

Delegated Report		Analysis sheet		Expiry Date:		18/01/2013	
		N/A		Consultation Expiry Date:		02/11/2012	
Officer				Application Number(s)			
Christopher Heather				2012/5324/P			
Application Address				Drawing Numbers			
Macdonald Buchanan House 1 University Street 163 - 170 Tottenham Court Road London W1T 7NP				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of fourth floor from offices (Class B1) to mixed office (Class B1) and non-residential institution (Class D1).							
Recommendation(s):		Grant Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	24	No. of responses	00	No. of objections	00	
			No. electronic	00			
Summary of consultation responses:		N/A					
CAAC:		The Bloomsbury CAAC responded that they had no comments to make on the proposal.					

Site Description

The rectilinear site is occupied by a 7-storey building located on the corner of Tottenham Court Road and University Street. The current lawful uses include retail (ground floor), offices (1st to 4th floors inclusive) and out patient accommodation on the 5th and 6th floors. It is important to note that the 1st and 2nd floors have planning permission for a change of use to D1. Both the office floorspace on the first, second, third and fourth floors have been refurbished and are currently vacant. The building has 6 car parking spaces and 48 cycle spaces, which are located at basement level and are accessed from Mortimer Market to the rear. The building is not listed and it is not located within a conservation area.

The application relates to the 4th floor office floorspace which is vacant. The building has recently undergone refurbishment. Access is from an entrance lobby on Tottenham Court Road via a communal lift and stairwell. The lifts and stairwell also serve the rest of the building.

Relevant History

2012/3366/P: Variation of condition 10 of planning permission granted 04/05/12 (ref. 2012/0962/P) for change of use of **first and second floor** level from offices (Class B1) to non-residential institution (The Institute of Sports, Exercise and Health) (Class D1), namely to extend permitted opening hours to include 06:00-24:00 Saturday, Sunday and Public Holidays. **GRANTED WITH CONDITIONS AND SECTION 106 AGREEMENT on 25/09/2012.**

2012/3338/P: Non material amendments to planning permission dated 08/11/11 (ref. 2011/4069/P) for the change of use of **fifth and sixth floor** level from serviced apartment use (Sui Generis) to out patient accommodation (Sui Generis), erection of roof level extension to provide fire escape routes and new street level entrance doors on north elevation, namely to floor layout at basement and fifth floor levels, removal of solar panels, and alterations to ground floor entrance on University Street. **GRANTED WITH CONDITIONS on 17/07/2012.**

2012/0962/P: Change of use of **first and second floor** level from offices (Class B1) to non-residential institution (The Institute of Sports, Exercise and Health) (Class D1), removal and replacement of 1 x window and installation of quench pipe for MRI exhaust on east elevation at second floor level and installation of 2 x louvered panels on east elevation at first floor level. **GRANTED WITH CONDITIONS AND SECTION 106 AGREEMENT on 04/05/2012.**

2011/4069/P: Change of use of **fifth and sixth floor level** from serviced apartment use (Sui Generis) to out patient accommodation (Sui Generis), erection of roof level extension to provide fire escape routes and new street level entrance doors on north elevation. **GRANTED WITH CONDITIONS AND SECTION 106 AGREEMENT on 08/11/2011.**

2010/4049/P: Change of use of **fifth and sixth floors** from serviced apartment use (Sui Generis) to 11 residential use units (Class C3), and remodelling of University Street entrance (at street level). **GRANTED WITH CONDITIONS AND SECTION 106 on 25/10/2010.**

2008/5779/P: Change of use of **fifth and sixth floors** from serviced apartment use (Sui Generis) to office use (B1). **GRANTED WITH CONDITIONS AND SECTION 106 on 09/12/2009.**

2007/5557/P: Certificate of Lawfulness for existing use of **fifth and sixth floors** as serviced apartments (sui generis). **GRANTED on 21/12/2007.**

Relevant policies

LDF Core Strategy and Development Policies

CS1 – Distribution of growth
CS3 – Other highly accessible areas
CS5 – Managing the impact of growth and development
CS7 – Promoting Camden's centres and shops
CS8 – Promoting a successful and inclusive Camden economy
CS9 – Achieving a successful Central London Borough of Camden
CS10 – Supporting community facilities and services
CS11 – Promoting sustainable and efficient travel
CS14 – Promoting high quality places and conserving our heritage
CS16 – Improving Camden's health and well-being

DP1 – Mixed use development
DP13 – Employment sites and premises
DP15 – Community and leisure uses
DP16 - The transport implications of development
DP24 – Securing high quality design
DP25 – Conserving Camden's heritage
DP26 – Managing the impact of development on occupiers and neighbours
DP28 – Noise and vibration
DP29 – Improving Access

Fitzrovia Area Action Plan Working Draft
Camden Planning Guidance
CPG5 – Town centres, retail and employment
CPG6 - Amenities
Central London Planning Guidance 2007
Bloomsbury Conservation Area Appraisal

Assessment

Land Use

The proposal is for a change of use from B1 (Office) to a combination of B1 (Office) and D1 (Non-residential institution). The specific D1 use is for cardiovascular out patients. This would affect 797sqm of floorspace and would result in the office component being reduced by 228sqm to 569sqm. The floor would be mostly open plan office, with some meeting rooms, and the D1 element including a laboratory, clinical rooms and waiting areas. Access between the two uses would exist.

The strategic approach is defined by Policy CS8 which generally promotes office floorspace within the borough, as well as recognising the importance of other employment generating uses such as health. The importance of providing facilities suitable for small and medium sized enterprises is also noted. Policy CS10 encourages community facilities, although the proposed use does not feature within the policy itself or the supporting text it would have some community benefit. Policy CS16 does refer directly to improving the health and well-being of Camden's population, and the importance of supporting provision of new or improved health facilities, as well as a specific reference to supporting the centres of excellence in the borough: UCLH Charity is clearly part of one of those centres. Therefore, strategically there is protection for the existing use, and support for the proposed.

The Development Policies provide further detail. Further detail on employment premises and sites is provided in policy DP13. This deals with the loss of business sites. The advice is that where suitable for continued business use that any loss should be resisted unless it can be demonstrated that the site is no longer suitable for business use and that there is evidence that the use of the site for similar or alternative uses has been explored. Where the loss can be justified some business use should be retained on site, but where it can be demonstrated that the premises are not suitable for continued business use other than B1(a) a residential or community use will be considered. Where the loss

cannot be justified (and continued business use is appropriate) considerations for redevelopment schemes include the level of employment floorspace, whether there are other priority uses proposed, who the proposed space would be suitable for, and the flexibility of the space.

The justification is the key test. If it can be demonstrated then the second part of the policy is less significant. In this context as redevelopment is not proposed some of the above considerations are less appropriate.

Details on how to assess the suitability of the site for continued use are found at paragraph 13.3 of the Development Policies and within CPG5. There are a number of considerations, including its location in relation to industrial areas, the transport network, the ability to service, compatibility with nearby land uses, its condition and its suitability for small businesses. The age of the premises, as well as the quality of the space is important, as is the suitability of the space for small and medium sized businesses. Advice is given on the need for marketing evidence to justify the loss.

In addition to this the Fitzrovia AAP is at the early stages of production and it is considered that some weight can be attached to it. It does contain a number of 'Principles', one of which (number 7) confirms the council's commitment to small and medium enterprises. It details that for such businesses to thrive in Fitzrovia floorspace between 100sqm and 2500sqm will be retained and added to.

The space itself is generally appropriate for B1 use, and given that most would remain as such the applicant would seem to agree. The site is located in an area with excellent transport links where office space makes a contribution to the mixed use nature of the area. There are no uses nearby which would make it difficult for a B1 use to continue operating. There are some difficulties with providing goods access to the upper floors with no dedicated lift, and only 2 passenger lifts opening out directly onto the floors. However, the space has been recently refurbished and the floor plates would allow for some flexibility of use. The applicant has submitted marketing evidence which provides some detail on what has been done to let the property. Reference to a recent approval for the first and second floors (Ref: 2012/0962/P) shows that the same marketing evidence was submitted to support that application. It covered the entire building so is of relevance to this proposal. The decision to approve this application (which resulted in a larger loss of B1 than is now proposed) was taken in May 2012, and it is considered that there has been little change in circumstances since then. Although the loss is not completely justified it does satisfy a number of the criteria referred to in policy DP13, and the marketing evidence is considered significant.

Therefore, it falls to be considered whether the proposal accords with the criteria for when the loss of business use is not completely justified (even though many aspects of it are). It is true that the proposed use is not a business use and the level of employment would be lessened by the proposal, although the area of floorspace concerned is relatively small. The building itself has a number of UCLH related uses in it already. Therefore, it is understood why the applicant would also want to use this floor. There would be some practical difficulties with introducing another user into the building given that they would be sandwiched between UCLH uses. In particular the quite unique use of the fifth and sixth floors as out patient accommodation could be very sensitive to disruption and so it is considered that there is an advantage to having the floor below in a partly similar use. It is also worth emphasising that although the D1 would have some community benefit which is referenced in the policy. Finally, the changes made are not irreversible: the space could still be used for B1 use in the future.

In conclusion, there is a bit of a grey area when assessing the proposal against policy DP13 and the criteria for loss of B1 floorspace. Many of the criteria are met, but not all, so the loss is not completely justified. Looking at the criteria for when the loss is not justified some of these are also met. Therefore, there are considered to be a number of material considerations which justify the loss in this instance. They are the limited amount of floor space lost, the compatibility between the use proposed and those already in the building, the marketing evidence for the building as a whole, the policy support for the proposed use. Therefore, the proposal is considered acceptable, in accordance with

policies CS8, CS10, and CS16, and partly in accordance with policy DP13.

Highways and Transportation

The amount of floorspace affected is relatively small. The servicing arrangements would not be altered by the proposal. The highways officer did not object to the previous scheme, and this is considered to have less implications than that. The proposal is not considered to have any adverse impacts in this regards, and accords with policy DP16 of the Development Policies.

Conservation and Design

The nature of the proposal and its position within the building is such that there would be a negligible impact on the Bloomsbury Conservation Area. The Area Appraisal notes the commercial character of the area. As discussed above the D1 use proposed does link in with the B1 uses associated with UCLH, and so is not completely at odds with the prevailing character. There is no conflict with policies CS14 and DP25.

Accessibility

The proposal would not alter the current arrangements which are considered to be acceptable. Overall, the proposal would accord with policies DP24 and DP29 which require that access requirements are appropriate.

Refuse

The impact is not considered to be materially different from the existing use.

Neighbouring Amenity

There are no permanent residents nearby. The out patient accommodation at fifth and sixth floors would not be materially affected by the proposal given that there is already B1 floorspace below, and that the D1 space proposed is a compatible use with both being operated by the same organisation. It is noted that when approving the change of use at first and second floor level a condition was imposed requiring sound insulation. In this instance it is not considered that this is necessary given that the uses would function differently: the proposed use is for cardiovascular outpatients whereas the use on first and second floors would have a teaching element and therefore is likely to generate more noise. There is also a limited amount of plant and machinery to justify such a condition.

Section 106

The previous application granted for the first and second floors did include a section 106 agreement due to there being a significant loss of employment caused. Although the principle is the same for this application, the magnitude of the loss is far less, being 228sqm as opposed to 1536sqm. This means that the level of employment difference is much less, and the B1 and D1 elements are still linked. Therefore, a similar agreement is not considered necessary in this instance.

Conclusion

There is policy support for both retaining B1 use and supporting D1 uses associated with institutions such as UCLH. Although there is a partial conflict with policy DP13 (with not every criteria for loss of office space being satisfied) for the reasons outlined above it is considered that there is a justification for allowing the change of use. The proposal would not have a material impact on the conservation area, highways and transportation, arrangements for refuse collection, or accessibility. There are no permanent residents who would be affected by the proposal, and the impact on the upper floors would be acceptable.

Recommendation

Grant planning permission.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444