

Enforcement Delegated Report

Receipt date:

Officer		Enforcement Case	
Gary Bakall		EN13/0326	
Breach Address		Photos & Other material	
71 Lincoln Inn's Field, London, WC2A 3JF			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
	<i>D. Fleming 23/7/13</i>		<i>S. Bakall 24/7/13</i>

Alleged Breach

Use of first and second floor as short term residential accommodation.

Recommendation(s):	Issue an Enforcement notice requiring use of studio apartments on first and second floor as short term residential accommodation (bread & breakfast) to cease
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Priority:

P3

Site Description

The site is a four-storey plus basement property located on the junction of Twyford Place and Gate Street / Lincoln's Inn Fields. The basement and ground floor are in commercial use. The site is located within the Central London Area, Bloomsbury Conservation Area and on the boundary with Kingsway Conservation Area. To the north-west of the application site is Africa House, a large commercial property undergoing building works. At ground floor level of Africa House, opposite the application site on the junction of Gate Street and Twyford Place, is Shakespeare's Head public house.

Investigation History

EN10/1016-Enforcement notice issued requiring use as short term residential accommodation to cease, notice quashed at appeal because notice did not stipulate on which floors the short term residential accommodation was situated.

Relevant policies / GPDO Category

LDF Core Strategy and Development Policies

CS6 - Providing quality homes

DP2 - Making full use of Camden's capacity for housing

Assessment

Planning history:

2008/4594/P: Change of use from office (Class B1) to restaurant/cafe (Class A3) at basement and ground floors and to residential (Class C3) at first, second and third floors (to create 4 x 1 bedroom self contained flats and 1 x 3 bedroom self contained flat), the erection of a part single part two storey roof extension to create additional floorspace for the proposed third floor flat and installation of a set of doors to the front and side elevation at ground floor level. Refused 01/12/2008

2009/0388/P: Retention of change of use from office (Class B1) to restaurant/cafe (Class A3) at basement and ground floors and associated alterations to entrances and installation of louvered vents at street level in association with an internal kitchen extraction system, plus installation of replacement windows on both ground floor frontages. Granted 21/08/2009

2009/1748/P: Retention of change of use from office (Class B1) to five self-contained residential units (4x1 bed and 1x3 bed) at first, second and third floor level (Class C3); Erection of a mansard roof extension to create additional living accommodation for third floor unit and associated alterations. Granted Subject to a Section 106 Legal Agreement 29/07/2010

Issues:

On the Fleet River Bakery website (the Fleet River Bakery an A3 café operates from the ground floor and is in the same ownership), four rooms are advertised as being for rent on a night by night basis, staff at the bakery admit that the first and second floors are in Bed & Breakfast use. The owner of the property lives on the third floor. The website for the business advertises the Fleet River Rooms as 'a perfect place to stay for a business trip or with a group of friends'. The minimum booking period is a single night. The use of the 1st and 2nd floors as short term accommodation is a change of use which requires planning permission.

Camden's Development Policy DP2 (Making full use of Camden's capacity for housing), seeks to minimise the loss of housing in the borough by protecting permanent housing from conversion to short-stay accommodation intended for occupation for periods of less than 90 days. Given this policy, it is unlikely that permission would be granted for a change of use to short stay accommodation.

The owner originally advised in 2011 that he had originally let all the units as permanent residential accommodation but had stopped after 6 months as both his tenants had moved out due to the noise from the refurbishment of the neighbouring property, Africa House. This property is occupied by a public house at ground floor level with an entrance on Twyford Place. Noise from customers drinking on Twyford Place had caused disturbance to the occupants of the first floor studio flats. It is considered that the issue of noise should be raised with the appropriate Council team (Environmental Health or Licensing). The issue of noise from Africa House would not be considered justification for a change of use from permanent residential accommodation to short stay accommodation.

In light of the above, it is now recommended that an enforcement notice be served to ensure that the unauthorised use ceases.

Recommendation:

That the Head of Legal Services issue an Enforcement Notice under section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under section 178 in order to secure cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

Without Planning Permission:

The unauthorised change of use of first and second floor studio flats from permanent residential accommodation to short-stay 'bed & breakfast' accommodation.

The Notice shall require that, within a period of two months of the Notice taking effect, the use of the studio flats at 1st and 2nd floor level as short stay accommodation shall cease.

Reasons for Issuing the Notice:

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The use of the studio flats at 1st and 2nd floor level as short-stay accommodation, results in a loss of permanent housing in the borough, contrary to policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP2 (Making full use of Camden's capacity for housing) of the London Borough of Camden Local Development Framework Development Policies.

Recommendation:

EnfNoticeServingReason

The notice shall allege the following breaches of planning control:

WHAT ARE YOU REQUIRED TO DO:

PERIOD OF COMPLIANCE:

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE: