

# 2013/7846/P 16 Cleveland Street



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Application site



Front of application site showing recessed window in comparison to bay window at neighbouring property





Internal photos showing entrance hall and existing staircase with structural support.

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>03/02/2014</b>
<b>(Members Briefing)</b>		N/A	<b>Consultation Expiry Date:</b>	<b>12/03/2014</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Eimear Heavey			2013/7846/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
16 Cleveland Street London W1T 4HX			Refer to decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Change of use from community use D1 to C3 residential use (1x4 bed maisonette and 1x2 bed flat).				
<b>Recommendation(s):</b>	Grant planning permission subject to conditions and S106 legal agreement.			
<b>Application Type:</b>	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	

### Consultations

Adjoining Occupiers:	No. notified	<b>30</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
			No. electronic	<b>00</b>		

Summary of consultation responses:	<p>A <b>site notice</b> was displayed from 26/12/2013 until 16/01/2014 and a notice placed in the Ham &amp; high on 20/12/2014.</p> <p>Due to a material change in revised plans submitted by the applicant it was considered necessary to re-consult on the application until 12/03/2014</p> <p>No objections were received.</p>
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CAAC/Local groups comments:	<p><b>Charlotte St CAAC</b> – no response received to date.</p> <p><b>Charlotte St Association</b> – object to the application on the grounds that the proposed ground floor residential use should be amended to incorporate a shop in order to create activity at street level.</p> <p><u>Officer comment:</u> The previous use of the ground floor was as D1 use used by the Camden and Islington NHS Trust as a unit for the treatment of alcohol. This unit has been re-provided elsewhere and is no longer required. However due to the nature of this D1 use which had consulting rooms at ground floor level, it would not have resulted in an active frontage and the windows were covered by blinds (see photo). As such the introduction of residential use at ground floor level is not objected to. This application brings an extremely poorly maintained listed building back into use and potentially rectifies issues set out in an enforcement notice and as such is welcomed.</p>
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### Site Description

The site is located on the east side of Cleveland Street with the western side of the street falling within the City of Westminster. It is in close proximity to the junction with Tottenham Street to the north and Goodge Street to the south. The site comprises a mid-terrace four storey Grade II listed building with basement and vaults under the pavement. The building is Grade II listed and falls within Charlotte Street conservation area. The building is currently occupied by security guardians.

### Relevant History

**2008/4616/L** - Listed building application was withdrawn on 08/01/2009 for retrospective application for internal alterations at basement to third floor levels including modifications to partitioning, door openings and staircase, alterations to floor covering, addition of servicing and suspended ceilings, all to existing.

**EN04/0750** – Ongoing enforcement case relating to unauthorised works to the listed building. This application seeks to rectify the issues set out in the enforcement notice.

## **Relevant policies**

### **National Planning Framework (2012)**

#### **The London Plan (2011):**

- Policy 3.3 (Increasing housing supply)
- Policy 3.4 (Optimising housing potential)
- Policy 7.8 (Heritage assets and Archaeology)

#### **Local Development Framework (2010):**

##### **Core Strategy**

- CS1 (Distribution of growth)
- CS3 (Other highly accessible areas)
- CS4 (Areas of more limited change)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS10 (Supporting community facilities and services)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS16 (Improving Camden's health and well-being)
- CS19 (Delivering and monitoring the Core Strategy)

##### **Development Policies**

- DP2 (Making full use of Camden's capacity for housing)
- DP5 (Homes of different sizes)
- DP6 (Lifetime homes and wheelchair housing)
- DP15 (Community and leisure uses)
- DP16 (The transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP27 (Basements and lightwells)
- DP28 (Noise and Vibration)
- DP30 (Shopfronts)

#### **Camden Planning Guidance (2011) Revised 2013:**

- CPG 1 (Design)
- CPG 2 (Housing)
- CPG 3 (Sustainability)
- CPG 4 (Basement and lightwells)

#### **Charlotte Street Conservation Area statement. Fitzrovia Area Action Plan**

## Assessment

### Proposal

Planning permission is sought for the change of use from community use D1 to C3 residential use (1x3 bed maisonette and 1x2 bed flat).

### Revisions

During the course of the application revised plans were received which resulted in the loss of one unit of accommodation and as such it was necessary to reconsult on the application. Revised plans were received following advice from the conservation officer as it was considered there were a number of insensitive subdivisions and too many units proposed for the size of the building.

### Main planning considerations

- Land use issues;
- Design/listed building issues;
- Amenity;
- Mix/Standard of accommodation;
- Transport; and
- Other issues

### Land use

Policy DP15 (Community and Leisure Uses) states that the Council will protect existing community facilities by resisting their loss unless:

(c) a replacement facility that meets the needs of the local population is provided; or, (d) the specific community facility 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 in provision for the specific community use and demonstrate that there is no demand for any other suitable community use on the site. Where this is successfully demonstrated, the Council's preferred new use will be affordable housing.

The applicant has submitted evidence from which indicates that between 2000-2008, the building was used by Camden and Islington Foundation Trust for the Camden Drug Service's criminal justice rapid access service. When this service vacated the building it lay empty for a year until it was used for the combined Camden Alcohol Service until that service was moved to Early Mews on Arlington Road in 2010/2011.

Given that the unit has been re-provided to a location within the borough and the service continues to meet the needs of the population, no objection is raised with respect to the loss of the unit from this site. The loss of the community use from the location is in line with the criteria set out in Policy DP15.

With regards to the introduction of residential on this site it is noted that housing is the priority land use of the LDF. Policies DP2 and CS6 make housing the top priority when considering the future of unused and underused land and buildings. New residential floorspace is welcomed provided it meets the Council's residential development standards and does not harm local amenity.

The proposal would include the provision of market housing rather than an affordable housing scheme. However given that the site falls under 1000sqm there is no requirement for the applicant to provide affordable housing. Furthermore, given that the previous use of the upper floors of the building would have been in residential use coupled with the fact that the building has been very poorly maintained over the past number of years, a comprehensive scheme to bring it back into use is welcomed.

The Charlotte St Association have objected to the application on the grounds that the ground floor unit should be a shop, however due to the nature of the previous D1 use which had consulting rooms at ground floor level, it would not have resulted in an active frontage and would not have resulted in the footfall associated with a shop unit.

In light of the above, there is no objection to the change of use from D1 to residential.

### **Design issues**

#### Principle of subdivision

In accordance with English Heritage guidance on London terraced houses 1660-1860, the over-subdivision of the property horizontally would have resulted in an overly dense use of the listed building with negative impacts on the plan form and disturbance to the historic fabric due to service runs. It is therefore generally considered that the current proposal, as revised, is sympathetic in its subdivision to create 2 flats. The creation of 2 large flats will result in much less subdivision and damage to the listed building than the previously proposed 3 units. In essence, the proposed plan form will revert to its original form in so far as is possible.

#### Staircase structural repairs

A substantial later 20th century steel column and associated structure runs up the centre of the historic staircase. It is understood that this column is in position to prevent the timber staircase from moving. The removal of the column is welcomed and sensitive structural repairs are to be undertaken to the staircase. It is understood that the uppermost flight of the staircase is 20th century as may be some of the treads and risers towards the basement. It is accepted that the plan form of the staircase adheres to the original layout.

#### Shopfront and front lightwell

The building benefits from an historic shopfront, in common with a number of neighbouring properties including No 18. This shopfront originally had a bowed central window bounded on two sides by entrance doors. Although the window frame and doors appear to be non-original 20th century additions, much of the timber structure is of historic value and includes embellishments such as panelled pilasters and carved brackets. The scholarly reinstatement of the bow window is encouraged, possibly copying detail from neighbouring shopfronts.

It would seem that the original front lightwell was covered over, possibly in the later 19th or early 20th century, quite likely with a glass block and concrete platform (the steel supporting structure is still in place). There are traditional metal railings fronting the former lightwell, which appear to be historic and are mentioned in the list description. The NHS erected a metal ramp over the majority of the lightwell. Taking into account the lightwell and boundary treatment guidance (in particular to be found in the Charlotte Street Conservation Area Appraisal and Management Strategy) and the planning history of neighbouring properties (such as No 18), it is considered acceptable to re-open the lightwell to bring light into the basement front room. The success of opening-up works would depend on detailed design and on how the junction between the historic shopfront and the lower level would be treated.

#### Enforcement notice

The enforcement notice which was associated with this site was concerned with alterations to the plan form at first, second and third floor levels along with steel supports to the staircase. Given that the proposed works are considered to address these issues, the enforcement notice will be complied with provided the development proceeds as per the submitted plans.

### **Amenity**

Policy DP26 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity



of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy.

The proposal does not include any extensions to the building and alterations proposed to the front and rear and therefore would not be considered to harm the amenity of the neighbouring occupiers.

### **Mix/standard of accommodation**

The scheme proposes 2 units; 1 x 2 bed flat and 1 x 4 bed maisonette. The recently adopted Fitzrovia Area Action plan places a firm emphasis on the need for 3 bedroom properties or more and a medium priority on 1 and 2 bed flats. Therefore the provision of a 4 bed maisonette is in line with the recently published FAAP and no objection is raised in terms of mix of units.

The new flats would meet/exceed the CPG standards on room sizes. DP6 advises that all new flats should be designed to meet lifetime home standards. It is acknowledged that the building is listed and it is not possible to achieve all of the 16 lifetime homes criteria due to the limitations relating to the physical alterations that can be undertaken. However it is considered that best endeavours have been undertaken to reach as many as possible.

Due to the fact that each flat is generous in size and laid out over at least 2 floors will ensure that adequate levels of daylight and sunlight are received and a daylight/sunlight report confirms this. Outlook from the 2 bedrooms of the 2 bed flat unit at lower ground floor level is limited and the master bedroom window would front onto the back of the pavement wall approximately 1.3m away. However the bedrooms are large and given the spacious living area at ground floor level associated with this flat, poor outlook from the bedrooms it is not considered reason enough to refuse the application.

### **Transport Issues**

#### Cycle parking

Camden's Cycle Storage Standards expect one cycle storage space for a two bedroom flat and two spaces for the 4 bed flat. It would be necessary to provide 3 cycle parking spaces as part of the proposal. This would normally be expected to be provided at ground floor level in a secure covered storage area. Given the physical constraints of the site this is not possible however it is not considered reason enough to refuse the application.

#### Car-free development

The site is located on Cleveland Street within the Fitzrovia area. There is no vehicular access to the site and none is proposed. The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent). In line with policies DP18 and DP19 that seek to reduce car use and the impact of parking, particularly in the Central London Area, the new flats should be made car-free and this will be secured via a Section 106 legal Agreement.

#### Highways contributions

The Council will require a financial contribution for resurfacing the footway adjacent to the site that would be secured by s106 legal agreement. This will mitigate any harm caused to this part of the site during the construction stage and tie the development into the surrounding streetscape.

#### Construction Management Plan

Due to the nature of the works and the fact that they will mostly be internal, it is not considered necessary to secure a CMP in this instance.

### **Other issues**

It is noted that the creation of 2 new residential units will result in the scheme being liable for the Mayor of London's CIL which is chargeable at £50 per sqm. Other matters such as sustainability and borough contributions are not required due to the size of the site.

**Conclusion**

The proposed change of use of the property from D1 to residential is considered to be acceptable and in no way detrimental to the special character of the listed building or to the surrounding area. The proposed flats exceed the standards set out in the London Plan and will benefit from acceptable levels of amenity. The proposal will bring a neglected Grade II listed building back into use and attempts to rectify issues identified in an associated enforcement notice.

**Recommendation:** Grant planning permission subject to conditions and s106 legal agreement.

**DISCLAIMER**

**Decision route to be decided by nominated members on Monday 14th April 2014. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.**

Lipton Plant Architects  
81 - 83 Essex Road  
Islington  
N1 2SFApplication Ref: **2013/7846/P**

09 April 2014

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**Address:  
**16 Cleveland Street**  
**London London**  
**W1T 4HX**Proposal:  
Change of use from community use D1 to C3 residential use (1x4 bed maisonette and 1x2 bed flat).  
**DECISION**

Drawing Nos: Os plan; Existing plans: 336 (1) 0.001 RevC; 0.002 RevC; 0.003 RevC; 0.004 RevC; 0.005 RevC; 0.006 RevC; 0.007 RevC; Proposed plans: 336 (1) 1.001 RevD; 1.002 RevD; 1.003 RevC; 1.004 RevD; 1.005 RevD; 336 (1) 2.001 RevB &amp; 336 (1) 3.001 Rev B; Auction particulars; Letter from Estate agent Bernard Marcus dated 29/11/2013; Email from Peter Morris NHS dated Dec 2013; Daylight Assessment by Twelve16 Design dated Dec 2013; PLanning &amp; Heritage impact Statement by Bell cornwell dated Dec 2013 and Lifetime Homes statement by Lipton Plant Architects dated dec 2013.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Os plan; Existing plans: 336 (1) 0.001 RevC; 0.002 RevC; 0.003 RevC; 0.004 RevC; 0.005 RevC; 0.006 RevC; 0.007 RevC; Proposed plans: 336 (1) 1.001 RevD; 1.002 RevD; 1.003 RevC; 1.004 RevD; 1.005 RevD; 336 (1) 2.001 RevB & 336 (1) 3.001 Rev B; Auction particulars; Letter from Estate agent Bernard Marcus dated 29/11/2013; Email from Peter Morris NHS dated Dec 2013; Daylight Assessment by Twelve16 Design dated Dec 2013; PLanning & Heritage impact Statement by Bell cornwell dated Dec 2013 and Lifetime Homes statement by Lipton Plant Architects dated dec 2013.

Reason:

For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel.

No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

**DRAFT**

**DECISION**



Lipton Plant Architects  
81 - 83 Essex Road  
Islington  
N1 2SFApplication Ref: **2013/7983/L**

09 April 2014

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**Address:  
**16 Cleveland Street**  
**London London**  
**W1T 4HX****DECISION**  
Proposal:  
Works associated with the change of use from community use D1 to C3 residential use (1x3 bed maisonette and 1x2 bed flat).

Drawing Nos: Os plan; Existing plans: 336 (1) 0.001 RevC; 0.002 RevC; 0.003 RevC; 0.004 RevC; 0.005 RevC; 0.006 RevC; 0.007 RevC; Proposed plans: 336 (1) 1.001 RevD; 1.002 RevD; 1.003 RevC; 1.004 RevD; 1.005 RevD; 336 (1) 2.001 RevB &amp; 336 (1) 3.001 Rev B; Auction particulars; Letter from Estate agent Bernard Marcus dated 29/11/2013; Email from Peter Morris NHS dated Dec 2013; Daylight Assessment by Twelve16 Design dated Dec 2013; PLanning &amp; Heritage impact Statement by Bell cornwell dated Dec 2013 and Lifetime Homes statement by Lipton Plant Architects dated dec 2013.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 Detailed annotated drawings in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Details including plans, sections and elevations at 1:10 of all new external joinery including sash windows, new doors and changes to the shopfront.

- b) Details including plans, sections and elevations at 1:20 of the new elements to be introduced to the main staircase through the building, including balustrade detailing showing materials and finishes.

- c) Details including plans, sections and elevations at 1:10 of all new door types to be introduced to the interior of the building.

- d) Details of a method statement of the repairs/reinstatement to all existing fireplaces and surrounds to be retained in situ.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate