

Delegated Report		Analysis sheet		Expiry Date:		11/10/2010	
		N/A / attached		Consultation Expiry Date:		16/09/2010	
Officer				Application Number(s)			
Anette de Klerk				2010/4284/P			
Application Address				Drawing Numbers			
18 Stukeley Street London WC2B 5LR				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use from office (Class B1) to language school (Class D1).							
Recommendation(s):		Full Planning Permission Refused and Warning of Enforcement Action to be Taken					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	8	No. of responses No. electronic	0 0	No. of objections	0
Summary of consultation responses:		A site notice was displayed between 19/08/2010 and 09/09/2010. No response was received.					
CAAC/Local groups comments:		<p>Covent Garden CAAC – No response received.</p> <p>Covent Garden Community Association – Objected on the following grounds:</p> <ul style="list-style-type: none"> - Stukeley Street is already oversubscribed with educational establishments. - The congregation of such students and the associated problems they cause, e.g. noise, obstruction, litter etc to local residents is already well documented and subject to regular meetings with existing establishments to try and reduce nuisance. 					

Site Description

The application relates to a four storey plus basement, building located on the corner of Stukeley Street and Smarts Place. Stukeley Street is characterised by a variety of commercial and residential uses. The building is located within the Seven Dials Conservation Area.

The ground floor and basement of the application site are currently vacant but was previously used as an office (Class B1).

Relevant History

7101: The use for a limited period of premises at No. 18, Stukeley Street, as architect's offices, studies, stores (etc.,) Granted 07/07/1969.

32705: Continued use as offices with ancillary basement workshop. Granted 04/09/1981.

8601090: Continued use as offices with ancillary basement workshop as shown on site plan. Granted 14/08/1986.

9000072: Change of use from Class B8 warehouse use to B1 office use. Granted 26/04/1990.

Under consideration:

2010/4431/P: Erection of mansard roof extension, replacement of existing windows and creation of level access to building.

Relevant policies

Replacement Unitary Development Plan 2006

SD6 – Amenity of occupiers and neighbours

E2 – Retention of existing business uses

E3b – Specific business uses and areas

C1c – New community uses

T2 – Capacity for transport provision

T9 – Impact on parking

LDF Core Strategy and Development Policies

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound.

This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter .

However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan

Relevant Policies in Camden Core Strategy

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS 8 Providing a successful and inclusive Camden economy

CS10 Supporting community facilities and services

Relevant Policies in Camden Development Policies

DP2 Making full use of Camden's capacity for housing

DP13 Employment sites and premises

DP15 Community and leisure uses

DP16 Transport implications of development

DP19 Managing the impact of parking

DP26 Managing the impact of development on occupiers and neighbours

Assessment

Proposal:

The proposal entails a retrospective application for the change of use from office use (Class B1) to educational use (Class D1) for use of the premises as a language school. The internal layout and external appearance of the building will remain unaltered. The premises comprise of 377.9sq metres of floorspace. The average number of staff present at any one time would be 10 with the number of students unknown at this stage. Their operating hours are as follows:

Monday to Friday: 9am to 7pm

Assessment:

The principle considerations relative to this case are considered to be the:

- Loss of B1 floorspace and replacement with D1 use
- Amenity and Transport

Loss of B1 floorspace and replacement with D1 use

Principle of the change of use:

Council policies have a general presumption against the loss of employment floorpace where there is potential for that use to continue. It should be acknowledged that these policies are specifically aimed towards larger premises (1000sqm+), which have the ability to be used flexibly within the B1c/B8 use class. Reference is also made in paragraph 7.5 of UDP policy E2 which says "providing a range of site and premises across the Borough to suit the different needs of businesses for space, location and accessibility is vital to maintaining and developing Camden's economy".

The applicants have indicated that the premises had been vacant from March 2010 and have recently been let to the language school. During the period of vacancy, no B1 users were interested and only two D1 users expressed interest. According to the applicants, this is due to the current unsuitable state of the building to attract B1 users and that D1 users do not require the same level of services, lift and DDA access that B1 users do. A current application (Ref no 2010/4431/P) for the refurbishment of the building to include the erection of a mansard roof extension, replacement of windows, new stairs, lift, WC's and level access to the building, is still under consideration. The applicants state that this proposal requires substantial funding which is unlikely to be available until the market for B1 users returns and as such it would be beneficial to find a temporary user until such time the building is refurbished to a suitable state. No further information was provided by the agent to demonstrate evidence of advertisements, unsuccessful attempts to market the property at reasonable rents over the period of vacancy etc. to justify the loss of the existing employment use on the site.

Council policies state that, where a site does not have the potential to continue its existing business use, preference will be given to maintaining the site within an alternative business use, with higher priority to retention of flexible space for B8 or B1 light industry. In light of this, it is particularly important to retain premises that have specific design features, or are capable of incorporating specific design features, that would allow such flexible use. Such features include, but are not exclusive to, those outlined in paragraph 7.18 of the UDP and paragraph 13.4 of the LDF Development Policies.

Consideration should therefore be given to the existing site and its ability to be used for a range of employment uses, and in particular the tests listed in the policy. Firstly, the site is not located within, or adjacent to, an Industry Area. Furthermore the site is not identified in the Employment Land review (June 2008) as an employment site and one that should be specifically protected for employment use. The site could not realistically be served by larger vehicles, although it is accessible by a range of means of transport, including public transport. Whilst there is access to the building, it is constrained by a narrow entrance off Smart's Place and Macklin Street.

However, the site is located within the Central London Area, which is an area specifically covered by Policy E3b of the UDP and paragraph 8.13 of the LDF Core Strategy, which states that the Council will not grant planning permission for development that would prejudice the mixed use character of the Central London area through the loss of premises suitable for light industrial floor space and local distribution warehousing.

In terms of the physical features of the site, the site would appear to have many of the features for flexible B1 space outlined in policy justification, including good natural light and generous floor to ceiling heights. The applicants have indicated that the lift is not up to modern standards, but have submitted an application (Ref no. 2010/4431/P) to provide a new lift, to increase the B1 floorspace and to provide level access to the building. It therefore seems viable to upgrade the facilities to an acceptable level.

The applicants have indicated that the premises have been vacant since March 2010 and were subsequently occupied by the language school who now seek this change of use. However, the applicant has been unable to provide marketing evidence to support the applicants' assumption that there was no demand from alternative employment uses.

Given the lack of marketing evidence as discussed earlier in the section, the design and layout of the building, its location and the fact that the applicants have applied for additional B1 accommodation at roof level to include an upgrade of facilities such as a lift, it is not considered that adequate justification has been provided to address the loss of the existing employment use on site. In the absence of any such justification the proposals are considered contrary to E2 and E3b of the UDP and CS8 of the Local Development Framework Core Strategy and DP13 of the Local Development Policies.

New community uses

Policy C1c states that the Council will grant permission for the development of education uses, subject to accessibility and public transport considerations. The site is located in a central London location highly accessible to a number of modes of public transport. No concerns with regard to impact on transport are raised. Therefore the new use in itself is considered acceptable.

Amenity

The Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours in terms of overlooking, loss of daylight/sunlight, noise, odour and fumes and light. Given that the premises are used as an education establishment within office hours and would have a similar number of office workers and 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, daylight or noise levels.

In light of the above it is considered that the change of use from office use (B1) to educational use (D1) would be acceptable

Recommendation:

It is recommended that the application be refused and that the Head of Legal Services be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

The breach of planning control that has occurred is:

The unauthorised change of use of the premises from B1 office use to D1 educational use

The notice shall require:

The educational use shall cease completely and permanently.

Within a period of:

6 months from the date of the notice.

Reason for serving the notice:

- The change of use, in the absence of adequate justification to substantiate the loss of the existing employment floorspace, would result in a loss of employment floorspace contrary to the requirements of policies E2 (Retention of existing business uses) and E3 (Specific business uses and areas) of the London Borough of Camden Replacement Unitary Development Plan 2006, policy CS8 (Providing a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment premises and sites) of the London Borough of Camden Local Development Policies.

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