

Delegated Report (Members Briefing)		Analysis sheet N/A		Expiry Date: 28/09/2016		
				Consultation Expiry Date: 24/11/2016		
Officer			Application Number(s)			
Patrick Marfleet			2016/3446/P & 2016/3790/L			
Application Address			Drawing Numbers			
Maisonette 1st 2nd and 3rd Floor Fitzrovia Neighbourhood Centre 39 Tottenham Street London W1T 4RX			See draft decision notices			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
Change of use of neighbourhood advice centre (Class D1) at ground floor level to a commercial unit (Class A1/A2) and conversion of remaining floors (Class C3) to provide three flats at basement, first, second, third and fourth floor level (1 x 1 bed and 2 x 2 bed) together with a mansard roof addition, demolition and rebuild of infill extension between 39 Tottenham Street and 14 Goodge Place, opening up of lightwells, refurbishment of shop frontage and replacement windows to upper levels.						
Recommendation(s)		<ol style="list-style-type: none"> 1. Grant conditional planning permission subject to a Section 106 Legal Agreement 2. Grant conditional listed building consent 				
Application Type:	Full Planning Permission & Listed Building Consent					
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses No. electronic	00 00	No. of objections	00
Summary of consultation responses:	Site notices: 24/08/2016 - 14/09/2016 & 01/11/2016 - 22/11/2016 Press notice: 25/08/2017 - 15/09/2017 & 03/11/2016 - 24/11/2016 No comments received from neighbouring residents.					
CAAC/Local groups comments:	Charlotte Street Association made the following comments and objections: <ol style="list-style-type: none"> 1. Object to loss of community facility on the ground floor and basement. 2. Two units have been designated as affordable, there should be a commitment that these units should be socially rented. 3. Concerned about stability of the building due to proposed underpinning to lower the basement level. 					

4. Design of the replacement side extension is disappointing and does not do justice to the listed building.
5. Object to the loss of the chimney on the southern wall as well as the consequential rebuilding of the tall chimney stack.
6. Existing timber panelling in the entrance corridor should be retained and details of the replacement windows secured by condition.
7. Object to the run of lightwell railings across Goodge Place frontage, should be reduced to two open basement areas only. Details of railings should be secured by condition.
8. Object to the loss of the original mural. A condition should be attached to the permission ensuring the mural is fully re-instated and extends full length of the side elevation.
9. Design and Access Statement states that the application site is in the West Bloomsbury conservation area which is incorrect.

Officer comments:

1. See Land Use section (paragraph 2.2) of this report.
2. The two upper floor maisonettes would be let as social housing units
3. See paragraph 2.3.11 of this report.
4. The design, heritage and conservation impacts of the proposal are discussed in paragraph 2.2 of this report.
5. The design, heritage and conservation impacts of the proposal are discussed in paragraph 2.3 of this report.
6. Details of all replacement windows and original fabric to be retained will be secured by condition.
7. The design, heritage and conservation impacts of the proposal are discussed in paragraph 2.3 of this report.
8. The proposed plans indicate that existing mural will be reinstated on completion. This will be secured by condition.
9. Officers note the application sites location in the Charlotte Street Conservation Area, not West Bloomsbury.

Site Description

The application site is located on the south western side of Tottenham Street, at the junction with Goodge Place, and relates to a four storey plus basement, end of terrace building that is owned by the Council. The built fabric of Tottenham Street and the surrounding area is predominantly characterised by four storey terraced townhouses with three storey townhouses on the narrower streets and roof forms that are commonly defined by a front parapet wall that creates a strong and consistent roofline.

The properties along Tottenham Street generally have commercial units located at ground floor level with some residential accommodation provided on the floors above whereas, Goodge Place is predominately residential. The ground floor of the subject site is currently occupied by Fitzrovia Neighbourhood Association (Class D1). The upper floors are vacant, and were most recently occupied by live-in security guardians.

The host building is Grade II Listed and located within Charlotte Street Conservation Area. The application site is adjoined at its rear by the flank wall of number 14 Goodge Place, numbers 8-14 and 19-26 Goodge Place are Grade II Listed.

Relevant History

Application Site

9101333 - Continued use of basement and ground floors as neighbourhood advice centre. **Conditional planning permission granted 20/01/1992.**

From reviewing the Councils planning records, the above application appears to be the last permission granted for the site's continued (temporary) use as a neighbourhood advice centre. The decision notice for the application included the following conditions:

- 1. The limited period for the use shall be until 31st January 2004 by which date the use shall be discontinued and determined.*
- 2. This permission shall be personal to Fitzrovia Neighbourhood Association during their occupation and shall not endure for the benefit of the land on their vacating the premises the use shall revert to the lawful use for retail purposes.*
- 3. The proposed use is contrary to the Councils policy to retain retail use as expressed in the Written Statement of the London Borough of Camden Local Plan 1987 (the Borough Plan). In granting permission the Council has had regard to the special circumstances of the case but it would not wish the use to become permanent.*
- 4. In granting this permission the Council has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use in the event of Fitzrovia Neighbourhood Association vacating the premises.*

2013/1601/P & 2013/1606/L - Erection of a mansard roof extension with 2x front and 1x side dormer windows with roof light and solar panel, rear extension at part third floor level with balustrade & terrace facing onto Goodge Place, replacement of windows on front elevation from first to third floor level, replacement of windows/doors on Goodge Place elevation all in connection with change of use of first to third floor from 1 x 3-bedroom unit to 1 x 2 -bedroom maisonette and 2 x 1-bedroom self contained flats (Class C3). **Conditional permission granted subject to Section 106 Legal Agreement, following review at Members Briefing on 05/08/2013.**

Following the above approval, in October 2014, the Assistant Director for Repairs and Improvements requested alternative proposals with respect to the possible conversion of the retail unit into a flat, the sale of which would potentially fund the redevelopment of the upper flats and maintain them within the Council's housing stock.

In consultation with the Planning Department, further development and review identified the requirement to retain the commercial unit. The Assistant Director for Repairs and Improvements indicated a preference to retain all residential units within the Council's ownership for social rent should funding be available. The plans submitted as part of this application have therefore been re-modelled to create three residential units and a small commercial unit at ground floor level.

Given that no legal agreement had yet been signed, the approved application (ref: 2013/1601/P 2013/1606/L) was subsequently withdrawn by the applicant on 18/03/2016.

Relevant policies

National Planning Policy Framework 2012

The London Plan March 2016

Camden Local Plan 2017

A1 Managing the impact of development

A5 Basements

C2 Community facilities

D1 Design

D2 Heritage

H1 Maximising housing supply

H6 Housing choice and mix

T2 Parking and car-free development

Camden Planning Guidance 2011/2015

CPG1 (Design)

CPG4 (Basements and lightwells)

CPG6 (Amenity)

CPG7 (Transport)

CPG8 (Planning obligations)

Charlotte Street conservation area appraisal and management strategy 2008

Assessment

1.0 PROPOSAL

1.1 Planning permission and listed building consent is sought for the refurbishment and extension of the existing four storey (plus basement) Council owned building, to provide three self contained C3 dwellings and a commercial unit. The new units would comprise 1 x 1 bed dwelling at basement level which would be for private tenure and 2 x 2 bed dwellings at first and second floor level and third and fourth floor level which would be let at target social rent levels. The proposed internal and external alterations include, but are not limited to the following:

External

- Erection of a single storey mansard roof extension with two front and one side facing dormer windows. The proposed extension would have a traditional mansard design clad with natural slate tiles, a 70 degree roof pitch and would be recessed behind the existing parapet wall. The proposed dormer windows would be fitted with timber frame sash windows.
- Opening up of lightwells along Tottenham Street and Goodge Place and installation of black metal railings.
- Replacement rear infill extension with additional storey to provide stairway access to upper floors.
- Refurbished shopfront and reinstatement of mural on south east elevation upon completion of works.

Internal

- Lowering of existing basement by approximately 0.5 metres
- Remodelling of staircase leading up to first and second floor level
- Decaying timber floors and joists to be upgraded at all levels

- Sound proofing and fire protection on all levels
- All services to be renewed

1.2 All work of making good would be finished in materials which would match the original building as closely as possible. The new brickwork would be of second hand London stock bricks. All existing casement windows would be replaced with white painted timber sliding sash windows within new box frames. The rendered reveals to the windows would be renewed where necessary, whilst the parapets would have new reconstituted York stone copings.

1.3 Revisions

With regard to the proposed internal and external works. The current proposal is similar to the scheme approved at the site in August 2013 (2013/1601/P & 2013/1606/L), apart from the proposed basement enlargement and lightwells which were not previously included. Following a request from the Councils conservation officer for more detailed information relating to the proposed internal works, the applicant submitted amended plans which included detailed annotations of all the internal alterations and structural works proposed.

2.1 **ASSESSMENT**

The material considerations for this application are summarised as follows:

- Land use
- Design and Conservation (impact of the proposal on the special interest of the host Listed Building and the character and appearance of the surrounding conservation area);
- Amenity;

2.2 **LAND USE**

Asset of Community Value (ACV) / Residential (C3) / Retail (A1/A2)

2.2.1 In September 2015, following a nomination from the Fitzrovia Trust, the host property was granted partial ACV status in a letter issued by the Council. It was considered that only the ground floor of the building had clear community value through the activities of the Fitzrovia Neighbourhood Association (FNA), particularly as the upper floors provided residential accommodation that was unconnected with the community use and the basement was used as storage space. Policy C2 notes that the Council will take into account listings of ACVs. It is important to note that with regard to planning history, there has never been a permanent change of use application permitted for the use of the ground floor as a community facility (Use Class D1). It has always been temporary permissions for a specific user with the intention being that they would relocate to permanent premises within the longer term.

2.2.2 It was also stated within the ACV listing that whilst the ground floor is in a very poor state of repair which if not addressed would prevent its continued community use, it could continue as a community facility if the required renovation works were undertaken. However, this would not mean continued community use is the only or even the most likely future use of the ground floor, only that it is realistic. The letter also confirmed that the ground floor's ACV status may be a material consideration for any future planning application relating to the site although how much weight to give it would be for the Council's planning department to determine, and noted that the ACV status has no bearing on who the owner (the Council) may let the property to in future.

- 2.2.3 It is noted that objections have been raised to the loss of the ground floor community use at the site. Policy C2 (Community facilities) of the Camden Local Plan seeks to ensure that existing community facilities are retained recognising their benefit to the community, including protected groups, unless a replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended users.
- 2.2.4 With regard to the current proposal, officers note that a new community centre has been opened at John Astor House on Foley Street (approximately 100m from the application site) with space gifted to the Council on a long lease from UCLH for use as a community centre. The Fitzrovia Neighbourhood Association were given the opportunity to relocate to the new site but the letting did not take place and they remained at the Tottenham Street site as 'tenants at will'.
- 2.2.5 Given the above, the proposed application is not considered to result in the unacceptable loss of a community facility, particularly as a new community centre has been provided in close proximity to the existing site at No.39 which would provide facilities to meet the needs of the local population in the same way the site at No.39 does. The proposal is therefore considered to be in compliance with the requirements of Policy C2 of the Local Plan.
- 2.2.6 Furthermore, the building is currently in a very poor state of repair and officers consider the only way in which such a use could continue is if major repair works were carried out on the building. If these works were not carried out, in the near future the building would become unsafe for public use and the community use would have to stop.
- 2.2.7 Therefore, it is the view of the Council's housing department that the only financially viable way of funding the necessary repair works is by refurbishing the basement as a flat for sale on the open market and reverting the ground floor unit back to its original commercial use. This would ensure the retail function along this part of Tottenham Street is preserved and allow for the refurbishment of the upper floors to provide valuable social housing units, bringing this predominantly vacant Listed Building back into use.
- 2.2.8 The proposed residential units at basement, first, second, third and fourth floor level are considered to be an appropriate land use in this instance and would result in the provision of social rented units in a high value location where such units are difficult to secure and bring a largely vacant listed property back into viable use. This significant public benefit arising from the provision of affordable housing, is considered to outweigh the loss of the aforementioned community facility.
- 2.2.9 With regard to Policy H4 (Maximising the supply of affordable housing), the proposed development largely relates to existing C3 floorspace and would provide two on-site affordable housing units. Therefore, no additional affordable housing contributions would be required in this instance.

2.3 DESIGN AND CONSERVATION

Policy background

- 2.3.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

- 2.3.2 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013, requires special attention to be paid to the desirability of preserving the building's setting or any features of special architectural or historic interest. In considering developments affecting a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 2.3.3 Paragraph 134 of the NPPF, states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 2.3.4 Paragraph 137 of the NPPF encourages Local Planning Authorities to look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. It also states that proposals which preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Internal alterations

- 2.3.5 Whilst in a very poor state of repair the host property has retained its original plan form, staircase and many original features (including architrave; dado; fireplaces; skirting and cupboards) and these will need to be suitably considered when carrying out any refurbishment works at the site.
- 2.3.6 The proposed floor plans and elevations have been carefully assessed by the Councils conservation officer who is satisfied that the proposed internal and structural works would result in as much retention of original fabric as possible whilst limiting the amount of changes and alterations that are made to the property. Considerable weight has been given to the less than substantial harm that would occur as a result of subdividing the upper floors into separate dwellings, and officers consider this harm to be outweighed by the significant public benefits of the scheme.
- 2.3.7 Paragraph 134 of the NPPF permits local planning authorities to take into account the public benefit of listed building works (see paragraph 2.3.3 of this report) and advises: 'Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its viable use.'
- 2.3.8 In this regard the proposed repair and refurbishment works are considered to deliver significant public benefits that would outweigh any harm caused to the historic significance of the host building. These benefits include the provision of three self contained units, two of which would be let as social rents and the significant contribution the remediation works would make to reinstating the original character and features of the listed building, which have either been lost or damaged over time. The proposed improvement works and uses of the site would also help to ensure the long term viable use of the property, in accordance with the requirements of the NPPF.
- 2.3.9 Furthermore, the majority of the internal and external works currently proposed, apart from the lightwells which are discussed below, were previously approved by the Council under permission ref: 2013/1601/P & 2013/1606/L, and the Councils stance with regard to the impact

on the Listed Building is consistent with that of the previous approval.

External alterations

2.3.10 Paragraph 5.7 of Camden's supplementary design guidance document CPG1 offers clear and detailed advice on the general principles the Council use to assess the acceptability of a proposed roof extension:

5.7 Additional storeys and roof alterations are likely to be acceptable where:

- *There is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape;*
- *Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;*
- *There are a variety of additions or alterations to roofs, which create an established pattern and where further development of a similar form would not cause additional harm.*

2.3.11 It is noted that the neighbouring properties in the adjoining terrace (27-39 Tottenham Street) all have existing single storey roof extensions. Therefore, the proposed mansard roof extension is considered to follow the established pattern of development at roof level and would not detract from the special character of the surrounding conservation area as a result. Furthermore, the size and location of the proposed mansard and replacement infill would maintain the gap between the terraced groups on Tottenham Street and Goodge Place and as with the previous application, would provide sufficient disconnection to read and appreciate the site as a separate junction building.

2.3.12 The size and design of the proposed light wells and associated metal railings are not considered to cause any harm to the character and setting of the host and neighbouring properties, particularly as they are common features of period buildings of this type. Similarly, the proposed lightwells are not considered to detract from the special character and appearance of the surrounding conservation given the prevalence of lightwells to the front of properties along Tottenham Street and Goodge Place, including the corner property opposite at No.41 Tottenham Street. Furthermore, the basement lightwells/vaults along Tottenham Street and Goodge Place are already in situ and are currently covered by metal grilles. Therefore, the opening out of these lightwells and replacement of the metal grilles with railings would not harm the structural stability of the building.

2.3.13 A condition has been added requesting that the existing mural on the side elevation of the building shall be fully recorded prior to the commencement of works at the site and restored in its entirety following completion of the works hereby approved.

Basement

2.3.14 It is noted that concerns have been raised with regard to the impact the lowering of the existing basement level would have on the structural stability of the building. Whilst the proposal would involve some excavation works, these would be limited to a depth of approximately 0.4m and would create the floor to ceiling height necessary to accommodate the proposed 1 bed unit. Furthermore, the screening and scoping sections of the submitted Basemenet Impact Assessment confirm that the lowering of the existing basement is not considered to have an impact on either the hydrogeological and hydrological setting or the stability of the surrounding natural and built environment.

2.4 AMENITY

- 2.4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight.
- 2.4.2 The proposed mansard roof and side/rear infill extensions would not have an unacceptable impact on neighbouring amenity in terms of loss of light, outlook or privacy.

Proposed residential amenity

- 2.4.3 Local Plan Policy H7 (Large and small homes) aims to secure a range of homes of different sizes and seeks to ensure that all housing development, including conversion of existing homes, contributes to meeting the priorities set out in the Dwelling Size Priorities Table (see below).

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

- 2.4.4 The proposal would provide two new 2-bed social rent units at the site, which are identified as a high priority dwelling size in the above table and would therefore help secure a range of homes of different sizes in the borough in accordance with Local Plan Policy H7. Whilst the one bed market unit at basement level is identified as a lower priority in the above table, it is considered fundamental in funding the provision of the aforementioned social rent units and would still help contribute to provision of a range of dwelling sizes in the borough.
- 2.4.5 In terms of their size, the proposed 2 bed unit at first and second floor level would have a gross internal floor area (GIA) of approximately 75sqm which exceeds the London Plan's minimum floorspace requirement of 70sqm for a 2 bed, 2 storey dwelling. At third and fourth floor, the 2 bed unit is 62sqm which falls 8sqm below the minimum requirement. The floorplate of the mansard roof is smaller than the floor plate of the main building and cannot therefore replicate the first and second floor level flat or the London Plan standards. The layout of the flat is well arranged however with dual aspect windows for good ventilation and natural light to each room. Within this context, the flats are considered acceptable.
- 2.4.6 At basement floor level, the 1 bed flat is afforded 3 openings (dual aspect) allowing good ventilation and daylight. Whilst the outlook for all 3 windows is onto lightwells, in mind of its floor level location this is considered acceptable. The proposed GIA of the 1 bed basement flat (41sqm) would fall 9sqm below the 50sqm minimum requirement detailed in the London Plan. Given the constraints of the building, namely the size of the floorplate and that no other space at basement floor level is given to a commercial or significant communal area, this shortfall is acceptable in this instance. The layout of the flat is well arranged with dual aspect windows providing access for good levels of ventilation and natural light to each room (living

room/kitchen and bedroom).

2.5 TRANSPORT

Construction Management Plan

2.5.1 The Councils transport department have advised that a Construction Management Plan would need to be secured as part of a Section 106 Agreement to ensure that the future building works take place with the minimum of disruption to neighbouring properties and take account of cumulative impacts in this area. A CMP implementation fee of £3,136 would also be secured as part of the agreement. The full CMP will need to be submitted following consultation with local neighbours and prior to any works commencing on site

2.5.2 A financial contribution would also be required to promote environmental, public realm, walking and cycling improvements and £6,000 would be appropriate, given the scale and nature of the development and should be secured within a S106 agreement.

Car free

2.5.3 Local Plan Policy T2 seeks to limit the availability of parking and will require all new developments in the borough to be car free. The Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

2.5.4 The proposal would create three new dwellings and a commercial unit at the site, and the development would be expected to be car free as a result. This would be secured through a Section 106 legal agreement.

Cycle parking

2.5.5 It is noted that an area at ground floor level has been marked for cycle storage, although no details of how this storage area would be secured have been provided. Nonetheless, given that the proposal relates to a conversion of a listed building the lack of secure cycle spaces at the site would not be reason to refuse this application.

Lightwells

2.5.6 With regard to pedestrian flow, the proposed lightwells would extend to the same depth as the existing lightwells to neighbouring properties along Tottenham Street and Goodge Place and are considered to maintain a sufficient footway width on both streets.

3.0 RECOMMENDATION

- 3.1 a) Approve Planning Permission subject to Section 106 Legal Agreement.
b) Approve Listed Building Consent

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on December 27th 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'