

Delegated Report		Analysis sheet		Expiry Date:		13/06/2012	
		N/A / attached		Consultation Expiry Date:		15/05/2012	
Officer				Application Number(s)			
Jonathan Markwell				2012/1882/P			
Application Address				Drawing Numbers			
149 Grafton Road LONDON NW5 4AY				Please see decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from drinking establishment (Class A4) to 2 x 3 bed maisonettes (Class C3) at basement and part ground floor level and associated alterations including installation of lightwell with railings and three windows on north elevation, provision of pavement lights and alterations to entrances and windows on east (Grafton Road) elevation/forecourt area, fenestration alterations on south (Queen's Crescent) elevation, six new ground floor level windows on west elevation and excavation works to extend the existing basement level.							
Recommendation(s):		Grant Planning Permission subject to a Section 106 Legal Agreement					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	70	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was erected on 24/04/2012, expiring on 15/05/2012. No responses have been received.					
CAAC/Local groups* comments: <small>*Please Specify</small>		None.					
Site Description							
<p>The application site comprises a four-storey (basement, ground, first and second floor) building located on the junction of Grafton Road and Queen's Crescent. The surrounding area is a mix of retail, commercial and residential uses. To the north of the site are lock-up garages and a two-storey car showroom. To the east and south are residential uses (Grafton Road and Flats 16-30 Milverton), while to the west are retail premises at ground floor level on Queen's Crescent, together with residential uses on the upper two floors. The application site is not a listed building, nor is it located within a conservation area.</p> <p>The host building had for a number of years been used as a public house, with ancillary residential accommodation above. In 2008 the public house ceased trading and the upper floors of the building have been occupied as a bedsit House in Multiple Occupation (HMO). In October 2008 the site was</p>							

cleared but after this date tenants returned to the upper floors of the building and have been occupying a number of the seven rooms on the upper floors of the building in an informal manner (although rent books were issued in May 2009). This was seen during an officer site visit undertaken in September 2009 (as part of planning application 2009/3463/P) and March 2012 (as part of planning application 2012/0987/P). At the time of the September 2009 visit the upper floors were under investigation by the Council's private sector housing team to see whether there was scope for making the upper floors a licensed HMO. However, the owner had served notice on the seven upper floor rooms seeking possession, the lawful use was considered to be Class A4 (ancillary residential accommodation to the public house on the lower floors of the building) and the upper floors did not have an HMO licence. Planning permission was subsequently granted in October 2009 for the retention of the public house and the change of use of the upper floors from ancillary public house accommodation to three self-contained flats. In October 2010 planning permission was granted for the change of the use of the upper floors and a side extension / roof extension to provide five residential units. To date, as seen during the officer site visit in March 2012, neither of these permissions had been implemented.

Relevant History

2009/3463/P- Retention of drinking establishment use (Class A4) at basement and ground floor, change of use of upper floors from ancillary public house accommodation (Class A4) to 2 x 1 bedroom and 1 x 2 bedroom self-contained flats (Class C3) and associated elevational alterations. Granted 16/10/2009.

2010/0150/P - Retention of drinking establishment use (Class A4) on basement and part ground floors, and provision of refuse and cycle store and residential access on ground floor; change of use of upper floors from ancillary public house accommodation (Class A4) to 5 (3 x 1 bed and 2 x 2 bed) self-contained flats (Class C3); erection of a two-storey side extension on south-east (Queen's Crescent) elevation at first and second floor level, roof extension and associated elevational alterations. Granted following completion of Section 106 Legal Agreement 08/10/2010.

2012/0987/P - Change of use from drinking establishment (Class A4) to 2 x self contained 1- bedroom flats (Class C3) with associated alterations to elevations at ground floor level, amendments to the internal layout of the 5 x flats at 1st to 3rd floors and installation of 5x roof lights and dormer to top floor flat as approved by planning permission ref: 2010/0150/P granted 08/10/2010. Withdrawn prior to a formal decision being made 26/03/2012.

Relevant policies

LDF Core Strategy and Development Policies

- CS1 (Distribution of growth)
- CS4 (Areas of more limited change)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS10 (Supporting community facilities and services)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)
- CS17 (Making Camden a safer place)
- CS18 (Dealing with our waste and encouraging recycling)
- CS19 (Delivering and monitoring the Core Strategy)
- DP2 (Making full use of Camden's capacity for housing)
- DP5 (Housing size mix)
- DP6 (Lifetime homes and wheelchair homes)
- DP15 (Community and leisure uses)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and the availability of car parking)
- DP19 (Managing the impact of parking)
- DP20 (Movement of goods and materials)
- DP21 (Development connecting to the highway network)

DP22 (Promoting sustainable design and construction)
DP23 (Water)
DP24 (Securing high quality design)
DP26 (Managing the impact of development on occupiers and neighbours)
DP27 (Basements and lightwells)
DP31 (Provision of, and improvements to, public open space and outdoor sport and recreation facilities)

Camden Planning Guidance 2011
NPPF 2012
London Plan 2011

Assessment

Introduction

Planning permission is sought for the change of use from drinking establishment (Class A4) to 2 x 3 bed maisonettes (Class C3) at basement and part ground floor level.

A plethora of associated alterations are also proposed, including the installation of a lightwell with associated metal railings and the provision of three windows (replacing one door) on the north elevation. On the east (Grafton Road) elevation alterations are proposed to the entrances (to provide a residential entrance to the building and an entrance to the waste storage area) and windows to provide low level windows to serve the proposed basement level accommodation. On the same Grafton Road forecourt area pavement lights are also proposed to provide further access to natural light for future basement level occupiers. On the south (Queen's Crescent) elevation fenestration alterations are proposed which alter existing doors into windows and also involve the provision of low level windows to serve the proposed basement level accommodation. On the west elevation six new ground floor level windows are proposed at this point. Excavation works are also proposed to extend the existing basement level to provide accommodation associated with the proposed residential use. Internally some alterations are proposed (which in themselves do not require planning permission) to alter the floor to ceiling heights between the basement and ground floors and provide a cycle storage area.

During the course of the application a number of revisions have been made and additional information submitted, namely:

- The originally proposed lightwell and railings on the east (Grafton Road) elevation have been omitted and replaced with pavement lights on the forecourt area and low level windows;
- An originally proposed door on the Queen's Crescent elevation at ground floor level has been omitted and replaced with a window;
- An originally proposed recess on the Grafton Road elevation has been omitted and the waste and cycle storage areas have been altered accordingly at ground floor level.
- The proposed lightwell with railings and three windows on the north elevation have been added during the application;
- Two proposed windows on the west elevation have added during the application;
- A basement impact assessment has been submitted during the course of the application;
- Commentary to support the loss of the Class A4 use has been submitted during the course of the application;
- An updated lifetime homes assessment has been submitted during the course of the application;

- Various inaccuracies amended and additional plans (for example section plans) have been submitted during the course of the application.

Land use

Considering first the loss of the Class A4 (drinking establishment) use at the premises, the policy context is that although the Council does not have any policies that explicitly protect Class A4 uses, policy DP15 of the LDF Development Policies protects existing community uses. Paragraph 15.7 of the supporting text to the policy states that:

“we will also resist the loss of local pubs that serve a community role (for example by providing space for evening classes, clubs, meetings or performances) unless an alternative provision is available nearby or it can be demonstrated to the Council’s satisfaction that the premises are no longer economically viable for pub use.”

Furthermore paragraph 70 of the NPPF states *“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”.*

As a result the applicant has submitted commentary with respect of these specific elements to assist officers in the consideration of the loss of the Class A4 drinking establishment at the site. The applicant has confirmed that the public house has been vacant for over 3 ½ years, with the proprietor vacating the premises on 30th November 2008 after running into arrears. It is understood that the community roles outlined in paragraph 15.7 did not take place while the public house was occupied and has not taken place since operations ceased. The applicant has also providing commentary and letters to illustrate that there has been no offers to let the public house since it was marketed by Symon Smith and A&G, for a period of four years. Furthermore there is alternative provision of public houses in the local area, such as the Sir Robert Peel at the junction of Queen’s Crescent and Malden Road.

Moreover, based on officer site visits to the premises in September 2009 and March 2012 when the ground floor was inspected, it is clear that the premises have not been in use during this time, with documentation pinned to the wall dating from 2008 and other fixtures and fittings also indicating this. Thus it is considered that the loss of the Class A4 use at the site would not represent the loss of a public house which serves a community role.

Turning to the provision of residential accommodation at the site, housing is the priority land use of the LDF and therefore the provision of two additional units is welcomed in principle.

In terms of the mix of units proposed, it is acknowledged that the 2x3 bed units in themselves would not comply with the priorities table outlined in DP5 for market units (which prioritises 2 bed units in this tenure). However, it is worthy to acknowledge the extant permissions at the site and the applicant intimating the likelihood that this permission would be implemented alongside permission 2010/0150/P, which granted the change of use and extensions to the upper floors to create 5 (3 x 1 bed and 2 x 2 bed) residential units. Thus, taken as a whole 3x1, 2x2 and 2x3 bed units would provide a suitable mix of large and small units suitable for a range of household types and sizes. Within this context therefore the proposed development is considered to be appropriate.

Quality of residential accommodation

The overall flat size and bedroom floor areas of the two residential units proposed are detailed below. It can be seen that the two flats are both in full compliance with both the LDF and London Plan standards (with the proposed figures shown in NIA, which is less than the GIA London Plan figures).

Flat location / number of bedrooms & persons	Overall unit size (Net Internal Area)	Bedroom 1	Bedroom 2	Bedroom 3
G.1 – basement and	100.3m ²	17m ²	11.3m ²	11m ²

ground floor maisonette				
G.1 – basement and ground floor maisonette	106.9m ²	11.9m ²	11.2m ²	7.5m ²

Moreover, each of the bedrooms are provided at ground floor level and thus provide sufficient access to natural light and ventilation. At basement floor level living, dining and kitchen spaces are provided and significant attempts have been made to maximise as far as possible the access to natural light and ventilation at this level. This is demonstrated by three high level windows on the Queen's Crescent elevation and a lightwell on the north elevation. It is acknowledged that the amount of natural light to the basement will be somewhat limited, but in overall terms owing to the measures introduced it is considered that a suitable standard of accommodation will be provided for future occupiers.

It is also noted that no access to dedicated outdoor amenity space is provided in this submission. It is considered, owing to the physical constraints of the site and this application relating to the basement and ground floors of the building, which cover the entirety of the footprint of the application site, it is not possible to provide outdoor amenity space in this instance.

Turning to lifetime homes considerations, the applicant has submitted an updated statement during the course of the application. It is shown that the majority (11 of the 16) of the standards will be adhered to, although there will be some shortfalls given the nature of this application to provide maisonettes at basement and ground floor level and the need to provide bedrooms at ground floor level. The level of information is considered to be satisfactory and a condition will be added to the permission which will ensure that the measures proposed will be implemented.

The applicant has submitted information regarding ground floor level waste and recycling storage. Sufficient provision has been provided for both the two units associated with this application and that required for the extant permission for five units. During the course of the application the location and openings have been amended to provide suitable access to this area. This will assist future residents using this space and the provision, as shown, is considered to be suitable and sufficient. A condition will ensure that this is implemented and retained as such in the future.

Design

In overall terms the proposed alterations to the building are relatively minor in nature, amounting to fenestration alterations at ground floor level and the provision of a lightwell on the north elevation (which is not readily visible from the public realm). It is considered that the proposed changes are such that they will not significantly impact on the character of the building or the former use of the building, with it still being recognisable in form as a public house. The proposed materials will match those existing and align with those which are unaffected by this proposal on the upper floors. Therefore these design alterations are considered to be appropriate and suitable given the nature of the proposed development.

Amenity

In terms of the impact of the provision of six windows on the west elevation at ground floor level, this will face a blank windowless wall and thus no adverse impacts are envisaged. In respect of the north elevation windows and lightwell, this will face towards garages at this point. Turning to the alterations to the other facades, the fenestration changes will not have a significant impact on any nearby occupier. The safety and operation of the footway would be maintained, with pavement lights and non-opening onto the highway doors negotiated during the course of the application. Thus no significant adverse impacts to neighbouring occupiers (in terms of overlooking, outlook, sun/daylight or noise and disturbance), or those using the pavements adjacent to the site, is envisaged as a result of the proposals.

Basement excavation

During the course of the application a Basement Impact Assessment (and related interpretive Geotechnical Report) has been submitted, owing the proposals seeking to excavate the existing basement level by 0.7m (to increase the floor to ceiling height of the proposed basement floor level) and also extend the basement in a small area (adjacent to Grafton Road). A full BIA (stages 1-4) has been carried out by suitably qualified professionals, with the on-site investigations taking place in June 2012. This comprised four trial pits and two boreholes. Such a level of investigation is considered appropriate given the nature of the proposals.

It has been concluded within the reports submitted that in terms of groundwater there is unlikely to be any significant impact on local hydrogeology, with only one small seepage encountered within one of the trial pits (but not the boreholes), which were monitored three times. In respect of ground stability matters it is concluded that the ground movements to nearby buildings as a result of the proposed works will be negligible, as per the Burland classifications outlined in CPG4. Turning to surface flow and flooding the increased depth of the basement floor is unlikely to have any detrimental impact on the hydrogeology of the site. It is considered that the level and nature of the information submitted is sufficient in terms to demonstrate that the proposals comply with policy DP27 (and others such as DP23) and would not cause significant harm to the built and natural environment and local amenity or result in flooding or ground instability.

Transport

The site is located on Grafton Road on the junction with Queens Crescent approximately 800m from the centre of Kentish Town. There is currently gated vehicular access to the site from both Grafton Road and Queens Crescent. The site has a Public Transport Accessibility Level (PTAL) of 2 (poor). As such the Council cannot insist on making the proposed residential units car-free. However, the applicant has indicated that it is intended for the two units created to be car-free and policy DP18 seeks to promote car-free development in areas that are easily accessible by public transport and/or suffer from parking stress. The development is within Controlled Parking Zone CA-L (West Kentish Town) which has a parking ratio of 0.71, this identifies that around 71 permits have been issued per 100 parking bays. The applicant has identified the site as being car-free and on this basis Transport would support securing the new units proposed for this development as car-free, via the S106 Legal Agreement.

In terms of cycle parking policy DP18 requires development to sufficiently provide for the needs of cyclists. The submitted plans include a cycle store on the ground floor for 7 cycle stands which offers level access to the street and is fully accessible. This provides sufficient space for the cycling needs of future occupiers of the basement/ground maisonettes and upper floor flats. A condition will seek to ensure this takes place and is retained as such.

The proposal involves the installation of new footway lightwells (none currently exist within the footway at present other than the trap door opening to serve the pub). These are shown as consisting of glass blocks, which are considered to be appropriate by transport officers.

It is not considered that the proposed works, despite the excavation proposed, are of a level which would warrant the requirement for a construction management plan to be secured. There is considered to be sufficient space off-site (to the west and north) for vehicles associated with construction to enter and exit off the public highway in order to implement the proposed scheme.

Other matters

Additional S106 contributions

Given the context of the application site building (planning permission granted for five residential units on the upper floors by 2010/0150/P and based on the recent officer site visit this permission had not been implemented and the applicant intimated it was intended for the now proposed elements to be implemented as one development) it is considered appropriate for additional financial contributions towards open space and educational infrastructure to be sought. For the two three bed units proposed

as part of this application equates to £4,634 for public open space and £12,644 for educational infrastructure in the local area. The applicant has confirmed in writing a willingness to enter into the S106 on this basis. It was considered whether it would be appropriate to secure sustainability (Ecohomes) and energy (Energy statement) measures. Owing to the Ecohomes assessment already being secured as part of 2010/0150/P it is not considered appropriate to secure one in this application. As an energy statement was not secured previously (prior to adoption of LDF) there is considered to be limited scope to secure it as part of this application.

CIL

The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the proposal seeks to create two residential units. The CIL 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 the CIL requirement.

Recommendation

Grant Planning Permission subject to a Section 106 Legal Agreement incorporating the following elements:

- car free housing for the two residential units proposed to be created;
- education contribution of £12,644;
- open space contribution of £4,634.

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