

Delegated Report		Analysis sheet		Expiry Date:	25/10/2013
(Members Briefing)		N/A		Consultation Expiry Date:	30/10/2013
Officer			Application Number(s)		
Gideon Whittingham			2013/4980/P		
Application Address			Drawing Numbers		
10 Gate Street London WC2			Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
The erection of a seven storey rear extension on Little Turnstile and mansard roof extension in association with change of use of office (B1a) and restaurant (A3) to residential 2 x 1 bedroom unit and 2x2 bedroom unit (C3) and flexible A1/A3 use at lower ground and ground floor level.					
Recommendation(s):		Granted Subject to a Section 106 Legal Agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	101	No. of responses	06	No. of objections	04
			No. of comments	02		
Summary of consultation responses:	<p>A site notice was displayed from 11/09/2013 and a public notice was published in the Ham & High from 19/09/2013.</p> <p>A summary of the notification of the application and comments/objections received from No.42 Earlham Street, No.6 Little Turnstile and Nos. 10 and 12 Gate Street is as follows:</p> <ul style="list-style-type: none"> • Loss of small business users (Section 2) • Limited supply of similar small business accommodation within locality (Section 2) • Residential use shouldnot take priority from business accommodation in this location (Section 2 - paragraph 2.10) • Residential use unsuitable in this location (Section 2 - paragraph 2.10) • Proposed residential units shouldbe soundproof given the surrounding commercial context (Section 6 - paragraph 6.5) • Concern of possible end user of commercial premises (Section 3 paragraph 3.3) 					
CAAC/Local groups comments:	<p>The Garden Community Association (CGCA) were consulted and raised no objection. The CGCA welcomes the addition of residential units at this location.</p> <p>The Bloomsbury CAAC raised objection: 'There is no justification for the additional height on the building'</p> <p>English Heritage (GLAAS - Archaeology) concluded that although the site lies within an archaeological priority area there is no archaeological interest due to the fact that the groundworks are small-scale.</p>					

Site Description

The application site is located at the north east corner of Gate Street, at the junction with Little Turnstile. The site adjoins No.8 Gate Street and No.6 Little Turnstile/242-246 High Holborn to the east.

The application building is a six storey building (plus basement), comprising a restaurant (Class A3) at basement, ground and first floor level and office accommodation (Class B1a) at second, third, fourth and fifth floor levels.

The predominant character of the surrounding area is, like the application site, commercial in nature.

The application building is not listed, nor the adjacent/adjoining buildings, but it is located within the Bloomsbury Conservation Area.

The application building is located within the High Holborn Central London frontage and the Archaeological Priority Area.

Relevant History

Applications for the change of use from offices to residential use within WC2A:

Approved:

2012/1844/P - No.6 Gate Street: (Granted 27/06/2013) - Change of use from legal chambers (Class B1a) to residential use (Class C3) to create 2 x one bedroom units at first and second floor levels and installation of a new entrance door at ground floor level.

2005/1765/P- 2 - 2A Gate Street (Granted 11/08/2005) Change of use from offices (Class B1) to 3 self-contained flats (Class C3) at 1st, 2nd & 3rd floor levels; new windows to Whetstone Park elevation.

2012/1176/P - 20-23 Lincoln's Inn Fields (Granted 03/05/2012) Change of use of ancillary plant room to office building (Class B1) to residential (Class C3) to create 1x1 bed self-contained flat at roof level, with associated single storey extension at roof level, provision of external terrace, reconfiguration of existing external staircase and associated works.

Refused:

2008/4594/P - 71 Lincoln's Inn Fields - 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 - due (inter alia) to a lack of marketing evidence within any details outlining potential costs, set against the potential yields of a refurbished office.

2005/3402/P - 67-69 Lincolns Inn Fields (Refused 10/11/2005) - Change of use of existing offices (B1) to a restaurant and retail premises (A3) at the basement and ground floors, associated alterations to the interior/exterior including new entrances and windows at ground floor level along Remnant Street, Gate Street and the corner of the building, together with uplighting to statues at first floor level, and the installation of mechanical plant to the rear and on the roof. (Refused 10/11/2005 - due (inter alia) to the change of use of the office building to a restaurant/shop, and its concomitant enlargement of the windows, new signage, canopy and lighting, which would have altered the character of this corner of Lincoln's Inn Fields. The refusal therefore related to the character of the building/area as a result of the elevational alterations, rather than the loss of existing office

accommodation. An appeal was subsequently dismissed.

2013/0014/P - 61-65 Charlotte Street (Refused 7 March 2013) - Creation of retail unit for composite A1/A3 use (Sui Generis) at ground floor level of Nos. 61 and 63 and basement level of Nos. 61, 63 and 65 Charlotte Street; three residential units (2 x 2 bed and 1 x 3 bed) on the upper floors of Nos 61 and 63; new residential entrance at 61. External alterations including new shopfronts to Nos. 61-65; flat roof to existing patio area, gangway platform and handrail, exhaust duct, and plant to rear. Appeal Dismissed 21 November 2013.

Relevant policies

National and Regional Policy

National Planning Policy Framework 2012

London Plan 2011

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS9 (Achieving a successful Central London)

CS10 (Supporting community facilities and services)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change and promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS16 (Improving Camden's health and well-being)

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP12 (Supporting strong centres)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and the availability of car parking)

DP19 (Managing the impact of parking)

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP32 (Air quality and Camden's Clear Zone)

Camden Planning Guidance 2011/2013:

CPG1 Design

CPG2 Housing

CPG3 Sustainability

CPG5 Town Centres, Retail and Employment

CPG6 Amenity

CPG7 Transport

CPG8 Planning Obligations

Bloomsbury Conservation Area Statement/Bloomsbury Conservation Area Appraisal & Management Strategy (2011)

Assessment

Background:

- Notwithstanding section 2, the following report has previously been put before Members' Briefing on 4th and 18th of November 2013.
- On the 4th November Members (Cllrs Vincent and Rea) queried, amongst others issues, the submitted marketing evidence, the loss and impact of business accommodation, the materials of the lift shaft proposed and noise impact on locality.
- As a result, the report was revised. Further clarification and assessment from the Economic Development Team and Environmental Health was sought and discussed in the body of the revised report for Members' Briefing on 18th November.
- On the 18th November Members (Cllrs Vincent and Rea) sought, amongst other issues, clarification and officer assessment of marketing evidence, particularly given the view held by the Inspector of 61-65 Charlotte Street (see relevant history) namely:

'I consider that evidence from some marketing of the office space to be necessary to identify the extent of demand and thus the strength of any economic argument against a change of use. It would inform an assessment of whether the loss of the office space could be justified through weighing the effect of such loss against such relevant material considerations including the Council's aim of maximising the supply of additional housing. The submitted claims regarding demand and the lists of alternative accommodation available, whilst establishing that there is other office accommodation available in the area, do not establish that there is no commercial demand for the office space offered by the appeal premises. They do not amount to a satisfactory substitute for evidence from the premises being marketed, and no marketing has been carried out. Accordingly, I conclude that a convincing case to justify the proposal, notwithstanding the lack of a satisfactory demonstration that the upper floorspace is no longer suitable for continued office use, has been made.'

- In light of this view, the applicant was requested to instruct a further marketing exercise to establish the commercial demand for the office space were it upgraded to meet modern day standards. This submission was again assessed by the Economic Development Team and is specifically addressed in section 2 of the main report.

1. Proposal:

1.1 The application as originally submitted proposed the change of use of the upper floors to 4 x 1-bed and 1 x 2-bed.

1.2 The application was amended so that it provided a further 2-bed (duplex) instead of 2 x 1-beds, making the proposed mix 2 x 1-bed and 2 x 2-beds. Further marketing evidence and design alterations were also made upon officer request.

1.3 The application therefore now proposes:

- The erection of a seven storey brick faced rear extension on to Little Turnstile.
- A mansard roof extension at main roof level
- The change of use of office (B1a- 208m²) and Restaurant (A3- 172m) at upper floor levels to residential for 2x1 bedroom units and 2x2 bedroom units (C3)
- The change of use of the existing restaurant (A3) located at basement and ground floor level to flexible A1/A3 use (110m²)

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

follows:

- Land use - Loss of office (B1a) and restaurant (class A3) accommodation
- Provision and quality of residential accommodation
- Design related issues/townscape
- Adjacent residential amenity
- Transport, access and parking
- S106 / Other Matters
- Community Infrastructure Levy (CIL)

2. Land use - Loss of office (B1a) accommodation

2.1 The site provides approximately 208sqm of office accommodation; consequently the proposal would result in the loss of employment floorspace, which is considered on the basis of policies CS8 and DP13.

2.2 In assessment of Policy DP13, the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business 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
- 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.

2.3 In line with the above policy DP13, the applicant submitted a marketing assessment for the office accommodation, prepared by Savills, detailing the nature of the present accommodation, the prohibitive refurbishment costs associated with upgrading the accommodation, together with occupancy levels in recent years.

2.4 A further marketing exercise was undertaken between 13th February 2014 and 12th March 2014 to establish the commercial demand for the office space were it upgraded to meet modern day standards. This was in response to the Inspectors' view held at 61-65 Charlotte Street (see relevant history).

2.5 The following approach was therefore undertaken:

- Analysis of existing requirements for commercial office space in the area, in order to assess whether the building matches any such demand.
- Production of marketing particulars detailing the buildings location, amenities, specification and financial outgoings which would be used to circulate to the market and downloaded from websites.
- Website advertising of details of the Property on FOCUS, Showcase, EGi and Savills website.
- Listing of the Property in the Commercial Property Register and the London Office Guide, and respective websites. The registers are sent to approximately 10,000 occupiers in the UK.

2.6 With regard to parts a and b of DP13:

- The second, third, fourth and fifth floor level is currently let on a floor by floor basis to four separate tenants, three of which are on three year repairing and insuring tenancies, with one tenant occupying under a five year tenancy. The leases expire in March and September 2015.
- The average office rent at the property is approximately £10/ sqm. Office accommodation of a similar standard (Grade B) would be around approximately £19 - £25/ sqm. The relatively low rent is due in large part to the quality of accommodation provided.
- Access to the property is via a narrow pedestrian passage to the rear of the building, with a single stairway leading up to the upper floors. Secondary access can however be gained at first floor level through the restaurant. The existing six storey (plus basement) building does not feature a lift. This arrangement represents an unsuitable arrangement in terms of access within

limited opportunity for security measures.

- In terms of office accommodation, the units do not have raised flooring, and there is no air conditioning or double glazing, offering limited flexibility for heating and cooling. The internal arrangement is compromised by pillars which limits the opportunity for further subdivision. Given the constraints of the site and access arrangement, the property also has no facility for bike storage or showers.
- The constraints upon internal and external access, as well as the quality of accommodation provide are significant factor which attribute the low rents for office accommodation at this property.
- The applicant has stated that the cost of refurbishment would be prohibitive, particularly given the cost of works and maximum rent achievable would be limited to approximately £16/ sqm due to fundamental issues in terms of structure, space and configuration.
- Whilst the market for small units on short, flexible leases at below market rent is likely to remain, the current and potential refurbishment alternative would not be financially viable or sustainable strategy.

2.7 With particular regard to parts a and b of DP13 and the submitted marketing evidence, throughout the duration of the marketing period, interest from three parties was received and summarised below:

- Work Pad Group – Looking throughout the market for space in which to operate a serviced office operation on monthly licenses. For the right sort of space they might consider reasonable lease length but with break options, however in our opinion the low spec of existing building, lack of reception, lack of lift and small quantum of space is likely to mean it is commercially unviable as serviced offices. Irrespective of this, they are a new business with no covenant, guarantee or track record and would not represent an acceptable commercial risk to an owner of the building.
- Undisclosed – Company looking for media style space, preferably on single floor to ensure line of sight between employees. They have since re-gearred their lease at their current location.
- Chris McGuigan – Private start up looking for flexible 3 month rolling breaks. However they have discounted 10 Gate Street on the grounds that the small floorplates would mean their requirement would mean splitting across two floors. They have found alternative accommodation elsewhere on a single floor.

2.8 The additional marketing exercise suggests that there is negligible market demand from credible parties for occupation of the building in either an existing or a refurbished capacity at a realistic rental level. This view is supported by officers in the Council's Economic Development Team.

2.9 Whilst it is acknowledged that the existing commercial units have tenants, this is a result of relatively low rental costs, due primarily to a poorly arranged building, its internal configuration and the lack of a lift. As per small, CPG5 (Town Centres, Retail and Employment), the site is therefore recognised as category 3 accommodation, insofar as it is isolated, with poor access - narrow streets, small doors, steps, no goods lifts and little or no space for servicing. Rented at a loss, the rental increase incurred by refurbishment as demonstrated in the submitted marketing evidence, would deter a significant number of potential tenants.

2.10 In overall terms and in mind of the Inspector's view held at 61-65 Charlotte Street, it is considered by both officers of the Planning and the Economic Development Team, that the applicant has provided sufficient evidence to meet and comply with the policy requirements of CS8, DP13 and CPG5.

2.11 Given that the loss of Class B1 is considered to have been justified in policy terms, and given the existing use of upper floors at the adjacent buildings for residential accommodation, namely Nos.2-2A, 4, 8, 12 and 14 Gate Street, the proposed use is considered appropriate and consistent with the immediate area, in line with DP13, CS6 and DP2.

3. Land use - Loss of restaurant (A3) accommodation

3.1 With regard to the Holborn Central London frontage, CPG5 adopts the approach whereby planning permission will not be granted for changes of use which results in retail uses falling below 50% of the total units in each individual frontage and not more than 25% in food, drink and entertainment use. This should however be borne in mind that guidelines are to be treated as such and that the key aim of policies CS7 and CS9 is not to harm the character and function of Central London's commercial heart.

3.2 In this instance, the basement and ground floor level accommodation would be retained (subject to paragraph 6.16), whilst the first floor level accommodation (non-designated frontage) and 9sqm of Holborn Central London frontage at ground floor level would be lost. Within this context, it would be difficult to argue that the loss of the commercial frontage and non-designated floorspace above would impact detrimentally the character and function of the area. The proposed change of use, therefore, is in these respects considered acceptable.

3.3 An alternate use of shop/restaurant (Class A1/A3) has been specified at the restaurant (Class A3). LDF Policy context aside, under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) a change of use from restaurant (Class A3) to retail (A1), is a permitted change of use that does not require planning permission. It is considered neither necessary nor reasonable to impose a condition requiring the restaurant remains within the A3 use class.

4. Provision and quality of residential accommodation

4.1 The proposal would provide 2 x 1 bedroom units and 2 x 2 bedroom units for residential (class C3) accommodation of 307m².

4.2 The 1 bedroom units would be capable of accommodating 2 persons, whilst the 2 bedroom units would be capable of accommodating 4 persons. In each instance the flats would meet the minimum floorspace requirements according to the CPG standards.

4.3 In accordance with Policy CS6, the Council would also expect at least 40% of market housing to provide two bedroom units. The proposal would therefore comply with LDF policies in this instance.

4.4 The applicant has submitted a Lifetime Homes statement identifying design features which would maximise accessibility and the site/building's constraints. The proposal largely complies with the Lifetime Homes criteria, particularly given the introduction of a lift, however the constraints of the site, in particular the inability to provide a parking space in close proximity to the site, restrict compliance with, inter alia, criteria Nos.1 and 2. In the context of those constraints, it is considered that the proposal adequately meets all applicable standards and is therefore in accordance with policy DP6.

4.5 Although each of the flats would feature windows on both the south and west elevation, given the tight arrangement of the site and proximity to No.12 Gate Street and 7-8 Little Turnstile (approximately 2-3m), the proposed units (at first and second) will, for all intense purposes would be single aspect. The north elevation services the stair/lift core, whilst the east elevation adjoins No.8 Gate Street and No.6 Little Turnstile/242-246 High Holborn.

4.6 All habitable rooms should have minimum headroom of 2.3m. The exceptions are habitable rooms in existing basements, which may have 2.1m headroom. In this instance all flats would comply.

4.7 Within this context and given the constraints of the site, it is considered that each of the proposed units would provide a satisfactory standard of living accommodation, two of which would be of high priority to Camden's housing stock.

5.Design related issues/townscape

5.1 The existing north elevation apex already tapers to a narrow point within the narrow Little Turnstile Lane leading from Gate Street to High Holborn. The unusual arrangement of the site has a particularly a Dickensian feel, created by the unusual shape and individuality of the Victorian facades, positioned within a street pattern of interesting passages and views. For these reasons the building contributes positively to the character and appearance of this very tight knit part of central London.

5.2 The proposed scheme is considered to retain this intrinsic character and appearance whilst adding accommodation and improving the access to the building.

5.3 The lift shaft would be clad in brickwork to match the existing building. The extension would retain the form of the building as well as the interest to the passage without compromising the ability to walk through the busy lane. The extension would include small windows to the north elevation of the façade adding interest in a similar manner to the existing fenestration arrangement to this façade.

5.4 The mansard roof would add a visible floor to the building. However the mansard has been designed to relate to the architectural style and proportions of the façade below. Moreover the existing building is unusually tall. As a result the mansard features a pitch of 74 degrees (contrary to mansard guidance within CPG1). This mansard roof would only reinforce the elegance of the building and provide greater interest completing the terminating of the vista along Gate Street facing north from Lincolns Inn Fields. The building would remain a consistent height with neighbouring and adjacent building and would not be higher or feel out of place in this regard.

5.5 The existing commercial frontage (including entrance cladding) comprises a faux spread panel of timber painted openings, with a small stall riser and glazing above. Given this type of detailing would be more characteristic of a retail unit, as opposed to a restaurant, the alteration of this element is considered appropriate. The proposal would retain the opening and materials but remove the stall riser in place of glazing without harm to the character and appearance of the building.

5.6 In terms of detailed design, the proposed roof, rear extension and elevational alterations to the shopfront (including wooden clad entrance) in respect of size, scale and materials proposed is considered appropriate to the character and appearance of the main building.

6. Adjacent residential amenity

Privacy / Outlook

6.1 The majority of neighbouring buildings are in commercial use with very few buildings at upper floor level in residential use. The proposal would not result in the significant addition of windows (and their sizes) to the north and east elevation. The existing windows along the northern elevation, albeit amended in terms of size, would service the lift/stair core. Along the west elevation existing openings are to be used for habitable accommodation. Although this may result in overlooking with No.12 Gate Street, this is acknowledged as an existing mutual condition, albeit of a differing use.

Sunlight / Daylight

6.2 The Council will carefully assess proposals that have the potential to reduce daylight and sunlight levels for existing and future occupiers. The applicant has submitted a daylight and sunlight report following the methodology set out in the by the Building Research Establishment's (BRE) guidelines, namely "Site layout planning for daylight and sunlight: A guide to good practice (2011), in accordance with CPG6 (Amenity).

6.3 The report includes calculations of predicted daylight and sunlight levels enjoyed by the occupiers of the surrounding buildings to demonstrate compliance with the Council's standards and BRE guidelines in terms of any significant loss of day/sunlight.

Noise

6.4 The applicant has also submitted an acoustic report and background noise survey related to the plant unit and extract duct (running vertically along the proposed stair core) associated with the commercial use at lower ground and ground floor level, with includes calculations of predicted noise levels to support compliance with the Council's standards. This element shall be subject to the standard recommended condition regulating odour, noise and vibration level.

6.5 With regard to noise from the commercial/entertainment uses in from the surrounding buildings/area, Gate Street is characterised by a mix of uses, both residential and commercial in nature, alongside late night entertainment. Whilst Nos.2-2A, 4, 8, 12 and 14 Gate Street are in residential use, these are located at upper floor levels, with the commercial below, as in this instance. Given the potential late night noise disturbance from the surrounding uses and the restaurant below, sound insulation measures for the residential units shall be secured by way of a condition.

7. Transport, access and parking

Car-free development

7.1 The application site is located within the Central London Area with easy access to shops and services. The site has a PTAL of 6b (excellent), which indicates that it has an excellent level of accessibility by public transport. In accordance with Policies DP18 and DP19, the 4 new residential units should therefore be made car-free, secured by a Section 106 planning obligation. The applicant has accepted the principle of the car-free housing and payment of the Council's legal fees.

Cycle parking

7.2 The applicant has provided 5 cycle storage spaces located at ground floor level, compliant with guidance forming part of CPG 7 (transport). The layout and number of cycle spaces shall be secured by way of a condition.

Service Management Plan

7.3 As an end user of the commercial premises has not been ascertained, a Service Management Plan shall be secured by a Section 106 planning obligation to minimise vehicle/servicing impacts on the amenity of local residents.

Construction Management Plan

7.4 Policy DP21 seeks to protect the safety and operation of the highway network and for some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via a Section 106 Agreement. This site is located in a very busy area of the Central London road network, set within a narrow space of road and access restrictions.

7.5 A draft CMP has been provided in support of this planning application demonstrating that the applicant is willing and able to complete the details once a contractor has been brought on board. The information would need to be submitted and local residents consulted on plans before this CMP can be agreed. It is therefore recommended that the submission of the CMP is secured by a Section 106 agreement.

8. Community Infrastructure Levy

8.1 The proposal will be liable for the Mayor of London's CIL Based on the Mayor's CIL charging schedule and the information given on the plans the charge is likely to be £1,850 (37sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, or and indexation in line with the construction costs index.