

Delegated Report		Analysis sheet		Expiry Date:	19/12/2011
		N/A / attached		Consultation Expiry Date:	23/11/2011
Officer			Application Number(s)		
David Glasgow			1) 2011/4231/P 2) 2011/5381/L		
Application Address			Drawing Numbers		
17 Percy Street LONDON W1T 1DU			Refer Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
1) Retrospective permission for change of use of first floor from offices to dual use as alternative therapy clinic (Class D1) and offices (Class B1). 2) Retention of internal alterations at first floor level in connection with change of use of first floor from offices (Class B1) to dual use as alternative therapy clinic (Class D1) and offices (Class B1).					
Recommendation(s):		1) Grant Planning Permission 2) Refuse Listed Building Consent			
Application Type:		1) Full Planning Permission 2) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	Site Notice: 02/11/2011 to 23/11/2011 No representations received as a result.					
CAAC/Local groups* comments: *Please Specify	Charlotte Street CAAC: Not relevant to change of use and internal work.					

Site Description

Grade II listed terrace properties in the Charlotte Street Conservation Area, dating from 1764-70. The upper floors are now in office use.

Relevant History

TP1155/1314 - To change the use of the first-floor front room at the premises No. 17, Percy Street, St. Pancras, from a turf accountants office to a licensed betting office. Refused 09/05/1962
 Reason: Use of first floor as betting office is undesirable as there is no separate access for upper residential floors.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy

CS5-Managing the impact of growth and development

CS7-Promoting Camden's centres and shops

CS8-Promoting a successful and inclusive Camden economy

CS10 - Supporting community facilities and services

CS14-Promoting high quality places and conserving our heritage

Development Policies

DP13 – Employment sites and premises

DP16 -The transport implications of development

DP19 – Managing the impact of parking

DP25-Conserving Camden's heritage

DP26-Managing the impact of development on occupiers and neighbours

PPS5 - Planning for the Historic Environment

Camden Planning Guidance 2011

Assessment

Proposal

The proposal seeks retrospective planning permission for change of use from offices (Class B1a) on the first floor, to alternative therapy use (Class D1) and offices (Class B1a). The applicant has been using the first floor of the premises for alternative therapy use since September 2011.

Listed building consent is also sought for the retention of internal partitions which have been erected to provide separate treatment rooms associated with the therapy use.

Change of Use

Loss of B1 floorspace and replacement with D1 use

Policy DP13 seeks to protect employment uses, but this is on the basis that they can be used flexibly for a range of employment uses.

When it can be demonstrated that a site is not suitable for any business use other than B1(a) Offices, the Council may allow a change to permanent residential uses or community uses.

When considering the potential loss of business use against criteria outlined in paragraphs 13.3 and 13.4 of the LDF, the site is not located within or adjacent to the Industry Area or other location suitable for large scale industry and warehousing; is not a suitable location for a mix of uses including light industry and local distribution warehousing; does not have the potential to be served by rail or water; has no on-site vehicle space for servicing; is not near to other industry and warehousing and cannot provide a range of unit sizes for small business. There is also no opportunity to provide flexible layouts within the property as it is a listed building.

When, as in this case, a site is not suitable for flexible business use and is only suitable for B1(a) offices, the applicant must demonstrate that there is no realistic prospect of demand for that use to continue. The applicant has not submitted evidence of a thorough marketing exercise over at least two years (as required by paragraph 13.5 of policy DP13) however the following factors are considered to contribute to the acceptability of the proposed change of use:

- The building is listed, with a relatively small floor plate and is not particularly well suited as modern office accommodation and is not suitable for flexible business uses.
- Currently there is a local oversupply of new modern office accommodation (as accepted in the approval of application ref: 2010/2437/P for a similar change of use application at 43-45 Bloomsbury Square. Granted 24/08/2010). The recently completed '1 South Hampton Row' for example provides 13,000sqm of modern B1(a) office space nearby

Taking into consideration the above factors, particularly the unsuitability of the existing Listed building as office accommodation, and the local oversupply of modern purpose built office accommodation, it is considered on balance that the potential loss of the B1(a) use resulting from the approval of a D1 use would be acceptable.

The application site is within a designated *commercial frontage* within the Fitzrovia area. Within this commercial frontage the Council aims to protect retail facilities, maintain the mixed use character of the area and avoid cumulative impacts. Use of the first floor as D1 would complement the mix of uses in the frontage.

Amenity

Policy DP26 states that the Council will only grant permission for development that does not cause harm to amenity in terms of overlooking, loss of daylight/sunlight, noise, odour and fumes. Given that there are no external alterations proposed, the proposal would not result in an adverse impact for neighbouring properties in terms of overlooking, loss of sunlight or daylight. Given the relatively

limited floor area, it is considered unlikely that large numbers of people can be accommodated at the premises. Whilst it is recognised that Class D1 encompasses various uses which could include a church hall, religious instruction, crèches etc. which may have implications for traffic generation and/or residential amenity, it is considered unlikely that such impacts would arise given the size and type of premises and nature of the location in this instance. It is therefore not considered necessary to impose conditions restricting the normal flexibility afforded by the D1 Use Class. Neither is it considered necessary to impose a condition specifying the opening hours of the use.

Transport

The site has a PTAL score of 6b (excellent), which indicates that it is highly accessible by public transport. The nearest stations are Goodge Street to the north and Tottenham Court Road to the south, whilst bus services are available from a number of streets within a short distance of the site. Given the site's location adjacent to nearby tube stations, it is considered that there will not be great demand by staff or clients for parking as they will use public transport to get to the site. It is therefore not considered necessary to have a S106 for car free/car capped development. It is considered that the existing public transport network would adequately cope with any additional numbers attracted to the new use.

Listed Building

PPS5 Practice Guide (March 2010) makes it clear in paragraph 182 that "The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations."

The English Heritage guidance document, 'London Terrace Houses 1660-1860', which provides very useful guidance on the level of alterations which are generally considered to be acceptable in listed terraced houses. It states that "the domestic plan form of London terrace houses is an important part of their character and special interest. As a general rule, the character, proportion, and integrity of the principal rooms at ground and first floor levels....should be preserved. Normally such areas should not be subdivided (pg.11). Policy DP25 states that the Council will only grant consent for a change of use or alterations and extensions to a listed building that would not cause harm to the special interest of the building.

The new partitions contain kinks and doglegs to create separate treatment rooms necessary for the proposed 'alternate therapy' use, resulting in a clumsy and awkward arrangement. The open plan of the upper floors of the building is an integral feature of its historic character and the partitions as inserted result in an uncharacteristic fragmented space, obscuring its original volume and dual aspect. The subdivision of this space is totally uncharacteristic for a building of this age and type and is considered to materially alter the historic layout of the listed building in a negative way.

The applicant cites the 'removable' nature of the partitions as justification for their approval. Whilst it is acknowledged that the partitions have been installed in a way so as not to harm to the historic fabric of the listed building, this does not lessen the harm caused to the character of the historic layout of the building. Overall the partitions are considered to fail to preserve the special historic and architectural interest of this Grade II Listed Building contrary to DP25 and PPS5. It is recommended an informative be attached warning of possible enforcement action to remedy the unauthorised works.

Whilst DP13 supports employment uses in appropriate locations it is important that this does not result in harm to the historic interest of the Listed building. The applicant has stated that the provision of separate treatment rooms is essential for the successful operation of the business. It appears in this case given the constraints of the Listed building, that the 'alternative therapy' use, at least as

conducted by the applicants, is impractical for this location. This however does not affect the suitability or appropriateness of the site for other uses within the D1 class.

Conclusion

Change of use

The office (Class B1a) premises are not flexible for other employment uses due to the constraints of the existing building and there is considered to be an oversupply of office accommodation in the area and in the borough generally. The Council welcomes the creation of additional community uses in suitable locations and the use would not have a negative effect on the residential amenity of neighbours or the transport network.

Although the Listed building may not be practical for the specific nature of the applicants business, it is still considered suitable for other uses within the D1 Class, and the change of use from B1a to B1a and D1 is considered acceptable.

Listed Building

The proposed internal alterations would fail to preserve the special historic and architectural interest of this Grade II Listed Building contrary to DP25, CS14 and PPS5.

Recommendation

1. Grant Planning Permission
2. Refuse Listed Building Consent