

Delegated Report		Analysis sheet		Expiry Date:		17/04/2012	
		N/A		Consultation Expiry Date:		05/04/2012	
Officer				Application Number(s)			
Nicola Tulley				2012/0868/P			
Application Address				Drawing Numbers			
114-115 TOTTENHAM COURT ROAD LONDON W1T 5AH				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from language school (Class D1) to leisure facility (Class D2) at lower ground and ground floor levels.							
Recommendation(s):		Approve with conditions					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	18	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed from 7/03/2012 to 28/03/2012. A notice was placed in the Ham & High on 15 th March 2012. No comments have been received as a result of public consultation.					
CAAC/Local groups* comments: *Please Specify		No local groups have been identified.					

Site Description

The subject site relates to a four storey end of terrace building located on Tottenham Court Road on the junction with Midford Place. The surrounding area is characterised by commercial units on the ground floor with offices above. Tottenham Court Road marks the eastern edge of Fitzroy Square conservation area and is generally characterised by taller buildings.

Numbers 114 – 115 are noted in the conservation appraisal as being: decorative in design; consistent in height; featuring a central gable at roof level with decorative stone banding. Number 114 is noted as having a shopfront of merit.

Relevant History

Full planning permission was granted (2010/3894/P) for: Alterations to existing shop front (Class A1).

Full planning permission was granted in 1980 (30478) for: Erection of an extension to the shop in the rear light well at basement and ground floor levels, involving the re-location of a ventilation duct to the roof of the extension and the raising of the boundary wall with 116 Tottenham Court Road by approximately 4 feet.

Full planning permission was granted in 1977 (24716) for 'Continued use of the basement for light industrial purposes.'

Relevant policies

National Planning Policy Framework 2012

The London Plan: Spatial Development Strategy for Greater London: 2011

LDF Core Strategy and Development Policies 2010

Core Policies

CS5 Managing the impact of growth and development

CS10 Supporting community facilities and services

CS11 Promoting sustainable and efficient travel

Development Policies

DP15 Community and leisure uses

DP17 Walking, cycling, and public transport

DP18 Parking standards and limiting the availability of car parking

DP28 Noise and vibration

Camden Planning Guidance 2011

CPG1 Design

CPG6 Amenity

Fitzroy Square conservation area character appraisal and management plan

Assessment

The site to which this application relates is the rear of the ground and lower ground floor of 114-115 Tottenham Court Road, which front onto Midford Place. The ground floor units fronting Tottenham Court Road are within use class A1. The previous use of the subject site (at the rear of the A1 units) was a Language School, use class D1: the applicant is proposing to change this use into a leisure facility (D2).

Officers sought further information from business rates to confirm the use of the premises the following was noted: Ground floor rear 114: Academy of professional studies from 12.1999 – 12.2008 & London international education foundation from 2008. The first, second, and third floors had also been occupied as offices for the company names above.

Policy

Camden's Core Strategy recognises the importance of higher and further education in the borough and will seek to support and balance its requirements with those of other sectors in the community. The existing use is a private language school and as such, is not essentially considered a community use. Nonetheless, the applicants have provided information to demonstrate how the proposed change of use is in accordance with policy DP15.

Development policy DP15 of Camden's LDF 2010 seeks to protect existing community facilities and will resist their loss unless: a replacement facility is provided; or, the specific community use is no longer required in its current use. Where this is the case, evidence will be required to show that the loss would not create, or add to a shortfall of provision for the specific use and demonstrate that there is no demand for any other suitable community use on the site. Marketing evidence should be provided to show that the premises have been offered at reasonable charge to community groups/organisations over a 12 month period.

Proposal for change of use

Documentation submitted by the applicant has identified that the property has been used for educational purposes from 1998, and the search to find a replacement tenant commenced early 2011. Two property consultants: James Lewis & Robert Irving Burns (RIB) note that due to changes with the UK Border Agency (visa requirements for foreign students) the educational use as a language school has reduced the market. The change of use from D1 to D2 has been proposed by the applicant as there have been a number of enquiries for letting the unit from such uses: gyms, yoga, boxing, personal trainers.

Further information was requested from the applicant to include marketing information as policy requirements of DP15 state that the existing community facility should be offered to potential new users on the same financial basis as that of the previous occupant. Letter dated 19th March 2012 from RIB state that the premises was marketed from January 2011, a copy of the advertisement has been submitted. In addition RIB attempted to find new tenants to take over the remaining lease term from the London International Education Foundation at the same rent £55,000 to increase to £60,000 per annum in 2012. This attempt was not successful and the school collapsed due to lack of students.

Surveyor & estate agent James Lewis also provided additional marketing evidence of letting the unit as a community D1 use since January 2011. Again the unit was marketed at £60,000 per annum which was the rent the College would be paying in 2012. The agent had attempted to market the D1 use to children's nurseries but the basement location, internal stairs and lack of outside space render the site unsuitable for this type of user. James Lewis concluded that the D2 use would enable letting of similar terms as the College with the expressions of interest of D2 uses.

Amenity

Uses associated with D2 use class are those which are likely to generate a degree of noise however, given the location of this unit which is in close proximity to Tottenham Court Road the noise level is unlikely to be detrimental to sensitive premises in close proximity. Nonetheless, a condition shall be attached to this permission to ensure that the nearest noise sensitive premises will not be unduly impacted in accordance with Development Policy DP28.

Transportation

There is no existing provision of parking spaces on-site and in consideration that the site has an existing floorspace of 218m², and this will not be altered as part of the proposal, no cycle parking will be requested.

Conclusion

The change of use of the existing D1 unit to D2 is in accordance with policy DP15 whereby the unit has been marketed over a 12 month period at the same rate with no success. Normally where the loss of a community use is accepted the council will seek the change of use as affordable housing however, given the constraints of the site and central location D2 uses are considered appropriate in this instance.

Recommendation

Approval with conditions.

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