

Delegated Report		Analysis sheet		Expiry Date:	14/05/2020
		N/A		Consultation Expiry Date:	19/04/2020
Officer			Application Number(s)		
Obote Hope			2020/0640/P		
Application Address			Drawing Numbers		
First Floor, 53-54 Tottenham Court Road London W1T 2EJ			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from vacant commercial unit that has been marketed as a flat (Class C3) to an office (Class B1).					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:	No. of responses	00	No. of objections	00	
Summary of consultation responses:	A site notice was displayed on 25 March 2020 until 18 April 2020. A press notice was published on 26 th March 2020 until 19 th April 2020. No third party responses were received.				
CAAC/Local groups comments:	Objection received from the Fitzrovia Neighbourhood Association: "We note that the premises is registered for council tax at Band G (Local Authority Reference number: 5190129), according to the council tax record. There is no registration for business rates at this address. Therefore the premises is classed as residential use. Our association objects to this application as it would mean the loss of residential contrary to policy. For the above reasons the application should be refused.				

Site Description

The site comprises a five storey plus basement mixed use building located on the southwest side of the junctions of Goodge Street and Windmill Street. The property is not listed but is located within the Charlotte Street Conservation Area.

The site is located within the Central London Area and Clear Zone Region. The ground floor contains an ITSU restaurant (Class A5). Council tax records indicate that over the last three years the first floor was in residential use. The second and third floors consisting of self-contained flats.

Relevant History

2018/4674/P - Change of use of first floor from residential (2-bed self-contained flat) (Class C3) to office use (Class B1a). Withdrawn on **15/02/2019**.

PS9804485R4 - The general refurbishment of the building together with the creation of one additional residential flat (making three flats in total); the construction of a four storey plus basement infill extension facing Kirkman Place for part retail, part residential use; and a two storey rear extension, over the existing ground floor extension to the property, for residential use. Granted Planning permission subject to s106 agreement on **10/02/1999**.

33745 – Planning permission for the continued use of the first floor as offices at 54 Tottenham Court Road. Refused on **27/07/1982**.

33248 Established Use Certificate for the use of the first floor no. 54 Tottenham Court Road as an office. **Refused** 01/02/82.

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2016)

Intend to Publish London Plan (2019)

The Camden Local Plan (2017)

DM1 Delivery and monitoring

A1 Managing the impact of development

E1 Promoting a successful and inclusive Camden economy

E2 Employment premises and sites

H1 Maximise Housing Supply

H3 Protecting existing homes

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

Camden Planning Guidance

CPG Housing (2019)

CPG Amenity (2018)

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the change of use of the first floor from residential accommodation (comprising of 1 x 2 bed self-contained flat (Use Class C3)) to office floorspace (Use Class B1a). No external alterations are proposed.

2.0 Land Use

- 2.1 The submitted Design and Access Statement states that *"we now know that it [...the property...] has only ever been marketed as a residential flat by the current landlord and it has never been used in this way, either lawfully or unauthorised"*. The agent stipulated that the development description is as used, i.e. *"Change of use from vacant commercial unit that has been marketed as a flat (Class C3) to an office (Class B1)"*. Officers note however that the agent has not specified what the current use is, rather described the use as a 'vacant commercial unit'. As such, the first consideration in the determination of this application is to establish the existing and proposed land uses, to see whether the principle of this development could be supported.
- 2.2 Reviewing the planning history, a Lawful Development Certificate was granted for the first floor of no.53 to be used as an office (ref: 33745), but no consent was ever given for the office use of the first floor of no.54. A subsequent planning application for the change of use of no.54 was refused (ref: 33748).
- 2.3 Whilst the agent claims that the space has never but used for residential purposes and instead was office accommodation for 15-20 staff. Valuation Reports submitted with the application (section 4.6 of the Design and Access Statement), suggest that the site was in non-residential use in April 2012, and in use as 'offices and computer room'. In 2008 the use was identified as 'ancillary space to the ground floor shop' and in 2003 it was described as a 'sales area'.
- 2.4 The Council Tax team has confirmed that records show, over the last three years council tax payments were received for the first floor of no.54. The Land Valuation Agency listed the first floor of no.54 as a residential flat (from 1st May 2013). No evidence has been submitted as part of this application to demonstrate that the space has never been occupied as residential, nor that it has only ever been marketed as residential by the current landlord.
- 2.5 Given the above, officers are satisfied that the lawful use of the first floor of no.54 Tottenham Court Road is as self-contained residential accommodation. The application therefore proposes the change of use of the residential accommodation to form office floorspace.
- 2.6 Policy H3 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.
- 2.7 Policy H1 states that self-contained housing is the priority land use of the Camden Local Plan.
- 2.8 Chapter 6 of CPG Housing states: *"The projected growth in the number of households exceeds the anticipated supply of additional homes. The Council therefore seeks to minimise the net loss of existing homes."*
- 2.9 The London Plan requires Boroughs to resist the net loss of housing provision unless it is re-provided to equivalent or better standard.
- 2.10 Given that the proposal would result in the loss of residential accommodation to form office floorspace, the proposal is considered to be contrary to the aims of policies H1 and H3 of the Camden Local Plan, as well as London Plan policy 3.14B. The proposal is considered to be unacceptable in principle on this basis.

3.0 Neighbour Amenity

- 3.1 Policy A1 of the Camden Local Plan states that the Council will protect the quality of life of existing and future occupiers and neighbours by only granting permission for those developments that would not have a harmful impact on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.
- 3.2 The proposed office use would sit within a residential block with retail at ground floor. However this close relationship is not unusual, particularly within an urban area such as this. Office workspace is not normally associated with anti-social behaviour, loud noise or other issues that may have a significant impact on residential amenity.
- 3.3 As there are no proposed external works proposed the development would also not have a negative impact on visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels. The proposal is therefore considered to be acceptable in terms of its impact on neighbouring amenity.

4.0 Transport

- 4.1 Should office accommodation be acceptable, cycle parking spaces should be provided in accordance with policy T1 of the Camden Local Plan, CPG Transport, the London Plan and Intend to Publish London Plan (2019). No cycle storage facilities have been provided as part of this proposal, contrary to the aforementioned policy and refusal is warranted on this basis.
- 4.2 Should approval have been recommended, a S106 would have been required to ensure the scheme is 'car free' restricting parking permits for future occupiers. Given the lack of S106 agreement, this similarly represents a reason for refusal.

Recommendation: Refuse planning permission