

2016/0397/P- 38 Windmill Street



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1. Front Elevation/Entrance



2. Ground Floor



3. First/Second/Third Floor Interior



4. First Floor Terrace/Rear Elevation



5. Rear Views

Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:	30/06/2016
		N/A		Consultation Expiry Date:	16/06/2016
Officer			Application Numbers		
Samir Benmbarek			2016/0397/P		
Application Address			Drawing Numbers		
38 - 40 Windmill Street London W1T 2JX			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of third floor offices (Class B1a) and vacant first and second floors (Class B8) to create 3x three bedroom flats					
Recommendation:		Grant Conditional Permission subject to Section 106 legal agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	61	No. of responses	10	No. of objections	10
Summary of consultation responses:	A site notice was displayed from 11/05/2016 (expiring on 01/06/2016) and a public notice was displayed in the local press (Ham & High) from 12/05/2016 (expiring 02/06/2016).					
	To date, ten objections have been received. They have been received from the owner/occupiers at : <ul style="list-style-type: none">• 9 Crabtree Place• 6 Crabtree Place• 3 Crabtree Place• 7 Crabtree Place• 4 Crabtree Place• Flat 2b, 41-42 Windmill Street• 2 Crabtree Place• 10 Gloucester Road• 10 Crabtree Place The comments raised are summarised below: <ol style="list-style-type: none">1. Construction works during the process of the implementation of the development2. Concerns of air conditioning units3. Distance and height of the rear extension is not within planning guidance and associated loss of amenity4. Conditions of the previous planning permission have not been implanted- the rear screening and opaque windows at second floor level5. Three bedroom units are not a high priority6. Change in the historic mixed use nature of the street and an increase in gentrification of the area7. No provision for affordable housing Officer's Comments <ol style="list-style-type: none">1. Noise and disturbance from the carrying out of construction works are not a material planning consideration, although it is anticipated to be minimal as the works are internal. A general informative is attached to the decision advising on time periods for construction work.2. Air handling units do not form part of this application would need planning permission. They will need to be located somewhere on the building that would not cause detrimental impacts upon the character and appearance of the building or the amenity of adjoining occupiers.3. Although the separation distance between the rear extension of the application building and the rear of the residential buildings of Crabtree Place are less than 18.0m, it is considered (with the implementation of the previous conditions), there would not be an					

	<p><i>adverse impact upon the amenity of adjoining occupiers.</i></p> <ol style="list-style-type: none"> <i>4. As observed on site visit, the rear extension and associated terrace at first floor level have been implemented. However the condition attached to the previous permission has not been implemented. A condition will be attached to this approval to ensure screening is provided.</i> <i>5. In the current Development Policies, two bedroom units are of a high priority with three bedroom units being of medium priority as detailed in policy DP5. However, in the emerging Camden Local Plan, three bedroom family sized units are a high priority across the borough as mentioned in policy H7. Please refer to section 3.0.</i> <i>6. It is considered that the proposal will still maintain the mixed-use and vitality of Windmill Street and the local area. Issues of increased gentrification are not considered to be directly related to this proposal.</i> <i>7. The proposal does not trigger the requirement for affordable housing</i> <p><u>Councillor Objection</u></p> <p>Cllr Adam Harrison objects to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. Loss of office space in a Central London location <p><u>Officer's Comments</u></p> <ol style="list-style-type: none"> <i>1. In this instance, due to the neighbouring uses at the upper floors, it is considered in this instance appropriate for the loss of vacant office/warehouse space for the conversion to residential space.</i>
CAAC comments:	<p>The Charlotte Street CAAC was formally consulted. No response has been received to date.</p>

Site Description

The application concerns a six storey building (plus basement level) located on the northern side of Windmill Street. The building was originally constructed as a wine warehouse with flats and the building features concrete panelling and Doric columns. Presently at ground floor there is a retail space at ground floor level with vacant B8 space on the first and second floors and at third floor level there is office (B1a) space. The building is not Listed, but it is located within the Charlotte Street Conservation Area.

On the officer's site visit conducted on Wednesday 01 March 2017, it was observed by the officer that the planning permissions ref(s) 2010/1146/P and 2010/5167/P were part implemented and the physical extensions and alterations were complete but they were not in residential use. Internally, there have been works which have removed service lift and other apparatus in relation to the existing use of the building as a warehouse/office unit and has been internally refitted with steel beams to accommodate for potential residential use.

Relevant History

2010/1146/P- Full planning permission granted on 04 May 2010 for the Change of use of third floor offices (class B1a) and vacant first and second floors (Class B8) to create 6x two-bedroom flats (class C3), including rear extensions at first, second, third and fourth floors and associated external alterations.

2010/5167/P- Full planning permission granted on 05 May 2011 for the change of use of third floor offices (Class B8) to create 6x two-bedroom flats (class C3), including rear extensions at first, second, third and fourth floors and associated external alterations.

Relevant policies

National Planning Policy Framework, 2012

The London Plan 2016

LDF Core Strategy, 2010

CS5 (Managing the impact of growth and development)
CS6 (Providing quality homes)
CS8 (Promoting and achieving a successful Camden economy)
CS9 (Promoting and achieving a successful Central London)
CS11 (Promoting sustainable and efficient travel)
CS14 (Promoting high quality places and conserving our heritage)
CS19 (Delivering and monitoring the Core Strategy)

Camden Development Policies, 2010

DP2 (Making full use of Camden's capacity for housing)
DP5 (Homes of different sizes)
DP6 (Lifetime homes and wheelchair housing)
DP13 (Employment Sites and Premises)
DP17 (Walking, cycling and public transport)
DP18 (Parking standards and limiting the availability of car parking)
DP19 (Managing the impact of parking)
DP20 (Movement of goods and materials)
DP23 (Water)

DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)

Camden Local Plan, Submission 2016

H1 (Maximising housing supply)
H6 (Housing choice and mix)
A1 (Managing the impact of development)
D1 (Design)
D2 (Heritage)
CC3 (Water and flooding)
T1 (Prioritising walking, cycling and public transport)
T2 (Parking and car-free development)

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

Camden Supplementary Planning Guidance

CGP1 Design 2015
CPG3 Sustainability 2015

Charlotte Street Conservation Area Appraisal and Management Strategy (July 2008)

Assessment

1. Proposal

1.1 Planning Permission is sought for the change of use of the vacant second and third floor warehouse space (class B8) and third floor office space (Class B1a) to create 3x three bedroom flats. The proposal involves one proposed self-contained flat per floor and each flat will have a gross internal area of 278sqm. Each bedroom exceeds the minimum space standard requirements for a double bedroom as set out in the DCLG standards and each bedroom has access to an ensuite bathroom. The first floor self-contained flat will have access to a rear terrace at a space of 32.3sqm. Cycle parking facilities will be proposed at ground floor level within the building.

1.2 The main issues for consideration are:

- Land Use
- Dwelling Mix
- The impact of the proposal upon the character and appearance of the host building and surrounding area
- The impact the proposal may have upon the amenity of the occupiers in neighbouring properties

- Water usage and sustainability
- CIL

2. Considerations on Land Use

- 2.1 The application site consists of a four storey building which is currently in use as vacant warehousing premises on the first and second floor and vacant office space upon the third floor. The existing internal floorspace of the building is calculated at 894sqm. As a result of the proposal, the building would no longer be used as employment space (classes B1a and B8) and would be in use as residential floorspace.
- 2.2 Policy DP13 of the London Borough of Camden Local Development Framework Policies, seeks to retain land and buildings that are suitable for continued business use unless it can be demonstrated that a site is no longer suitable for its existing business use, and the possibility of re-using or redeveloping the site for a similar or alternative business use has been explored over an appropriate period of time. The policy requires certain factors to be taken into account such as whether it is in a location suitable for large scale general; industry or warehousing, is easily accessible, is well related to nearby land uses, and is near to other industry and warehousing or noise/vibration generating uses, pollution and hazards.
- 2.3 The physical aspects of the planning permission 2010/5167/P have been undertaken such as the rear extension and the formation of the rear first floor terrace with no evidence to suggest this was done past the date of expiration. The implementation of the 6x residential units has not been undertaken. However, the interior of the building has gone significant work including the removal of the existing goods lift which was noted in the previous planning permission was not in operation.
- 2.4 The only access to the first, second and third floors are via a single stair core which also provides access to the residential units at fourth and fifth floor levels. This is considered to not be appropriate for the existing office space at third floor level as there is no separate access for the office within the building.
- 2.5 Given the location of the storage space on the upper floors, its proximity to residential uses on either side and above, its location on Windmill Street, short ceiling heights (2.4m), and removal of operational goods lifts, it is not considered in this instance that the upper floors of No. 38 Windmill Street would be suitable for any business use other than office (Class B1a). Policies DP13 and CS8 accept where that there is a surplus of office space in the borough, and where a site is not suitable for any business use other than office permits a change to permanent residential use.

3. Considerations on Housing and Dwelling Mix

- 3.1 Policy DP5 states that the Council will expect a mix of large and small homes in all residential developments and will seek to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Sizes Priorities Table. The priority table indicated that market housing with 2 bedrooms is the high priority and sought after unit size with 3 bedrooms being of medium priority. The proposed development comprises of 3x 3bedroom self-contained flats which would result in 100% medium priority dwellings. In this instance, the proposal is considered an appropriate mix of 3bedroom units as it would introduce larger size family units into Central London and the south of the borough and where larger sized dwellings are limited.
- 3.2 Policy H7 of the emerging Camden Local Plan states that the Council will aim to secure a range of home of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities. Within the Dwelling Sizes Priorities Table in association with policy

H7, three bedroom market housing properties are considered to be of a high priority. It is therefore considered that the dwelling mix is acceptable as the Council acknowledges there is rising demand for three bedroom properties within the borough.

3.3 The proposed floorspace of the residential units have been assessed against the minimum space standards as set out in the Department of Communities and Local Government (DCLG), listed in the table below. The proposed flats will have a gross internal area of 278sqm which exceeds the minimum space standard for a three bedroom self-contained flat.

Unit	No. of Bedrooms	Storeys	GIA	DCLG Standards	Difference
First Floor	3 (6 people)	1	278sqm	95sqm	+183sqm
Second Floor	3 (6 people)	1	278sqm	95sqm	+183sqm
Third Floor	3 (6 people)	1	278sqm	95sqm	+183sqm

3.4 The bedrooms within the self-contained units surpass the DCLG standards for a double bedroom (11.5sqm). The units are all double aspects units with suitable levels of natural light, outlook and ventilation. Overall the dwelling mix and standard of residential accommodation is considered to be acceptable. The proposed first floor self-contained flat will also have access to a rear terrace resulting the use of 31.9sqm of outdoor amenity space.

4. Design and Conservation

4.1 As the proposed works are for a change of use and no external alterations are proposed, it is not considered there will be any impact upon the design, character and appearance of the host building or the Charlotte Street Conservation Area.

5. Neighbouring Amenity

5.1 As the proposal does not include any physical alterations, extensions or additions from the existing situation, and the proposed works are internal and comprise a change of use, it is not considered it would have an impact on adjoining residential occupiers in terms of daylight and sunlight.

5.2 Overlooking concerns were investigated within the determination of planning permission ref 2010/5167/P where it was considered that direct overlooking would not be possible between the application building (by virtue of the rear extension) and the adjoining building to the north, Nos. 7- 15 Whitfield Street (Crabtree Place). As no further physical alterations and extensions are proposed, it is not considered issues of overlooking are raised and it is maintaining the existing situation which was considered to be acceptable.

5.3 Upon approval of planning permission ref 2010/5167/P, it was conditioned upon approval to provide screening to prevent overlooking from the first floor rear terrace. This appears to have not been implemented and a condition for privacy screening will be applied upon granting of this permission.

6. Transport

6.1 The site has a Public Transport Accessibility Level (PTAL) of 6B (best) and is accessible by a number of bus routes along Tottenham Court Road and Oxford Street and is located within close proximity to Goodge Street and Tottenham Court Road Underground Stations.

6.2 As per the requirements of Policy DP18 of the London Borough of Camden Local Development

Framework Development Policies, permission is recommended subject to a car-free S106 agreement to ensure that future occupants of the development are aware that they are not entitled to on-street parking permits. Policy DP18 seeks to ensure car-free development in low parking provision areas, which include high areas of PTAL, such as the application site.

6.3 Policy CS11 and DP17 support cycle provision and the development should provide 6x fully covered and secure cycle parking spaces. These spaces should be located on the ground floor or within an area of the building that can be assessed from the street using step-free means. 5x Sheffield Stands have been proposed at ground floor level which will accommodate 10x cycle parking spaces which exceeds the requirement of 6x cycle spaces for this development. The cycle spaces will be protected and covered as they will be located within the building at ground floor level. Further details on the cycle parking spaces and apparatus will be required upon condition on approval.

7. Water Usage and Sustainability

7.1 The Council requires developments to reduce their water consumption, the pressure on the combined sewer network and the risk of flooding in accordance with policy DP23 of the LDF Development Policies. This addresses issues of sustainability, especially within built up areas. All new build or converted dwellings will be required to achieve 110L per person, per day (including 5L of water for external use) and secured by the relevant condition.

8. Community Infrastructure Levy (CIL)

8.1 The scheme is liable for the Mayoral CIL and Camden CIL as over 100sqm of new floorspace is proposed. The CIL payments liable are £44,700 (894sqm x £50) for the Mayoral CIL and £447,000 (894sqm x £500) for the Camden CIL. Further information will be provided on the decision notice upon approval.

9. Recommendation: Grant Conditional Permission subject to S106 Agreement

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 3rd April 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

T & C P. P. Ltd
The Sanctuary
Wrotham Hill Cottage
Wrotham Hill
Dunsfold
Godalming
Surrey
GU8 4PA

Application Ref: **2016/0397/P**

30 March 2017

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
38- 40 Windmill Street
London
W1T 2JX

Proposal:
Change of use of third floor offices (class B1a) and vacant first and second floors (Class B8) to create 3x three bedroom flats
Drawing Nos: W1/16/01; W1/16/02; W1/16/03; W1/16/04; W1/16/04 (Proposed First Floor Plan); W1/16/06; W1/16/07; W1/17/08; Design and Access Statement; Additional Statement

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 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).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: W1/16/01; W1/16/02; W1/16/03; W1/16/04; W1/16/04 (Proposed First Floor Plan); W1/16/06; W1/16/07; W1/17/08; Design and Access Statement; Additional Statement

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 (Tackling climate change through promoting higher environmental standards), DP22 (Promoting sustainable design and construction) and DP23 (Water)

- 4 Before the development commences, details of secure and covered cycle storage area for at least 6x cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11of the London Borough of Camden Local Development Framework Core Strategy and policy DP17of the London Borough of Camden Local Development Framework Development Policies.

- 5 A 1.8 metre high screen, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected on the rear first floor terrace prior to commencement of use of the terrace and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

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 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA of residential accommodation. Based on the information given on the plans, the Mayor's CIL Charging Schedule and the Camden Charging Schedule, the charge is likely to be £44,700 (894sqm x £50) for the Mayoral CIL and £447,000 (894sqm x £500) for the Camden CIL.

This amount is an estimate based on the information submitted in your planning application. The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstance. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with construction costs index.

- 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 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 6 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

DRAFT

DECISION