

Delegated Report (REFUSAL)		Analysis sheet		Expiry Date:		03/09/2024	
		N/A / attached		Consultation Expiry Date:		19/08/2024	
Officer				Application Number(s)			
Jaspreet Chana				2024/2842/P			
Application Address				Drawing Numbers			
Offices and Premises at 1 st Floor 35 Grafton Way London W1T 5DB				<i>See draft decision notice</i>			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from office (Class E(g)(i)) to residential (Class C3) for the provision of 1no. self-contained residential unit.							
Recommendation:		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		<i>Refer to Draft Decision Notice</i>					
Informatives:							
Consultations							
Summary of consultation:		Three site notice was displayed near to the site on the 26/07/2024 (consultation end date 19/08/2024). The application was also published in the local press from 25/07/2024 (expiry 18/08/2024).					
Adjoining Occupiers:		No. of responses		00		No. of objections	
						00	
Summary of consultation responses:		No responses or objections received following statutory consultation.					

Site Description

The application site is a four-storey terrace building located to the south side of Grafton Way. The surrounding area is a mixture of offices, commercial, restaurants, cafes, pubs and residential buildings. The subject site is located within Fitzroy Square Conservation Area. The building is considered to making a positive impact on the surrounding Conservation Area. The application site is also sited adjacent a Grade II listed terrace of five properties Nos.37-45.

Relevant History

2012/2749/P - Erection of a roof extension and a part solid part glazed rear extension at first floor and second floor levels in connection with reconfiguration of self-contained and shared facility accommodation on the upper floors to form a 3-bed maisonette at no. 33; and change of use from self-contained flat at third floor of no. 35 to 2x bedsits. **Refused on 26/07/2012 - Appealed – Dismissed 28/02/2013.**

Relevant policies

National Planning Policy Framework 2024

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

Assessment

1. Proposal

1.1. Planning permission is sought for:

- Change of use from office (Class E(g)(i)) to residential (Class C3) for the provision of 1 no. self-contained residential unit.

2. Assessment

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

- Land Use
- Housing Considerations
- Design and Heritage
- Neighbour Amenity
- Transport
- 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, and offices above. Some neighbouring buildings along the same block as the subject site feature residential uses at ground floor level. The existing use of the first floor 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. 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.
- 3.3. In this case, the ground floor is currently occupied by barber shop, the first-floor level is in office use, and the second and third floors are in residential use. The applicants have provided no evidence, no details on tenant history, no marketing evidence, no justification for the loss of office. They have mentioned that 'the ground floor has its own entrance, and the upper floors share a second entrance door; under the fire regulations the mixed use of the properties using a communal entrance is no longer acceptable. The change of use of the office will bring the building back into compliance'. This is not a justification for the loss of office space on the first floor and nor are fire regulations a planning consideration in this application.
- 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 be a 1-bedroom self-contained flat with a living room and separate bathroom and kitchen all on the first-floor level. It would provide 44sqm of floorspace, meeting the minimum Nationally Described Space Standards for a 1-bed, 1-person unit at 39sqm.

4.2. In terms of daylight and outlook, the unit would be dual aspect with windows facing the front elevation (north) as well as to the rear (south).

4.3. The size and form of the flat is considered acceptable and is considered to provide decent quality of the accommodation. Therefore, 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 and 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.
- 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.
- 5.3. 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.

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 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 1 bedroom, the requirement is for 1.5 spaces per unit. No cycle parking facilities are shown on the submitted plan. Given the need to preserve the integrity of the ground floor retail unit, it is accepted that it is not possible to accommodate formal cycle parking facilities on site. In such instances it is appropriate to secure a Section 106 cycle parking contribution of (£4,320/6 x 2) £1,440 towards the provision of 2 spaces in a bike hanger to be provided within the vicinity of the site. In the absence of a legal agreement, this would be a reason for refusal.
- 7.2. In accordance with Policy T2 of the Local Plan, the new residential flat 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. In the absence of a legal agreement, this would be a reason for refusal.

8. Planning Balance

8.1. 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. 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.

9. Recommendation

9.1. Refuse planning permission on the following grounds:

- In the absence of information to demonstrate otherwise, the proposed development would result in the loss of an existing business use and harm the local economy and the functioning of the Central Activities Zone 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 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.
- The proposed development, in the absence of a legal agreement securing cycle parking contribution £1440 towards the provision of 2 spaces in a bike hanger to be provided within the vicinity of the site, would 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.