

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		16/12/2011	
		N/A / attached		Consultation Expiry Date:		01/12/2011	
Officer				Application Number(s)			
Elizabeth Beaumont				2011/4710/P & 2011/4712/L			
Application Address				Drawing Numbers			
65 & 65a Swinton Street, London, WC1X 9NT				Please refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Planning permission - Change of use from residential dwelling (Class C3) to bed and breakfast (Class C1) to include erection of part single part three storey rear extension and other external alterations. Listed building consent - Internal alterations and restoration, erection of part single part three storey rear extension and other external alterations in connection with the change of use from residential dwelling (Class C3) to bed and breakfast (Class C1).							
Recommendation(s):		Grant planning permission subject to S106 Legal Agreement Grant listed building consent subject to S106 Legal Agreement					
Application Type:		Full Planning Permission Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	21	No. of responses	01	No. of objections	01
				No. Electronic	00		
Summary of consultation responses:		<p><i>A site notice was erected on the 02/11/2011 & expired on the 23/11/2011 & a press notice was displayed in the Ham&High on the 10/11/2011 allowing comment until the 01/12/2011</i></p> <p>1 x letter of objection received from 314 - 320 Gray's Inn Road (Terrence Higgins Trust). Object for the following reasons;</p> <ul style="list-style-type: none"> Objection relates to the rear extension. The development would increase the degree of overlooking of the Trust's Property in a manner that is not readily apparent from the planning application. There are new windows on the rear elevation of the extension which will overlook the Trust's property. The trust's ability to use and develop its property would be adversely affected by the creation of new windows which would directly overlook the Trust's existing terrace garden and with oblique views into existing residential accommodation and counselling rooms. <i>(Please refer to paragraph 6.3)</i> The proposed rear extension will reduce the light reaching the flat. No study has been carried out to assess this impact. <i>(Please refer to paragraph 6.2)</i> 					
CAAC/Local groups comments:		Bloomsbury CAAC - The committee questioned the size and extent of the rear extension – <i>(Officer's comment – scale of extension has been reduced)</i>					

Site Description

The site is located on the south side of Swinton Street with Gray's Inn Road to the west, Swinton Place to the east and Acton Street to the South. The site comprises an unoccupied 4 storey building which is in a poor state of repair. The building is grade II listed, part of a terrace of 7 houses constructed in around 1776 and is on the Buildings at Risk Register. The building has been gutted and all interior fabric has been removed. There is a single storey building in the rear courtyard. The building is located within the Central London Area and in the Bloomsbury Conservation Area.

Relevant History

- 30/04/1984 – **p.p. refused (88400320)** for Change of use from surgery for the Cubex Hearing Centre to offices.
- 18/10/1988 – **lbc granted (8870148)** for the Formation of a new internal doorway through the party wall at ground floor level.
- 12/11/2002 – **cld refused (PSX0204632)** for the Application for Certificate of Lawfulness for Existing use for: 3 no. self contained residential units (Class C3).
- 13/06/2003 – **p.p. refused (PSX0204883)** for the Change of use from offices (class B1) to part residential and part offices and associated alterations at ground floor level. Reason for refusal - The development would provide substandard residential accommodation by reason of inadequate sunlight and daylight contrary to policies. [Appeal allowed]
- 13/06/2003 – **lbc granted (LSX0204884)** for the change of use from offices (class B1) to part residential and part offices and associated alterations to ground floor level.
- 17/08/2004 – **certificate of lawful development (existing) granted (2004/2268/P)** for the use of the premises as 3 non-self contained flats on the first, second and third floors, with 1 flat per floor.
- 01/11/2004 – **p.p & lbc refused (2004/3870/P & 2004/3872/L)** for the erection of a roof extension for the provision of an additional self contained 1 bedroom flat [appeal dismissed].
- 11/04/2005 – **p.p. refused (2004/5559/P & 2005/0064/L)** for the erection of a fourth floor roof extension to accommodate a self-contained 1 bedroom flat [appeal dismissed]
- 2008 to present day - number of planning and listed building consent applications were submitted but withdrawn due to insufficient information to validate applications.

Relevant policies

LDF Core Strategy and Development Policies

Core strategies

CS1 (Distribution of growth),
CS5 (Managing the impact of growth and development),
CS8 (promoting a successful and inclusive economy)
CS9 (achieving a successful Central London)
CS11 (Sustainability)
CS14 (Promoting high quality places and conserving our heritage)
CS19 (delivering and monitoring the Core Strategy)

Development policies

DP2 (making full use of Camden's capacity for housing)
DP13 (employment premises and sites)
DP14 (Tourism development and visitor accommodation)
DP16 (transport implications of development)
DP17 (walking, cycling and public transport)
DP18 (parking standards and limiting the availability of carparking)
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)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2011

Bloomsbury Conservation Area Statement

Assessment

1. Proposal

- 1.1 Planning permission and listed building consent are sought for the change of use of the building from a residential dwelling (Class C3) to a 20 room (28 person) bed and breakfast (Class C1) including the erection of a rear extension and internal alterations to the building. The development

comprises the following;

- Extension of closet wing at ground, first, second and third floor level following removal of existing rear addition.
- New rooflight above stair well.
- 20 rooms including 6 singles, 9 doubles, 3 triples and 2 family rooms.
- Service room at basement level, Reception area with 3 x en-suite double bedrooms at ground floor level.
- Single storey out-building to the rear of the yard will accommodate 2 x en-suite double bedrooms.
- 2 x single bedrooms in the closet wing between ground and first floor.
- 3 x double bedrooms in the main part of the property and 2 x single bedrooms in the closet wing at first floor level.
- 3 x double en-suite bedrooms and 2 x single en-suite rooms at second floor level.
- 3 x double en-suite bedrooms at third floor level.
- Internal refurbishment of the building and replacement of roof of single storey outbuilding.

2. Revisions

- 2.1 The scheme has been amended during the course of the application to reduce the scale of the rear extension setting it a floor below eaves level.

3. Principle of development

- 3.1 The internal fabric of the building and evidence of its existing layout has been gutted. The previous use of the building appears to be been as three non-self contained residential units on the upper floors with part office part residential unit at ground floor level. From 'existing drawings' submitted with previous planning applications the layout of the existing building appears to have comprised the following;

- Office accommodation and a self-contained residential unit at ground floor level
- 3 x non-self contained residential units at first floor level
- 2 x non-self contained residential units with kitchen/bathroom at second and third floor level

- 3.2 The proposed change of use would therefore result in the loss of a small amount of office floor space, 1 x self-contained unit and 5 non-self contained residential units.

Loss of residential accommodation

- 4.1 The proposal would result in the loss of residential accommodation which is strongly resisted by Camden's policy. CS6 states that the Council will aim to make full use of Camden's capacity for housing by minimising the net loss of existing homes. DP2 states that the Council will seek to minimise the loss of housing in the borough by protecting residential uses from development that would involve a net loss of residential floorspace and protecting permanent housing from conversion to short-stay accommodation intended for occupation for periods of less than 90 days. DP9 states that the Council will resist development that would involve the loss of non-self contained dwellings. The proposed development is therefore contrary to Camden's policies for residential accommodation.

- 4.2 At pre-application the loss of the residential use was raised as a major concern with the proposed development. The applicant was concerned that given the work involved due to the building's listed status and the work involved given its position on the at-risk list that it was not financially viable to renovate the building and retain this use. The applicant was requested to submit a financial viability statement to assess the viability of retaining the residential use of the building. This was then assessed by an independent third party to verify the findings. The report concluded that given the cost involved to bring the building back into use it would be financially unviable to retain the use of the building in its previous layout (mixture of non-self contained and self-contained residential units). The report also assessed the viability of variation of residential accommodation, for example providing only self-contained residential accommodation. However this was again found not to be financially viable and therefore would not ensure the building's renovation.

- 4.3 It is therefore considered that as it is not possible to retain the residential accommodation and if a financial viable scheme can not be found the building is likely to remain empty and deteriorate further. This would result in the loss of not only the residential accommodation but the special character of the listed building itself and its contribution to the wider conservation area. The overall costs involved in the renovation of the building stem from the amount work involved given its state of repair and its listed status which requires renovation to a certain standard. The substantial work involved in bringing the building back to a good state of repair is highlighted by the fact that the building is on English Heritage's Building at Risk List and is designated as in 'very bad' condition. English Heritage has been involved in pre-application discussions on the building. Furthermore it must be noted that the building is also on the Empty Homes Register.
- 4.4 It is considered that the overall benefits gained from ensuring the building can be retained and brought back into use thereby protecting its special character and the wider benefits to the character and appearance of the wider conservation area are significant. In these particular circumstances the loss of the residential accommodation given the overall benefit of ensuring the rescue and renovation of this building is considered on balance acceptable in this case. In order to ensure that the building is brought back into use, if consent is granted, and not just left to deteriorate further a condition limiting the timeframe for implementation and a legal obligation to specify the timeframe for the completion of the development is recommended.
- 4.5 The small area of office accommodation which would be lost on the ground floor is considered to have limited attractiveness given its small size and therefore its loss is not contested

Proposed 'Bed and Breakfast'

- 4.6 Turning to the proposed 'Bed and Breakfast' use, new hotel accommodation is supported in the Central London Area by policies CS9 and DP14 subject to policies protecting employment and residential uses being met first. Tourism and visitor accommodation is particularly encouraged within the growth areas of King's Cross, Euston, Tottenham Court Road and Holborn. The proposal would create a 20 room 'bed and breakfast' with breakfast provided by the neighbouring public house.
- 4.7 Swinton Street comprises residential properties interspersed with a number of hotel uses including a 218 room hotel on the corner of Swinton Street and Gray's Inn Road, a 75 room hotel at nos. 47-55 and a hotel comprising 54 rooms as nos. 18-24 Swinton Street. The application site is positioned between a public house on one side and Acorn House in mixed office and residential use on the other. Towards the junction with Swinton Street and King's Cross Road there is a large hotel. The remainder of the street is comprised of terraced residential properties interspersed with hotel uses and office buildings.
- 4.8 Although there is a mix of commercial uses along the street given the presence of residential uses along much of Swinton Street it is necessary to have regard to the potential impacts of an additional hotel use on the residential amenity of its surroundings. It is also a requirement set by DP14 that new hotels should not harm the balance and mix of uses in the area, local character, residential services or amenity. The potential impacts most likely to be associated with the use would be noise and nuisance from the comings and goings of hotel residents, transport related impacts such as congestion from additional taxi trips and site servicing. A Transport Plan was submitted with the scheme, which is considered acceptable and this is discussed further within the transport section below (section 7).
- 4.9 The proposed bed & breakfast is of a relatively small scale with the ability to accommodate 28 persons per night at full capacity (20 rooms). The proposed B&B would be positioned on a busy red route adjacent to an existing public house and close to a number of similar hotel uses. It is considered that given the scale of the proposed use and the presence of similar uses within the street and wider area the overall impact on the amenity of neighbouring occupiers would be limited. The proposed use in this location is therefore considered acceptable.

- 4.10 Details of the refuse arrangements of the hotel were not submitted as part of the application, accordingly a condition recommending the submission of details prior to the commencement of development is recommended.

5. Design

- 5.1 No. 65 and 65A Swinton Street forms part of a terrace of seven houses dating from circa 1776. It is 4 storeys in height and 4 bays wide with a darkened stock brick façade. At ground floor level there is a late nineteenth century shopfront which appears to have been inserted over what would have been a passageway to the rear. The building is in a poor condition and the inside has been gutted at some stage with the only the floor joists and timber studwork for the walls remaining. It has been empty for a number of years and is on the English Heritage's Heritage at Risk Register.
- 5.2 In principle proposals for the re-use of the building to ensure the long term survival of the building and remove it from the Heritage at Risk Register are welcomed. However the potential benefits of the proposals still need to be weighed against the impact of the significance of the heritage asset.

Rear extension

- 5.3 There is an existing full width single storey rear extension and part width ground and first floor extension with part-sloped and part-flat roof. It is proposed to demolish and rebuild the rear extension with a full width ground floor extension and part width extension set a full storey below the eaves of the roof. Rear wings (of approximately half the width of the property) are common features on this type of property and in principle the proposals could be acceptable.
- 5.4 The scheme was revised during the course of the application to reduce the size of the extension to set it a storey below the eaves height of the building in accordance with Camden's policies and guidance. The proposed extension would be subservient to the host building and would not detract from its special character. Looking the wider surroundings it is noted that it would sit against the bulk of the neighbouring block at 69 Swinton Street. Furthermore the rear building line of the south side of Swinton Street steps out significantly further to the east. It is considered that in the wider context the proposed extension would not be overbearing or dominant. It is considered that the proposed extension to the rear of the property would not have a detrimental impact on the special interest of the listed building or the wider conservation area contrary to policy.

Internal alterations

- 5.5 It is unfortunate that the interior of the building has been largely removed and very little information is available as to what would have been there previously. Whilst a number of applications were lodged within the last decade which suggests that the building would have been habitable they provide very little evidence of the extent of surviving historic fabric (except for the timber work and a small section of cornicing on the ground floor).
- 5.6 In this situation the surviving joists, stud partitioning and stair take on extra significance and every effort should be made to retain as much historic fabric as possible. The drawings were revised during the course of the application in order to confirm the applicant's commitment to reinstate features in the property such as cornicing, skirting, fireplaces. A condition is recommended to ensure the approval of details of all new internal architectural features, including stairs, and new windows. A condition to require the submission of details of new slates for the roof and new paving to the forecourt to ensure that the materials will respect the status of this listed building is also recommended.
- 5.7 The remnants of the existing stair are to be replaced with a new enlarged stair in the same location. It is acknowledged that the existing stair is particularly tight; however the building regulations are not necessarily applied retrospectively. It is considered that given very little of the original layout survived which would dictate the size of the entire stairwell and the stairwell would not be particularly practical for a hotel use the small loss of original fabric is acceptable.

6. Amenity

- 6.1 The proposed rear closet wing extension has been reduced by a storey during the course of the application. The nearest residential units are located to the rear of the adjacent office building are no. 59 and there are two flats located within the Terrence Higgins Trust Building (no. 314-320 Gray's Inn Road). These units are located at first floor level, one unit along the Swinton Street elevation and the other to the rear with windows adjacent to the application site. There are seven windows along the east elevation of this building which serve the residential flat. The two closest to the building serve a hallway and the remaining windows serve a living room and bedroom. There is a roof terrace used by the trust located above the residential unit.
- 6.2 There is an existing rear extension which is part single part two storey projecting approximately 4.4m from the rear elevation with a sloping roof. The proposed closet extension at first to second floor level will project 4.1m from the rear elevation of the building with windows on the rear and the side adjacent to 63. This extension would be a storey and half higher than the existing rear addition and project 2m beyond the flank wall of the neighbouring property nos. 314-320. The nearest residential windows are on the rear elevation of nos. 59 Swinton Street to the east of the site and the residential flat within the adjacent commercial building nos. 314-320 Gray's Inn Road. The windows on the rear elevation of nos. 314-320 serve a stairwell to the remainder of the commercial building therefore the impact of the development on these windows is not assessed.
- 6.3 The proposed extension would project out 2m from the rear elevation of the neighbouring building which is predominantly in commercial use with one flat at first floor level. The proposed extension would project a storey above the first floor flat however only the closest window, which serves the hallway, would be affected. The loss of outlook from this window is not considered sufficient to warrant the refusal of the scheme. It is considered that the outlook from the remaining windows of the residential flat would not be detrimental in comparison to the existing situation. Although the rear wall of the application site would be positioned closer to the windows serving the habitable rooms the impact of the proposed extension from the outlook from these rooms, which is currently over the garden areas of the properties along Swinton Street would not detrimentally affected by the development.
- 6.4 It is considered that given the existing rear addition, the proposed depth of the new addition and the position of the adjacent neighbours that the additional height of the new rear extension projecting a storey above the first floor flat at nos. 314-320 would not have a detrimental impact on the levels of sunlight/daylight in comparison to the existing situation. The impact of the roof terrace from the extension would not be considered sufficient to warrant the refusal of the scheme.
- 6.5 The closet wing will accommodate two single bedrooms on each floor however it is proposed that the windows will be obscure glazed with restricted opening to a height of 1.7m. It is therefore considered that this will ensure the proposal would not have a detrimental impact on the amenity of the occupiers of the residential flat to the rear of no. 314-320 in comparison to the existing situation. Given the proposed mitigation the impact of the windows on the use of the office accommodation or the roof terrace used by the Trust would not be detrimentally affected. A condition is recommended ensuring these windows are obscure glazed and fixed shut to a height of 1.7m from the floor level of each room and maintained thereafter.

7. Transport

- 7.1 The site is located on Swinton Road, which provides excellent access to both Kings Cross and St Pancras Railway and Underground Stations the location has an excellent PTAL 6a rating. There is no vehicle access to the site. The site fronts the Transport for London Road Network (TLRN) of Swinton Street (which is one-way westbound at this point). The development has the potential to add additional parking stress and congestion in the area. Given the site is so highly connected with a number of links to public transport it is considered that the development should be secured as car-free via S106 Legal Agreement.
- 7.2 The LDF Development Policies Appendix 1 identifies that supporting transport information should be submitted for Hotels (Class C1) for 10 or more beds. A Transport Plan was submitted during

the course of the application which covers overall floor area, cycle parking and servicing. The overall impacts are likely to be of a level that would not cause an undue impact. In the Transport Statement, mention is made that although cycle parking is available across the street and the overall floor area does not require on-site cycle parking, the applicant makes mention that on-site cycle parking can be provided. This approach is welcomed and a bike store has been provided in the rear yard for the provision of 6 bicycles.

- 7.3 In conclusion, the information in the Transport Statement provides a level of detail that can be used to identify that the overall impacts area minimal. However a condition is recommended to require the submission of details of the cycle parking provision.

Legal Obligations

- 7.4 It is considered that given the location of the site and the works involved that a Construction Management Plan will need to be secured via S106 Agreement. Furthermore given the works and potential harm to the highway a S106 to secure a contribution of £6,000 for pedestrian and environmental and public realm improvements in the area is recommended.

8. Sustainability

- 7.1 The renovation and repair of the listed building will undoubtedly improve the overall sustainability of the building. The proposed floorspace is less than 500sqm so a formal assessment of the development is not required.

9. Implementation

- 9.1 The building is currently in a state of disrepair and the building has been stripped of all its internal fabric. It is considered that given the status of the building on the 'At Risk' list and as unauthorised works have been undertaken to the building the time period for the planning permission and the listed building consent should be limited to a year in order to ensure the building is brought back into use as soon as possible.
- 9.2 Furthermore within the S106 a provision is recommended for the submission of a detailed programme of works for the internal reinstatement works and completion of the development within a restricted timeframe, i.e. 30 months of implementation in order to ensure the proposed internal and external works, including works of reinstatement are completed. This takes into consideration the timeframe for the submission of conditions/legal obligations.
- 9.3 An informative warning of Enforcement action is also recommended in order to ensure that the building is returned to its original state if these permissions are not implemented.

10. CIL

- 10.1 The proposal will not be liable for the Mayor of London's CIL as the additional floorspace does not exceed 100sqm.

11. Recommendation

- 11.1 Grant planning permission subject to a S106 Legal Agreement and grant listed building consent. S106 Legal Agreement is required to secure the following;
- Construction Management Plan
 - £6,000 Contribution for public realm improvements
 - Programme of restoration and restriction on implementation.

Decision route to be decided by nominated members on Monday 13th August 2012.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>