

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 13 November 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	11-13 Ground Floor, Broad Court, London, WC2B 5QN		
Proposal	Use of part ground floor as a residential dwelling (Class C3). Associated internal alterations.		
Agent	Mr David Bieda		
On behalf of	Ms Christina Anne Smith		
Registered Number	18/07263/FULL 18/07264/LBC	Date amended/ completed	24 August 2018
Date Application Received	24 August 2018		
Historic Building Grade	II		
Conservation Area	Covent Garden		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the decision notice.

2. SUMMARY

The application site relates to a ground floor office suite within 11-13 Broad Court. The building is Grade II listed and is made up of a mix of self-contained flats and office suites. The site is located within the Core Central Activities Zone (CAZ).

Permission and consent are sought for the use of the office suite as a residential unit and for the associated internal alterations. The proposals are specifically seeking a personal consent on behalf of the applicant due to their personal circumstances.

The key issue for consideration is the land use implication arising from the change of use from B1 office to residential within the Core CAZ where offices uses are generally protected.

Given the personal circumstances of the applicant, the change of use is considered acceptable subject to the imposition of a condition requiring the permission to be personal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

No objection.

HIGHWAYS PLANNING:

Objects to lack of long-term off-street car parking and secure cycle parking.

PROJECT OFFICER (WASTE):

Objection. A revised plan to show a dedicated area for waste and recyclable storage is required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a ground floor office unit within to 11-13 Broad Court. The building is grade II listed and is situated within the Covent Garden Conservation Area and the Core Central Activities Zone. The building comprises a mix of self-contained flats and office suites.

6.2 Recent Relevant History

In 2004 and then in 2010 permission and consent were granted for the use of part of the ground, first and second floors of 11-13 Broad Court as 2 x 2 bedroom flats and 1 x 1 bedroom flat. (04/00723/FULL & 10/09510/FULL)

On the 9 November 2016, the City Council formally adopted the latest version of Westminster's City Plan (November 2016). In terms of the proposed change of use from offices to residential, Policy S20 is now applicable. This policy seeks to restrict changes of use from office to residential unless the benefits of the proposal outweigh the contribution made by the office floorspace.

Given the change in policy the use of part ground floor of 11-13 Broad Court as residential (Class C3) was refused permission on 12 June 2018. (18/02364/FULL). The listed building application for internal works to facilitate the change of use was approved under application reference 18/02365/LBC

7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office use	89	0	89
Residential use	0	89	89
Total	89	89	0

Permission and listed building consent are sought for the use of part of the ground floor of 11-13 Broad Court as a two bedroom flat within Class C3) together with necessary internal alterations. This application has specifically been requested to be made personal to the applicant.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed change of use to residential will result in the loss of 89sqm of office (Class B1) floorspace within the Core CAZ (CAZ). Policy S20 of the City Plan states that 'Inside the Core Central Activities Zone, Opportunity Areas and the Named Streets, changes of use from office to residential or replacement of office floorspace with residential floorspace will only be acceptable where the council considers that the benefits of the proposal outweigh the contribution made by the office floorspace, including:

1. The degree to which the employment and housing targets set out above, and as referred to in Policies S18 and S14, or in the case of the Victoria and Paddington Opportunity Areas, the targets set out in Policies S3 and S4 are being achieved;
2. The extent to which the office floorspace contributes to meeting Westminster's business and employment needs; and
3. The extent to which the mix of type, size and tenure of housing proposed meets or exceeds Westminster's needs. Where this is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace.'

Permission was previously refused for this scheme in June 2018 on the basis that there would be a loss of office floorspace in the Core CAZ contrary to Policy S20. However, since then additional information has been provided about the personal circumstances of the applicant. The applicant is an elderly person who currently lives in unsuitable accommodation at 21-23 Neal Street. A letter submitted on behalf of the applicant and provided as a background paper advises that the applicant's current residence has no bathroom or functioning kitchen. It would appear that the applicant moved into the office accommodation 10 years ago and has been resistant to moving. The Mercers Company has also written in support of the application stating that the first floor of 21-23 Neal Street has been let to the applicant for 23 years, that the property is dilapidated and in need of full refurbishment. The Mercers Company is now seeking vacant possession of the property in order to reinstate it back to its office use.

Although the proposal is contrary to policy S20, given the personal circumstances of the applicant, it is considered an exceptional circumstance can be made in this instance. However this would be subject to a condition that the permission is personal to the applicant. The NPPF advises that 'Planning conditions should be kept to a minimum and

only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'. In this instance a personal condition is considered necessary to overcome a policy objection and is relevant to the development permitted which is to avoid individual hardship.

The new residential flat would be a two-bedroom unit located at ground floor level. The bedrooms would provide an area of 18.5sqm (bed 1) and 22sqm (bed 2). The proposed flat and bedroom sizes meets the minimum space standards set out in the 'Technical housing standards - nationally described space standard' (2017). The proposal is therefore compliant with Policy S14 of the City Plan.

8.2 Townscape and Design

The building is a grade II listed Edwardian mansion block. The interior is almost unaltered and retains original cornice, doors, skirting and fireplaces throughout. The proposals seek to retain all the original features within the principal spaces, with minor modifications to the lobby areas. The internal alterations are of a very minor nature and have no impact on the character of the building. In design and listed building terms there have been no material alterations to the building since the previous approvals.

8.3 Residential Amenity

The existing building has a mix of office and residential uses and therefore the proposed residential use is considered compatible. There will be no significant impact on the amenity of other occupiers of the building.

8.4 Transportation/Parking

The Highways Planning Manager does not support the proposal on the grounds that it does not have any off street car parking and therefore does not comply with the provisions of TRANS 23.

The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 77%. However, TRANS23 includes all legal parking spaces (eg Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level decreases to 55%. The evidence of the Council's most recent daytime parking survey in 2015 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 82%. The Highways Planning Manager is concerned that the proposal will add to existing on-street parking stress overall.

The concerns of the Highways Planning Manager are noted. However the site is located within close proximity to Covent Garden, Leicester Square and Holborn Underground stations and from the mainline station at Charing Cross, as well as the bus networks along Holborn and Charing Cross Road. In addition the permission is personal to the applicant and does not run with the land. The absence of off street parking is not considered to justify a refusal on parking grounds in this instance.

The Highways Planning Manager has also requested the provision of one cycle space. Given the circumstances of the applicant and the fact that permission is personal it is not considered necessary to provide a bicycle parking space in this instance.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Neighbourhood Plans

There is currently no Neighbourhood Plan for Covent Garden.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

The nature of the application proposals does not require the imposition of a pre-commencement condition in this instance.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.10 Environmental Impact Assessment

Not applicable.

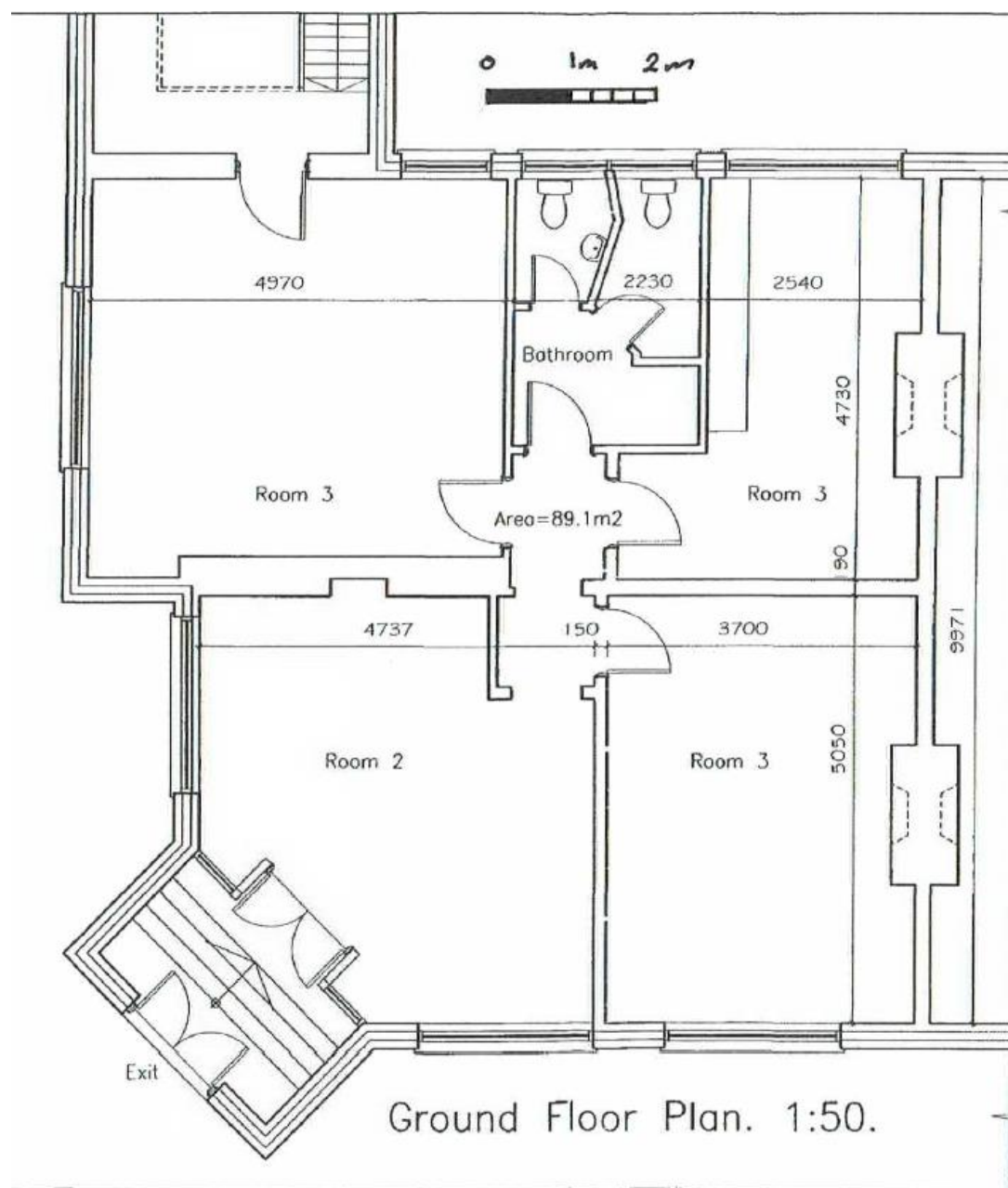
8.11 Other Issues

It is not considered necessary to require the submission of waste storage by condition given that waste can adequately stored within the flat.

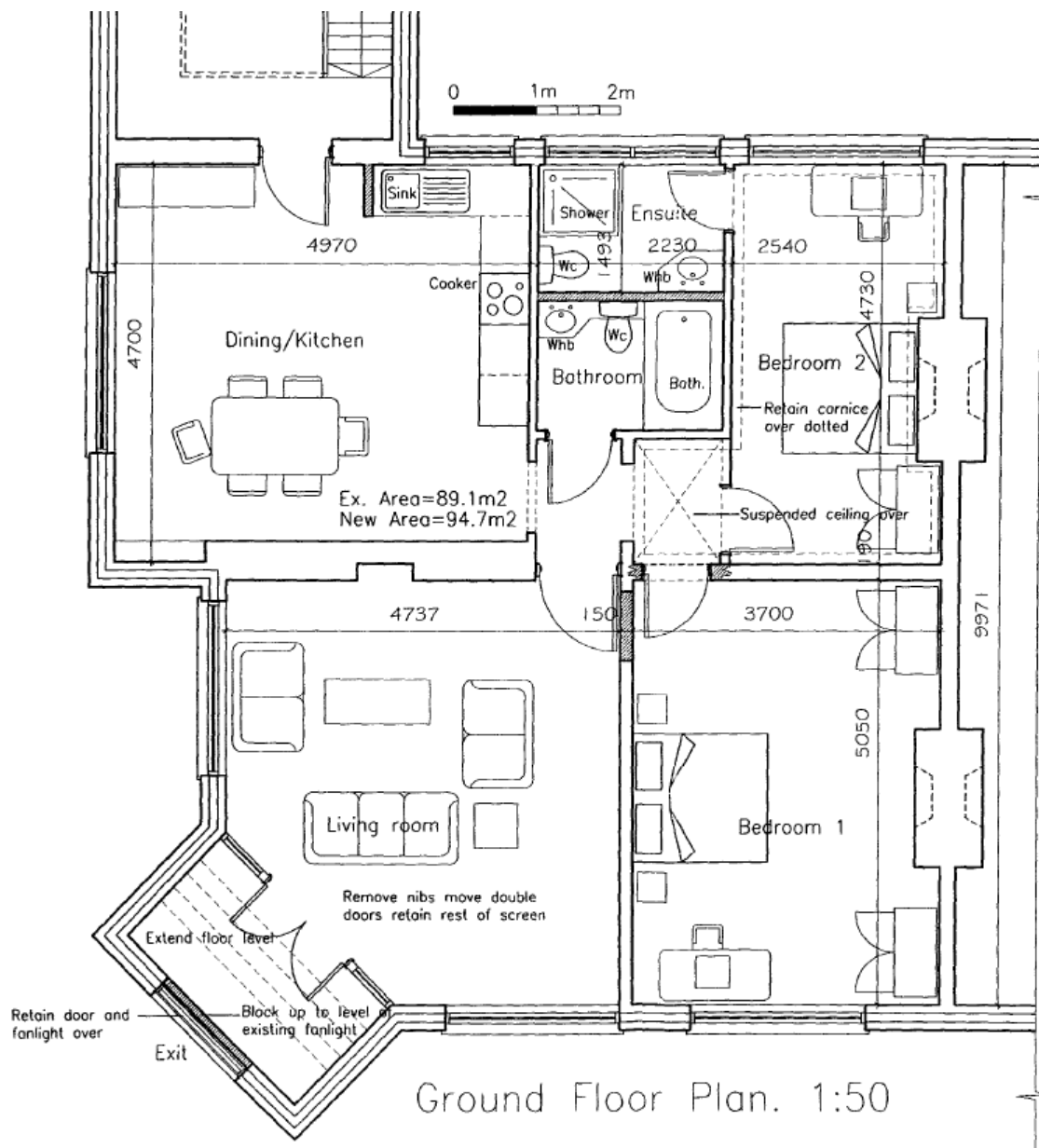
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

9. KEY DRAWINGS



Existing ground floor plan



Proposed ground floor plan

DRAFT DECISION LETTER

Address: 11-13 Ground Floor , Broad Court, London, WC2B 5QN

Proposal: Use of part ground floor as a residential (Class C3) dwelling.

Reference: 18/07263/FULL

Plan Nos: Site location plan, EX-01, P-01 Rev. A, Design and Access Statement dated 22 March 2018 and Heritage Statement., , For information purposes: EX-03 Rev. A, EX-02 Rev. A, P-02 Rev. A, P-03 Rev. A, D-01, D-02 Rev. A and D-03 Rev. A.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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1

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 Only Ms Christina Anne Smith can carry out the residential use. No one else may benefit from this permission. (C06AA)

Reason:

Because of the special circumstances of this case we need to control future use of the premises if Ms Christina Anne Smith leaves. This is as set out in Policy S20 of Westminster's City Plan (November 2016). (R06AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.