

Delegated Report		Analysis sheet		Expiry Date:		04/10/2024	
		N/A		Consultation Expiry Date:		07/09/2024	
Officer				Application Number(s)			
Adam Greenhalgh				2024/1541/P			
Application Address				Drawing Numbers			
154 Royal College Street London NW1 0TA				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of ground floor (and basement) commercial unit to residential, erection of a ground floor rear extension, mansard roof extension and basement excavation including the insertion of a rear lightwell, all to enable use as two flats							
Recommendation(s):		Refuse planning permission					
Application Type:		Full planning permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses		01		No. of comments	
						01	
Summary of consultation responses:		<p>Site notice: displayed 14/08/2024, expiry 07/09/2024 Press notice: published 13/06/2024, expiry 07/07/2024</p> <p>An email has been received on behalf of the owners of 152 Royal College Street. It is pointed out that a shared sewerage system passes close to the rear of the existing building and that appropriate works will have to be agreed/undertaken to ensure that the shared use of the sewer is not prejudiced.</p> <p><i>Officer response: The concern relates to Thames Water infrastructure. Consent from Thames Water is the correct approach.</i></p> <p>An unaddressed objection was received from an Amenity Group. Objections raised relate to:</p> <ul style="list-style-type: none"> The plain front areas and grill should not be changed for a lightwell and railings 					

- The shop façade with three windows and two doors should not be changed
- The ground floor should continue in commercial use – which could be office or retail – with front door entry
- New thinking is needed for the basement
- A roof extension may be considered but only small gable windows and a flat roof behind the parapet.

Officer response: The impacts of the building operations are considered fully within 'Design and effects on character and appearance of area' within the Assessment section below.

Site Description

154 Royal College Street is an end-of-terrace three storey building on the east side of Royal College Street close to the Regent's Canal. It is within the Royal College Street – Camden Road Neighbourhood Centre and it is within the Camden Broadway Conservation Area.

It has a vacant self-contained commercial unit on the ground floor (which has access to the basement) and a separately accessed two bedroom flat split between the first and second floors. It has a butterfly roof behind a front parapet wall.

It is noted as being a Positive Contributor and having a historic shopfront in the Camden Broadway Conservation Area Appraisal and Management Strategy 2009.

Relevant History

154 Royal College Street:

2021/5672/P - Change of use from Commercial, Business and Service (Class E) to Dwellinghouses (Class C3), by combining the ground floor shop with the basement studio flat to create a one bedroom maisonette – refused 18/01/2022

Reasons for refusal:

1. *It has not been demonstrated that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application and it has not been demonstrated that the building was in use for a purpose specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application. The proposal would therefore not comply with criteria MA.1 (a) and (b) of Class MA, Schedule 2, Part 3 of the GPDO.*
2. *The proposed development, in the absence of a Section 106 legal agreement to secure the residential units as car-free, would contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote the use of sustainable transport. It would therefore not comply with criteria MA.2 (a) of Class MA, Schedule 2, Part 3 of the GPDO and be contrary to Chapter 9 of the National Planning Policy Framework 2021 and policy T2 (Parking and car-free development) of the LB Camden Local Plan 2017.*
3. *The proposed change of use, due to the loss of commercial character by reason of a loss of ground floor retail use, would have a detrimental impact on the character and sustainability of the Conservation Area. It would therefore not comply with criteria MA.2 (e) of Class MA, Schedule 2, Part 3 of the GPDO, and be contrary to Chapter 16 of the NPPF 2021 and policy D2 (Heritage) of the LB Camden Local Plan 2017.*

4. *In the absence of any contamination assessment for the site to demonstrate otherwise, it is likely that the future occupiers would be impacted by potential contamination nearby, to the detriment of their amenities. It would therefore not comply with criteria MA.2 (b) of Class MA, Schedule 2, Part 3 of the GPDO, and be contrary to Chapter 15 of the NPPF 2021 and policy A1 (Managing the impact of development) of the LB Camden Local Plan 2017.*
5. *The proposal does not comply with the requirements of Article 3 (9A) of the Town and Country Planning (General Permitted Development) Order 2015 which requires this 2 person dwelling on 2 floors to have a minimum size of at least 58sqm in area, in compliance with the Technical Housing Standards - Nationally Described Space Standards 2015.*

156 Royal College Street:

2022/2112/P - Change of use of ground floor and basement from Class E to 2 bedroom 4 person residential unit (Class C3) and creation of mansard, ground floor rear and basement extensions and associated works – granted subject to a legal agreement – 27/09/2023

2018/5641/P - The erection of a ground floor rear extension to the existing retail unit (Class E) and a mansard roof extension to the upper floor residential unit (Class C3) – Granted – 23/08/202

Relevant policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development
A5 Basements
CC1 Climate change mitigation
CC3 Water and flooding
D1 Design
D2 Heritage
E2 Employment premises and sites
G1 Delivery and location of growth
H1 Maximising housing supply
H6 Housing choice and mix
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
TC2 Camden's centres and other shopping areas

Camden Planning Guidance:

CPG Amenity (2021)
CPG Design (2021)
CPG Employment sites and business premises (2021)
CPG Energy efficiency and adaptation (2021)
CPG Housing (2021)
CPG Transport (2021)
CPG Basements (2021)

Conservation Statements:

Camden Broadway Conservation Area Appraisal and Management Strategy (2009)

Assessment

1.0 PROPOSAL

1.1 Planning permission is sought for:

- Ground floor and basement rear extensions and change of use of ground floor and basement from commercial (Class E) to a 2 bedroom 3 person residential unit (Class C3)
- Erection of mansard roof extension (and use of first, second and third (loft) floors as a 2 bedroom 4 person flat).

1.2 The drawings indicate the removal of the existing grill within the forecourt in front of the building and the formation of a lightwell in front of the new ground floor/basement residential unit. This would be enclosed by railings. The new rear extension would be full width at ground level (the basement extension would be set in from the sides). It would be 3m above the ground floor and 3.75m above ground level at the rear, and would have a large skylight within its flat roof.

2.1 ASSESSMENT

The material considerations for this application are summarised as follows:

- Change of use of former ground floor/basement commercial use to residential
- New residential accommodation: quality of accommodation
- Design and effects on character and appearance of area
- Amenity of neighbouring residential occupants
- Transport
- Sustainability
- Biodiversity
- Basement Assessment

Change of use of former ground floor/basement commercial use to residential

2.1 Local plan policy E2 (Employment premises and sites) encourages the provision of employment premises and sites in the borough, and protects premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the Central Activities Zone (CAZ) or the local economy.

2.2 Where a change of use to a non-business use is proposed, the applicant must demonstrate to the Council's satisfaction that there is no realistic prospect of demand to use the site for an employment use (Policy E2 part a). The Council will also consider whether there is potential for an employment use to continue, taking into account various factors including:

- The suitability of the location for any business use;
- Whether the premises are in a reasonable condition to allow the use to continue;
- The range of unit sizes it provides, particularly for small businesses; and
- Whether the business use is well related to nearby land uses.

2.3 Paragraph 5.39 of the Local Plan (Policy E2) outlines that in addition to rationalising the above factors in support of the change of use, a thorough marketing exercise must be conducted to demonstrate lack of demand. The property should be marketed at realistic prices, including a consideration of alternative business uses and layouts and marketing strategies, including management of space by specialist third party providers.

2.4 The submitted documents do not include any marketing evidence, as required by Policy E2 of the Local Plan. The Planning Statement refers to the planning permission 2022/2112/P (granted subject to a legal agreement) for 156 Royal College Street including a change of use of ground floor and basement from Class E to a 2 bedroom 4 person residential unit. However, the Officer report for this application notes that marketing was undertaken to demonstrate the lack of demand for a commercial use, vis:- *'The property has been on the market with three agents: Victor Stone, C.H Peppiatt, Knights Residential for both sale and renting'*. The Officer report notes that marketing was undertaken from 2014 until the year of the application (2022) with reports of viewings, but no sales or rentals concluded.

2.5 Google Maps Streetview images suggest that the commercial unit at the application site became vacant between October 2019 and June 2020. However this alone is not sufficient to over-ride the need for marketing evidence to demonstrate that a commercial use cannot be undertaken. The applicant has not provided information to satisfy all the tests in line with policy E2 (a) or submitted any marketing evidence to demonstrate that there is no interest in a commercial use. As such, the change of use of the ground floor and basement commercial floorspace to residential is contrary to policy E2.

Design and effects on character and appearance of the Conservation Area

2.6 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 heritage assets and their settings, including conservation areas and listed buildings.

2.7 Within the Heritage section of the Design CPG it is noted that development within Conservation Areas should preserve and where possible enhance the character and appearance of the area.

2.8 The component parts of the proposals are considered in Conservation & Design terms:

Roof extension

2.9 The application building forms a pair with 156 Royal College Street, where a similar mansard was approved in 2021 and which has been partly implemented. Whilst they are modern replacements, the buildings to the immediate north are one storey taller and imitate the rhythm and proportions of terraced house development. Therefore, from the front a mansard roof fits in with the immediate context.

2.10 At the rear, the construction of a mansard roof looks incongruous above an existing steep slate roof. However, it will match the development of 156 Royal College Street and be seen in the context of the modern 158-164, so in these particular circumstances, it would preserve the character and appearance of the conservation area.

Rear extension

2.11 A shallow, single storey ground floor extension is proposed which will be constructed from brick. It will be subservient in scale and location to the host building, and will be a similar structure to what was approved at 156.

Shopfront/lightwell

2.12 The existing shopfront is noted as being of merit as a Historic Shopfront. Photographs show that the shopfront dates from after 1978, although the fascia, pilasters and consoles are likely to be original. Although it is mostly non original, due to its materials, proportions and design it does contribute to the character and appearance of the area.

2.13 The submitted drawings do not accurately portray the shopfront. These should be updated to be an accurate representation. Historically there was only one door in the shopfront, so the removal of one door is acceptable as the current two door arrangement is a modern feature.

2.14 The proposed lightwell is the result of the creation of a small basement lightwell to the front of the building. Whilst such features are found on buildings which were originally constructed as houses, on retail frontages they are an incongruous domestic feature. Lightwells are not a feature of shopfronts as they separate the display window away from the pavement and prevent passers by looking at the goods on display.

2.15 Whilst there are examples of front lightwells on Royal College Street, these are generally on domestic frontages or modern buildings which are not of the same value as the application building. Whilst it is noted that a lightwell was approved at 156 Royal College Street, the shopfront there is not of the same quality as this building's.

2.16 Pavement lights would be an acceptable means of providing natural light to the proposed basement (in Conservation & Design terms)

Change of use

2.17 The change of use from commercial to residential is of concern in terms of the impact on the character of the conservation area. The adopted appraisal notes that on page 5 that its character is derived from the busy main traffic route which support ground floor commercial uses. Therefore the uses of buildings also contributes to the character of a Conservation area through providing activity and a vibrancy at street level.

2.18 A proposal for residential at ground floor level will most likely require curtain or frosted glass within the shopfront would be out of character with this more commercial street.

Conclusion on effects on character and appearance of Conservation Area

2.19 'Conserving the Historic Environment' in the NPPF 2023 advises that where development is proposed involving heritage assets (i.e. Conservation Areas), the significance of the heritage asset should be assessed, the level of harm to the significance of the heritage asset should be assessed and consideration of any 'public benefits' should be made within an assessment of whether the public benefits should 'outweigh' the harm which would be caused to the significance of the heritage asset.

2.20 As noted above, the significance of the Conservation Area partly lies in the traditional ground floor shopfronts (with the shopfront at the site being noted as a 'Historic Shopfront'). Historically, the frontages did not have lightwells in front and the existing site recalls the original appearance of the frontage within the Conservation Area.

2.21 The proposed change of use to residential on the ground floor and the formation of the front lightwell would result in harm to the character and appearance of the Conservation Area. While the level of harm is considered to be substantial it is not considered that there would be sufficient public benefits that would outweigh the harm to the significance of the designated Conservation Area. The proposal is therefore contrary to the NPPF 2023.

2.22 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

New residential accommodation; quality of accommodation

2.23 Policy H6 outlines how the Council will seek to secure high quality accessible homes in all developments. All self-contained homes are expected to meet the nationally described space standards.

2.24 The dwellings would comply with the minimum size requirements in the national housing standards (i.e. 73 sq. m for the ground floor and basement 2 bedroom, 3 person flat and 84 sq. m for the first, second and third (loft) 2 bedroom 4 person flat).

2.25 A Sunlight & Daylight Assessment has been demonstrated to indicate that the habitable space (i.e. bedroom) in the basement flat would receive sufficient natural light. The outlook from the basement bedroom would be poor and the visual effects of the lightwell on the heritage of the building are documented above.

2.26 The ground floor / basement flat would have use of the rear garden. No external amenity space would be available to the first, second and third (loft) floor flat. However, given the sizes of the rooms and the proximity of the canal it is considered that the open amenity space requirements of the occupiers will be met.

Amenity of neighbouring residential occupants

2.27 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, overlooking, outlook and implications on daylight and sunlight.

2.28 The proposals are not considered likely to result in any significant harm to the amenity of any neighbouring occupiers. The proposed flats and configuration would not result in significantly increased noise levels at or from the site.

2.29 Both the two storey rear extension and the mansard roof extension would not obscure or overshadow any habitable room windows or private external areas at no. 154 or indeed the plot to the west.

2.30 Furthermore there would be no significant harm to the outlook from any neighbouring rooms or gardens or sense of enclosure from external amenity areas.

2.31 It is concluded that the works would result in a loss of amenity for neighbouring occupiers contrary to policy A1.

Transport

2.32 In accordance with Policy T2 of the Camden Local Plan, the new flat should be secured as residents parking permit (car) free by means of a Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution whilst encouraging more sustainable modes of transport such as walking, cycling and public transport. In the absence of a completed S.106 agreement including the prevention of future occupiers of the new flat from obtaining on-street car parking permits the proposal should be refused for these reasons.

2.33 New development should provide cycle parking facilities in accordance with the London Plan standards. A two bedroom flat should provide a minimum of two on-site cycle parking spaces. However, it is acknowledged that the existing (and proposed) ground and basement floor plans, to be changed into residential use, have limited scope for the formation of on-site cycle parking spaces. The existing commercial unit does not appear to include any on-site cycle parking space(s). A space for one cycle is proposed on the ground floor of the proposal. As such, and given the accessibility of public transport and public cycle facilities in the area, the slight shortfall in cycle parking provision is not considered to be a reason for refusal in this case.

Sustainability

2.34 The additional floorspace/new dwelling does not exceed the threshold for the submission of an Energy Statement or Sustainability Statement in the Energy Efficiency & Adaptation CPG.

2.35 If planning permission was recommended then a condition relating to the volume of water use would be attached in the interests of conserving water and the discharge of water.

Biodiversity

2.36 The rear extension (ground and basement level) would not result in the loss of green, natural land and there would be no net loss of biodiversity at the site. As such, the application is exempt from biodiversity net gain considerations.

Basement Impacts

2.37 The proposal includes a rear basement extension. Basement Policy A5 of the Local Plan states that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:

- a) neighbouring properties;
- b) the structural, ground, or water conditions of the area;
- c) the character and amenity of the area;
- d) the architectural character of the building; and
- e) the significance of heritage assets

2.38 Policy A5 further includes parameters which should be observed (to ensure that basements are appropriate in the context of the qualitative criteria within parts a – e above):

- f) not comprise of more than one storey;
- g) not be built under an existing basement;
- h) not exceed 50% of each garden within the property;
- i) be less than 1.5 times the footprint of the host building in area;
- j) extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k) not extend into or underneath the garden further than 50% of the depth of the garden;
- l) be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
- m) avoid the loss of garden space or trees of townscape or amenity value.

2.39 The proposed basement complies with the parameters within parts (f) to (m) of policy A5 and it is considered not to impact upon the amenity of neighbouring occupiers, neighbouring properties, the character and amenity of the area, the architectural character of the building or the significance of heritage assets.

2.40 With respect to part b of policy A5 'the structural, ground, or water conditions of the area' it is necessary to undertake a Basement Impact Assessment (BIA). The requirements for the BIA are set

out in the Council's CPG on Basements. A BIA must demonstrate no adverse effects on structural, ground or water conditions in the area.

2.41 When the application was submitted a BIA was not included. The Council advised that a BIA was required and it was not until 3 months after the application was submitted that a valid BIA was submitted.

2.42 As it stands, the submitted BIA has not yet been successfully reviewed/audited.

2.43 The applicant was advised of the need for the BIA to be successfully reviewed. However an email was received to say that the application should be decided by the statutory expiry date (04/10/2024) regardless of the fact that the BIA Audit had not yet been received.

2.44 As such, in the absence of a satisfactory Basement Impact Assessment it has not been demonstrated that the proposal would safeguard structural, ground and water conditions in the area. The proposal is therefore contrary to policies A1, A5 and CC3 of the LB Camden Local Plan and the Camden planning Guidance on Basements 2021.

3.0 CONCLUSION AND RECOMMENDATION

Refuse Planning Permission

1. In the absence of sufficient evidence to demonstrate that the ground floor and basement cannot be used for commercial purposes, including a lack of sufficient evidence of marketing, the proposal would result in the loss of employment floorspace. It would therefore be contrary to policy E2 (Employment premises and sites) of the LB Camden Local Plan 2017. It would also be contrary to the London Plan 2021 and NPPF 2023.
2. The proposed change of use of the ground floor from commercial to residential and the proposed front lightwell would not be in keeping with or appropriate to the historic character and appearance of the building and would harm the appearance of the Conservation Area. The proposals would therefore fail to preserve or enhance the character and appearance of the Conservation Area and would therefore be contrary to policy D2 (Design) of the LB Camden Local Plan 2017. It would also be contrary to the London Plan 2021 and NPPF 2023.
3. In the absence of a satisfactory Basement Impact Assessment it has not been demonstrated that the proposal would safeguard structural, ground and water conditions in the area. The proposal is therefore contrary to policies A1 (Managing the impact of development), A5 (Basements) and CC3 (Water and flooding) of the LB Camden Local Plan and the Camden Planning Guidance on Basements 2021. It would also be contrary to the London Plan 2021 and NPPF 2023.
4. In the absence of a completed S.106 agreement including the prevention of future occupiers of the new flat form obtaining on-street car parking permits, the proposal would increase on-street parking pressures, traffic congestion and air pollution and fail to encourage more sustainable modes of transport such as walking, cycling and public transport. It would therefore be contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) and T3 (Transport infrastructure) of the LB Camden Local Plan 2017. It would also be contrary to the London Plan 2021 and NPPF 2023.