

Delegated Report		Analysis sheet	Expiry Date:	06/09/2016
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Nora-Andreea.Constantinescu			2016/3411/P	
Application Address			Drawing Numbers	
Museum House 23-26 Museum Street London WC1A 1JT			P0-001 Rev P1; E1-000 Rev P1; E1-002 Rev P1; E1-103 Rev P1; E3-100 Rev P1; P1-102 Rev P1; P1-103 Rev P1; P1-202 Rev P1; P1-203 Rev P1; Planning Statement dated 19th June 2016; Covering Letter dated 19th June 2016; Appendix A - GW Letter on Marketing; Appendix B - CBRE Office Availability Schedule; Appendix C - Colliers Office Availability Schedule; Appendix D - GW Marketing Particulars; Appendix E - Photograph of Marketing Board; Design and Access Statement and Lifetime Homes Statement; Marketing Activity Summary 1st of August 2016; Details of Replacement Fenestrations (like for like); P1-000 Rev P2.	
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 Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	43	No. of responses	06	No. of objections	06
Summary of consultation responses:	<p>Date of Site Notice: 14/07/16 – 11/08/2016 Date of Press Notice: 14/07/2016 – 04/08/2016</p> <p>Six objections have been received and are summarised below (Officers response in italics):</p> <ul style="list-style-type: none"> The proposed residential use will bring more people and will increase the car ownership and therefore the need for parking and pollution; <p><i>The Council seeks to ensure that developments provide the minimum necessary car parking provision. The Council expects development to be car free in the Central London Area, town centres and other areas within Controlled Parking Zones and that are easily accessible by public transport. (See paragraph 6.2)</i></p> <ul style="list-style-type: none"> Having the residential use for this building it will have an adverse effect on the commercial amenity of neighbours due to noise, disturbance, overlooking, loss of privacy, overshadowing, etc; unacceptable high density/ overdevelopment of the site, open aspect of the neighbourhood, ‘garden grabbing’, visual impact on the character of the area, design in relation to bulk and mass, overbearing, out of scale, loss of existing views, adverse effect on the character and appearance of the Conservation Area and near Listed Buildings <p><i>The only external changes that would take place on the application site in relation with the proposed conversion is the replacement of the existing windows with double glazed to match existing which is considered acceptable (see paragraph 7.1). The proposed development does not imply any additional external elements which would impact the neighbouring amenities, the character and appearance of the Conservation Area or the Listed Buildings in the close proximity with the application site.</i></p> <ul style="list-style-type: none"> The proposed development appears to disguise a larger development plan by applying for permission in parts. <p><i>There have been previous permissions granted for the conversion of other floors into residential units. The current proposal refers to the remaining floors.</i></p> <ul style="list-style-type: none"> Camden Council has an exception in central zone from the new 					

development rights which allow the conversion of offices to residential which has been ignored.

The current proposal is assessed under a full planning application and not a Prior Approval application which relates to Permitted Development Rights, and therefore the impact of the proposed residential use have been carefully assessed in relation to the relevant policies (see Assessment of the proposal)

- Noise and disturbance in relation to the works which have already started on site.

Every development is accompanied by building works which would cause noise and disturbance. Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. 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. Should there be existing issues with noise and disturbance on site these should be reported to the Council's Environmental Health section.

- The proposal does not comply with Life Time Homes Assessment as the lift is unsuitable for wheelchairs.

Lifetime Homes is no longer a requirement of planning permission, access for all users is dealt with via building control. Due to the age of the host dwelling structural internal changes are not achievable without causing detrimental harm.

- Inappropriate marketing of the office use; the agents website with advertising the office use of Museum House is not functional

The level of marketing provided by the applicant is considered insufficient (see Assessment of the proposal).

- The CBRE Office Availability Schedule is not considered to reflect a correct availability of the office space in the surrounding area.

There is no indication at this time that The CBRE Office Availability Schedule contains false information.

- The previous planning permission did not take into consideration the business at the lower ground floor. The works in relation to the previous permissions have impacted the business. There was no consultation between the owner and the tenant. The proposal impacts on the successful continued use of the business, and therefore causes loss of employment, more intimidation to the tenants from the landlord if permission is granted.

The disputes between landlord and tenant are not considered material planning considerations that would constitute a reason to refuse the planning application. The submitted drawings show that the proposed elements of the scheme at the lower ground floor are separated from the business located there and therefore it is not considered to cause loss of employment space.

**Bloomsbury CAAC
South Bloomsbury
TRA**

A request for comments was sent to the Bloomsbury CAAC on the 12nd of July, no response has been received.

An objection was received from South Bloomsbury TRA summarised as follows:

- The documentation submitted is misleading in relation to the market for office space and local area – local knowledge revealed that many small businesses are making use of similar sized units

The assessment of the proposal takes into consideration the possibility that the existing units are still feasible for the business use (see Assessment of the proposal)

- The increase in residential units at this location will increase the already large amount of rubbish and food waste. This will increase attraction of vermin to the street and impact the character of this main approach to the British Museum and the conservation area as a whole.

Were planning permission to be granted a condition may be secured which requires details of waste storage to ensure it would not impact on the amenity of the surrounding area.

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, the Central London Area and is listed as a positive contributor to the area by the Bloomsbury Conservation Appraisal and Management Strategy.

The lower ground floor of the building is occupied by an ongoing business and storage area. The ground floor 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.

Relevant History

23-26 Museum Street (Application Site)

2015/5169/P: *'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'*

Refused 15/01/2016

Reasons for refusal:

1. *The proposed development would result in the loss of employment floorspace which remains suitable for use, it would fail to support economic activity in Camden particularly small sized businesses and would result in the loss of employment opportunities within the Borough contrary to policy CS8 (Promoting a successful and inclusive economy) of the London Borough of Camden LDF Core Strategy and DP13 (Employment sites and premises) of the London Borough of Camden LDF Development Policies.*
2. *The proposed development, in the absence of a legal agreement to secure the development as 'car-free', would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden LDF Development Policies.*

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*

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

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 2016

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 1 – Mixed use development

DP 2 – Making full use of Camden's capacity for housing

DP 3 - Contributions to the supply of affordable 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)

1. 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 as well as the entire third floor, have been occupied by solicitor's firms. The floors are currently vacant since March 2016. The lower ground floor it is still occupied by a business of Media and Film.
- 1.3 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. The only external alteration consists in the replacement of the existing windows with double glazing which it will match the existing.
- 1.4 Previous planning permission has been recently refused for the same proposal, due to the lack of appropriate marketing in order to demonstrate the unsuitability of the existing layout for the office use. As such, the proposal was considered to be contrary to Policy DP13 (Employment sites and premises) and CS8 (Promoting a successful and inclusive economy), resulting in the loss of employment floor space which remains suitable for use.

2. Considerations:

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

- Land Use
- Conservation and Design
- Residential Development Standards
- Neighbouring amenity
- Transport

- Affordable Housing

3. Land Use

- 3.1 The current use of the application site is class B1 (office). During the life of the previous planning application the floors subject to conversion were occupied by a pair of solicitor's firms. The premises have become vacant in March 2016.
- 3.2 Policy DP2 (Making full use of Camden's capacity for housing) states that *'the council seeks to maximise the supply of homes'* as priority however paragraph 2.8 of 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'*.
- 3.3 In relation to need to protect other non-residential uses, 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.'*

3.4 Policy DP13 further details in paragraph 13.5 that the applicant must demonstrate that there is no realistic prospect of demand to use the site for an employment use by submitting “*evidence of a thorough marketing exercise, sustained over at least two years. The property should be marketed at realistic prices, include a consideration of alternative business uses and layouts and marketing strategies, including management of the space by specialist third party providers.*”

3.5 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.

3.6 In order to respond to the Council's policies as well as the previous reason for refusal, the applicant has engaged firstly in making an assessment of the shortcomings of the premises for office use, with reference to the findings of a local commercial surveying practice – Glinsman Weller; and secondly by undertaking formal marketing of the premises for the office use.

3.7 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 through the current vacancy of the premises. 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.

3.8 In addition, it is presented by the applicant in the Planning Statement as well as in the updated Marketing Activity on the 1st of August 2016 that a marketing campaign was coordinated by GW through email announcement, marketing materials, board on site and internet advertising. Marketing commenced in March when the tenant vacated. As such, a flyer incorporating photographs and appropriate text has been circulated to around 650 individual agents active in the West End market on three separate occasions; an expanded version of the flyer has been circulated on the GW network of approximately 500 agency practices across Central London

on two occasions; details of the property have been posted on GW website and added to a variety of property marketing sites including Showcase, EACH and Property Link.

3.9 The result of the marketing exercise emphasised that the majority of potential occupiers interested in the premises as an office acknowledged the location of the site as being favourable for this use, however they highlighted the existing layout as being unsuitable for their needs, the lack of DDA facilities would restrict the visitors access, and the shared entrance, hallways and lifts with residential units would not be considered appropriate. It is noted that the inspections participants have express their desirability for a more flexible layout or open-plan space, which can accommodate DDA facilities and be separated from the residential units.

3.10 It is acknowledged that the internal layout is partitioned and the facilities may not be highly desirable for office use in their current state; however it is considered improvement works can take place in order to accommodate such use. It has not been demonstrated that any refurbishment or alterations to the existing layout took place in order to accommodate a range of business types and sizes such as SMEs (small and medium sized enterprises), as stressed by DP13. In addition, there is no suggestion by the marketing exercise that the premises have been advertised including management of the space by specialist third party providers. It is considered in this case that insufficient evidence has been provided to demonstrate the infeasibility of continued business use on site.

3.11 The previous business tenants have vacated the premises in March. The fact that the premises have been vacated may reflect the end of the leases rather than dissatisfaction with the premises. The time allocated for the marketing exercise since the premises have been vacant is of approximately 7 months which is not considered sufficient to demonstrate that there is no desirability of the space in its current use.

3.12 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.

3.13 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, the time allocated to sustain the marketing exercise is not considered sufficient 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. Conservation and Design

4.1 The only external alteration in relation to the proposed development was already implemented, and is relation to the replacement of the existing windows with double glazed timber matching the existing. This is not considered to cause any harm to the character of the Bloomsbury Conservation Area.

5. Residential Development Standards

5.1 Development Policy DP26 states that we will require development to provide an acceptable standard of accommodation in terms of internal arrangement, dwelling and room sizes and amenity space.

5.2 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

5.3 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.

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

6. Neighbouring Amenity

6.1 Council LDF Policy CS5 seeks to protect the amenity of Camden's residents and those working in and visiting the borough 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.

6.2 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.

5 7. Transport

7.1 The proposal includes provision for cycle parking spaces at the lower ground floor level which have been revised in accordance with the comments from the Transport Officers in relation to the actual cycle store space and stands, and therefore now in compliance with Camden's CPG7 (Transport), Development Policy DP18 (Paragraphs 18.12 and 18.13) and the minimum requirements of the London Plan.

7.2 Development policy DP18 states that the Council seeks to ensure that developments provide the minimum necessary car parking provision. The Council expects development to be car free in the Central London Area, town centres and other areas within Controlled Parking Zones and that are easily accessible by public transport. 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. This will 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.

8. 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. The applicant has signed up to this Section 106 agreement and is therefore aware of this requirement. However they have failed to providing any affordable housing within the development or provided any justification as to why it cannot be provided.

8.2 Policy DP3 in relation to the contribution to the supply of affordable housing states that *'the Council will expect all residential development with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing'*. Furthermore at paragraph 3.8 it is explained that *'the Council considers that a floorspace of 1000sqm (gross) is capable of accommodating 10 family dwellings, and will expect all residential development that would provide additional built residential floorspace of 1000sqm (gross) residential to make a contribution to the supply of affordable housing.'*

8.3 CPG2 advises that *'the floorspace thresholds relating to policy DP3 refer to additions to gross floorspace (and are assessed in terms of Gross External Area – GEA – including each floor, including the thickness of external walls, partition walls and common areas).'* Recent calculations of the gross floorspace areas previously converted to residential use under planning permissions 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*), 2013/7239/P (*Change of use of part of the first floor from offices (Class B1) to one self-contained residential flat (Class C3)*) and 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.*), indicate an average of 1035.9sqm.

8.4 There is no indication under the current planning application that the proposal will include affordable housing on or off site. It is therefore concluded that the proposal would fail to contribute towards the supply of affordable housing in the borough and would be contrary to policies CS6 and CS19.

9. Recommendation

9.1 Refuse Planning Permission.

