

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>04/07/2013</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		20/06/2013	
<b>Officer</b>				<b>Application Number(s)</b>			
Neil Quinn				2013/2634/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
37 Grays Inn Road London WC1 8PQ				Refer to draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Change of use of existing 1st, 2nd & 3rd floor offices (B1a) to create 3x self contained flats (2x 2 Bedroom and 1x 1 Bedroom) (C3).							
<b>Recommendation(s):</b>		Grant conditional permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>43</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		Site Notice displayed outside property between 22/05/13 and 12/06/13 Press Notice published (Ham&High) between 30/5/13 and 20/6/13  No responses received.					
<b>CAAC comments:</b>		No comment raised by <b>Bloomsbury CAAC</b> .					

## Site Description

The property is a four storey plus basement mixed use building that forms part of a terrace that runs from Theobalds Road to Northington Street. The property is in use as a language school at basement level (Class D1), retail shop at ground floor level (Class A1), with office use on upper floors (Class B1a). The building is not listed, but is situated within the Bloomsbury Conservation Area.

## Relevant History

N15/7/2/30664 – Certificate **granted on 28<sup>th</sup> January 1981** for lawful use of the first, second and third floors as offices.

## Relevant policies

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

#### LDF Core Strategy

- CS1 ('Managing the distribution of growth')
- CS5 ('Managing the impact of growth and development')
- CS6 ('Providing quality homes')
- CS11 ('Promoting sustainable and efficient travel')
- CS13 ('Tackling climate change through promoting higher environmental standards')
- CS14 ('Promoting high quality places and conserving our heritage')

#### LDF Development Policies

- DP2 ('Making full use of Camden's capacity for housing')
- DP5 ('Homes of different sizes')
- DP6 ('Lifetime Homes')
- DP13 ('Employment sites and premises')
- DP17 ('Walking, cycling and public transport')
- DP18 ('Parking standards and limiting the availability of car parking')
- DP22 ('Promoting sustainable design and construction')
- DP24 ('Securing high quality design').
- DP25 ('Conserving Camden's heritage')
- DP26 ('Managing the impact of development on occupiers and neighbours')

### **Camden Planning Guidance**

- CPG1 (Design)
- CPG2 (Housing)
- CPG5 (Town Centres, Retail and Employment)
- CPG6 (Amenity)
- CPG7 (Transport)

### **Bloomsbury Conservation Area Statement (1999)**

**London Plan, 2011**

**NPPF, 2012**

## Assessment

### Proposal

The proposals consist of the material change of use of the upper floors of the building (floors 1 to 3, approx 173sqm) from office use (Class B1a) to 3 no. self contained flats (Class C3), 2 x 2-bed and 1x 1-bed. There are no external alterations proposed in connection with this change of use.

### Considerations

#### 1. The loss of office floor space

Policies CS8 and DP13 seek to safeguard existing business premises which are suitable for continued business use throughout the Borough. Changes of use may only be allowed in circumstances where:

- (a) it can be demonstrated that the site is no longer suitable for existing business use; and
- (b) there is evidence that the possibility of retaining, reusing or redeveloping the site for similar or alternative business use has been fully explored over an appropriate period of time.

Camden Planning Guidance (CPG5) adds clarification as to the circumstances where a change of use from offices would be acceptable. This states that a change of use may be allowed in the case of older office premises since it is expected that new office accommodation coming on stream during the plan period will meet projected demand. The guidance (para 6.4) goes on to list various criteria to be taken into account when assessing applications for a change of use from B1 to a non-business use. These include factors such as the age and condition of premises; whether there are existing tenants in the building; location and whether there is evidence of demand. In addition, marketing information may be requested if it is considered difficult to make an assessment based on the above criteria alone.

In addition to these policies and guidance, a material consideration for the determination of this application is the Camden Business Premises Study which was carried out by Roger Tym and Partners in March 2011. This report identifies that there is no quantitative shortage of office floorspace in the Borough, with enough office development to meet the long term demand, and in the short term, there are no indications that the market is undersupplied. However, sufficient justification for the proposed loss of offices is required on the basis that once the development has been built out, it is highly unlikely to return to commercial use in the future.

In support of proposals the applicant has provided a detailed marketing assessment covering approximately three and a half years (from December 2009 to April 2013), as well as a summary of the existing condition of the building. The findings are summarised below.

#### *The existing property*

The existing building has been marketed since December 2009, without any success. Two different agents have been involved (Currell Commercial between Dec 2009 and Sep 2011, and Fresson&Tee from June 2011 until present day).

In March 2012, an organisation called Unlock Democracy began occupancy of the upper floors for office use, which they still do. However, it has come to light that this organisation own Rodell Properties (the applicant), and their occupancy of the building only began out of market necessity, as the building had been vacant for just over 2 years at this point. Correspondence from the director of Unlock Democracy has been submitted to clarify the situation, and this is backed up by information found online, including on the Unlock Democracy website. It is the intention of this group to vacate the premises and find more suitable office accommodation should permission be granted for this conversion.

In terms of the building's layout and condition, the upper floors are firstly accessed via a main entrance door directly from the street, which leads onto a narrow communal hallway, with a further entrance door up leading up to a steep, narrow flight of steps. Although in a good state of repair, the upper floors are of a traditional residential design with traditional chimney breasts (it would be reasonable to assume it was originally used for residential purposes), with a principal room across the front of the building with the main staircase to the rear flanking a smaller second room. There are closet wing extensions at first and second floors, but these are only accessible through the main part of the building.

The layout of the property lends itself easily to conversion to one unit per floor, with individual rooms well proportioned, and requiring no external changes.

The upper floors of the building are only suitable for Class B1a office use, and given the limited amount of overall accommodation (approx. 170 sqm over three floors), it would not be able to be split into individual units for other office or commercial uses.

### *Marketing Assessment*

Covering letters have been submitted from both Currell Commercial (dated April 2013) and Fresson&Tee Chartered Surveyors (dated 16<sup>th</sup> April 2013) outlining how the building has been marketed over the past three and a half years. This explains that the space was initially marketed at a rate of £20 per sq ft, which was considered a fair market rate, and the building was subject to a thorough marketing campaign (including advert board outside the property) and other incentives were offered, including short-term leases and rent-free periods. As a result of this, there were 28 legitimate enquiries, resulting in 15 viewings. However, none of these resulted in a firm offer, with the main issue being the layout of the space over three floors, and lack of disabled/wheelchair access.

Fresson&Tee's statement outlines that the quoting rent has been revised this year to £30,000 or £19.90 per sq ft, reflecting the limited amount of vacant accommodation available in the market and subsequent changes to market rental values. During the period June 2011-April 2013, only 2 inspections were made, with no offers received.

### *Summary*

In light of above findings, the owners of the property are considered to have sufficiently justified that the existing employment floorspace is unsuitable and of a poor quality for Class B1 offices, requiring a considerable investment to achieve a comparable standard of floorspace which is currently available within the site's locality. The proposed loss of B1a use is therefore considered to be in accordance with the Guidance set out in CPG5 and policies CS8 and DP12 of the LDF.

## **2. The principle of residential use**

Policies CS6 and DP2 seek to maximise the supply of housing in the Borough and identify housing as the 'priority land-use' of the Local Development Framework. The area surrounding the site is characterised by a mix of business, residential and retail uses. Provided that appropriate evidence is submitted to demonstrate compliance with policies CS8, DP13 and the guidance set out in CPG5 (as explained above), the introduction of new residential accommodation would contribute towards creating mixed and balanced communities and is considered acceptable in principle in this location.

## **3. Residential Mix**

Policy DP5 requires new residential development to consist of homes of a range of sizes and sets out the priority dwelling sizes needed in the Borough. 2 bed market units are considered a 'very high' priority and for this reason the Council aims for 40% of units in new residential developments to be 2 bed units. The proposed scheme includes 2 x 2 bed units and 1 x 1 bed unit, therefore exceeding the 40% aim for 2 bed market units and contributing towards meeting the Council's priority housing needs. This complies with policy DP5.

## **4. Standard of residential accommodation**

Policies CS5, CS6, CS14, DP6 and DP26 require new residential development to be well designed in terms of its internal arrangement, size, and the quality accommodation provided. CPG2 (Housing) sets the minimum standards for new residential accommodation and conversions.

The proposed 2 bed units at approximately 61.9sqm meet with the overall minimum size standards for 2 bed (3 person) units (minimum 61sqm). The principal and second bedrooms, at 14.72 and 9.6sqm respectively, exceed the minimum size standards for bedrooms.

The proposed 1 bed unit at 53sqm exceeds the minimum size standards for a 1 bed (2 person) unit (minimum 48sqm) and the bedroom also exceeds the Council's minimum standards.

CPG2 requires some amenity space be provided in all new dwellings. The proposals do not include any amenity space; however, owing to the constraints of the site this is considered acceptable in this instance.

All of the habitable rooms are served by comparatively large windows and would appear to receive adequate daylight. Each of the proposed units has designated built-in storage cupboards for the storage of domestic goods. An area of internal floorspace has also been allotted for the storage of waste and recyclable materials, and the design and access statement explains that this would be taken down for street side collection on appropriate days. Given the constraints of the site, this is considered acceptable.

Policy DP6 requires that all new housing development meet Lifetime Homes standards. A Lifetime Homes Statement has been submitted with the application, and this demonstrates that 7 of the 16 of the criteria can be met, with a further three partially met (No. 5a – communal stairs, No. 14 - accessible bathrooms for each unit and No. 15 - glazing and window handle heights). Of the remaining six criteria, criteria 1 and 2 (parking and access from parking spaces) cannot be met due to constraints of the site, criterion 3 (approach to all entrances) can only apply to the main entrance door; criterion 5(b) (Communal lift) is not practicable; criterion 9 (potential for entrance level bed-space) is not practicable, and criterion 12 (stairs and potential through-floor lift in dwelling) only applies to units of more than one storey. On this basis, given the constraints of the site and surrounding area, it is considered that the statement sufficiently justifies why not all lifetime homes criteria can be met, and is therefore acceptable in this regard.

## **5. Car and cycle parking**

The application does not propose any car parking for the proposed residential accommodation. This accords with the Council's maximum residential parking standards and policy DP18 which seeks to deter unnecessary car use in highly accessible locations and promote the use of more sustainable modes of transport.

However, the Council's Highways department has stated that the applicant must enter into a S106 legal agreement to secure a car-free development in perpetuity. The agreement prohibits the provision of off-street parking within the curtilage of the site, and removes the ability of any future occupants to obtain a parking permit for the area from the Council. The applicant has confirmed that this is acceptable.

The proposals fail to provide any cycle parking spaces. Policy DP18 requires that 1 secure, covered cycle parking space should be provided for each new residential unit. However, given that the application is for a change of use and there are to be no alterations to the landscaping, it is clear that there are site constraints which do not allow for the provision of a cycle store on this occasion.

## **6. Residential amenity**

Policies CS5 and DP26 seek to preserve the amenity of the Borough's residents from the harmful consequences of new development. This includes from overlooking, overshadowing, noise, fumes and general disturbance.

The nearest residential premises to the application site are located directly to the rear on King's Mews and on the upper floors of adjoining properties. The rear windows of the proposed residential units would face the rear windows of those properties on King's Mews; however, it is considered that the distance between the windows is sufficient to mitigate against material overlooking issues.

The proposals are not considered to be liable to cause any noise or disturbance to neighbouring residential properties that could be said to be harmful to amenity. The proposals therefore comply with policies CS5 and DP26.

## **7. Sustainability**

Policies CS13 and DP22 require new development to incorporate sustainable design and construction methods in order to mitigate and adapt to climate change. The applicant's design and access statement states that measures to be incorporated include:

- Mechanical heat recovery ventilation system from bathroom and kitchen extracts;
- Condensing boilers for space and water heating;
- Restricted flow showers and aerating taps;
- Dual flush WCs;

- Energy saving LED lighting installations;
- Low energy and water use appliances.

Given the constraints of the site and that this represents a conversion rather than complete re-development scheme, it is considered that these are reasonable steps to make to ensure the aims of policies are CS13 and DP22 are broadly met.

#### **8. Community Infrastructure Levy**

As the proposals involve the creation of new residential units, they are liable for contributions towards the Mayor of London's Community Infrastructure Levy. However, as they would not create any additional useable floorspace, the contribution would be nil.

**Conclusion: Grant conditional permission**