

Delegated Report		Analysis sheet		Expiry Date:		09/11/2015	
		N/A / attached		Consultation Expiry Date:		22/10/2015	
Officer				Application Number(s)			
Shane O'Donnell				2015/5169/P			
Application Address				Drawing Numbers			
Museum House 23-26 Museum Street London WC1A 1JT				E1-002, P0-001, E1-103, E3-100, P1-000, P1-102, P1-103, Design and Access Statement.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of part second and all of the third floor from Class B1 (office) use to Class C3 (residential) use creating 3 two bedroom apartments.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	87	No. of responses	00	No. of objections	00	
			No. electronic	00			
Summary of consultation responses:		N.A.					
Bloomsbury CAAC		N.A					

Site Description

The application site is an end of terrace five-storey plus basement building on the west side of museum street at the junction with Little Russell Street. The building is located within the Bloomsbury Conservation Area and within the Central London Area and is listed as a positive contributor to the area by the Bloomsbury Conservation Appraisal and Management Strategy. The ground floor of the building is occupied by a variety of commercial uses: hairdresser, estate agent, gift shop, café. Part of the first floor is in residential use but the remaining of the first floor and floors second to fourth have most recently been office use. However there are recent planning approvals listed below in the 'Relevant History' section that apply to these offices but are largely unimplemented.

Relevant History

23-26 Museum Street (Application Site)

2014/4117/P: *'Erection of a 5th floor roof extension for use as a self-contained flat (Class C3) with roof terrace and cycle storage at lower ground floor.'*

Approved 11/03/2015 – permission extant

2013/7239/P: *'Change of use of part of the first floor from offices (Class B1) to one self-contained residential flat' (Class C3).*

Approved 29/10/2014

2013/4368/P: *'Partial change of use from office (Class B1a) to residential (Class C3) at fourth floor and part second floor levels to provide 3 x 2 bedroom flats, and change of use of an office at lower ground floor level for use as a bike store.'*

Approved 15/10/2013 – permission extant

22896: *'The conversion of Suite 3 on the first floor into two self-contained flats'*

Approved 17/09/1976

21828 *'The change of use including works of conversion of a residential apartment to consulting room and bed-sitter for caretaker.'*

Appeal Dismissed 26/08/1976

Surrounding Development

37 Museum Street

2014/6799/P: *'Conversion of second and third floor office space (B1) within No 37 Museum Street to a self-contained 2 bedroom flat (C3) and internal alterations associated with the change of use.'*

Approved 28/10/2015

28 Museum Street

2011/6466/P: *'Change of use of first, second and third floors from office (Class B1) to 1 x 2 bed maisonette (Class C3), formation of a terrace at rear 1st floor level, and formation of a terrace at roof level with installation of decking and balustrading at front and rear.'*

Approved 16/02/2012

Relevant policies

National Planning Policy Framework 2012

National Planning Practice Guidance

London Plan 2015 Consolidated with Alterations Since 2011

Camden LDF Core Strategy 2010

CS1 - Distribution of growth
CS5 - Managing the impact of growth and development
CS6 - Providing quality homes
CS8 – Promoting a successful and inclusive Camden economy
CS9 – Achieving a successful Central London
CS14 – Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP 2 – Making full use of Camden's capacity for housing
DP13 – Employment premises and sites (paragraphs 13.3, 13.5)
DP18 – Parking standards and limiting the availability of car parking
DP24 -- Securing High Quality Design
DP25 – Conserving Camden's Heritage
DP26 -- Managing the impact of development on occupiers and neighbours

Camden Planning Guidance

CPG 5 Town centres, retail and employment (paragraphs 7.1 - 7.5) (Sept 2013)
CPG 2 Housing (July 2015)

Bloomsbury Conservation Area Statement (April 2011, Page 51)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the change of use of part of the second and all of the third floors from Class use B1 (office) to Class use C3 (residential) creating 3 x two bedroom apartments.

1.2 The part second floor proposed to be converted is currently occupied by a solicitor's firm while the entire third floor to be converted to residential is occupied by a separate solicitor's firm. The proposed second floor conversion would complete the conversion of this floor to residential approved under planning application 2013/4368/P. The apartments would be accessed by the existing ground entrance and communal staircase. No external physical changes are part of this current proposal.

2.0 Considerations:

The principal considerations material to the determination of this application are summarised as follows:

- Land Use
- Residential Development Standards
- Neighbouring amenity.
- Transport
- Impact on the Character of the Area and the Bloomsbury Conservation Area.
- Affordable Housing

3.0 Land Use

3.1 The current use of the application site is class use B1 (office) currently occupied by a pair of solicitor's firms. The proposed use is residential and under Development Policy DP2, the 'council seeks to maximise the supply of homes' as priority however paragraph 2.8 of Development Policy DP2 also states 'this priority does not override, but will be considered alongside, the need to protect some non-residential uses; to promote the national and international roles of Central London; and the need for development to respect the characteristics of the area and the site or property'.

3.2 The proposed development would result in the loss of office space. Policy DP13 of the Camden Core Strategy and Development Management Policies states that: 'The Council will resist a change to a non-business 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.'

Paragraph 7.4 of CPG5 (town centres, retail, and employment) of the Camden Planning Guidance also lists the considerations when converting office space to non-business use:

- the criteria listed in paragraph 13.3 of policy DP13 of the Camden Development Policies;
- the age of the premises. Some older premises may be more suitable to conversion;
- whether the premises include features required by tenants seeking modern office accommodation;
- the quality of the premises and whether it is purpose built accommodation. Poor quality premises that require significant investment to bring up to modern standards may be suitable for conversion;
- whether there are existing tenants in the building, and whether these tenants intend to relocate; the location of

the premises and evidence of demand for office space in this location; and

- whether the premises currently provide accommodation for small and medium businesses.

3.3 It is put forward by the applicant that the current office layout with its cellular design, shared aspect with residential, lack of DDA compliance, and lack of modern specifications is unsuitable for modern office use and undesirable by potential commercial tenants of the property, demonstrated by the current tenants' intention to vacate. A letter has been provided by commercial property agents asserting that the 'prospect of achieving worthwhile lettings is extremely remote' because of issues with the premises such as 'poor specification' and 'lack of Disability Discrimination Act compliance'. The letter also refers to the availability of nearby offices and a list of nearby vacant properties is also provided.

3.4 It is considered that the existing layout and facilities of the premises is in need of updating for modern office purposes and at present may no longer be suitable for its existing business use. However, Policy DP 13 requires demonstration that the continued use of the premises by way of refurbishment or through alternative business has been fully explored before the Council can support the loss of a business use. Paragraph 13.5 of Policy DP 13 states that where a change of use to a non-business use is proposed then 'the applicant must submit evidence of a thorough marketing exercise, sustained over at least two years. The property should be marketed at realistic prices, including management of the space by specialist third party providers'. Interest or lack of interest should be demonstrated and interest not pursued should be explained. An effort shall be made to consider SME use (that do not necessarily require new office accommodation and would seek small sites close to London's CAZ). It is considered in this case that insufficient evidence has been provided to demonstrate the infeasibility of continued business use on site.

3.5 The applicant has also referred to recent approvals part of 23-26 Museum Street 2013/7239/P and 2014/4117/P along with the nearby 37 Museum Street 2014/6799/P where similar levels of marketing research were submitted. In the case of 37 Museum Street, the building is Grade 2 listed which would unreasonably increase the cost of refurbishment to accommodate contemporary tenants. The reports of the previous approvals on site 2013/7239/P and 2014/4117/P noted the continued office use to remain on site which this current proposal would largely extinguish. In the recent appeal decision relating to 61-65 Charlotte St (APP/X5120/A/13/2198656), the Inspectorate upheld the Council's judgement that it had not been satisfactorily demonstrated that the floorspace was no longer suitable for continued business use.

3.6 Paragraph 22 of the NPPF states that policies should avoid the long term protection of sites allocated for employment use only 'where there is no reasonable prospect of a site being used for that purpose'. In this case, a sustained marketing exercise has not been undertaken nor has it been demonstrated that a continued business use is not feasible. As such, the applicant has not justified the loss of employment floorspace and hence the proposal would be contrary to policies CS8, DP13 and CPG5.

4.0 Residential Development Standards

4.1 Development Policy DP 26 (h) states that we will require development to provide an acceptable standard of accommodation in terms on internal arrangement, dwelling and room sizes and amenity space.

4.2 The proposed 2 bedroom unit at second floor level would have floorspace of 99m² and comprises of a kitchen/living room, 2 ensuite bedrooms, utility room and the sizes and general layout of the habitable rooms are in compliance with CPG guidelines and the DCLG 'Technical Housing Standards'. The proposed habitable rooms would have adequate day/sunlight and ventilation

4.3 The two proposed 2 bedroom units at third floor level would have floorspaces of 123m³ and 99m² and would also comprise of kitchen/living room, 2 bedrooms, study or utility room. The sizes and general layout are in compliance with Chapter 2 of the CPG guidelines and the DCLG 'Technical Housing Standards'. The proposed habitable rooms would have adequate ventilation, day/sunlight, good outlook and are dual aspect..

4.4 In terms of residential standards, the proposed units are considered acceptable

5.0 Neighbouring Amenity

5.1 Council LDF Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of the development is fully considered. Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents

5.2 The proposed residential units are above ground and first floor level and create overlooking views of the public realm along Museum Street and Little Russell Street and to the rear service area of attached buildings. Except for bathroom windows of the proposed 2 bed third floor apartment facing onto an internal lightwell that would need to be obscure glazed to preserve the privacy and amenity of the adjoining proposed third floor apartment, the proposed development would not create harmful overlooking views, impact detrimentally on the light of neighbouring dwellings or other neighbouring amenities.

6.0 Transport

6.1 The proposal includes provision for cycle parking spaces in accordance with Development Policy DP18 (Paragraphs 18.12 and 18.13) and the minimum requirements of the London Plan. These cycle parking spaces would be provided at basement level. It would preferable that the access to these spaces would be step free however it is accepted that this may not be possible in the case of the current building given the commercial ground floor uses.

6.2. The LDF policy DP 18 states that car-free should not only be sought for housing but also for developments in general and in particular areas of high public transport accessibility. The application site has a Public Transport Accessibility Level (PTAL) score of 6a which indicates that it has a high level of accessibility by public transport in a Central London location. Hence, in this case, the proposed residential units will be designated as car free and the occupants will be unable to obtain parking permits from the Council. This would need to be secured by means of a Section 106 Agreement. In the absence of an acceptable scheme, the lack of a s106 for car-free development forms a reason for refusal of the application.

7.0 Impact on the Character of the Area and the Bloomsbury Conservation Area.

7.1 The proposed development would not involve any external alterations to the host building and hence would not have a detrimental impact on the character of the host building or be out of keeping with the Bloomsbury Conservation Area.

8.0 Affordable Housing

8.1 The planning permission 2013/4368/P for *'Partial change of use from office (Class B1a) to residential (Class C3) at fourth floor and part second floor levels to provide 3 x 2 bedroom flats, and change of use of an office at lower ground floor level for use as a bike store'* noted within the associated Section 106 Agreement that should the proposed development and any 'subsequent development' of the building result in residential

floorspace greater than 1000m² then the overall development may result in an affordable housing contribution.

It is considered that taking into account subsequent relevant approvals and supposing the approval of the current scheme, the floor space converted to residential would amount to 920m² and hence approval of this scheme would not trigger an affordable housing contribution.

9.0 Recommendation

9.1 Refuse Planning Permission.