

Delegated Report		Analysis sheet		Expiry Date:		13/11/2024	
		N/A		Consultation Expiry Date:		20/10/2024	
Officer				Application Number(s)			
Daren Zuk				i) 2024/3999/P ii) 2024/3977/L			
Application Address				Drawing Numbers			
32 Warren Street London W1T 5PG				<i>See decision notice</i>			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
i) Change of use from clinic/office (Class E) to residential (Class C3) at basement and ground floor levels. ii) Minor alterations to internal floorplan to facilitate the change of use from clinic/office (Class E) to residential (Class C3) at basement and ground floor levels.							
Recommendation(s):		i) Refuse Planning Permission ii) Refuse Listed Building Consent					
Application Type:		i) Full Planning Permission ii) Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
		No. of responses		0		No. of objections	
						0	
Neighbour Consultation		Site Notice: posted 20/09/2024, expired 14/10/2024 Press Notice: published 26/09/2024, expired 20/10/2024 <i>No responses were received following statutory consultation.</i>					
Fitzroy Square CAAC		<i>The Fitzroy Square CAAC was consulted and did not provide a response.</i>					
Charlotte Street Association		<i>The Charlotte Street Association was consulted and did not provide a response</i>					
Site Description							
The subject site comprises a mid-block terraced building located on the south side of Warren Street, between Conway Street to the east and Cleveland Street to the west. It is also immediately adjacent to the entrance of Warren Mews, which it gains rear access from.							

The building is Grade II listed (part of the listing of nos. 30-34 Warren Street) and located within the Fitzroy Square Conservation Area to which it makes a positive contribution to. As a listed building its significance derives from it being a late 18th century house, its architectural design and elevational hierarchy, its contribution to the setting of the wider listed group, the internal planform, and surviving historic fabric. The mid-19th century shopfront also contributes to the building's special interest.

Relevant History

2008/1498/L – *External alterations to rear of ground floor office involving replacement of existing single storey extension with new single storey extension to infill enclosed yard facing Warren Mews. **Granted 30/06/2008***

2008/2314/P – *External alterations to rear of ground floor office (Class B1) involving replacement of existing single storey extension with new single storey extension to infill enclosed yard facing Warren Mews. **Granted 30/06/2008***

2009/4857/P – *Change of use of existing ground floor and part of lower ground floor from offices (Class B1) to dental practice (Class D1). **Granted 15/12/2009***

Relevant Policies

National Planning Policy Framework 2023 and Draft National Planning Policy Framework 2004

The London Plan 2021

Camden Local Plan 2017

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 E2 Employment Site and Premises
Policy A1 Managing the impact of development
Policy D1 Design
Policy D2 Heritage
Policy T1 Prioritising Walking, Cycling, and Public Transport
Policy T2 Parking and Car-Free Development
Policy CC4 Air Quality
Policy DM1 Delivery and Monitoring

Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Camden Planning Guidance (CPG)

CPG Air Quality
CPG Amenity
CPG Design
CPG Employment site and business premises
CPG Housing
CPG Transport

Fitzrovia Area Action Plan

Principle 4 Small and Medium Enterprises

Fitzroy Square Conservation Area Appraisal and Management Strategy 2010

1. Proposal

1.1. The applicant seeks planning permission for the change of use of the basement and ground floor levels from offices (Class E) to residential (Class C3) for the provision of one self-contained flat. The associated listed building consent seeks permission for minor alterations to the internal floorplan at basement and ground floor levels to facilitate conversion into residential use.

2. Planning Considerations

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

- Land Use
- Housing Considerations
- Design & Heritage
- Amenity
- Transport
- Air Quality
- Planning Balance

3. Land Use

Loss of office (Class E) floorspace

3.1. The site is located in a mixed-use area of Fitzrovia comprising of residential uses (mostly on the upper levels), commercial uses at ground floor level (further east on Warren Street), and offices (north side of Warren Street). Some neighbouring buildings along the same block as the subject site feature residential uses at ground floor level. The site does not have any designation in terms of being within a town or neighbourhood centre. The existing use of the basement and ground floor levels is Class E.

3.2. Local Plan Policy E2 resists development of businesses premises and sites for non-business use unless it can be demonstrated that the site is no longer suitable for its business use and that the possibility of retaining, reusing or redeveloping the site for a similar or alternative type and size of business has been fully explored over an appropriate period of time. Principle 4 of the Fitzrovia Area Action Plan (FAAP) aims to support small and medium enterprises (SMEs) by seeking to ensure that existing business premises suitable for SME use are retained. CPG Employment Sites and Business Premises

3.3. In this case, the ground floor is currently occupied by a medical clinic and the basement level utilised by the property owner as their own professional offices; both levels are currently occupied. The applicant has submitted a document outlining the tenant history of the site dating back to 2009, as well as information suggesting that the ground floor tenant, who has been in the unit since 2014 on a month-to-month basis, is paying significantly below market rates for the unit. This statement is supplemented by excerpts from the Valuation Office Agency (VOA) website outlining the market rates for the basement and ground floor units. The documents also suggest that there is no demand for small office/business spaces in the area based on the current market value, and that there are limitations to the internal floorplan for future tenants due to the building's Grade II listed status.

3.4. The Council will require evidence of a marketing exercise to support an application involving the loss of employment uses, in line with Policy E2. As a minimum, it is expected a marketing exercise include the following:

- *Use of a local or national agent with a track record of letting employment space in the borough;*
- *A visible letting board on the property (constant throughout the marketing period;*
- *Marketing material should be published on the internet, including local or specialist channels;*
- *Continuous marketing over at least 2 years from when the letting board is erected and the property advertised online to the date of the submission of the planning application;*
- *Advertised rents should be reasonable, reflecting market rents in the local area and the condition of the property;*
- *Lease terms should be attractive to the market;*

- *A commentary on the number of details of enquiries received, such as the number of viewings and the advertised rent at the time, including any details of why the interest was not pursued; and*
- *Where there is an existing employment use then we will require evidence that the tenant intends to move out.*

3.5. The Council will consider shorter marketing periods in the following circumstances:

- *Where the premises have been actively marketed for sale for at least 12 months up to the date of the submission of the planning application; or*
- *Where the premises have been completely vacant for at least three continuous years up to the date of the submission of the planning application; or*
- *Where the premises have the benefit of a valid planning permission involving demolition and or redevelopment of the premises.*

3.6. No evidence has satisfactorily been submitted to meet any of the above criteria to support the loss of Class E floorspace. Therefore, the proposal is contrary to Policy E2 and forms a reason for refusal.

Creation of new residential (Class C3) floorspace

3.7. Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of underused land and buildings. Although housing is the Council's priority land use, residential accommodation could only be supported on this site subject to policy compliance in all other respects, particularly by the submission of satisfactory evidence that the use is no longer viable.

3.8. It is important to note that the Council is not supportive of housing at any cost and policy G1 requires development to take account of various factors including quality of design, its surroundings, amenity, heritage and any other considerations relevant to the site. As the following chapters will discuss, there are additional concerns with the proposed development.

4. Housing Considerations

4.1. The proposed residential unit would include two bedrooms at basement level and the living room, bathroom, and kitchen on the ground floor level. It would provide 78sqm of living space over two levels, plus 3sqm outdoor amenity space in the front lightwell. The proposed unit would meet the minimum Nationally Described Space Standards for a 2-bed, 2-person unit at 70sqm.

4.2. In terms of daylight and outlook, the unit would be dual aspect with windows at both levels facing the front elevation/lightwell as well as Warren Mews to the rear. The constrained nature of the site means that the rear bedroom at basement level is provided with an extremely small window with limited availability of daylight/sunlight, ventilation, and outlook (see below).



Fig 1. Existing rear basement room (left) and basement window (right).



Fig 2. Outlook from rear basement window

4.3. The size and location of the rear basement window would result in poor levels of light, outlook and ventilation of the bedroom. However, this deficiency is considered acceptable in this instance given the quality of the accommodation provided throughout the rest of the flat, specifically for the ground floor living area and the front basement bedroom. Therefore, on balance the proposed unit is compliant with Policies D1 and H6.

Affordable Housing

4.4. Policy H4 expects a contribution to affordable housing from all developments that provide one of more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. As the residential uplift is less than 100sqm, the application is not required to make a contribution.

5. Design & Heritage

5.1. 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 sets out the approach to designated heritage assets and says the council will refuse schemes that cause less than substantial harm to the significance of an asset unless the public benefits of the proposal convincingly outweigh that harm. It states that within conservation areas, the Council requires development that 'preserves or, where possible, enhances' its established character and appearance. It goes on to say the council will resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special interest of the building, and resist development that harms the significance of a listed building through an effect on its setting.

5.2. 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.

Significance of Conservation Area and Listed Buildings

- 5.3. The subject site is a Grade II listed terrace located in the Fitzroy Square Conservation Area. The Historic England listing includes neighbouring nos. 30-34 Warren Street. The terrace makes a positive contribution to the character and appearance of the Fitzroy Square Conservation Area.
- 5.4. As a listed building its significance derives from it being a late 18th century house, its architectural design and elevational hierarchy, its contribution to the setting of the wider listed group, the internal planform, and surviving historic fabric. The mid-19th century shopfront also contributes to the building's special interest.
- 5.5. As part of the group of listed terraces (nos. 30-34 Warren Street), the special architectural and historic interest of the building comes from them being a late eighteenth century houses, of particular interest are their architectural design and elevational hierarchy, and their value as generally uniform terrace. The mid nineteenth century shopfront also contributes to the building's special interest.
- 5.6. The Fitzroy Square Conservation Area's special character and appearance comes from it being a distinctive and consistent area of late 18th and early 19th century speculative development. Owing to the relatively short period of its development, the area generally retains a homogenous character. It is an excellent example of Georgian town planning which combined dwellings with ancillary uses and services.

Impact on the Listed Building

- 5.7. The proposed works comprise solely internal alterations to the planform. The interior of both the basement and ground floor levels have been stripped of most historic fabric and significantly altered. However, the basement staircase and general plan form of a front and rear room separated by a spine wall remain, all evidence of the original layout.
- 5.8. On the ground floor level, most partitions proposed to be removed are modern; however, the removal of the spine wall would cause an element of harm to the original plan form of the building. This wall should be retained, allowed a sizable opening could be made in the wall to connect the two spaces. Additionally, no details have been submitted regarding how the new kitchen would be serviced, and in particular whether extraction fans are required which would vent to the outside of the building.
- 5.9. These works are considered to result in less than substantial harm to the special interest of the listed building, and thus forms a reason for refusal.

Impact on the Conservation Area

- 5.10. As there are no external alterations proposed, the proposals are not considered to result in any harmful impact to the character and appearance of the Fitzroy Square Conservation Area.

Assessment: Conclusion

- 5.11. When considering whether to grant listed building consent for any works, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("LBCA Act") the council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66 of the LBCA Act also sets out that when considering planning applications, special regard must be given to the preservation of a listed building, its setting or its features of special architectural or historic interest. Section 72 of the same Act sets out a general duty that special regard must be given to preserving or enhancing the character or appearance of a conservation area. All are relevant to the proposal.
- 5.12. Paragraph 208 of the NPPF states '*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.

5.13. Considerable weight and importance should be given to that harm, and it should be outweighed in the balance by considerable public benefits. The matter of harm arising from internal plan form changes, considered less than substantial harm to the special interest of the listed building, cannot be justified as there are no public benefits of a nature adequate to outweigh the level of harm caused, including the provision of one 2-bedroom residential unit.

5.14. Overall, the proposal is in conflict with Policy D2 of the Local Plan. There are public benefits to the scheme, but these do not outweigh that harm identified.

6. Amenity

6.1. Policies A1 and A4 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.

6.2. Given the scope and scale of the proposal, including the fact that the proposed works are internal only, they are not anticipated to result in unduly impacting the amenity of neighbouring occupiers with regards to loss of daylight/sunlight, outlook, or privacy, complying with Policy A1 of the Camden Local Plan 2017 and CPG Amenity.

7. Transport

7.1. In line with Policy T1, it is expected cycle parking at developments to be provided in accordance with the London Plan standards. For residential units with 2 or more bedrooms, the requirement is for 2 spaces per unit. Whilst no formal cycle parking is shown on the submitted plans, it is considered that sufficient space exists within the ground floor to accommodate cycles if required. As such the requirement for formal cycle parking facilities can be waived in this instance.

7.2. In accordance with Policy T2 of the Local Plan, both new residential flats should be secured as on-street residents parking permit (car) free by means of the Section 106 Legal Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. No off-street parking is currently provided, and none is proposed. The manager's flat at third floor should be exempt from the car free restriction. In the absence of a legal agreement, this would be a reason for refusal.

8. Air Quality

8.1. The application site is in an area of poor air quality. Local Plan Policy CC4 and CPG Air Quality are relevant with regards to air quality and require the submission of an Air Quality Assessment for new developments proposing new residential units within areas of poor air quality. This is to ensure that mitigation measures are put in place to minimise the impact of poor air quality on future occupiers. The lack of an Air Quality Assessment is contrary to Policy CC4, and thus forms a reason for refusal.

9. Planning Balance

9.1. Significant weight has been given to the additional housing, albeit there is only one additional unit. Significant weight has also been given to the loss of employment (Class E) floorspace without full justification, as well as harm to the designated heritage asset. Although the proposed scheme would provide public benefits, including one additional new home, it is not sufficient to outweigh the concerns outlined above. Thus, the application is recommended for refusal on this basis.

10. Recommendation

10.1. Refuse planning permission on the following grounds:

- The proposed development involves the loss of an existing viable business use contrary to Policy E2 (Employment premises and sites) of the Camden Local Plan 2017 and Principle 4 (Small and Medium Enterprises) of the Fitzrovia Area Action Plan.
- The proposed development, in the absence of an Air Quality Assessment, has failed to demonstrate that future occupants would not be exposed to unacceptable levels of air pollution and subsequently that the site is suitable for residential use, contrary to Policy CC4 (Air quality) of the Camden Local Plan 2017.
- 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 and active lifestyles, contrary to Policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.

10.2. Refuse listed building consent on the following ground:

- The proposed changes to the internal planform at ground floor level and lack of detail of the proposed servicing, would have a detrimental impact on the special architectural and historic interest of the Grade II listed host building, contrary to Policy D2 (Heritage) of the Camden Local Plan 2017.