

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		19/06/2012	
		N/A		Consultation Expiry Date:		07/06/2012	
Officer				Application Number(s)			
Ben Le Mare				i) 2012/2122/P ii) 2012/2124/L			
Application Address				Drawing Numbers			
3 Gower Street London WC1E 6HA				Refer to draft decision notices.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use from 1 x 3-bedroom maisonette (Class C3) to office use (Class B1) at second and third floor level and associated works in connection with the land-use swap with No. 26 Bloomsbury Square (2006/2014/P) which was granted planning permission on 26/06/06 for the change of use from office (Class B1) to 4 x self-contained flats (Class C3).							
Recommendation(s):		i) Grant conditional planning permission subject to a Section 106 Agreement ii) Grant conditional listed building consent					
Application Types:		Full Planning Permission and Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notices					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	10	No. of responses	00	No. of objections	00
				No. Electronic	00		
Summary of consultation responses:		A site notice was put up outside the property for 3 weeks from 09/05/2012 and press notice was published in the Ham & High on 17/05/2012. No objections or expressions of support received from neighbouring occupiers.					
CAAC/Local groups comments:		Bloomsbury CAAC have raised a strong objection on the grounds that the proposed change of use would result in a loss of a 3-bedroom (family housing) unit which is contrary to Camden's planning policies on housing. The loss of permanent housing is also considered to harm the character of the conservation area. <u>Officer's Comment</u> These concerns are fully addressed in the assessment section below.					

Site Description

This Grade II listed building forms part of a terrace of 8 houses dating from c1780. The building is of darkened multi-coloured stock brick and is 3 storeys with an attic and basement. The site is located within the Bloomsbury Conservation Area.

Relevant History

In March 2008 planning permission was granted for the following series of change of use applications via a linked Section 106 Legal Agreement signed on 28/03/2008.

"The Bloomsbury Development": **26 Bloomsbury Square** planning permission granted for change of use and works of conversion from office (Class B1) to residential use (Class C3) to create 4x self-contained flats including 2x 3-bedroom maisonettes, 1x 1-bedroom flat and 1x studio flat, erection of an extension at rear 1st floor level and associated external works, ref. 2006/2014/P.

"First property": **3 Gower Street** (the application site) planning permission granted for change of use and works of conversion at 2nd and 3rd floor levels from 1x maisonette (Class C3) to office use (Class B1), ref. 2006/2018/P.

"Second Property": **11 Gower Street** planning permission granted for change of use and works of conversion at 3rd floor level from 1x 1-bedroom self-contained flat to office use, ref.2006/2021/P.

"Third Property": **10 Bayley Street** planning permission granted for change of use of 2nd and 3rd floor levels from 2x 1-bedroom self-contained flats (Class C3) to office use (Class B1) ref. 2006/2025/P.

The linked Section 106 Agreement places the following requirement on the owner of the land: *"not to implement or permit Implementation of any part of the First Development the Second Development of the Third Development until such time as the Bloomsbury Development has been fully constructed and the Council has confirmed in writing that it is satisfied that the residential accommodation forming part of the Bloomsbury Development is completed and available for occupation"* (Clause 4.1.2).

Relevant policies

National Planning Policy Framework (2012)

On 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account (from 27th March 2012) in determining planning applications. The NPPF replaces a number of national planning policy documents (listed at Annex 3 of the NPPF).

The London Plan (2011)

Local Development Framework (2010):

Core strategy

- CS1 Distribution of growth
- CS5 Managing the impact of growth and development
- CS8 Promoting a successful and inclusive Camden economy
- CS14 Promoting high Quality Places and Conserving Our Heritage

Development Policies

- DP2 Making full use of Camden's capacity for housing
- DP13 Employment premises and sites
- DP24 Securing High Quality Design
- DP25 Conserving Camden's Heritage
- DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance (2011):

- CPG1 (Design)
- CPG2 (Housing)
- CPG8 (Planning Obligations)

Bloomsbury Conservation Area Statement (2011)

Assessment

The principal consideration material to the determination of this application is the loss of housing floorspace.

Housing is the priority land use of Camden's LDF. Policy CS6 – *'Providing Quality Homes'* states that *'the Council will aim to make full use of Camden's capacity for housing by maximising the supply of additional housing to meet or exceed Camden's targets'*.

Policy DP2 – *'Making full use of Camden's capacity for housing'* seeks to maximise the supply of additional homes in the Borough. The Council will achieve this by *'resisting alternative development of sites considered... suitable for housing'*. The Policy also seeks to minimise the loss of existing housing by *'protecting residential uses from development that would involve a net loss of residential floorspace'*. This policy states that the Council will not grant planning permission for a development that would involve the loss of two or more residential units.

The protection of existing housing and the provision of additional housing are longstanding policy aspirations. The above LDF policies supersede policies within Camden's UDP which sought to protect existing housing and to provide additional housing. These are specifically: policy H1 New Housing; and policy H3 Protecting Existing Housing. The previous application at 3 Gower Street was assessed against these policies and was deemed to comply with the requirements of the policies.

As set out in the relevant history section above the approved land use swap ensured that housing from Gower Street (nos. 3 and 11) and Bayley Street properties was not "lost" but was replaced at the "Bloomsbury Development" before the Gower Street (nos. 3 and 11) and Bayley Street permissions. As a result of these Legal Agreement provisions the original application did not result in a loss of housing.

The Bloomsbury Square application ("The Bloomsbury Development") has been implemented. The application for Gower Street has not been implemented because the Estate failed to implement this permission before the end of its 3-year permission. Linking the current application at 3 Gower Street to the previous Section 106 agreement which relates to 2006/2018/P (the previous application at 3 Gower Street) and the other permissions would not cause any harm by loss of housing.

In terms of its land use implications the current change of use application is the same development as 2006/2018/P, the relatively minor layout changes proposed do not have any material impact in land use terms. The policy aims and objectives that applied to the land use swap in 2006 still apply now, though the policies themselves have been updated and superseded as part of the LDF. While application 2006/2018/P was never implemented such an application would be handled now in the same way as it was in 2008. The land use swap would be acceptable in policy terms if the linked series of applications was made in 2012 under the current LDF policies.

The current application requires a Deed of Variation to the Section 106 Agreement executed on 28 March 2008. The DOV will link the S106 Agreement to the new permission and state that 2006/2025/P was not (and will never be) implemented and has expired and that the new application is being granted on the same basis that the previous application was in relation to the land swap. The wording of the "first" property, development and permission from 2006/2018/P will be replaced by the current application. The current application will then be linked to the original S106 Agreement and bound to only be implemented when the development at the second and third properties had been fully constructed and the Council had confirmed in writing that the development was complete and ready for occupation.

If considered on its own, without the other applications the proposal would not be acceptable. However on the basis of the particular circumstances that apply here, the current application is "on balance" acceptable in land use terms subject to a Deed of Variation.

Other issues

Impact on character and appearance of the listed building

This scheme is almost identical to that approved in 2008. The layout at 3rd floor level is to remain as existing, with the timber panelled partition between the two front rooms retained. A new door is proposed for the original opening from the stairwell. This was shown in the 2008 consent as a 4 panelled door with applied mouldings and this design has been replicated for the current application. However, it is considered more appropriate to secure a 4 panelled door with plain recessed panels by condition as this would be consistent with the 18th century date of the building.

At 2nd floor level it is also proposed to retain the layout as existing. The 2008 consent allowed for the removal of the partitions to the front room, reinstating its original spatial quality. Although the removal of the later partitions would be ideal, this is not something that we can insist upon.

Minor alterations are proposed for the toilet accommodation within the rear addition which are not considered contentious.

A small extractor fan is to be removed from the 3rd floor front window. This will enhance the external appearance of the listed building.

The accompanying planning application is for the change of use of the 2nd and 3rd floors of the building from residential to office accommodation. The remainder of the building is in D1 use as a physiotherapy clinic. Residential use would normally be preferred for properties of this age and character that were originally built as houses – a reversion to single family dwellings is most desirable in purely conservation terms. However, the lower floors of the building are in non-residential use and this does create an anomalous situation with access to the upper residential floors through this space. The use of entire Georgian former terraced houses for a variety of office, institutional or commercial purposes is common in central London locations such as Bloomsbury. As such, the proposed office use is not considered to harm the special interest of the listed building.

Based on the above considerations, the proposal is in accordance with Policy DP25 of the LDF as it preserves and enhances the character and appearance of the Bloomsbury Conservation Area and the special historic interest of this Grade II listed building.

Neighbour amenity

The proposal would not cause any loss of sunlight, daylight, outlook or privacy and would not result in any disturbance to neighbours and is therefore in accordance with the guidance set out in CPG6 and Policy DP26 of the LDF.

Recommendation

Planning Permission is recommended subject to a S106 Deed of Variation linking the permission to the original agreement by variation to this agreement.

DISCLAIMER

Decision route to be decided by nominated members on Monday 18th June 2012. For further information please click [here](#).