

<b>Address:</b>	23 Monmouth Street London WC2H 9DD		<b>9</b>
<b>Application Number:</b>	2015/1533/P	<b>Officer: Mandeep Chaggar</b>	
<b>Ward:</b>	Holborn & Covent Garden		
<b>Date Received:</b>	16/03/2015		
<b>Proposal: Change of use of the second and third floor from office (Class B1(a)) to residential (Class C3) to form a two-bedroom duplex unit.</b>			
<b>Background Papers, Supporting Documents and Drawing Numbers:</b> 22621-01 rev.A, 22621-P01 rev.B, Site Location Plan			
<b>RECOMMENDATION SUMMARY: Grant Conditional Planning Permission Subject to a Section 106 Legal Agreement</b>			
<b>Related Application Date of Application:</b>	1 Fielding Court 28 Earlham Street London WC2H 9LN		<b>10</b>
<b>Application Number:</b>	2015/1534/P		
<b>Proposal: Change of use of the ground floor from residential (Class C3) to office (Class B1(a)) in association with a land use swap at 23 Monmouth Street.</b>			
<b>Background Papers, Supporting Documents and Drawing Numbers:</b> Site Location Plan, 22409-01 rev.A, 22409-P01 rev.B.			
<b>RECOMMENDATION SUMMARY: Grant Conditional Planning Permission Subject to a Section 106 Legal Agreement</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Shaftesbury Covent Garden Limited c/o Agent		Rolfe Judd Planning [P5787] Old Church Court Claylands Road London SW8 1NZ	

### ANALYSIS INFORMATION

Land Use Details:				
	Use Class	Use Description	23 Monmouth Street Floorspace	1 Fielding Court Floorspace
Existing	B1a Business - Office		120.1m <sup>2</sup>	51.4 m <sup>2</sup>
Proposed	C3 Dwelling House		120.1m <sup>2</sup>	51.4 m <sup>2</sup>

**Residential Use Details:**

	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>	1								
Proposed	<i>Flat/Maisonette</i>		1							

**Parking Details:**

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0

## OFFICERS' REPORT

**Reason for Referral to Committee:** This application is reported to Committee because it involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 which does not allow for an exemption from the scheme of delegation (part vi).

### 1. SITES

#### 1.1 23 Monmouth Street

1.2 The site is located on the eastern side of Monmouth Street, within the popular mixed use area of Seven Dials. The building currently comprises of office accommodation (Class B1) at first, second and third floor and retail (Class A1) at basement and ground. The existing office accommodation at second and third floor has an existing terrace area surrounded by railings.

1.2 The existing office unit at 23 Monmouth Street accommodation is currently vacant and being marketed for new tenants.

1.3 The site is not statutorily listed, however is located within the Seven Dials (Covent Garden) Conservation Area.

#### 1.4 1 Fielding Court

1.5 The application site is located within the modern 1980's mixed use building of Fielding Court; situated on the corner junction of Seven Dials, Monmouth Street and Earham Street. The site, Flat 1 Fielding Court, is located towards the rear of the building at ground floor presenting onto the narrow pedestrian passageway of Tower Court. The building comprises a ground plus four upper floors. The application site, Flat 1 Fielding Court, is currently a 1-bed residential unit.

1.6 The site is currently vacant and lies in Seven Dials (Covent Garden) Conservation Area and is located in an archaeological priority area.

### 2. THE PROPOSAL

#### 2.1 23 Monmouth Street

2.2 This planning application seeks a change of use of the second and third floor at 23 Monmouth Street from existing Class B1(a) office accommodation to Class C3 residential use to form a new two-bedroom duplex unit with private amenity space to the rear. The first floor will remain as office accommodation Class B1(a).

2.3 The application is in conjunction with a change of use from Class C3 residential to Class B1(a) office at ground floor level at 1 Fielding Court. The proposed land use swap will result in the relocation of an existing one bedroom ground floor flat at 1 Fielding Court to the second and third floor of 23 Monmouth Street to provide a larger, two bedroom duplex flat.

- 2.3 The proposed residential duplex will be formed across the second and third floor of 23 Monmouth Street. The second floor will provide living quarter with living space fronting Monmouth Street and separate kitchen and dining area towards the rear, with direct access onto an existing terrace. The third floor will provide two double bedrooms. The rear bedroom will have access onto an existing terrace deck.
- 2.4 The applicant has included the second floor to provide adequate residential space which conforms to the minimum space standards, while also providing an additional second bedroom to meet Camden's policy preference for two-bedroom units. The swap in land uses will result in an increase of residential floor space of 61.3 square metres and a decrease of office space of 45.5 square metres.
- 2.5 No external alterations are proposed as part of this application.

2.6 1 Fielding Court

- 2.7 Planning permission is sought to change the use of the existing ground floor residential (Class C3) unit to office (Class B1). The application is in conjunction with a change of use from Class B1(a) office to residential Class C3 at 23 Monmouth Street. The proposed land use swap will result in the relocation of an existing one bedroom ground floor flat at 1 Fielding Court to the second and third floor of 23 Monmouth Street to provide a larger, two bedroom duplex flat.

3. **RELEVANT HISTORY**

- 3.1 23 Monmouth Street (2010/0645/P) - Flexible use of the first floor for either Offices (Class B1) or retail (Class A1). Granted planning permission on 01/04/2010.
- 3.2 1 Fielding Court (2014/5187/P) - Creation of external doorway to new plant room and creation of a new residential window. Granted permission on 26.09.2014.

4. **CONSULTATIONS**

Site notices were displayed from 07/04/2015 until 28/04/2015 and published in the Ham & High from 09/04/2015 until 30/04/2015 for both planning applications.

**Conservation Area Advisory Committee**

- 4.1 Covent Garden Community Association – No objection for both planning applications.

**Adjoining Occupiers**

<i>Number of letters sent</i>	24
<i>Total number of responses received</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

4.2 Neighbouring properties were consulted on 31.03.2015. No responses received.

## 5. **POLICIES**

### 5.1 **National Planning Policy Framework (NPPF) 2012**

### 5.2 **London Plan 2015**

### 5.3 **LDF Core Strategy and Development Policies 2010**

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)

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)

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

#### **Camden Planning Guidance 2011/2013:**

CPG1 Design

CPG2 Housing

CPG3 Sustainability

CPG5 Town Centres, Retail and Employment

CPG6 Amenity

CPG7 Transport

CPG8 Planning Obligations

#### **Seven Dials Estate Conservation Area Appraisal & Management Strategy (1988)**

## 6. **ASSESSMENT**

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

- Principle of change of use
- Residential standards / quality of new residential units;
- Impact on amenity;
- Design
- Transport issues;

## 7. **Principle of change of use**

### 7.1 Office to residential use

- 7.2 Policy CS8 seeks to safeguard premises that meet the needs of modern industry/ employers and seek provision of facilities for small & medium sized enterprises (SMEs) such as managed affordable workspaces.
- 7.3 Policy DP13 focuses upon ensuring a ready supply of premises suitable for a range of business uses including light industry (B1c), general industry (B2) and warehouse storage (B8). However the policy may allow for changes of use from B1 business use to permanent residential or community uses where it can be demonstrated that the buildings are not suitable for any business use other than B1(a) offices. CPG5 provides a checklist of considerations on whether only a B1(a) use is practical, this includes an assessment of: a) the age of the premises; b) features for modern accommodation; c) quality / purpose built; d) existing tenants relocating; e) location / demand in location; f) small and medium business accommodation. Should this checklist be met, then marketing of such B1(c) floorspace is not required.
- 7.4 The proposal will seek the conversion of existing office accommodation, which is not considered to be of high quality. The conversion will allow for the provision of a high quality two bedroom duplex across the second and third floor. As this application forms part of a land use swap, the existing office accommodation will not be lost but relocated within the existing ground floor unit of 1 Fielding Court, which is recognised as being a more suitable location while providing an active daytime frontage.
- 7.4 The proposal will result in a reduction in overall office floor space (approximately 45.5 sqm), however this is considered acceptable through the significant improvement of an existing poor residential unit, which is a priority. Furthermore, as the first floor of 23 Monmouth Street would be retained as office accommodation, there would effectively be the creation of two separate office units (one unit at 23 Monmouth Street measuring 76.3 sq.m and one unit at 1 Fielding Court) which would be smaller than the existing and therefore more affordable to start-up and medium sized businesses.
- 7.5 The proposal would therefore be in accordance with local policy CS8 – Promoting a successful and inclusive Camden economy, and DP13 – Employment premises and sites.
- 7.6 The proposed change of use in association with the land use swap with 1 Fielding Court would further involve a net increase in the amount of residential floor space across the local area of Seven Dials. The existing unit is located at ground floor within a secluded location at the rear of Tower Court which is often affected by vagrancy and anti-social behaviour late at night. The applicant therefore seeks to relocate the existing one bedroom unit at 1 Fielding Court to 23 Monmouth Street. The proposed residential unit at 23 Monmouth Street will provide a net increase of residential floor space.
- 7.7 Residential is regarded as the priority land use for Camden. It is therefore considered that the net loss of office floor space, in order to increase residential floor space, is supported by Council Policy (Core Strategy CS6 and Development

Policy DP2). The change of use will result in the gaining of a two bed unit at the expense of a poor, undersized one bedroom unit. The Council state that for market housing two bedroom units are of the highest priority dwelling size whilst 1 bedroom units are of a lower priority.

### Residential to office use

- 7.8 The proposed change of use would involve the loss of a residential unit at ground floor with a floor space of around 42.7 square metres.
- 7.9 Core Strategy policy CS6 identifies that the Council seeks to maximise the supply of homes and minimise their loss, as housing is considered to be a priority land use of the Camden Local Development Framework. Policy DP2 states that *“The Council will seek to minimise the loss of housing in the borough by: protecting residential uses from development that would involve a net loss of residential floorspace”*.
- 7.10 The application at Fielding Court proposes a loss of residential floorspace which would normally be resisted under policy DP2. However the application forms one half of a pair of applications which would ensure that overall there would be no net loss of residential floorspace. In order to ensure that this is the case a land use swap would be secured by s106 legal agreement, requiring the completion of the new residential proposals prior to occupation of the office proposals.
- 7.11 The proposed land use swap would also result in a reduction in net office floor space (approximately 45.5 sqm), however this is considered acceptable through the significant improvement of an existing undersized and poor residential unit at 1 Fielding Court. The application site would be better suited to an office use rather than residential, which would be located on ground floor with poor outlook, direct access onto Tower Court which is dark and poorly lit with a pub opposite and not particularly safe at night for residents. However, an office would be in use during the daytime and provide natural surveillance to the site.

## **8. Residential standards / quality of new residential units**

- 8.1 The proposed flat is in excess of the minimum sizes for dwellings as outlined in the Camden Planning Guidance, which states 75sq.m for a two bedroom, four person flat. Two bed flats are dual aspect and have double bedrooms and large open plan siting/dining /kitchen rooms. Together with an internal floorspace of 104sq.m, amenity space and suitable internal floors to ceiling heights the residential layout is compliant with CPG guidelines.

## **9. Impact on amenity**

### 23 Monmouth Street

- 9.1 There would be no external alterations as part of this proposal. The existing windows of the host building are orientated due west, east and south and the proposed windows orientated due south. Neighbouring buildings are a mix of residential and business use. Neither the existing or proposed windows would cause harm through loss of privacy owing to no direct views between existing or

proposed windows and those adjacent. Similarly there is no issue with respect to the loss of natural sunlight/daylight. Neither would there be any overlooking from the neighbouring buildings.

- 9.2 The proposed residential accommodation at no.23 Monmouth Street is over an existing retail shop. The hours of operation is considered to be conducive to residential development and therefore it is considered that the residential development would not suffer any adverse impact by virtue of noise nuisance. It is considered that the proposal would not give rise to an unacceptable level of noise given the proposed nature of the use.
- 9.3 The residential unit is dual aspect and have views to the front and rear. A satisfactory level of natural sunlight and daylight as well as natural ventilation has been provided. The size of the proposed units complies with the Council's residential development standards and a satisfactory level of residential amenity has been provided.

### 1 Fielding Court

- 9.4 Under planning guidance CPG 6, all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life of existing and future occupiers and neighbours by only granting permission for those developments that would not have a harmful impact on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.
- 9.5 The proposed office use would be located on the ground floor with a mix of residential and commercial properties nearby. However this close relationship is not unusual. Office uses are not normally associated with anti-social behaviour, loud noise or other issues that may have a significant impact on residential amenity.
- 9.6 As there are no significant building works proposed the development will also not have a negative impact on visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels. The proposed use therefore complies with policy.

## 10. **Design**

- 10.1 There are no external alterations proposed for both planning applications. The provision of a new A/C plant room and new window at 1 Fielding Court were previously approved under planning permission 2014/5187/P on 26<sup>th</sup> September 2014.

## 11. **Transport issues**

- 11.1 23 Monmouth Street has a Public Transport Accessibility Level (PTAL) of 6b (excellent) and therefore has excellent access to public transport. In line with policies DP18 and DP19 that seek to reduce car use and the impact of parking, the



new residential unit should be made car-free and this will be secured via a Section 106 legal Agreement.

## 12. CONCLUSION

- 12.1 The proposed change of use in association with a land use swap will provide a net increase in residential floor space by providing a high-priority two bedroom unit in place of the existing one bedroom unit at Fielding Court. Although the proposal will result in a minor loss of office floor space, a high quality residential unit will be provided and it is considered that the proposal would allow for the provision of two separate affordable business units to exist; one at 1 Fielding Court and one at 23 Monmouth Street at first floor level. The proposal is therefore considered to be supportive of local employment and housing policy.
- 12.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Land use swap
  - Car free for 23 Monmouth Street

## 13. LEGAL COMMENTS

- 13.1 Members are referred to the note from the Legal Division at the start of the Agenda.

Condition(s) and Reason(s): **2015/1533/P**

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website

<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 6 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

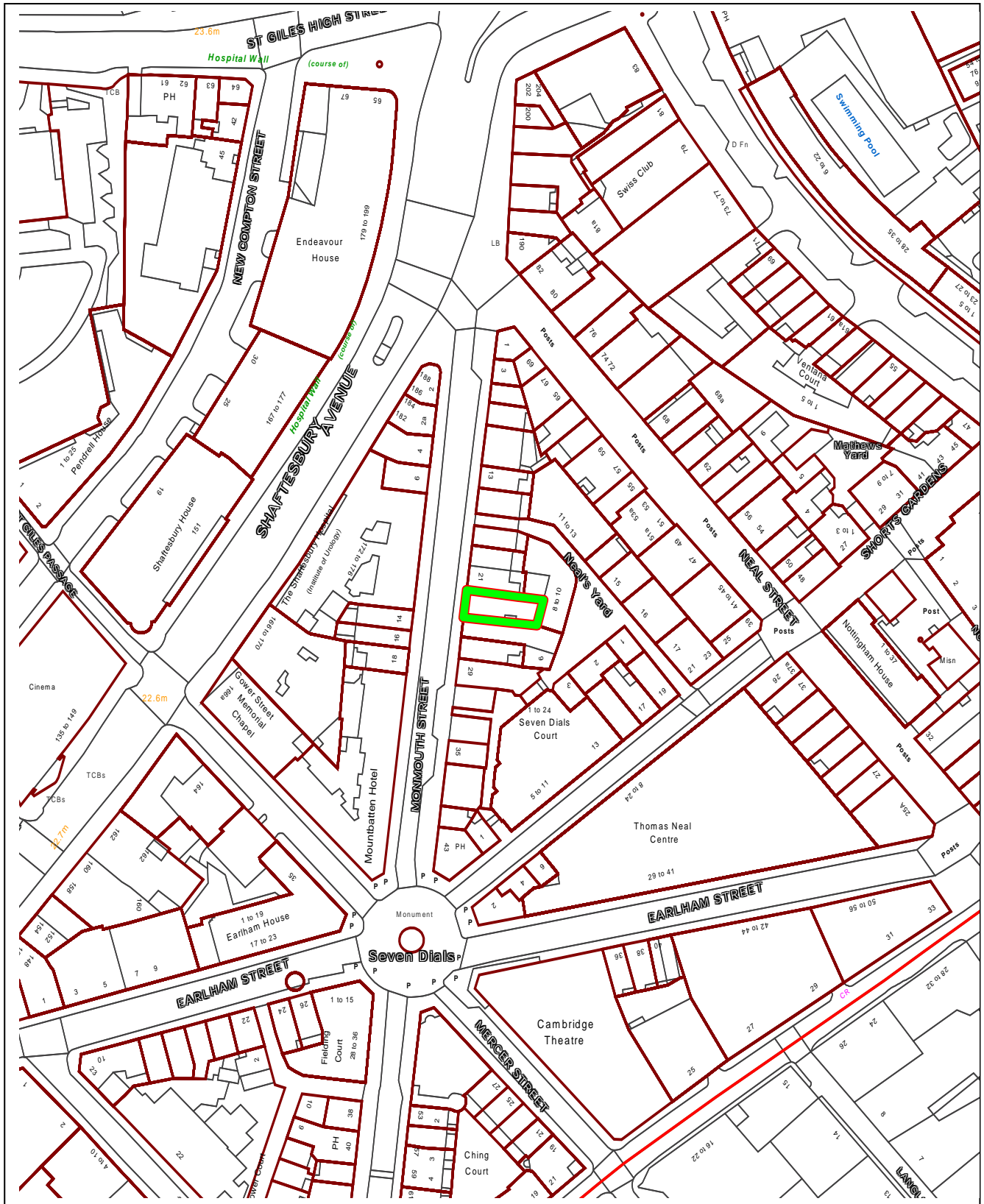
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**Application No: 2015/1533/P & 2015/1534/P**

**23 Monmouth Street  
London  
WC2H 9DD**

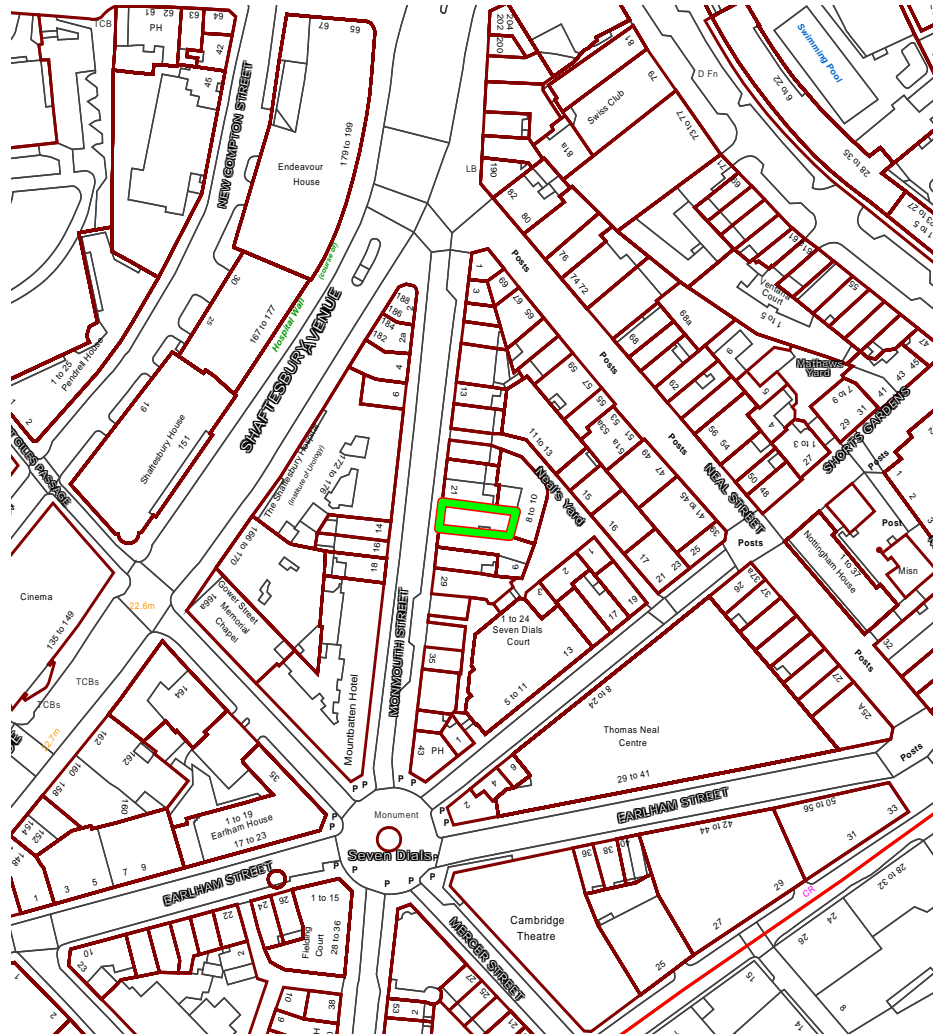
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# 23 Monmouth Street

OS Plan



# 23 Monmouth Street

Front elevation



# 23 Monmouth Street

Rear elevation



# 23 Monmouth Street

View from rear balcony





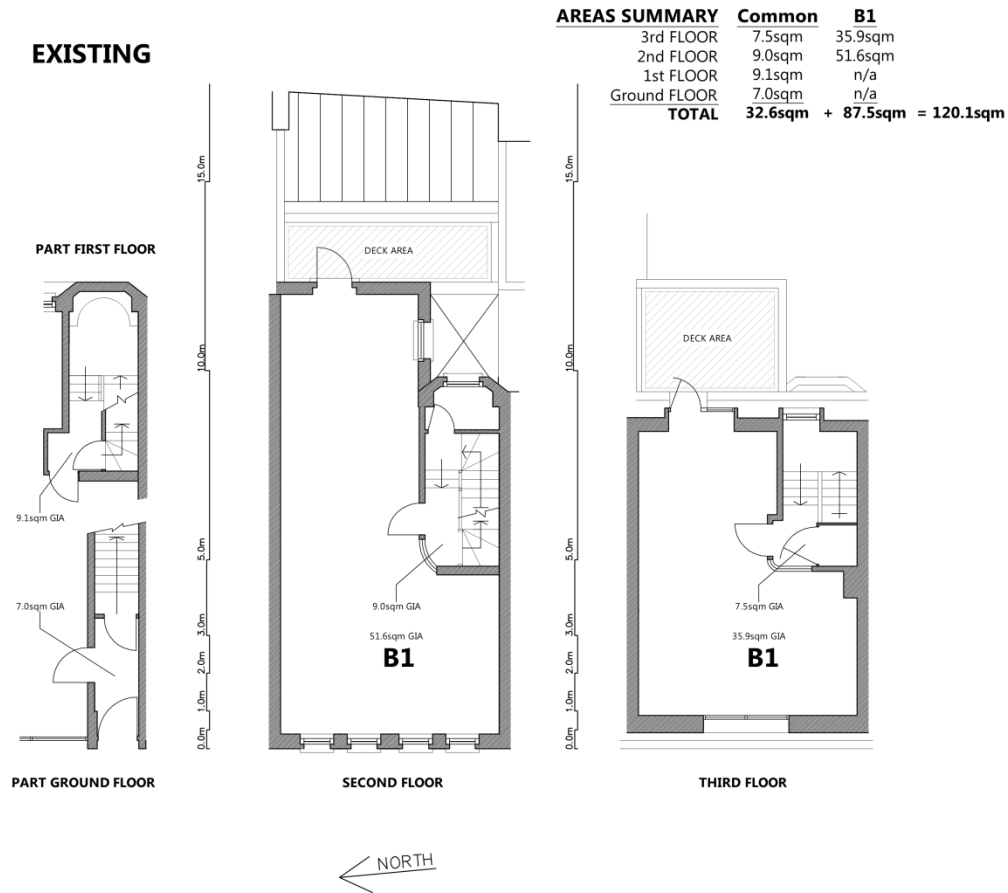
# 23 Monmouth Street

Existing office



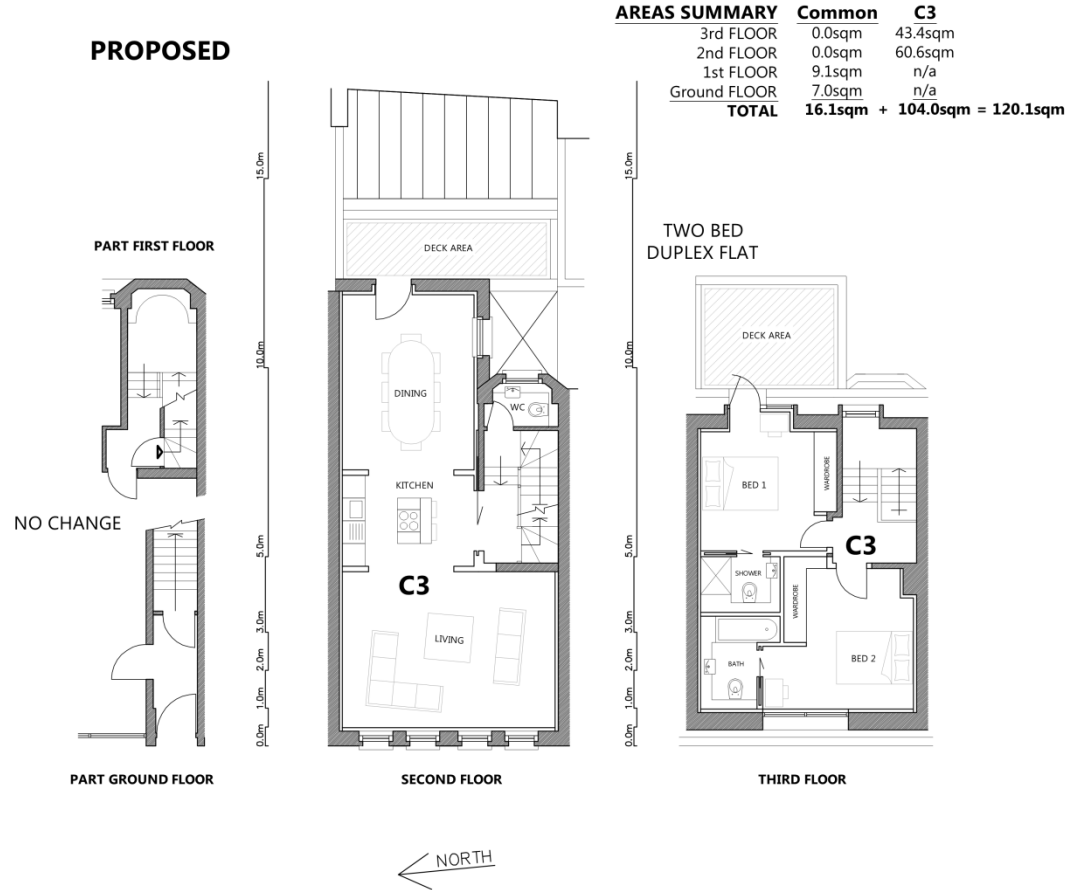
# 23 Monmouth Street

## Existing floor plans



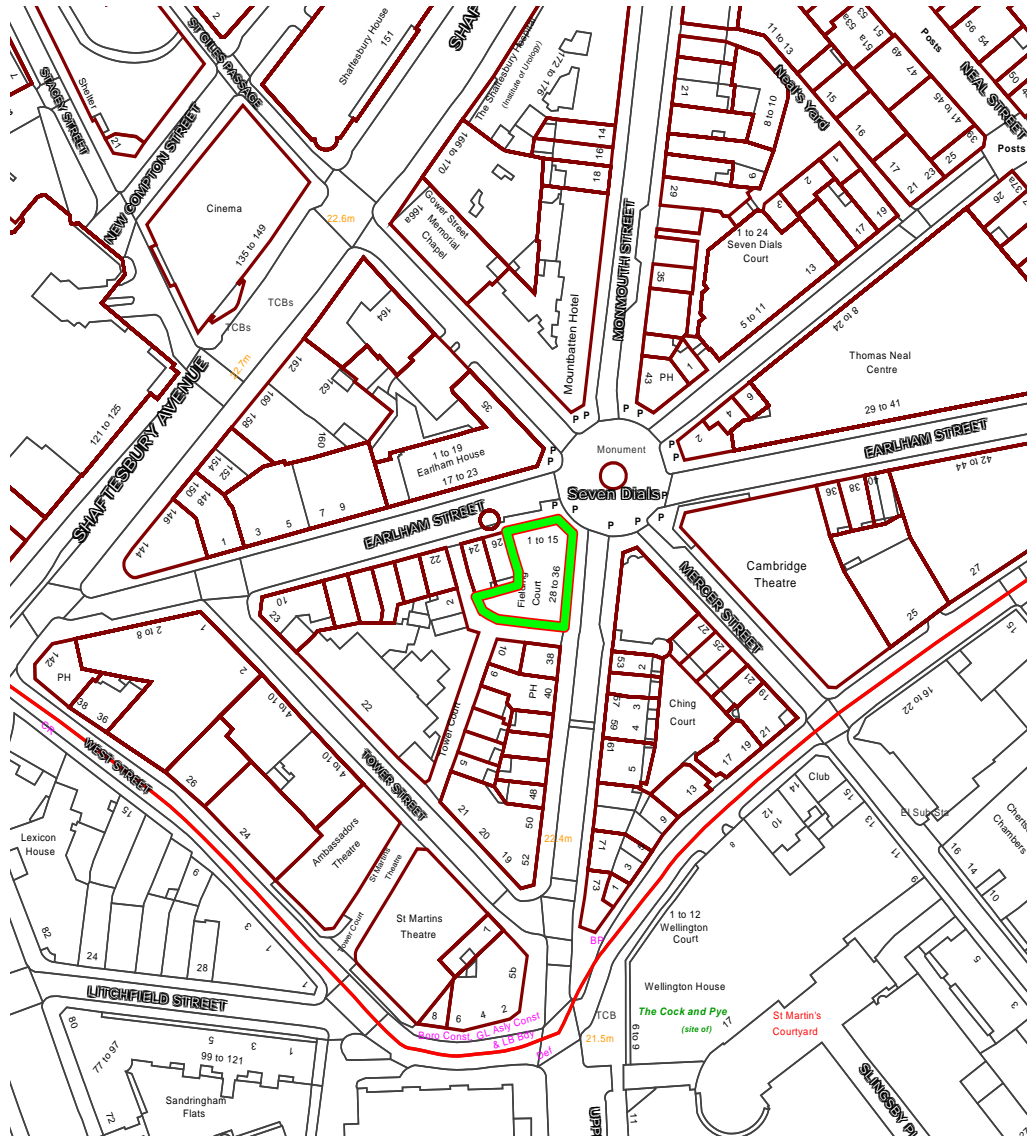
# 23 Monmouth Street

## Proposed floor plans



# 1 Fielding Court

OS Plan



# 1 Fielding Court

Existing view of front elevation from Tower Court



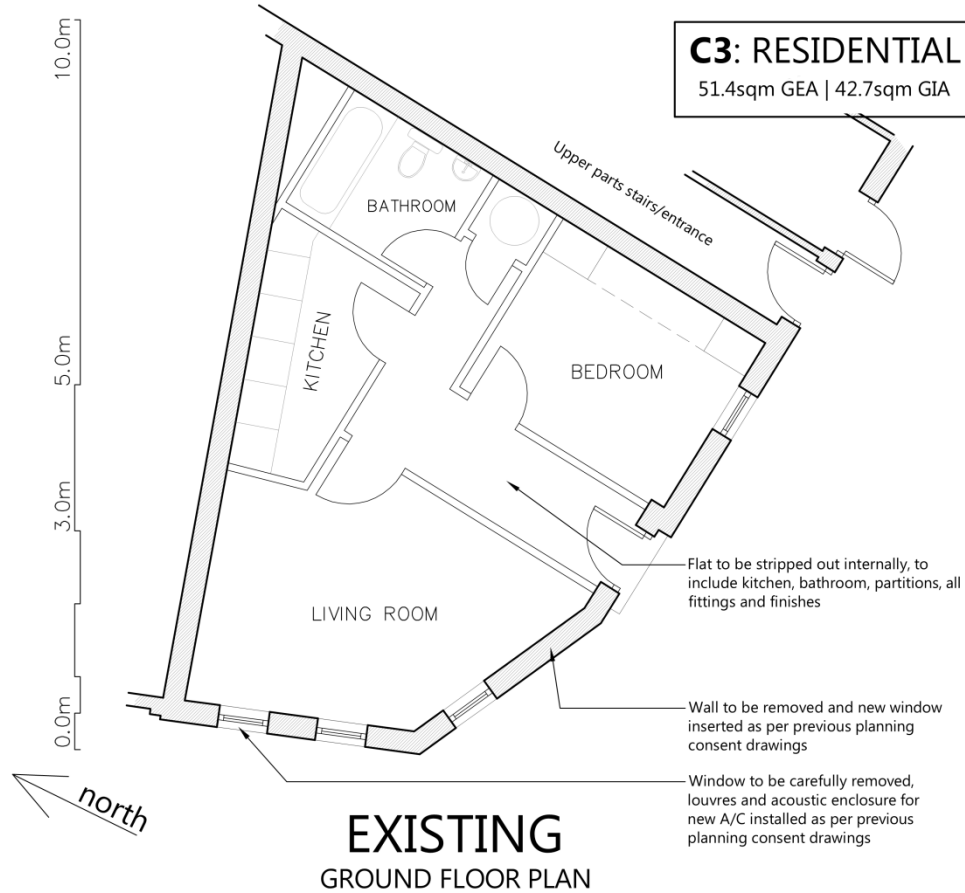
# 1 Fielding Court

View of Tower Court with pub on left hand side



# 1 Fielding Court

Existing ground floor plan



# 1 Fielding Court

Proposed ground floor plan

