

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	18/06/2012
		N/A / attached		<b>Consultation Expiry Date:</b>	31/05/2012
<b>Officer</b>			<b>Application Number</b>		
Aysegul Olcar-Chamberlin			2012/2291/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Downing Court Grenville Street London WC1N 1LX			See draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal</b>					
Renewal of planning permission dated 20/07/09 (ref. 2008/4096/P) for conversion of basement storage areas to a 2-bedroom self-contained flat and installation of windows at basement level to Bernard Street and Grenville Street.					
<b>Recommendation:</b>		Grant planning permission subject to deed variation to s106			
<b>Application Type:</b>		Renewal of Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	37	No. of responses	09	No. of objections	09
			No. Electronic	06		
Summary of consultation responses:	A site notice was displayed from 04/05/2012 to 25/05/2012. A press notice was advertised on 04/05/2012 and expired on 31/05/2012.					
	The occupiers of 9, 14, 18, 19 and 22 Downing Court, Flat 3 26 Cyprus Road and the occupiers of 85 Judd Street, the owners of 6 and 26 Downing Court objected to the proposal. In summary the grounds of their objection are:					
	<u>Design:</u>					
	<ul style="list-style-type: none"><li>The National Planning Policy Framework makes clear that design and setting are important factors in assessing applications.</li><li>The proposed windows would greatly alter the faced of the building. Overall the proposal would harm the design quality of Downing Court in Bloomsbury conservation area.</li></ul>					
	<u>Amenity:</u>					
	<ul style="list-style-type: none"><li>There would be unacceptable disturbance caused by noise, dirt and dust to the residents in the building.</li><li>The proposed flat would be adjacent to the boiler and oil tank rooms. This could be a safety hazard.</li></ul>					
	<u>Others:</u>					
	<ul style="list-style-type: none"><li>The proposed flat would be on the storage area used by the tenants. Use of storage areas were in the terms of the tenancy agreement.</li><li>There are major electric cables and gas mains across the ceiling. The gas main should be accessible at all times in case there is a gas leak.</li><li>The proposed access to the basement is unsuitable for residential access.</li><li>The proposed windows openings would weaken the structure of the buildings.</li><li>The proposal would add to the traffic congestion.</li><li>The application made a similar application which was turned down in 2007. There have been no material changes to the proposal since then.</li><li>The current application is made to increase the freehold value of the property.</li></ul>					
	The previous case officer's comments to the similar concerns raised for the original application:					
	<i>"Applicant confirms (letter 15/08/2009) there are no residents or tenants rights to the basement areas that are the subject of this application. A legal document has been submitted endorsing this. Notwithstanding, a storage area, albeit smaller than existing, would be retained for residents/tenants.</i>					
	<i>A door leading from a bathroom in the proposed unit would provide an emergency escape to a door leading to the rear yard of the building. In the</i>					

	<p><i>event of an emergency, tenants on upper floors, unable to use the main entrance/exit to the building, could use the basement exit. It is considered that the additional 2 or 3 residents who would occupy the basement flat would not in themselves create congestion and so raise concerns about safety. However, this issue is not material to the determination of the planning application – securing an acceptable “means of escape” is a matter for the Building Regulations.”</i></p> <p>In terms of concerns over the design, traffic congestion and access please refer to the assessment part of the report. In addition to that, the approved planning application, ref: 2008/4096/P addressed the reason for refusal of planning application, ref: 2007/1427/P by omitting the alterations to the railings along Bernard Street, installation of a new gate and <i>external steps</i> and infilling a section of lightwell (see relevant history for further information).</p>
<b>CAAC/Local groups comments:</b>	Bloomsbury CAAC made no comments.

### Site Description

Downing Court is a residential building of 25 flats. It occupies a corner site at the junction of Bernard Street and Grenville Street. The premises comprise basement, ground and five storeys over. A balustrade at ground floor level encloses an open basement area in front of both elevations. The entrance into the building is from Grenville Street. The basement area underneath the flats is used for storage, plant rooms and car parking. Vehicles access the basement parking area via a ramp off the Colonnade that runs between Grenville Street and Herbrand Street immediately to the south of the site.

The site is within the Bloomsbury Conservation Area. A parade of houses adjoining the site along Bernard Street (Nos. 11 – 27) is Grade 11 listed.

### Relevant History

**2008/4096/P**- Planning permission was granted on 20/07/2009 subject to S106 legal agreement for the conversion of basement storage areas to a 2-bedroom self-contained flat and installation of windows at basement level to Bernard Street and Grenville Street.

**2007/1427/P** – Planning permission was refused on 25/06/2007 for the installation of windows and an entrance door in association with the conversion of a basement store to form a 2-bed self-contained flat, together with the replacement of a section of the ground floor railing with a gate leading to new stairs to the basement and an extension infilling a section of the basement area. Reason for refusal:

*“The proposed infilling of a section of the lightwell by reason of scale and position, and alterations to the external balustrade and introduction of external steps leading to the basement area, would be detrimental to the appearance and setting of the building contrary to policies B1 (General design principles); B3 (alterations and extensions) and B7 (conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.”*

## **Relevant policies**

The assessment of the original planning application was based on the relevant policies of Replacement Unitary Development Plan (2006) which have now been superseded. Since the approval of the original application the Council replaced UDP (2006) with new LDF Core Strategy and Development Policies documents on (November 2010). Therefore, this application would be assessed against the new LDF policies listed below.

### **LDF Core Strategy and Development Policies**

#### **Core Strategy**

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS14 – Promoting high quality places and conserving our heritage

CS17 – Dealing with our waste and encouraging recycling

#### **Development Policies**

DP2 – Making full use of Camden's capacity for housing

DP5 - Homes of different sizes

DP6 – Lifetime homes and wheelchair housing

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

DP29 - Improving access

#### **Camden Planning Guidance 2011**

CPG1 (Design)

CPG2 (Housing)

CPG6 (Amenity)

### **Bloomsbury Conservation Area Appraisal and Management Strategy**

## Assessment

**Proposal:** The proposal is for extending the time limit for the implementation of the planning permission granted on 20/07/09 for the conversion of basement storage areas to a 2-bedroom self-contained flat and installation of windows at basement level to Bernard Street and Grenville Street (ref. 2008/4096/P). The existing planning permission expires on 20/07/12.

Communities and Local Government Guidance for extensions to the time limits for implementing planning permission advises that the development proposed in an application for extension will, by definition, have been judged to be acceptable at an earlier date. Therefore the planning authority should only focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

### Development Plan policies

The original application was assessed against policies in the 2006 Unitary Development Plan, which have now been replaced by the Camden Local Development Framework Core Strategy and Development Policies DPDs. There has not been a material change in the approach taken in the Core Strategy and Development Policies compared to the UDP that would materially alter the assessment of the proposals.

Although the Council's policies have changed since the original planning permission was granted the principal considerations material to the determination of this application are exactly the same as the ones taken into consideration during the assessment of the original application. The site circumstances are not considered to have changed since the original permission was granted.

**Design and Appearance:** The aims of the new LDF policies concerning design and conservation areas are the same as the expired UDP policies. In addition to that, the LDF policies do not contradict the National Planning Policy Framework (NPPF).

Although the host building is in a highly prominent position the proposed new windows to basement level would not be readily visible from the streetscene. The proposed windows in terms of their positioning and design would respect the appearance and character of the host building and would not compromise overall architectural quality of the building. As it was stated in the original application's report the proposed external alterations would not be detrimental to the appearance and character of the host building and the conservation area.

**Standard of accommodation:** The overall size of the unit would be 68.4m<sup>2</sup> in line with the Council's residential standards standard for a 3-person flat (on page 54 of CPG Housing). Room sizes all meet the Council's residential development standards.

The Council's environmental health officer raised concerns over the potential problems with lighting and outlook. The existing retaining walls around the building would block some daylight to the proposed windows to the basement level as there would be less than 3m difference between the new windows and the existing retaining wall. In terms of ensuring adequate daylight in accordance with the Council's guidance (on page 54 of CPG Housing) the glazed areas of the proposed windows which would not be overshadowed by the existing retaining wall would be more than 10% of the floor areas of each of the habitable rooms. It is considered that the rooms would receive adequate natural daylight and ventilation.

Whilst neither the access of sunlight to the new flat nor the outlook from it would be ideal, it was previously considered that these were not reasonable reasons for refusal of the proposed scheme as the Planning Inspectorates do not generally support such a reason for refusal. They generally take the view that when new private accommodation for sale or rent is proposed, prospective occupiers will form their own judgement as to whether they wish to occupy the accommodation.

**Access and Lifetime homes:** Given the site constraints it would be unreasonable to expect the proposed flat to meet all Lifetime Homes criteria. The proposed flat would be accessed from the communal staircases and the existing internal lift does not extend to the basement. The existing stair

leading to the basement is approximately 1200mm wide and can be fitted with a chairlift if required. An informative is also attached to the decision notice to encourage the applicants to comply with the Lifetime Homes standards as far as practically possible.

**Impact on Amenity:** Given that the current proposal has not changed from the previously approved scheme in 2009, the proposal would still be considered acceptable in terms of its impact on the amenity of the neighbouring residents.

**Parking:** The original planning permission is subject to a s106 agreement for the proposed unit to be car free. That s106 would be applicable to this planning permission.

**Other:** A planning history search (see '*relevant history*' above) and site inspection has revealed that there have been no significant material changes on or adjacent to the site since the granting of the original permission which would affect the positive determination of the application.

**CIL:** This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as there would be one additional residential dwelling. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be £3420. This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

**Conclusion:** The extending planning permission is considered not to raise additional material consideration that should be taken into account in accordance with the relevant LDF policies and the Council's Planning Guidance. Subject to safeguarding conditions, the proposed works are still considered to respect the character and appearance of the building and wider conservation area and are not detrimental to the amenity of neighbouring residents.

**Recommendation:** Grant Planning Permission subject to a deed variation to Section 106 Agreement for the renewed planning reference number and the decision date.

#### DISCLAIMER

Decision route to be decided by nominated members on Monday 18<sup>th</sup> June 2012. For further information please click [here](#).