

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	16/09/2024
		N/A / attached		<b>Consultation Expiry Date:</b>	11/09/2024
<b>Officer</b>			<b>Application Number(s)</b>		
Henry Yeung			2024/3047/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Offices And Premises At Unit 5 Ground Floor 37 Great Russell Street London Camden WC1B 3PP			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Proposed change of use of part of the ground floor from Class E (office) to Class C3 (residential) with associated external alterations.					
<b>Recommendation(s):</b>		Refused			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
			No. electronic	01		
Summary of consultation responses:	One objection letter was received from public consultation, it would significantly improve the street if the ground floor were to return to retail, as it has been in the past.  <i>Officer response: The impact of change of use will be assessed in the following session.</i>					
Bloomsbury CAAC	The Bloomsbury Association objects to this application, as the proposed residential accommodation does not meet the London Plan Housing Design Standards for new housing under Planning Use Class C3. It appears more appropriate for short-term visitor accommodation, such as AirBnB.  <i>Officer response: The application will be assessed based on its potential impact on the character and amenity of the new one-bedroom unit. Any future use of the property for short-term visitor accommodation, such as AirBnB, would require a separate license and is not included in the current application.</i>					

## Site Description

The site is located on the southern side of Great Russell Street and comprises a four-storey building plus basement. Its rear yard extends beyond its neighbour at No. 38 Great Russell Street and behind No.2 Willoughby Street to the side, making the rear façade of the upper floors visible from Willoughby Street. The basement, ground, first, and second floors consist of Class E commercial floorspace, while the third floor contains two currently vacant one-bedroom residential (Class C3) units. The site is within the Bloomsbury Conservation Area, where the building is noted as a positive contributor.

## Relevant History

2024/1755/P “3rd floor rear extension to create a studio flat.” Granted Subject to a Section 106 Legal Agreement. 20-05-2024

2024/1129/PRE “Proposed mansard roof, with additional residential unit, on top of already consented rear extension under refs. 2022/3001/P and 2023/2741/P.” Advice issued 17/04/2024

2023/2864/P “Extension to existing basement at rear; erection of reconstructed ground floor rear extension. Creation of new rear lightwell.” Granted Subject to a Section 106 Legal Agreement. 20-07-2023

2022/5066/P – “Erection of part-full, part-half width three storey rear extension to facilitate provision of 4 residential units (Class C3) and additional commercial use (Class E) at basement and ground floor levels. Creation of new roof terrace, replacement of staircase hatch to existing main roof and installation of ASHP at roof level.” Refused 25-01-2023

2022/3001/P – “Erection of rear extensions at basement to 2nd floor levels to provide enlarged retail space at basement and ground floor (as approved on 23/08/2016 ref 2016/2795/P) and two new self-contained 1 bedroom flats at first and second floors with associated new internal lift; provision of communal cycle and refuse stores at ground floor; conversion of two 1 bed flats to one 2 bedroom flat on third floor; retention of existing office use at part 1st and part 2nd floors; creation of new roof terrace at rear 1st floor; replacement of staircase hatch by larger one to existing main roof terrace; and associated external fenestration alterations.” Granted Subject to a Section 106 Legal Agreement 24-08-2022

2019/2544/PRE – “Change of use of basement, ground and third floor of building to office (B1a) use; erection of fourth floor extension (with setback); erection of rear extension to provide additional office (B1a) space and associated alterations to building.” Advice Issued 26/07/2019 (not implemented)

2018/4940/P – “Erection of rear extensions at basement to 2nd floor levels to provide enlarged Class A1 retail space at basement and ground floor (as approved on 23/08/2016 ref 2016/2795/P) and enlarged Class B1 office space at first and second floors with associated roof terrace on rear 1st floor; conversion of two existing 1 bedroom flats to one 2 bedroom flat on third floor; replacement of staircase hatch by larger one to existing main roof terrace; and associated external fenestration alterations.” Granted 27/03/2019 (not implemented)

2017/2149/P – “Erection of rear extensions at basement to 2nd floor levels to provide enlarged retail space at basement and ground floor (as approved on 23/08/2016 ref 2016/2795/P) and two new 1 bedroom flats at first and second floors with associated new internal lift; provision of communal cycle and refuse stores at ground floor; conversion of two existing 1 bedroom flats to one 2 bedroom flat on third floor; retention of existing office use at part 1st and part 2nd floors; creation of new roof terrace at rear 1st floor; replacement of staircase hatch by larger one to existing main roof terrace; and associated external fenestration alterations.” Granted 19/07/2018 (not implemented)

2016/2795/P – “Infill extension at basement and ground floor level to the rear (Use Class A1).” Granted 23/08/2019

2016/0173/PRE – “External façade alterations, two storey rear extension and alterations at roof level with a new terrace, to provide an additional 3 x flats within the building.” Advice Issued 23/05/2016

## **Relevant policies**

### **LDF Core Strategy and Development Policies**

#### **National Planning Policy Framework 2023**

#### **The London Plan 2021**

#### **Camden Local Plan 2017**

Policy G1 Delivery and Location of Growth  
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 A2 Open Space  
Policy A3 Biodiversity  
Policy D1 Design  
Policy D2 Heritage  
Policy E2 Employment Premises and Sites  
Policy T1 Prioritising Walking, Cycling, and Public Transport  
Policy T2 Parking and Car-Free Development  
Policy CC1 Climate Change Mitigation  
Policy CC2 Adapting to climate change

#### **Camden Planning Guidance (CPG)**

CPG Design  
CPG Amenity  
CPG Employment Sites and Business Premises  
CPG Housing  
CPG Sustainability  
CPG Transport  
CPG Energy Efficiency and Adaptation

#### **Bloomsbury Conservation Area Appraisal and Management Strategy 2011**

#### **Housing Design Standards- London Plan Guidance (2023)**

## **Assessment**

## **1. Proposal**

1.1 The applicant seeks planning consent for the following:

- Proposed change of use of part of the ground floor from Class E (office) to Class C3 (residential), with obscure glazing to the windows and a green living wall.

## **2. Planning Considerations**

2.1 The material considerations in the determination of this application are as follows:

- Land Use
- Affordable Housing
- Standard of Accommodation
- Design & Conservation
- Amenity
- Transport
- Refuse & Recycling
- Section 106 Obligations

## **3. Land Use**

3.1 Policy E2 is clear that the Council will resist the loss of a business use to a non-business use unless it has been thoroughly explored whether there is possibility for that use to continue. The Council will consider the suitability of the location for business use; whether the premises are in a reasonable condition to allow the use to continue; the range of unit sizes; and whether the business use is well related to nearby land uses (para. 5.37). Where a change of use to a non-business use is proposed, the applicant must demonstrate to the Council's satisfaction that there is no realistic prospect of demand to use the site for an employment use. The applicant must submit evidence of a thorough marketing exercise, sustained over at least two years. The premises should be marketed at realistic prices, include a consideration of alternative business uses and layouts and marketing strategies, including management of the space by specialist third party providers (para. 5.39).

3.2 The application is supported by a marketing statement which states the rear section of the ground floor (GF) is classified as Class E, and it appears to have been used primarily as storage space area specifications and market demand. The agent also claimed that there is little to no demand in the market for larger commercial units of this size. The preference in this locality is shifting toward smaller commercial spaces, which are more economically viable and align better with the hybrid remote/home working trend. However, these are unsubstantiated claims and there is no evidence any sort of marketing evidence of a significant period has been undertaken to come to the conclusion that the employment floorspace is not viable. Additionally, it is important to note that the extension and commercial floorspace proposed for removal was approved under a previous application (2023/2864/P) July 2023. Firstly, it is not clear whether or not this is built out but also there is no evidence this has been attempted to be let in the first place. Therefore, this raises the concern over claims this current space is deemed unviable and lacks supporting evidence for change of use, sustained over at least two years which should be considered a valid reason for refusal as against policy E2 of Camden plan

## **4. Affordable Housing**

4.1. Policy H4 (maximising affordable housing) 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. The policy states that where developments have a capacity for fewer than 10 additional dwellings, the Council will accept a payment in lieu of affordable housing.

4.2 Targets are based on an assessment of development capacity whereby 100 sqm GIA of housing floorspace is generally considered to create capacity for one home and a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity.

4.3 The previous application (2023/2741/P) secured an affordable housing payment of £78,600 based on an uplift of 303 additional residential floor area and a 6% affordable housing target. The addition of this unit in the building means that the number of dwellings has now increased and would have commanded a higher fee if approved together. To ensure the development does not circumvent the Council's affordable housing policy, the Council will secure the payment for the new unit only via s106 agreement. The overall additional residential space involved in this application is 62 sqm, and the total across the development is  $303.6 + 62 \text{ sqm} = 365.6 \text{ sqm}$ . This means that the figure is closer to 400 sqm than 300 sqm, so the residential capacity becomes four homes, and the affordable housing percentage target becomes 8%. Therefore, the calculation of the PiL would thus be  $8\% \times 62 \text{ sqm} \times £5,000 \text{ psm} = £24,800$ . In the event of an approval this would be secured via s106 agreement however the failure to enter an s106 agreement means this forms a reason for refusal.

## **5. Standard of Accommodation**

5.1. Policy H6 outlines how the Council will seek to secure high quality accessible homes in all developments that include housing. We will:

- encourage design of all housing to provide functional, adaptable and accessible spaces;
- expect all self-contained homes to meet the nationally described space standard;
- require 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2); and
- require 10% of new-build self-contained homes in each development to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3).

5.2 The proposal consists of 1x one-bedroom self-contained residential unit. The proposed flat meets minimum national space standards.

5.3 The proposed single-aspect unit is not considered acceptable, as it fails to provide adequate daylight and sunlight to the proposed flat. It does not offer sufficient natural light, ventilation, or outlook for future occupants. Although the applicant has provided evidence regarding the daylight and sunlight impact assessment for this application, it is still considered that the ventilation would be negatively affected by the existing buildings at 18 Bloomsbury Street. With the window orientation facing northeast, the unit receives only one hour of sunlight on March 21, particularly during the early morning hours as stated on the report.

5.4 Policy A1 and A2 of the Local Plan require that all new residential developments provide high-quality living environments with access to sufficient amenity space. While the presence of a shared amenity terrace somewhat mitigates the concern of lacking private outdoor space, the poor outlook

remains an issue. In terms of sunlight performance, on March 21, the proposed flat did not meet the minimum requirement of 1.5 hours of sunlight, achieving only one hour instead. This shortfall would result in substandard accommodation, negatively impacting the well-being and quality of life of future residents and is also contrary to the CPG Amenity and Chapter Part C: Homes and Private Outside Space of the Housing Design Standards - London Plan Guidance (2023).

## **6. Design & Conservation**

6.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' its established character and appearance.

6.2 Camden's Design CPG emphasises Camden's commitment to design excellence, and expects development schemes to consider:

- The context of a development and its surrounding area;
- The design of the building itself;
- The use and function of buildings;
- Using good quality sustainable materials;
- Creating well connected public spaces and good quality public realm;
- Opportunities for promoting health and well-being; and
- Opportunities for improving the character and quality of an area.

6.3 Paragraph 5.28 in the Bloomsbury Conservation Area Appraisal and Management Strategy (2011) (the 'Management Strategy') requires that proposals must preserve or enhance the character or appearance of the conservation area. Paragraph 5.29 continues, outlining that high quality design and execution will be required of all new development at all scales.

6.4 Paragraph 5.4 of the Management Strategy states that alterations and extensions to existing buildings can have a detrimental impact either cumulatively or individually on the character and appearance of the area. This includes inappropriate design of extensions including the size and proportion of openings, and extensions of excessive scale, massing, or height. Significance of conservation area and site.

6.5 The host building, which is noted as making a positive contribution to the Bloomsbury Conservation Area, is wholly unaltered on the front elevation and rear elevation. The inclusion of a green living wall and installation of a 1.7m high obscure glazing to protect the privacy of future residents and ground floor levels are not expected to negatively impact the character or setting of the existing building or the wider conservation area. These alterations are modest and would be in keeping with the overall design, ensuring the proposal preserves the conservation area's integrity.

6.6 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.

6.7 Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold, meaning it does not impact an onsite priority habitat and impacts less than 25sqm of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of linear habitat

6.8 As such, the proposed development is in general accordance with policies D1 (Design) of the London Borough of Camden Local Plan 2017 and Bloomsbury Conservation Area Appraisal and Management Strategy 2011. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

## **7. Amenity**

7.1 Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; noise and vibration; odour, fumes and dust; and impacts of the construction phase, including the use of Construction Management Plans.

7.2. The proposed rear alteration and new residential unit is not considered to create any new amenity impacts upon neighbouring residential occupiers. The closest residential property, located on the upper floors at no.38 Great Russell Street, will not be within direct sight lines of the new residential units. Therefore, the proposed new residential units will not result in any loss of light or outlook to neighbouring residential properties, complying with Policy A1 of the Camden Local Plan 2017 and CPG Amenity.

## **8. Transport**

8.1. 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 improving links with public transport. All these measures are in place to ensure the Council meets their zero carbon targets.

8.2. In line with Policy T1 of the Local Plan, it is expected that cycle parking at developments be provided in accordance with the standards set out in the London Plan. The 16-space (8 Sheffield stands) cycle storage indicated on the proposed ground floor plan was previously secured by condition.

8.3 In accordance with Policy T1 of the Camden Local Plan, we expect cycle parking in developments to comply with London Plan standards. For one-bedroom residential units intended for two persons, the requirement is 1.5 space per unit. The submitted ground floor plan shows a cycle parking space within the hallway of the flat. While no formal stand is depicted, it is believed that there is sufficient space within the flat to accommodate bicycles if needed. Therefore, it is considered unnecessary to secure this space by condition.

8.4 In line with Policy T2 of the Camden Local Plan, the new residential unit should be designated as car-free regarding residents' parking permits through a Section 106 Agreement. This will help prevent future occupants from contributing to existing on-street parking pressures, traffic congestion, and air pollution while promoting the use of more sustainable transport options such as walking, cycling, and public transport. Currently, no off-street parking is provided or proposed. Given that the proposals involve only the internal layout of the building, and no external alterations are planned, it is considered that the development can proceed without requiring a Construction Management Plan. This payment would be secured through a Section 106 legal agreement if the proposal were considered acceptable in all other regards. The failure to grant planning permission, and therefore enter into a Section 106 legal agreement to secure car-free development, would form a reason for refusal.

## **9. Refuse and Recycling**

9.1. Camden Local Plan Policy CC5 (Waste) and CPG (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments.



9.2. The previously approved refuse and recycling store can also accommodate refuse for the new 1-bedroom unit. These details will also be conditioned in the event of approval. This meets the design standards set out in Camden's Planning Guidance CPG1 and policy CC5 of Camden's Local Plan 2017.

## **10. Conclusion**

10.1. The proposals include a single-aspect unit, which is deemed unacceptable as it would not provide adequate natural light, ventilation, or outlook for future occupants. Furthermore, the lack of private outdoor amenity space contravenes established planning policy. Policies A1 and A2 of the Local Plan stipulate that all new residential developments must offer high-quality living environments with access to sufficient amenity space. The absence of these provisions would lead to substandard accommodation, adversely affecting the well-being and quality of life of future residents. This also conflicts with CPG Amenity and Chapter Part C: Homes and Private Outside Space of the Housing Design Standards - London Plan Guidance (2023).

## **11. Section 106 Obligations**

11.1 If the proposals were supported, the following heads of terms would need to be secured by Section 106 legal agreement to make the development acceptable.

- Affordable Housing Contribution £24,080
- Car-Free Development

11.2 The proposal would be liable to the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as it involves the creation of less than 100sqm of floorspace and one new residential unit.

1. The proposed development has failed to demonstrate that the rear of the ground floor is no longer suitable for business use. 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.
2. The proposed development would result in substandard units of accommodation, providing poor quality of light, outlook, natural ventilation and proposing a single aspect unit. The proposal would therefore be contrary to D1 (Design) and H6 (Housing Choice and Mix) 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.