

16 April 2015

Our ref JB/SF/S/PLANNING/CS/CS/078888/04

Planning Advice & Information Service
Camden Council
2nd Floor
5 Pancras Square
c/o Town Hall
Judd Street
London
WC1H 9JE

FAO Alex McDougall

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
10 FITZROY SQUARE, FITZROVIA, LONDON, W1T 5HP
20 FITZROY SQUARE, FITZROVIA, LONDON, W1T 6EJ
PLANNING AND LISTED BUILDING CONSENT APPLICATIONS**

We act on behalf of 10 Fitzroy Limited, the owners of No. 20 Fitzroy Square. On behalf of our client, we hereby submit applications for full planning and listed building consent for the change of use of the second and third floors at No. 20 Fitzroy Square from Residential (C3) to Office (B1); and for the change of use of the part-ground and part-first floors of No. 10 Fitzroy Square from Office ancillary (B1) to Residential (C3).

Accordingly, we submit the following plans and information as part of this application:

Application 1 – No. 10 Fitzroy Square – Change of Use from Office ancillary (B1) to Residential (C3)

- Completed Planning Portal application form – ref. PP-04095420;
- Site Location Plan (1:1250)
- General Arrangement Plan - No.10 Ground Floor
- General Arrangement Plan - No.10 First Floor

The requisite application fee of £385 has been paid directly by credit card, via the planning portal.

Application 2 – No. 20 Fitzroy Square – Change of Use from Residential (C3) to Office (B1)

- Completed Planning Portal application form – ref. PP-04093182;
- Site Location Plan (1:1250)
- General Arrangement Plan - No.20 Lower Ground Floor
- General Arrangement Plan - No.20 Ground Floor
- General Arrangement Plan - No.20 First Floor

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- General Arrangement Plan - No.20 Second Floor
- General Arrangement Plan - No.20 Third Floor
- Letter from Roger Mears Architects, dated 18/03/2015
- Letter from 10 Fitzroy Limited, dated 12/03/2015

The requisite application fee of £385 has been paid directly by credit card, via the planning portal.

We set background below by reference to the proposals and planning histories in respect of each application, as well as to the relevant development plan policies in support of our proposals.

Site and Surroundings

No. 10 Fitzroy Square and No. 20 Fitzroy Square are both Grade II* listed buildings, and are situated within the Fitzroy Square Conservation Area. Fitzroy Square is located in close proximity to Warren Street and Great Portland Street London Underground stations, as well as London Euston Railway Station. Fitzroy Square can also be accessed by a number of nearby bus routes including 24 hour services. In this regard, Fitzroy Square has a PTAL rating of 6b which is 'Excellent' in terms of PTAL grading.

The current operative use of No. 10 Fitzroy Square is for office use (B1) throughout the premises, with amenity space ancillary to the main office use located within a later rear addition to the main building at ground and first floors.

The current operative use of No. 20 Fitzroy Square is for office use (B1) at the basement, ground and first floors with a 1 x 1-Bedroom residential maisonette (C3) across second and third floors.

The wider neighbourhood of Fitzroy Square is situated within the Central Activities Zone (CAZ) as defined in the London Plan, as well as the 'Central London Zone' as defined within Camden's adopted development plan, and is in a designated Conservation Area. The square itself is not protected by an employment designation.

The buildings around the square are in a mix of uses, though the predominant uses are residential and office. Around a third of the buildings are in residential use, another third in office use and the remaining buildings range from Sui Generis to Class D1 (Non-residential institutions).

Proposals

The Council's pre-application advice was previously sought in respect of the proposed change of use at the second and third floors of No. 20 Fitzroy Square only. The subsequent written response dated 6th March 2015, reference 2015/0775/PRE, states:

"The proposal is unlikely to be considered acceptable unless a land swap is proposed and secured via legal agreement or it can be adequately demonstrated that the proposal significantly enhances the listed building."

Our client currently provides high quality serviced offices within No. 10 Fitzroy Square and intends to expand their current offer by providing very similar serviced offices within No. 20 Fitzroy Square. Our client is prepared to provide, by way of a land swap for the loss of the residential flat at the second and third floors of No. 20 Fitzroy Square, the provision of a new flat within No. 10 Fitzroy Square. The floorspace within No. 10

Fitzroy Square proposed by way of a land swap for residential use is currently ancillary to the serviced offices at No. 10 Fitzroy Square.

These applications therefore represent an excellent opportunity to rationalise the existing land uses within our client's estate and will contribute towards achieving better quality buildings, and accommodation that better meets the needs of the London Borough of Camden:

Application 1 – No. 10 Fitzroy Square – Change of Use from Office ancillary (B1) to Residential (C3)

The proposal comprises a change of use of the part-ground and part-first floors of No. 10 Fitzroy Square, within a later rear addition to the main property, away from office ancillary (B1) to provide a 1-Bedroom residential maisonette (C3).

Application 2 – No. 20 Fitzroy Square – Change of Use from Residential (C3) to Office (B1)

The proposal comprises a change of use of the second and third floors at No. 20 Fitzroy Square from 1 x 1-Bedroom residential maisonette (C3) to serviced offices (B1), to correspond with the established use throughout the rest of the building.

A summary of the principal land use components and net changes are set out in the table below:

| Land Use | Existing GEA (sq m) | Proposed GEA (sq m) | Net additional GEA (sq m) |
|------------------------------|---------------------|---------------------|---------------------------|
| No. 10 Fitzroy Square | | | |
| Office ancillary (Class B1) | 76.5 | 0 | -76.5 |
| Residential (Class C3) | 0 | 76.5 | +76.5 |
| No. 20 Fitzroy Square | | | |
| Office (Class B1) | 0 | 120.2 | +120.2 |
| Residential (Class C3) | 120.2 | 0 | -120.2 |
| Total | 196.7 | 196.7 | 0 |

The proposed land swap would therefore result in no net loss of dwellings, and only marginal loss of residential floorspace, and would clearly retain the single dwelling within very close proximity of No. 20 Fitzroy Square.

Planning History

Details relating to the planning history for both sites are available to view on Camden Council's planning website. In summary, the following entries for each of the application sites are relevant to the proposed change of use applications.

Application 1 – No. 10 Fitzroy Square – Change of Use from Office ancillary (B1) to Residential (C3)

- **2007/5333/L** – 10 Fitzroy Square - Erection of single-storey glazed extension at rear first floor level to 46 Fitzroy Street and internal alterations to link 46 Fitzroy Street and 10 Fitzroy Square.(Offices B1). **Approved** on 04/01/2008.

- **2007/5332/P** - 10 Fitzroy Square - Erection of single-storey glazed extension at rear first floor level to 46 Fitzroy Street. (Offices). **Application Withdrawn**.
- **M12/29/L/1822** – 10 Fitzroy Square - Internal works to form offices on 3rd floor, construction of new lift shaft and alterations to stairway at 2nd floor level; the demolition and reconstruction and extension of a new 2-storey rear addition for use as a residential flat. **Approved** on 22/12/1977.
- **M12/29/L/25764** – 10 Fitzroy Square - Works of alteration and conversion in connection with the use of the 3rd floor as offices, the erection of a lift shaft and the demolition and reconstruction of a 2-storey back addition for use as a residential flat. **Approved** on 22/12/1977

The planning history for No. 10 Fitzroy Square illustrates that the 2-storey back addition, the subject of this change of use application, was originally erected as a residential space. This space was later reconfigured as a 'staff room' and 'guest room' ancillary to the main office use throughout the rest of the building, as referenced within the approved drawing set associated with application reference 2007/5333/L.

Application 2 – No. 20 Fitzroy Square – Change of Use from Residential (C3) to Office (B1)

- **2013/6307/P** – Change of use from Office (Class B1a) and 1 x 3-Bedroom residential unit (Class C3) to single dwellinghouse (Class C3) – **Application Withdrawn**
- **2013/6316/NEW** – Change of use from Office (Class B1a) to residential (Class C3) to provide a single dwelling house – **Application Withdrawn** on 09/01/2014.
- **LS9805020 & PS9805019** – Change of use of the front basement room and the brick vaults beneath the pavement, from Office (Class B1) and ancillary storage space to use as a 1-Bedroom flat (Class C3), together with internal alterations to the structure of the vaults in connection with the insertion of doorways and external alterations – **Application Refused** on 04/03/1999, and **Dismissed at Appeal** on 07/11/1999.
- **9301528** – Change of use from Offices (Class B1) to Offices (Class B1) with Residential (Class C3) flat on the second and third floors – **Application Withdrawn** on 21/03/1994.
- **9300356** – Certificate of Lawfulness for an Existing Use: Use of basement, ground and first floors as Offices (Class B1) – **Granted** on 30/04/1993.

The most relevant application to the current proposals is application reference 9300356, which permits the use of the building as it exists. This application was a Certificate of Lawfulness for an existing use and was for the use of the basement, ground and first floors of the building as offices within Class B1 of the Town & Country Planning (Use Classes) Order 1987. This application was granted on 30th April 1993.

Prior to this, it is believed that all floors were in residential use. Therefore, the permitted use of the building is office use to the basement, ground and first floors and residential to the second and third floors. This is how the building is currently laid out and in use.

A detailed planning history for the wider Fitzroy Square in respect of change of use applications (1995 to Present) is outlined within our formal request for pre-application advice (reference. JB/SF/S/PLANNING/CS/CS/078888/03).

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2001 and Paragraph 150 of the National Planning Policy Framework (NPPF) state that planning decisions must be taken in accordance with an adopted development plan unless material considerations indicate otherwise.

The statutory development plan for the application sites comprises the Mayor's London Plan (as amended), the Camden Core Strategy (2010), the Camden Development Policies DPD (2010), the Site Allocations DPD (2013), and the Fitzrovia Area Action Plan (2014).

The Council has also produced the Fitzroy Square Conservation Area Appraisal and Management Strategy (2010) as supplementary planning guidance for the area.

At a national level, the NPPF document sets out the Government's planning policies for England and how these are expected to be applied. It summarises in a single document all previous national planning policy advice. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

The relevant policies are summarised below in respect of each change of use application:

Application 1 – No. 10 Fitzroy Square – Change of Use from Office ancillary (B1) to Residential (C3)

National Planning Policy Framework (2012)

Paragraph 50 of the NPPF identifies that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community;
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.

Under paragraph 51 of the NPPF local planning authorities should normally approve planning applications for changes to residential use from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

The London Plan (as amended)

Policy 3.3 (Increasing Housing Supply) states that the annual average target for housing delivery is 32,210 per year across London. The annual average housing provision monitoring target 2011-2021 in respect of new homes for Camden over the ten year period is 6,650 new homes, with an annual monitoring target of 665 new homes.

Paragraph 4.13 states that local plans and strategies should support the conversion of surplus offices to other uses and promote mixed use development in the light of integrated strategic and local studies in office demand.

The Core Strategy (2010)

Policy CS6 (Providing Quality Homes) considers that there is a need to provide high quality housing through maximising the supply of additional housing to meet or exceed Camden's ten year target of 5,950 new homes from 2007-2017 and Camden's annual target 595 new homes. The Council will seek to meet a borough wide affordable housing target of 50% and will seek to create mixed and inclusive communities across Camden.

The Development Plan Policies (2010)

Policy DP2 (Making full use of Camden's Capacity for Housing) considers that the Council will seek to maximise the supply of additional homes in the Borough by *inter alia*:

- a) Expecting the maximum appropriate contribution to supply of housing on sites that are underused or vacant, taking into account any other uses that are needed on the site; and
- b) Resisting alternative development of sites considered particularly suitable for housing.

Supporting paragraph 2.8 specifies that "*housing is regarded as the priority land use of the Local Development Framework*" and that "*the Council will make housing its top priority when considering the future of unused and underused land and buildings*".

Discussion

The proposal is considered to be compliant with the policies of Camden's statutory development plan, which highlights the need to provide high quality housing through maximising the supply of additional housing to meet or exceed Camden's ten year target of 5,950 new homes from 2007-2017. Policy DP2 further specifies that the Council will expect the maximum appropriate contribution to supply of housing on sites that are underused or vacant.

The existing ancillary office accommodation at the rear of No. 10 Fitzroy Square was originally erected as a residential flat under application references M12/29/L/1822 and M12/29/L/25764. Subsequent reconfiguration of the internal spaces has resulted in this demise being used as a 'staff room' and 'guest room' ancillary to the main office use throughout the rest of the building, as referenced within the approved drawing set associated with application reference 2007/5333/L.

This application therefore seeks to reinstate the original use of this demise, and without impacting upon the current level of business activity within the wider property at No. 10 Fitzroy Square. Furthermore, a provision of additional serviced office space is being sought at No. 20 Fitzroy Square (Application 2); allowing for an overall better disposition of land uses and layouts across the *10 Fitzroy Limited Estate*.

Application 2 – No. 20 Fitzroy Square – Change of Use from Class C3 (Residential) to Class B1 (Office)

National Planning Policy Framework (2012)

The NPPF highlights the Government's commitment to securing sustainable economic growth, in part through the planning system. In order to achieve this, the NPPF outlines that local authorities should plan to meet the development needs of business.

The Core Strategy (2010)

Policy CS8 (Promoting a Successful and Inclusive Camden Economy) states that the Council will secure a strong economy in Camden by *inter alia*:

- a) Safeguarding existing employment sites and premises in the borough that meet the needs of modern industry and other employers.
- b) Expect a mix of employment facilities and types including the provision of facilities suitable for small and medium enterprises.

The Development Plan Policies (2010)

Policy DP13 (Employment Sites and Premises) states that the Council will:

“retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless:

- a) It can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and*
- b) There is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.*

Where a change of use has been justified to the Council's satisfaction, we will seek to maintain some business use on site, with a higher priority for retaining flexible space that is suitable for a variety of business uses.

Where it can be demonstrated that a suite 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, except in Hatton Garden where we will expect mixed use developments that include light industrial premises suitable for use as jewellery workshops...”

The Fitzrovia Area Action Plan DPD (2014)

Fitzrovia and the most westerly part of Bloomsbury form an area where an established residential community lives alongside a rich mix of Central London activities including commercial, university and health uses. The Council has subsequently produced an Area Action Plan for the area to deal with the impact of continued development pressure, which is now being further fuelled by the nearby, identified growth areas.

Part four of the Fitzrovia Area Action Plan sets out the Land Use Principles that will steer the Council in managing the activities in the area to achieve its stated Vision and Objectives for Fitzrovia. This includes ensuring growth takes place in a way that strikes an appropriate balance between residential, institutional and commercial uses and addresses the impact of growth on residential amenity.

Principle 4 (Small and Medium Enterprises) states that the Council will support small and medium enterprises (SMEs) by seeking to ensure that where appropriate, existing business premises suitable for SME use are retained, and that new business development is designed flexibly to allow parts of the property to be occupied by SMEs.

The supporting text states that a multitude of small and medium enterprises are a valued part of the character of Fitzrovia, with firms totalling fewer than 200 employees providing jobs for around 60% of the people who work within the area (Source: Annual Business Inquiry, 2003-2008). For such businesses to establish themselves and flourish, the area needs to retain and add to the range of small and medium-sized premises.

The supporting text continues to indicate that across Bloomsbury in the last five years, schemes involving redevelopment or conversion of business premises for housing have produced significant floorspace losses, and the pipeline of schemes awaiting the start or completion of work indicates that this activity will continue. Conversion of business space for housing has been particularly marked in Fitzrovia where relatively un-modernised premises are often the most attractive to small business due to their character, low cost and ease of subdivision, but are often the most vulnerable to residential development. The Council will therefore seek to ensure that stock of business premises is not reduced in a way that would harm business growth in general, and particularly the birth and growth of SMEs.

The Fitzroy Square Conservation Area Appraisal and Management Strategy (2010)

The Council has prepared a Conservation Area Appraisal and Management Strategy to define the special interest of Fitzroy Square in order for its key attributes to be understood and protected, as well as to ensure appropriate enhancement.

Chapter 12 refers to 'current issues' within Fitzroy Square, with paragraph 12.5 having regard to 'changes of use', and this states that in recent years there has been a tendency to bring back townhouse properties converted to other uses to their original single family dwelling function. The Strategy specifies further changes that could impact upon the character of the area, and these include: loss of vitality arising from the loss of a mix of small scale uses and a range of independent businesses including offices, shops and restaurants and local community services; and the development of a uniformity of use that would detract from the variety that characterises the area.

Discussion

In light of the above, it is proposed to create 120.2 sq m GEA of office floorspace at No. 20 Fitzroy Square. Whilst this is also a listed building, it is a more suitable office location than the back addition at No. 10 Fitzroy Square (Application 1). No. 20 Fitzroy Square has larger, more flexible floor plates which are necessary for modern office space. The proposed office space can also be linked to the other office floors located within the building. It is also recognised that there will be an overall uplift in office floorspace of approximately 40 sq m as a result of these proposals.

Whilst we note that the two change of use applications will result in a net loss of residential floorspace, written pre-application advice received from the Council, dated 6th March (reference 2015/0775/PRE) states:

“Unless the building is at risk and the proposal would result in significant sympathetic restoration of the asset, this [promoting use and restoration of the listed building] is unlikely to be considered reason to allow the change of use”.

Our client has commissioned heritage specialists, *Roger Mears Architects*, to advise on the proposed works to renovate No. 20 Fitzroy Square. *Roger Mears Architects* are working closely with the Council's Heritage Officers to ensure that works to No. 20 Fitzroy Square enhance the property in the immediate and long term.

The enclosed letter from our client sets out in detail the considerable extent of work being implemented at No. 20 Fitzroy Square to restore and renovate the property to the highest standards, requiring investment of around £500,000. Revenue from the proposed serviced offices at No. 20 Fitzroy Square is required in order to fully finance this major enhancement and restoration program. In addition, we enclose for your reference a letter from *Roger Mears Architects* confirming the extent of works being implemented to enhance the listed building.

The proposals are otherwise considered to be compliant with the policies of Camden's statutory development plan, which highlights the need for sustainable growth within the borough's most accessible locations. In this regard, the overarching policy theme is one of balancing the needs and requirements of Camden's local population whilst fulfilling the borough's London-wide role of ensuring that development, particularly within the borough's Central London locations, contributes towards London's economic, social and cultural role. Of particular note is Core Strategy Policy CS8 (Promoting a Successful & Inclusive Camden Economy), which states that the Council will promote the provision of permitted office floorspace within the Central London areas of the borough to meet the forecast demand of 615,000 sq m to 2026. The Council will subsequently support Camden's existing industries by expecting a mix of employment facilities and types, including the provision of facilities suitable for small and medium sized enterprises.

The challenge of providing such a mix of employment facilities and types to enable this growth is particularly evident in Fitzrovia, where the conversion of business space for housing has been prevalent in recent years and has led to significant losses of office floorspace. As noted within the Fitzrovia Area Action Plan (2014), premises such as those found in Fitzroy Square are often the most attractive to small business due to their character, low cost and ease of subdivision; but are often the most vulnerable to residential development. This has led to patterns of increasing uniformity of land use within areas such as Fitzroy Square, where the loss of variety and vitality detracts from the character that often defines an affected area and neighbourhood; a significant threat as identified within the Conservation Area Appraisal and Management Strategy for Fitzroy Square (2010), as well as illustrated within our own initial research of Fitzroy Square's recent planning history.

Conclusion

Further to receiving the Council's written pre-application advice, we can confirm that a land swap can be provided in this case. The land swap would comprise the re-provision of a single flat currently provided within No. 20 Fitzroy Square as a replacement flat within No. 10 Fitzroy Square; a space that was originally erected for residential use.

The proposed change of use of the second and third floors of No. 20 Fitzroy Square, along with the renovation and restoration of the entirety of No. 20 Fitzroy Square as serviced offices, will provide significant enhancement to an important heritage asset. Provision of serviced offices at No. 20 Fitzroy Square will allow for the expansion of the existing high quality serviced offices currently provided at No. 10 Fitzroy Square. The proposal will therefore contribute towards the ongoing vitality and viability if the mixed use area at Fitzroy Square and its surrounds.

CAPITA

I trust that the pre application pack is of assistance in your consideration of the proposals and look forward to receiving the Borough Council's advice, including your confirmation of what supporting information should be provided with the application for validation purposes. Should you wish to visit the premises or have any queries or wish to discuss any aspect in the meantime, please contact either myself or David Maxwell of this office.

Yours faithfully

Jamie Bryant

JAMIE BRYANT

Enc

CC John Statham 10 Fitzroy Limited
David Maxwell Capita