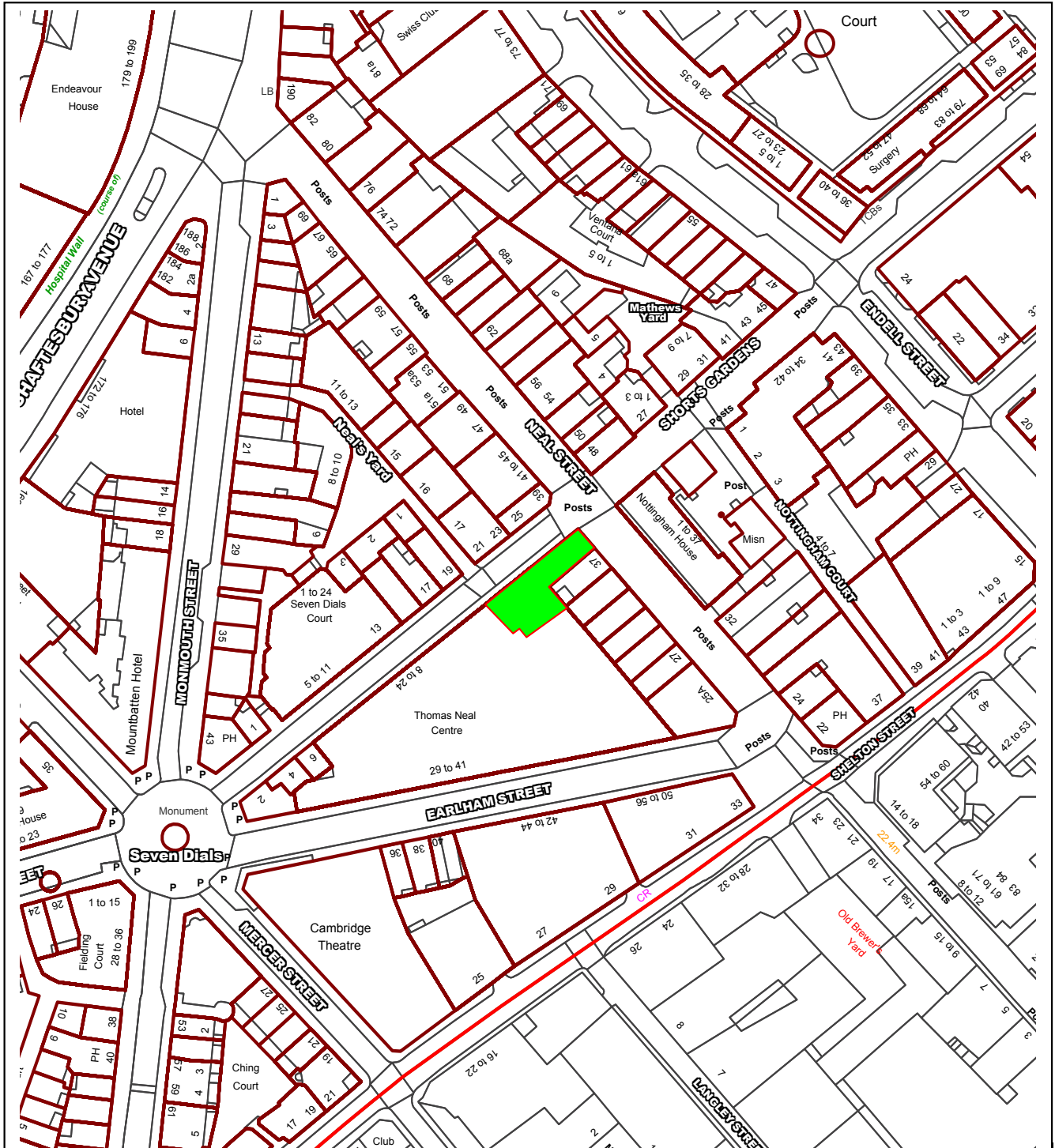


20 Shorts Gardens 2019/1294/P & 2019/1709/L



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1. Front Elevation/ Entrance to No. 20 Shorts Gardens



2. Internal No. 20 Shorts Gardens (Bedroom)



3. Internal No. 20 Shorts Gardens (Kitchen)



4. Internal No. 20 Shorts Gardens (Bathroom)



5. Internal No. 20 Short's Gardens (Living Area)

Delegated Report		Analysis sheet		Expiry Date:	03/05/2019
		N/A		Consultation Expiry Date:	28/04/2019
Officer			Application Numbers		
Samir Benmbarek			i) 2019/1294/P ii) 2019/1709/L		
Application Address			Drawing Numbers		
20 Short's Gardens London WC2H 9AU			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
i) Change of use of third floor from residential (use C3) (1x 3bedroom unit) to office (use B1a) (in association with planning application ref: 2019/1646/P) ii) Internal alterations to include new partition walls and refurbishment at third floor level.					
Recommendation:		i) Grant Conditional Permission subject to S106 Agreement ii) Grant Listed Building Consent			
Application Type:		i) Full Planning Permission ii) Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed on 03/04/2019 (expiring on 27/04/2019). A press notice was also published on 04/04/2019 (expiring on 28/04/2019). This is in regards to the full planning permission only; as the listed building consent involves only interior alterations, no consultation is required.</p> <p>To date, no responses have been received from public consultation.</p>					
CAAC/ National Amenity Society comments:	<p><u>Seven Dials Conservation Area Advisory Committee</u> The Seven Dials (Covent Garden) CAAC were formally consulted. To date, no response has been received.</p> <p><u>Covent Garden Community Association</u> The Covent Garden Community Association were formally consulted. They have responded objecting to the proposal. Their comments are as summarised below:</p> <ol style="list-style-type: none"> 1. Error in the development description; 2. Loss of a 3 bedroom family flat with lift access; 3. Loss of useful mix of uses in the building; 4. Loss of lower cost office accommodation. <p>Officer's Response</p> <ol style="list-style-type: none"> 1. <i>The development description has been altered to reflect its potential for a three-bedroom unit. Furthermore, please refer to paragraph 3.0 of this report;</i> 2. <i>Please refer to section 3.0 of this report;</i> 3. <i>It is considered that this proposal would not significantly erode the mixes within the Thomas Neal Centre of the wider Seven Dials area. There is no local loss of mixes due to the S106 bilateral agreement.</i> 4. <i>It is understood that the occupiers of the existing office space at Nos. 53-55 Monmouth Street would relocate within the office space to No. 20 Shorts Gardens.</i> 					

Site Description

The application relates to a self-contained flat at third floor level at No. 20 Short's Gardens. The site is located on the southern side of the street. The flat (and the address) is located within the Thomas Neal Centre building. The site is located within the Seven Dials (Covent Garden) Conservation Area and is a grade II listed building.

The building is in use as a mix of retail and restaurant at basement and ground floors while at first, second and third floor levels, the mix of uses is office (Class B1a) and residential (Class C3). The existing floorspace of the application flat is 143sqm. The overall character of the vicinity (Seven Dials) is of mixed Central London location, with a range of uses not limited to retail (Class A1), office (Class B1a), restaurants (Class A3), bars and pubs (Class A4) and residential (Class C3).

Relevant History

No relevant planning application history at the application site.

Relevant policies

National Planning Policy Framework, 2019

The London Plan 2016

Camden Local Plan 2017

G1 (Delivery and location of growth)
H1 (Maximising housing supply)
H3 (Protecting existing homes)
C5 (Safety and security)
C6 (Access for all)
E1 (Economic development)
E2 (Employment sites and premises)
A1 (Managing the impact of development)
D1 (Design)
D2 (Heritage)
T1 (Prioritising walking, cycling and public transport)
T2 (Parking and car-free development)
DM1 (Delivery and monitoring)

Camden Supplementary Planning Guidance

CGP Design (March 2019)
CPG Transport (March 2019)
CPG Employment sites and business premises (March 2018)

Seven Dials (Covent Garden) Conservation Area Statement

1. Proposal

- 1.1 Planning permission is sought for the change of use of an existing third floor level flat at No. 20 Short's Gardens from residential (Class C3) to office (Class B1a). This would result in 143sqm of proposed office floorspace.
- 1.2 This planning permission is in conjunction with planning application ref: 2019/1646/P at Nos. 53-55 Monmouth Street for "*Change of use of first, second and third floors from office (use B1a) to residential to provide 2x 2bedroom maisonettes*". These applications are being considered simultaneously and both submissions would be the subject of a land swap agreement secured via a bilateral Section 106 legal agreement to ensure that there would not be the loss of a residential or office floorspace. It is noted that the proposed change of use at the application building would not be acceptable without the land use swap agreement.
- 1.3 Listed building consent is sought for the internal alterations to the buildings to accommodate the proposed office use. These are namely removal of recent internal partition walls and the installation of new glazed doors within a timber frame.

2. Assessment

2.1 The main issues for consideration are:

- Land Use;
- Design, Conservation and Heritage
- Neighbour Amenity
- Transport impact

2.2 As the application site is located within the Seven Dials Conservation Area and the building is Grade II listed, the statutory provisions relevant to the determination of the applications are section 16, 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

2.3 Section 16 requires that in considering whether to grant listed building consent for development that affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historical interest.

2.4 Section 66 of the Act requires that in considering whether to grant planning permission for development that affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.

2.5 Section 72 of the Act requires that in considering whether to grant planning permission for development in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

2.6 The NPPF terms listed buildings as designated heritage assets. Section 12 of the NPPF

provides guidance on managing change to designated heritage assets through the planning system, including avoiding or justifying harm to the special architectural or historic interest of listed buildings. Paragraph 134 states that “less-than-substantial harm” to a designated heritage asset must be outweighed by the public benefits secured by the proposals, including heritage benefits to the assets.

3. Land Use

- 3.1 Policy H3 of the Local Plan states that the Council will aim to ensure that existing housing continues to meet the needs of existing and future households by resisting development that would involve a net loss of residential floorspace (criteria a) and resisting development that would involve the net loss of two or more dwellings (criteria c). It is noted that if the proposal was submitted independently, the development would be contrary to criteria a of the policy. The development forms a land use swap in conjunction with planning application ref: 2019/1646/P at Nos. 53-55 Monmouth Street which would be subsequently be converted into 2x 2-bed flats at first, second and third floor levels.
- 3.2 The subject building has a smaller floor area of 34sqm in which as a result there would be a gain of residential floorspace of 34sqm at Nos. 53-55 Monmouth Street. Conversely, there would be a loss of 34sqm of office floorspace at Nos. 53-55 Monmouth Street. The loss of office floorspace is considered minor; and the proposed relocation of employment floorspace to No. 20 Shorts Gardens is considered appropriate as it would operate well with the existing uses of the building which is also office (B1a) at first and second floors with retail (A1) at ground floor. Furthermore, the land use swap would result in a net increase of one high priority residential unit to 2x 2-bed flats.
- 3.3 Officers are therefore satisfied that the land use swap as secured by a bilateral Section 106 legal agreement is acceptable in land use policy terms for the above considerations.
- 3.4 Policy G1 of the Local Plan states that the Council will focus Camden’s growth in the most suitable locations, and manage it to make sure that the borough will deliver its opportunities and benefits that achieves sustainable development, while continuing to preserve and enhance the features that make the borough a diverse place to live, work and visit. It also states that the Council will promote the most efficient use of land and buildings in Camden seeking development that makes full use of its site.
- 3.5 In this instance, by means of the land use swap secured by the bilateral S106 legal agreement, the proposed office space at third floor level at No. 2 Short’s Gardens is considered a sustainable and appropriate development for its site and immediate surroundings within a commercial Central London location.
- 3.6 The requirement of the terms of the S106 legal agreement for the land use swap is that this permission is to be implemented and completed prior to planning permission 2019/1646/P. This is because the proposed office use is a priority within this location.

4. Design

External Design and Conservation Area

- 4.1 There are no external alterations proposed to the building as a result of the work and therefore it is not considered that the proposal would harm the external character and appearance of the application building or the wider Seven Dials conservation area.

Internal Listed Building Alterations

- 4.2 The Council's design guidance states that when assessing proposals involving listed buildings, the Council will consider the impact of the proposals on the historic significance of the buildings, including its features such as original and historic materials and architectural features, original layout of rooms, structural integrity and its character and appearance.
- 4.3 The Council's design guidance states that the Council will expect original or historic features to be retained and repairs to be in matching materials; and that proposal should seek to respond to the special historic and architectural constraints of the listed building, rather than significantly change it.
- 4.4 Internal alterations to the grade II listed building (at third floor) involve the removal of all recent internal partition walls that made the unit suitable for residential use and the installation of 2x glazed doors on timber frames.
- 4.5 The alterations would retain the historic plan form of the upper floors of the building and it is evident in the submitted plans that the works would serve to preserve the significance of the listed buildings in compliance with policy D2 of the Local Plan.
- 4.6 Overall, it is considered that the internal alterations to the buildings would form a benefit by removing recent additions and reinstating the unit to a more traditional plan form in accordance with the NPPF as well as local policies.

5. Neighbour Amenity

- 5.1 Within the Camden Local Plan policies, policy A1 ensures that development does not cause adverse amenity impacts upon neighbours in terms of sunlight, daylight, privacy and overlooking, noise and vibration and odour. Furthermore, A4 seeks to protect development from noise or neighbouring occupiers from potential noise generating development.
- 5.2 The site is neighboured by a number of buildings with residential uses (mainly on the upper floors) which need to be taken into regard when assessing impacts of amenity. There are some identified residential units on the upper floors within the buildings on the opposite side of Shorts Gardens.

5.3 Daylight/Sunlight

- 5.4 It is considered that due to the internal works, the proposal would not harm or impact upon the existing levels of daylight and sunlight as experienced by adjoining neighbouring occupiers.

Privacy and Overlooking

- 5.5 Due to the proposal works being internal it is considered that the proposal would not adversely harm the amenity of adjoining occupiers in regards to overlooking and privacy.

Noise, vibration and odour

- 5.6 Due to its proposed residential use, the development would not harm adjoining residential occupiers in regards to noise, vibration and odour.

6. Transport Impact

- 6.1 The site's Public Transport Accessibility Level (PTAL) is 6B (best) and the site falls within the Holborn and Covent Garden Controlled Parking Zone.
- 6.2 As per the requirement of Policy T2 of the Camden Local Plan, should planning permission be granted, it would be subject to a car-free legal agreement to ensure that future occupants of the

development are aware that they are not entitled to on-street parking permits.

6.3 Two long stay and 1x short stay cycle parking spaces should be provided in accordance with the London Plan and CPG Transport. However, due to the constraints of the site, with limited space to develop and its upper floor location, it is accepted that it would be difficult to provide compliant cycle parking.

7. Recommendation

- i. Grant planning permission subject to S106 legal agreement.
- ii. Grant 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 Monday 22nd July 2019, 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'.

Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Application Ref: **2019/1294/P**

18 July 2019

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:
**20 Shorts Gardens
London
WC2H 9AU**

Proposal:
Change of use of third floor unit from residential (Class C3) (1x 3-bed flat) to office (Class B1a) (in association with planning application ref: 2019/1646/P)

Drawing Nos: 861: (PL)002 (OS Extract); (PL)920C; Cover letter (planning and heritage) by Rolfe Judd dated 08 March 2019.

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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plan:

861: (PL)002 (OS Extract); (PL)920C; Cover letter (planning and heritage) by Rolfe Judd dated 08 March 2019.

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 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.

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

DECISION

Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Application Ref: **2019/1709/L**
Please ask for: **Samir Benmbarek**
Telephone: 020 7974 **2534**

17 July 2019

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
20 Shorts Gardens
London
WC2H 9AU

DECISION

Proposal:
Internal alterations to include removal of partition walls and refurbishment at third floor level.

Drawing Nos: 861: (PL)002 (OS Extract); (PL)920C; Cover letter (planning and heritage) by Rolfe Judd dated 08 March 2019.

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the

Executive Director Supporting Communities



following approved plans:

861: (PL)002 (OS Extract); (PL)920C; Cover letter (planning and heritage) by Rolfe Judd dated 08 March 2019.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 3 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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION