

Delegated Report		Analysis sheet		Expiry Date:		11/12/2015	
		N/A / attached		Consultation Expiry Date:		10/12/2015	
Officer				Application Number(s)			
Ian Gracie				2015/5856/P & 2015/5855/L			
Application Address				Drawing Numbers			
30 Museum Street London WC1A 1LH				See Decision Notices			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of first, second and third floors from office (Class B1) to 1 x 3-bed unit (Class C3) and associated internal and alterations to rear.							
Recommendation(s):		Granted Subject to Section 106 Legal Agreement & Grant Listed Building Consent					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	08	No. of responses	01	No. of objections	01
				No. Electronic	01		
Summary of consultation responses:		Site notice displayed from 13/11/2015 until 04/12/2015 Press notice displayed from 19/11/2015 until 10/12/2015 No responses were received from members of the public.					
CAAC/Local groups* comments: *Please Specify		<u>Bloomsbury Conservation Area Advisory Committee</u> <i>"We object to this application on grounds of loss of office space in this important part of the conservation area dedicated to individual businesses."</i>					

Site Description

The building is Grade II listed and is located within the Bloomsbury Conservation Area. It dates from 1855-64 and forms part of a wider group of 7 terraced houses on the west side of Museum Street. It is 4 storeys high plus basement, 3 bays wide and has a stucco façade decorated with embellishments including moulded window surrounds, dentilled cornices, architraved oculi and quoins. The layout is almost entirely in its original form.

Relevant History

30 Museum Street (application site)

153479 – Use of the premises known as No. 30, Museum Street, Holborn, for the sale and storage of publication and permits the erection of a small lavatory addition at the rear of the second storey of the premises – **Granted 30 November 1938.**

28 Museum Street

2011/5016/P - Change of use of the 1st to 3rd floors from offices (Class B1) to 1x4 bed maisonette (Class C3), replacement of a window with door to the rear elevation in association with the installation of new balustrade and planters to form an external terrace at rear 1st floor level, the use of existing flat roof as roof terrace with associated works and alterations to fenestration on front and rear elevations. – **Refused 20 December 2011.**

2011/5020/L - Change of use of the 1st to 3rd floors from offices (Class B1) to 1x4 bed maisonette (Class C3), the relocation of existing stairs to the rear of the building, replacement of a window with door to the rear elevation in association with the installation of new balustrade and planters to form an external terrace at rear 1st floor level, the use of existing flat roof as roof terrace with associated works and alterations to fenestration on front and rear elevations and associated internal alterations. – **Refused 20 December 2011.**

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. – **Granted Subject to a Section 106 Legal Agreement 16 February 2012.**

“...the applicant has provided commentary in respect of the unit being vacant since October 2010 (14 months) and outlining why the premises is no longer suitable for continued business use (conditions, listed nature, incompatibility with other business uses) and a schedule of other nearby premises being available in the local area. On balance the level of information is considered to be sufficient to justify the principle of the loss of office accommodation at the site in line with CS8 and DP13.”

2012/0260/L - Internal and external alterations in association with the change of use of first, second and third floors from office (Class B1) to 1 x 2 bed maisonette (Class C3), including the 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. – **Granted 16 February 2012.**

Relevant policies

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16 (2) of the act states:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Section 66 (1) and (2) of the act states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provisions of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

Section 72 of the act refers to conservation areas part (1) which states:

In the exercise, with respect to any buildings or other land in a conservation area, of any [F1functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or

enhancing the character or appearance of that area.

The subsections impose a duty on the local Planning Authority that must be fulfilled. This is given considerable weight and importance.

National Planning Policy Framework (2012)

Paragraphs 14, 17, 56-66, 128, 129, and 134.

London Plan (March 2015) Consolidated with Alterations Since 2011

Policy 3.3 – Increasing housing supply

Policy 3.5 – Quality and Design of Housing Developments

Policy 4.2 – Offices

Policy 6.13 – Parking

Policy 7.4 – Local Character

Policy 7.6 – Architecture

Policy 7.8 – Heritage Assets and Archaeology

Local Development Framework

Core Strategy (November 2011)

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS8 – Promoting a successful and inclusive Camden economy;

CS11 – Promoting sustainable and efficient travel

CS14 – Promoting high quality places and conserving our heritage

Development Policies (November 2011)

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

DP5 – Homes of different sizes

DP13 – Employment sites and premises

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

Supplementary Guidance

CPG 1 – Design (2014)

CPG 2 – Housing (2015)

CPG 5 – Town centres, Retail and Employment (2013) – Section 7

CPG 6 – Amenity (2011)

Bloomsbury Conservation Area Appraisal and Management Strategy (April 2011)

Assessment

1. Proposal

1.1 The applicant seeks planning permission for the:

“Change of use of first, second and third floors from office (Class B1) to 1 x 3-bed unit (Class C3) and associated internal and alterations to rear.”

1.2 The principal considerations associated with this case are:

- Principle of change of use;
- Quality of residential accommodation;
- Design and heritage;
- Transport; and
- Amenity.

2. Use Class

2.1 The applicant has applied to change the use of the upper floors of the application site from B1 to C3. It is considered that the basement and first to third floors of the building support the A1 function of the ground floor gallery space. The basement provides storage space whilst the upper floors provide the office space and assembly areas for the employees to use to support the ground floor A1 function. The upper floors of the building are considered as employment space.

3. Principle of change of use

Loss of employment space

3.1 Policy DP13 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:

- *It can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; **and** (see below)*

3.2 The upper floors of 30 Museum Street have historically been used to support the gallery on the ground floor, since 1987, in the form of office space and areas for the preparation of artwork for the gallery demonstrating that the entirety of the building has been in business use since this time.

3.3 No explanation has been provided as to why the upper floors are no longer suitable for continued business use, which it has been successfully been operating as for at least the last 30 years other than to note that this floorspace is no longer required by the existing tenant. Neither has an explanation been provided as to why the floorspace on the upper floors could not be self-contained in the same manner in which the residential unit is self-contained as part of this proposal. It is considered that if the same internal alterations were made to self-contain the upper floors of the

3.4 No explanation has been provided as to how the floorspace is not suitable for business use in terms of its layout or modern specifications. Also, other than the argument that the upper floors are not currently self-contained, there is a lack of information explaining how the floorspace is unsuitable for other potential tenants. It is considered that the size of the floorspace is such that it could be attractive to SMEs but no information has been forthcoming which rules out the possibility of the site being suitable for such organisations.

3.5 It has not been demonstrated to the Council's satisfaction that the application site is no longer suitable for its existing business use in accordance with policy DP13 of Camden's Local Development Framework. As such, it is considered that the loss of employment floorspace in this location is considered unacceptable.

- *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.*

3.6 Paragraph 13.5 of Policy DP13 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”*. As identified above, the site has been in continuous business use for at least the last 30 years. The applicant has therefore not been able to supply the requisite marketing exercise for the upper floors of the property. No evidence has therefore been forthcoming to meet the policy requirement as set out within policy DP13.

3.7 With regards to supplying the evidence of exploring the possibility of retaining, reusing or redeveloping the site for alternative business purposes, none has been forthcoming. It is considered that the proposed partition walls at

ground floor level, in order to self-contain the residential unit on the upper floors, could also be used to provide self-contained office space in order to maintain the site's business use. As such, it is considered that there is unsatisfactory evidence to justify the proposed residential use as required by policy DP13 of Camden's Local Development Framework.

- 3.8 The applicant has provided a survey of the available office space within 1 mile of the application site in increments of a quarter of a mile, half a mile, and a mile of the application site. This identifies that there is a considerable amount of office space available in the local area at present. However, whilst this is helpful in understanding the current availability of office space locally, it does not provide evidence that the possibility of retaining, reusing or redeveloping the site for a similar or alternative business use has been fully explored over an appropriate period of time.
- 3.9 It is therefore considered that insufficient evidence has been provided to demonstrate the possibility of reusing the site for alternative business use has been explored over an appropriate period of time which is contrary to policy DP13 of Camden's Local Development Framework.

Creation of a C3 unit

- 3.10 Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. Whilst the proposed 3-bedroom 6-person unit is only considered a 'medium' priority in the Dwelling Size Priorities Table as set out within policy DP5, it is considered that the provision of such a unit on this site would be appropriate. As such the provision of residential accommodation on this site is compliant with policies CS6 and DP2 as long as it meets the Council's residential development standards and does not harm local amenity. However, it is recognised that the initial loss of employment floorspace at this location is unacceptable and has not been fully justified.

4. Quality of residential accommodation

- 4.1 Paragraph 26.11 of policy DP26 states that the size of a dwelling and its rooms, as well as its layout, will have an impact on the amenity of its occupiers. As such, new residential units must comply with the national technical housing standards.
- 4.2 In the technical requirements, criteria (i) states that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. The table below compares the proposed floorspace for each respective unit against the current national space standards.

Proposed Unit	Proposed floorspace (sqm)	Required floorspace (sqm)
3b6p	140	108

- 4.3 In light of the comparison with the national residential space standards, it is considered that the proposed 3-bedroom 6-person is considered an acceptable size. As such, the proposed unit is considered to comply with the requirements of policies CS5 and DP26.

5. Design and Heritage

- 5.1 Policy DP24 requires development proposals to consider the character setting, context and the form and scale of neighbouring buildings as well as the character and proportions of the existing buildings where (such as this case) alterations and extensions are proposed.
- 5.2 With regards to conservation areas, policy DP25 states that the council will only permit development with conservation areas that preserves and enhances the character and appearance of the area. In terms of listed buildings, the council will only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building.
- 5.3 The works would allow the upgrading of the property for modern day living standards whilst the retaining the character, layout and fabric and features of interest thus preserving the significance of the late Georgian building.
- 5.4 The key issues to consider in this instance is how the services required for residential accommodation – fire upgrading, sound upgrading measures, kitchens, bathrooms and importantly their associated extract and waste pipes would affect the building's structure, character and layout. The creation of a door to the existing flat roof is also a key consideration.
- 5.5 The scheme has adequately demonstrated the elements set out above can be accommodated with no harm being caused to the building.
- 5.6 The layout would only be affected by the creation of a new partition at 2nd floor level to provide a family bathroom. Partitions in the location shown are typical in building of this age and as such its insertion would not conflict with the

historic layout.

- 5.7 The application has demonstrated that the position of the kitchen and sanitary ware would not disrupt the features of the building and the waste can be extracted without harm to the fabric or visual appearance of the interior.
- 5.8 There would be a requirement to fire line the ground floor section of the staircase to provide adequate separation between the retail unit and new dwelling. This would cause some harm but the impact is off-set by the removal of the existing partitioning to the staircase at 2nd floor level. As such this element of the work has a neutral impact.
- 5.9 The design of the proposed new rear access door to the terrace has been revised during the course of the application. Access to the terrace now incorporates the retained original rear sash window. The brick spandrel below the window would be replaced with openable timber spandrel to match. The terrace would be accessed by opening the spandrel and sliding the lower pane upward. This would retain the sash window and thus preserve this feature of interest whilst allowing access to the terrace. The proposed solar panel at roof level is located in a sufficiently visually restricted area so as not to adversely impact the character of the listed building and is therefore considered acceptable.
- 5.10 For the reasons set out above the proposal would satisfactorily preserve the significance of the grade II listed building and comply with section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as policy DP25 of Camden's Local Development Framework.

6. Transport

- 6.1 The site has a Public Transport Accessibility Level (PTAL) of 6b (Best). The site is within walking distance of both Underground and rail stations and is served by a number of bus routes and is within a Controlled Parking Zone (CPZ). It is likely that the new residential flats would increase demand for on-street parking in the Controlled Parking Zone therefore it is recommended that the development should be made car-free via a Section 106 agreement. The Applicant has agreed to enter into a S106 legal agreement on this basis. This is in line with policy DP18 and the London Plan.

7. Amenity

- 7.1 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity which includes visual privacy and overlooking, and overshadowing and outlook.
- 7.2 It is considered that the proposal will not give rise to any amenity concerns to adjoining neighbours and occupiers. Whilst the roof would be used for amenity purposes, the walls are sufficiently high enough to prevent any opportunity for overlooking.
- 7.3 As such it is considered that the proposal is in accordance with policies CS5 and DP26 of Camden Council's Local Development Framework Core Strategy and Development Policies documents.

8. Conclusion

- 8.1 The lack of demonstration that the site is no longer suitable for business use and the lack marketing evidence demonstrating a full exploration of retaining the unit for continued business use is contrary to policies CS8, DP13 of Camden's Local Development Framework and paragraph 7.18 of CPG5. As such, the proposed loss of employment floorspace in this location is considered unacceptable.
- 8.2 The proposed alterations to the site are considered acceptable and are considered to comply with section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as policy DP25 of Camden's Local Development Framework.

9. Recommendation

- 9.1 Refuse Planning Permission
- 9.2 Grant Listed Building Consent.