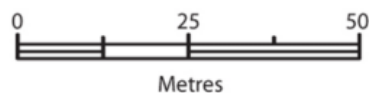


26 Warren Street (2012/0006/P)

Site Location Plan



Supplied by: Getmapping
OS License Number: 100030848

26 Warren St



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		18/05/2012	
		N/A		Consultation Expiry Date:		23/05/12	
Officer				Application Number(s)			
Adrian Malcolm				2012/0006/P			
Application Address				Drawing Numbers			
26 Warren Street London W1T 5NA				Site Location Plan; Drawing No(s) 210-200-01-P, 210-100-01-P, 210-400-01-P, 210-400-02-P, 210-200-01-E, 210-100-01-E, 210-400-01-E,			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Retrospective application for change of use at basement and ground floor from office (Class B1) to residential (Class C3) to provide a 2-bed self-contained flat, together with replacement facade, excavation to provide a front lightwell and associated railings and installation of a window and door at basement level.							
Recommendation(s):		Grant Planning Permission, subject to a legal agreement					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	09	No. of responses	01	No. of objections	01
				No. Electronic	01		
Summary of consultation responses:		8 Fitzroy Square- Object due to retail and commercial use on Warren Street, which is an important commercial centre. Investment in an unauthorised use should not be used as justification.					
CAAC/Local groups comments:		Charlotte Street CAAC- Object. Warren Street has active retail shops which are an important resource in the Fitzroy Square Conservation Area. Change of use to residential would compromise and conflict with adjacent residential. A1 or even A3 use would be supported. Void at front is inappropriate and lower ground floor treatment inappropriate.					

Site Description

This application relates to a 4-storey plus basement mid-terrace property in the Central London Area and Bloomsbury Conservation Area. The application is retrospective, as the use has been taken up, however the site was previously in use as offices at ground floor and basement level.

Relevant History

Application site:

In January 2008, the Council resolved to grant planning permission subject to a legal agreement (for car free development) for change of use of the basement and ground floor from office (Class B1) to residential (Class C3) to provide a two bedroom self-contained flat, together with the excavation of a front lightwell and associated railings with the installation of a window and door at basement level (LBC Ref: 2007/5982/P). The legal agreement was unable to sign the legal agreement and the application was treated as withdrawn in July 2009.

In January 1972, the Council granted planning permission for Continued use of basement and first floor rear room as offices, until 30 November 1977.

Nearby Site:

7 Fitzroy Square & 11 Grafton Mews

In November 2012, planning permission was granted (subject to a legal agreement) for change of use of No. 7 Fitzroy Square from offices (Class B1) to residential (Class C3) and erection of building to rear comprising basement; lower ground, ground, first to third floor and mansard roof storey (following demolition of No. 11 Grafton Mews (Class B1) to provide 1 x studio, 3 x 1-bedroom and 2 x 2-bedroom flats and 1 x 3-bedroom (in rear building) and 1 x 4-bedroom house with staff accommodation (in front building and lower ground floor of rear building), installation of glass lift shaft on rear elevation of 7 Fitzroy Square and replacement of windows at basement and ground floor level on front elevation of 7 Fitzroy Square AT (LBC Ref 2011/5382/P).

44 Bedford Row

In March 2012, planning permission was granted on appeal (with a legal agreement) for change of use at part basement and first to fifth floor levels from offices (Class B1) to 18 (2xstudio, 7x1 bed, 7x2 bed & 2x3 bed) self-contained residential units (Class C3); retention of offices (Class B1) at part basement and ground floor level; and associated alterations including replacement windows at basement and ground floor level, installation of glass balustrade and door at roof level on south (Sandland Street) elevation (LBC Ref 2010/6761/P).

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy

- CS1 (Distribution of Growth)
- CS3 (Other Highly Accessible Areas)
- CS5 (Managing the Impact of Growth and Development)
- CS6 (Providing Quality Homes)
- CS7 (Promoting Camden's centres and shops)
- CS8 (Promoting a successful and inclusive Camden economy)
- CS9 (Achieving a Successful Central London)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting High Quality Places and Conserving Our Heritage)

CS17 (Making Camden a Safer Place)
CS18 (Dealing with Our Waste and Encouraging Recycling)
CS19 (Delivering and Monitoring the Core Strategy)

Development Policies

DP2 (Making Use of Camden's Capacity for Housing)
DP5 (Homes of Different Sizes)
DP6 (Lifetime Homes and Wheelchair Homes)
DP12 (Supporting strong centres and managing the impact of non retail town centre uses)
DP13 (Employment sites and premises)
DP17 (Walking, cycling and public transport)
DP18 (Parking Standards and Limiting the Availability of Car Parking)
DP19 (Managing the impact of parking)
DP22 (Promoting sustainable design and construction)
DP23 (Water)
DP24 (Securing High Quality Design)
DP25 (Conserving Camden's heritage)

Fitzrovia Action Area Plan (Proposed Plan Proposed Submission with Proposed Modifications) (2013)

Principle 1 – (Housing and Affordable Housing)
Principle 4- (Small and medium Enterprises)
Principle 5- (Retail Provision in Fitzrovia)
Principle 9- (Residential Amenity)
Principle 10-(Sustainability and Local Energy Networks)
Urban Design Principles and Character Area 6- Fitzroy Square

Camden Planning Guidance (2011/13)- 1 Design; 2 Housing; 4 Basements and Lightwells; 5 Town Centres, Retail and Employment; 6 Amenity; 7 Transport; 8 Planning Obligations

Fitzrovia Square Conservation Area Appraisal and Management Strategy (2010)*

*. This document is a material consideration, but has yet to be adopted which limits the weight that can be according to it.

London Plan (2011)

National Planning Policy Framework (NPPF) (2012)

Assessment

Proposal

The proposal is for change of use at basement and ground floor from office (Class B1) to residential (Class C3) to provide a 2-bed self-contained flat, together with replacement facade, excavation to provide a front lightwell and associated railings and installation of a window and door at basement level. The application is retrospective, as the works were carried out following the Council's resolution to grant planning permission subject to completion of a legal agreement in 20008, although the legal agreement was not signed and thus no planning permission was issued for the development.

Considerations

Principle of Change of use

The Council is seeking to promote the provision of additional housing in the borough, in accordance with Policies CS6 and DP2. Policy DP13 is also relevance. This policy relates to all employment uses (not only offices) and states that the Council will resist a loss of premises suitable for continued business use to non-business use (unless it can be demonstrated that the building is no longer suitable for its existing business use) however, it also states that if the site is unsuitable to use for any other purpose other than B1a offices, the Council may allow change of use to permanent residential use (except in Hatton Garden).

CPG5 (Town Centres Retail and Employment) states that the Council expects the supply of offices to meet the projected demand over the next 13 years and as a result of this we may allow a change from B1(a) office to another use in some circumstances such as older office premises, with the priority replacement use being permanent housing. It states that this approach is in line with Policy DP13. In addition, of the considerations to be taken into account when assessing applications for change of use from office to a non-business use, it should be noted that this is an older premises, it does not include features required by tenants seeking modern office accommodation, it is not of good quality or built for office purposes and would require significant investment to bring it up to modern standards and thus CPP5 indicates may be suited to conversion. There are no existing business tenants on the site. Furthermore, the Roger Tym Business Premises Study (2008) concluded that there is no shortage of office space or office development opportunities in Camden, either now or in prospect for the long term. In such circumstances, the change of use from office use to residential is considered acceptable in principle and it is not considered that it is necessary to request additional marketing evidence (which is in accordance with CPG5). The NPPF is generally supportive of changes of use to residential use from commercial uses where there is no strong economic case to retain the commercial use and in respect of introducing residential uses in town centres. The Fitzrovia Action Area Plan (Principle1) also promotes development of permanent self-contained housing unless there are strong economic reasons why such development would be inappropriate. Fitzrovia has a mixture of residential and commercial uses interspersed with each other at ground floor level and on the upper floors, and the introduction of a residential use in this location is not considered to be unreasonable.

It is thus considered that the conversion of the site to housing, for which there is a strong need in the borough and the priority use of the LDF, is acceptable in principle.

Acceptability of the proposed accommodation

The proposal would provide a two bedroom unit that meets the Council's floorspace standards.

Policy DP5 seeks to contribute to the creation of mixed and inclusive communities by securing self contained homes of sizes that meet the dwelling size priorities set out in the policy. Private 2 bedroom flats are identified in the table in para 5.4 supporting Policy DP5 as being of very high priority, and this dwelling size is noted to be of medium priority in the Fitzrovia area in the Fitzrovia Action Area Plan.

The proposed two bedroom flat is therefore considered to be acceptable.

A lifetime homes assessment has been provided and this demonstrates the difficulty in meeting a number of those lifetime homes design features that would be relevant to the building and in the circumstances of the constraints of a conversion.

The applicant is now able to sign a legal agreement for the proposed flat to be car free, which is considered to be appropriate given the central location and excellent public transport facilities serving the area.

Impact of the external changes on the Conservation Area

The basement elevation has a timber framed window (sash hung) and door, which are considered to be acceptable. This is not as shown on the proposed elevation, however the applicant has failed to correct this on the proposed drawings, thus a condition is recommended.

The proposed railings are also considered to be acceptable and appropriate to the character of the conservation area and noted as an important facet of the area in the Fitzrovia Square Conservation Area Appraisal and Management Strategy. There are a number of lightwells along Warren St serving residential premises and it is not considered that the streetscape on Warren St is so strongly characterised by the pavement extending to the building as to warrant objection.

The proposed external alterations are therefore considered to be acceptable and would not harm the character of the Fitzrovia Conservation Area.

Community Infrastructure Levy (CIL)

The proposed conversion does not involve the creation of any additional floorspace and therefore no CIL is considered to be chargeable.

Recommendation: Grant Planning Permission with a legal agreement (car free units)

DISCLAIMER

Decision route to be decided by nominated members on Monday 14th October 2013. For further information please go to www.camden.gov.uk and search for 'members briefing'

KR Planning
KR Planning
27 York Place
Bournemouth
DORSET
BH7 6JN

Application Ref: **2012/0006/P**

10 October 2013

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
**26 WARREN STREET
LONDON
W1T 5NA**

Proposal:
Retrospective application for change of use at basement and ground floor from office (Class B1) to residential (Class C3) to provide a 2-bed self-contained flat, together with replacement facade, excavation to provide a front lightwell and associated railings and installation of a window and door at basement level.

Drawing Nos:

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans [insert drawing no.s]

OR

The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule [inset name or number of schedule of plans]

Reason:

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

- 2 Notwithstanding the drawings hereby approved, the drawing showing the proposed front elevation to the basement (as shown on Proposed Section A-A, drawing number 210-400-01-P) is NOT approved. Drawings showing the proposed front elevation to the basement shall be submitted within 6 months of the date of this approval and the development shall only be carried out in accordance with any such approval.

Reason:

In order to preserve and enhance the appearance and character of the building and the Fitzrovia Conservation Area, in accordance with Development Plan Policies DP24 (Securing High Quality Design)

DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 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 are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an

affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate