

Delegated Report		Analysis sheet		Expiry Date:		07/05/2012	
		N/A / attached		Consultation Expiry Date:		12/4/2012	
Officer				Application Number(s)			
Hugh Miller				A: 2012/1609/P B: 2012/1610/L			
Application Address				Drawing Numbers			
68 Heath Street London NW3 1DN				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
A: Change of use and works of conversion from restaurant (Class A3) at first floor level, including use of the rear roof terrace, to a 1 bedroom self contained flat (Class C3). B: Internal and external works in association with change of use and works of conversion from restaurant at first floor level to a 1 bedroom self contained flat.							
Recommendation(s):		A) & B) Grant subject to S106 legal agreement					
Application Type:		A: Full Planning Permission B: Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	05	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Advertised in Ham & High 29/3/2012, expires 19/4/2012. Site Notice displayed 22/3/2012, expires 12/4/2012. No responses were received.					
CAAC/Local groups* comments: *Please Specify		<u>Hampstead CAAC:</u> Support					

Site Description

The host building is located on the east side of Heath Street north of the junctions with Brick Lane and Streatley Place. Formerly a public house, but now in restaurant use, it dates from c. 1898-1900, and comprises ground and four upper floors. The second and third floors comprises self-contained flats and with independent access entrance. The interior of the building retains some decorative features of note, namely a fireplace with mirror above at rear ground floor level, moulded cornicing at ground and first floor levels, and original staircase between ground and first floors. The property has been altered to incorporate the present restaurant fit-out, and incorporates modern bar fittings and flooring, and various air conditioning units.

The building is Grade II listed and is located in the Hampstead Conservation Area.

Relevant History

January 2012 – Withdrawn application – Change of use from restaurant (Class A3) to 1x self contained flat (Class C3) at first floor level; 2011/6074/P

January 2012 - Associated LBC application – Withdrawn – Works in association with Change of use from restaurant (Class A3) to 1x self contained flat (Class C3) at first floor level; 2011/6075/L

2009/1749/INVALID – Withdrawn / Council - Retrospective permission for the installation of wooden decking, railing, pergola structure (??) and external fixed seating at rear roof first floor (on two levels) in connection with use as a terrace to restaurant (Class A3).

2009/3259/INVALID – Withdrawn / Council - Retrospective permission for the installation of wooden decking and external fixed seating at rear roof level in connection with use as a terrace to restaurant (Class A3).

July 2004 LBC Granted - Alterations to front entrance door and internal alterations to restaurant on ground and first floors; ref. 2004/1727/L.

June 2001 PP Granted - Installation of extract ductwork at rear of the property; ref. PWX0103140.

July 2001- Approval of details of ventilation ducting pursuant to condition 3 of the planning permission granted 25/06/2001 (Reg. No. PWX0103140R1); ref. PWX0103645.

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetimes homes and wheelchair housing)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and limiting the availability of car parking)

DP19 (Managing the impact of parking)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2011

CPG1 - Section 5 – Roofs, terraces and balconies/ Residential standards

Hampstead CAAC

NPPF 2012

Assessment

Overview

In January 2012, the proposal was withdrawn by the applicant following the advice of officers on grounds of insufficient information relating to the internal alterations of the building regarding the unauthorised suspended ceiling also servicing for the “Change of use from restaurant (Class A3) to 1x self contained flat (Class C3) at first floor level”

According to the list description the first floor was originally the lounge (although it was not inspected at the time of listing in 1999). Since the last application exploratory works have been undertaken above the existing suspended ceiling which revealed an ornate plaster ceiling with a deep cornice around the edge covering the entire space.

Proposal

- ✓ Change of use and works of conversion from restaurant (Class A3) to 1 x 1 bedroom self contained flat, including use of the existing rear roof terrace, at first floor level (Class C3).
- ✓ Internal and external works associated with change of use and works of conversion from restaurant to 1 x 1 bedroom self contained flat, including use of the rear roof terrace at first floor level (Class C3).

The proposal was amended during the course of the assessment and includes **a]** repositioned bathroom wall, **b]** wall mounted extract duct shown on wall and **c]** indicatively shown wall lighting.

The key issues are as follows:

- Loss of restaurant floorspace,
- the principle of new self-contained flat, residential development standards;
- amenity for occupiers and neighbours
- traffic & parking.

Land use

Loss of restaurant (Class A4) floorspace/ new residential unit

Policy DP12 (*Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses*) states, The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. The policy recognises the contribution that A3/4 service uses make, but there is no specific protection for A4 uses and therefore there is no objection to the loss of restaurant floorspace. In this case, a restaurant will continue to operate on the ground floor and the loss only involves an additional seating area and bar at 1st floor level.

LDF policy DP2 (f) seeks to resist developments that would involve the net loss of two or more residential homes. This application proposes no loss of residential accommodation but the provision of an additional new residential unit and therefore does not conflict with this policy.

Policy DP5 states the Council expects a mix of large and small homes in all residential developments and will seek to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table. The Dwelling Size Priorities Table indicates that market housing

with 2- bedroom units are the highest priority and most sought after unit size. The proposed one bed unit may be less sought after but it is nevertheless compliant with the DSPT as the policy justification acknowledges that there is a need /demand for dwellings of every size shown in the DSPT.

Existing situation

There are 2 existing self-contained flats at the property, located on the second and third floor levels (layout not available). The proposal is to create a 1 x 1 bedroom unit by the change of use from the restaurant at the 1st floor level.

Residential development standards

Under LDF Development Policy DP6, all new housing should be built to Lifetime Homes standards. The applicant has submitted a Lifetime Homes assessment alongside the application. Given that the proposal is for the conversion of existing premises with physical constraints in achieving many of these standards, it is considered that on balance the development is acceptable in the context of the existing constraints.

Development Policy DP26 (h) states that we will require developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space.

The net floor area (NFA) of the proposed studio flat is 46.00sqm. It comprises two principal habitable rooms - a bedroom and a kitchen /living room. The units' size is somewhat smaller by 2sqm than the minimum standard for a two person unit. Notwithstanding it is considered acceptable in the circumstances and well in excess of min space standards for a single-person unit (minimum 32sqm).

The sizes and the general layout of the habitable rooms are in compliance with CPG guidelines. The internal floor to ceiling height also complies with the CPG guidelines.

Design and appearance

Internal alterations

Under the current proposals the ceiling would be exposed (the suspended ceiling was only partially authorised and was supposed to leave the cornice visible). The bathroom would act as a division between the living area and bedroom (and roughly correspond where there is a downstand beam in the ceiling – this is likely to be an original structural beam rather than indicating that there was a spine wall in this location), however it would not extend the full height of the space and would thus allow the ceiling to be viewed uninterrupted. No other features from the lounge survive. Given the requirements to have a lobby and enclose the bathroom, the proposed works are the minimum required to make the floor work as a residential space whilst allowing the main feature of the space to be viewed, it is therefore considered acceptable in principle. So as to protect the fabric of the chimney breast, the scheme has been revised with the bathroom wall repositioned so that it lines up with the edge of the chimney breast, rather than overlaps it, and this is acceptable.

According to the design and access statement the kitchen extract will be a charcoal extract and therefore not require an external vent. The existing water services will be utilised. The soil stack is within the floor so as to avoid the ceiling in the restaurant below (the rear part of the restaurant is a modern extension with no features of note). To address officers concerns, the proposed extract duct from the bathroom would be wall-mounted and boxed along the wall below the cornice to ensure no harm is caused to the ceiling and this too is considered acceptable.

With regards to lighting, the revised plans have shown wall lighting where necessary and ceiling lights to the hallway and bathroom to ensure the historic fabric is protected.

Finally and in terms of acoustic or fire separation, the applicant has confirmed that the existing fabric does not require upgrading and that all new elements are to provide 30minute fire resistance.

External alterations

At the rear, there is an existing external terrace seating area that previously accommodated customers of the restaurant. This space would form part of the flat unit and the applicant has confirmed that the seating and pergola are to be removed and that the terrace is to be used solely by the occupier of the proposed self-contained flat.

Neighbour Amenity

There is an element of overlooking into office accommodation to the north, east and west of the application site by virtue of the existing front and rear windows; however this is an existing situation therefore no additional overlooking will be created. It is not considered that the proposal would give rise to an unacceptable level of noise given the proposed nature of the use compared to the previous restaurant use.

The residential accommodation at no.68 Heath Street is over an existing restaurant. The approved restaurant extract duct was conditioned to include acoustic isolation which is considered to be conducive to residential development and therefore it is considered that the residential development would not suffer any adverse impact by virtue of noise nuisance. However it is recommended that a condition be imposed requiring sound insulation to be provided (as far as is practicable given the constraints of a listed building) between the existing restaurant use and proposed flat to minimise any noise transmission between both uses.

The existing roof terrace provides views above the roofs of properties at the rear and no additional loss of privacy or overlooking would occur over the existing situation.

Transport

A 1 bedroom self-contained flat would normally require the provision of 1 x cycle parking space. However, given the site constraints (independent occupier at the ground floor level) and lack of available space within the site, it is considered that this requirement can be waived in this particular instance.

The LDF policy DP18 states that car-free should not only be sought for housing but also for developments in general and in particular areas of high public transport accessibility. The proposal would be located within on-street parking control with good public transport accessibility. The application site has a Public Transport Accessibility Level of (PTAL) score of 3 which indicates that it has a medium level of accessibility by public transport. The nearest station is Hampstead, located to the south of the site, whilst the nearest bus stops are located on Heath Street close to the site. There is no vehicular access to this development and none is proposed. The development is in a highly accessible area and should be designated as car-free. It is therefore considered that in accordance with policy, as the proposal results in the creation of one additional unit, the new residential unit should be designated as car-free through a S106 planning obligation. The applicant has accepted the principle of the car-free housing and payment of the Council's legal fees.

Other Matters

Community Infrastructure Levy (CIL)

The proposal will be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £230. 00 (46.00sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

Conclusion

The loss of the restaurant floorspace is acceptable and the change of use to residential dwelling

house is compliant with LDF policy DP5. The provision of additional residential floorspace is a priority of the Plan and on balance, the new flat provides a reasonably adequate standard of amenity; therefore, the proposal is welcomed.

Recommendation: Grant Planning permission subject to a S106 Legal Agreement for car free - housing and grant listed building consent.

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