36-37GRS-PP5-05, Location Plan, Marketing Evidence Report, Marketing Pamphlet, Marketing History / Cover Letter, Design Access and Planning Statement

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

36-37GRS-PP5-01, 36-37GRS-PP5-02, 36-37GRS-PP5-03, 36-37GRS-PP5-04, 36-37GRS-PP5-05, Location Plan, Marketing Evidence Report, Marketing Pamphlet, Marketing History / Cover Letter, Design Access and Planning Statement

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected on the north and east sides prior to commencement of use of the first floor rear roof terrace and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 5 Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Before the development commences, details of secure and covered cycle storage area for 8x cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

Planning permission was granted on 02/03/2023 (ref. 2022/3001/P) for the erection of a two-storey rear extension in order to provide two self-contained one-bedroom units at first and second floors, and the amalgamation of the existing two, one-bedroom flats into one, two-bedroom flat at third floor. Other permitted works included the construction of a new internal lift, cycle and refuse store at ground floor level, and provision of expanded roof terrace. The current application proposes an identical rear extension and internal works but includes the change of use for the first and second floors. As the material considerations of the rear extension (and other associated works) have already been assessed and deemed acceptable, only the change of use element of the current proposal has been assessed as part of this application.

The proposed would change the use from Class E to Class C3 includes the first and second floors, and a small portion of the ground floor. Policy E2 resists the loss of employment floorspace unless it is demonstrated that there is no realistic prospect of future employment use. The premises has been marketed for a total of 24 months between March 2020 and May 2023. The property was marketed on the main online platforms at a higher-than-average rate on the basis of the landlord carrying out upgrade works and a discounted rate if the tenant was to complete the upgrade works themselves. Additionally, rent-free periods and capital premiums in favour of the tenant were also offered to illicit interest.

The main reasons given by the prospective tenants / buyers were the lack of internal lift to access the upper floors, lack of modern amenities such as air conditioning and open plan spaces with an abundance of natural light. The only offers received were for the basement and ground floor levels; no offers were received for the first or second floor levels. It is therefore considered that the two years marketing evidence stipulated by Policy E2 has been satisfactorily met. The proposal also includes the retention of the Class E use on both the ground and basement floors which provides a part retention of the existing commercial space. As such, the loss of employment floorspace in this location has demonstrated to be acceptable.

The loss of the office (Class E) floorspace on the ground floor to facilitate cycle and refuse storage is considered acceptable given its relatively small floor area. No external alterations (aside from those permitted under 2022/3001/P) are proposed.

In terms of appropriateness of the site for housing, the extant permission (2022/3001/P) has already established the appropriateness for additional housing on the site and would be consistent with other residential conversions in the immediate area. Therefore, the principle of residential in this location is acceptable.

The residential offer comprises two, 3-bedroom 4-person units (in addition to the consented two 1 bedroom units and one 2 bedroom units) which is compliant with policy in that it provides a good proportion of high priority dwelling sizes. All units would exceed the space standards, feature rational and efficient layouts, and receive good outlook and daylight being dual aspect facing both north and south.

- 2 Policy H4 requires 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. In this case, the additional floorspace for new housing, comprising both change of use and rear extensions, is 303sqm and so a contribution to affordable housing is required. For developments with a capacity of fewer than 25 units, the affordable housing contribution is based on a sliding scale with the target starting at 2% for an additional home. The policy indicates that 100sqm equates to one dwelling and so based on the floorspace uplift (rounded to the nearest 100sqm), the affordable housing contribution would be 6%. The affordable housing target, i.e. 6% is then applied to the total floor area (i.e. 303sqm) and a multiplier of £5,000 per sqm used to provide the final payment in lieu for affordable housing, which in this case, comes to £90,900. This will be secured by a S.106 legal agreement.

The development is considered to preserve the character and appearance of the Conservation Area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposed rear extension and new residential units are not considered to create any new amenity impacts upon neighbouring residential occupiers. The closest residential property, located on the upper floors of no.38 Great Russell Street, will not be within direct sight lines of the new residential units. Further, the proposed extension is sited against two blank flank walls of adjoining properties and is sufficiently set back from Willoughby Street. The new terrace at first floor level (Flat A) will feature a privacy screen, to further ensure there are no overlooking impacts. This would be secured by condition.

At ground floor level, a portion of the existing commercial (Class E) floorspace will be used to provide cycle and refuse storage, the details of which shall be secured by condition to ensure acceptable design. The cycle parking provision would be for eight bikes (four Sheffield stands) which although slightly below the required cycle parking standard (nine spaces) is considered acceptable. All five units would be secured as car-free via a s.106 legal agreement.

Due to the location of the proposed works, it is recommended a Construction Management Plan and associated Implementation Support Contribution of £4075.60 and Impact Bond of £7874.00 be secured by means of a s.106 legal agreement.

No objections were received following statutory consultation. The planning and appeal history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, E2, H1, H2, H4, H6, H7, T1, T2, D1, and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 3 Your proposals may be subject to control under the Building Regulations

and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 7 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973]] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by

Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.

- 10 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB


In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer