

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		28/02/2012	
		N/A / attached		<b>Consultation Expiry Date:</b>		09/02/2012	
<b>Officer</b>				<b>Application Number(s)</b>			
Jonathan Markwell				2011/3656/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
2 Murray Street London NW1 9RE				Please see decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Change of use of ground floor (front) retail unit (Class A1) to additional residential accommodation within an existing residential unit at ground floor level (Class C3).							
<b>Recommendation(s):</b>		Refuse Planning Permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified		12		No. of responses	
						00	
						No. of objections	
						00	
<b>Summary of consultation responses:</b>		A site notice was erected on 12/01/2012, expiring on 02/02/2012. A press notice was published on 19/01/2012, expiring on 09/02/2012. No responses have been received.					
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>		Camden Square CAAC was formally consulted on the application. No response has been received.					
<b>Site Description</b>							
<p>The application site comprises a three-storey plus basement mid-terrace building located on the southern side of Murray Street, close to the junction with Agar Grove. Part of the ground floor level of the building is a vacant retail unit (Class A1); In previous applications at the site it was noted by the applicant to have been vacant since 2005. It was previously confirmed that it was most recently in use as a florists and hairdressers. As part of this submission the applicant has stated that "Number 2 has been empty and disused for at least ten years". The remainder of the building was up until recently been in residential use as a single dwellinghouse, but based on the unaccompanied officer site visit from the outside of the premises it is clear that works are in progress to implement permission 2011/1955/P at the site, which converted the building (barring the front part retail unit) into 4 residential units. To the rear of the property is a narrow garden area, which includes a shed and access to Cobham Mews.</p> <p>Although the building is not listed, it is located within Camden Square Conservation Area and considered to make a positive contribution to the character and appearance of the conservation area. It is also situated within the designated Murray Street Neighbourhood Centre, which comprises the area between the Murray Public House (located on the junction of Agar Grove and Murray Street) and No. 11 Murray Street.</p> <p>The recently adopted Conservation Area Appraisal and Management Strategy denotes with reference to this part of Murray Street "has a particular character on its south west side as a parade of shops with residential accommodation above; a cornice, first floor metalwork and a wide fascia links the façades. Pressure on local retail and the desire for residential conversion has led to changes. Only two shops and a restaurant remain operational. The shop frontages survive, however many have been converted for residential use at ground and basement level. Harmful alterations include the excavation of front lightwells, removal and piercing of fascias, blocking of windows and reduction in their size; at the</p>							

upper storeys some sections of cornice have been removed, window configuration has changed and some rebuilding is evident (possibly due to bomb damage)".

## **Relevant History**

### **2 Murray Street**

CA/2186 - At 2 Murray Street, N.W.1 Internally illuminated double sided box sign measuring 0.5m deep x 0.75m wide projecting 0.8m fixed at an overall height of 3.2m reading "Embassy" in red letters and "the best smoking" in gold on a white background. Granted 20/09/1973.

2008/3219/P - Retention of front part of ground floor as Class A1 (retail); change of use of middle part of ground floor from retail to residential; creation of new front lightwell with railings and new basement windows; alterations to ground floor shopfront; erection of a two-storey basement and ground floor rear extension; and mansard roof extension to create four (2-2bedroom units and 2-1 bedroom) self-contained residential units (Class C3). Withdrawn 06/10/2008.

2009/0109/P - Retention of front part of ground floor as Class A1 (retail); change of use of middle part of ground floor from retail to residential; creation of new front lightwell with grille, reinstatement of original basement window and door and alterations to ground floor shopfront; erection of a basement and ground floor rear extension and mansard roof extension to create four (2 x 2 bed and 2 x 1 bed) self-contained residential units (Class C3). Resolved for planning permission to be granted subject to the completion of a S106 Legal Agreement for car-free housing in March 2009; the S106 was not completed in a satisfactory time period and therefore the application was withdrawn by the Council on 21/10/2009.

2011/1955/P - Retention of front part of ground floor as Class A1 (retail); change of use of middle part of ground floor from retail to residential; creation of new front lightwell with grille, reinstatement of original basement window and door and alterations to ground floor shopfront; erection of a basement and ground floor rear extension and mansard roof extension to create four (2 x 2 bed and 2 x 1 bed) self-contained residential units (Class C3). Granted following completion of S106 Legal Agreement 20/07/2011.

### **Other properties in Murray Street Neighbourhood Centre**

#### **25 Agar Grove**

2010/0086/P – Erection of a mansard roof extension, replacement of existing 1-2 storey side extensions with a single storey extension plus enclosed stair to first floor level and the conversion of the 1st, 2nd and new 3rd floors from ancillary public house accommodation (use class A4) to 5 self-contained residential flats (2x1 bed, 2x2 bed and 1x3 bed. Granted following completion of a S106 Legal Agreement 01/09/2010.

2011/1262/P - Amendments to planning permission ref 2010/0086/P dated 01/09/2010 (for the erection of a mansard roof extension, replacement of existing 1-2 storey side extensions with a single storey extension plus enclosed stair to first floor level and the conversion of the 1st, 2nd and new 3rd floors from ancillary public house accommodation (use class A4) to 5 self-contained residential flats (2x1 bed, 2x2 bed and 1x3 bed)), to comprise a change of use on the upper floors to 6 self-contained residential flats (4x1 bed and 2x2 bed). Granted following completion of a deed of variation S106 Legal Agreement 21/11/2011.

2011/3043/P - Amendments to planning permission 2010/0086/P, dated 01/09/2010 (for the erection of a mansard roof extension, replacement of existing 1-2 storey side extensions with a single storey extension plus enclosed stair to first floor level and the conversion of the 1st, 2nd and new 3rd floors from ancillary public house accommodation (use class A4) to 5 self-contained residential flats (2x1 bed, 2x2 bed and 1x3 bed)) comprising change to 4 self-contained residential flats (1x1 bed, 2x2 bed and 1x3 bed) and installation of window at first floor level on Murray Street (north-east) elevation. Granted following completion of a deed of variation S106 Legal Agreement 14/10/2011.

2011/4538/P - Amendments comprising the relocation of cycle storage from ground to basement floor level and the relocation of waste and recycling storage from ground to basement floor level for the Class A4 use and from ground floor to within each flat for the residential units pursuant to planning permission granted on 01/09/2010 (Ref. 2010/0086/P) for (The erection of a mansard roof extension, replacement of existing 1-2 storey side extensions with a single storey extension plus enclosed stair to first floor level and the conversion of the 1st, 2nd and new 3rd floors from ancillary public house accommodation (use class A4) to 5 self-contained residential flats (2x1 bed, 2x2 bed and 1x3 bed)). Non material amendment refused 11/10/2011.

2011/6117/P - Variation of condition (development in accordance with approved plans) as a minor material amendment to planning permission (ref: 2010/0086/P) granted on 01/09/2010 for the erection of a mansard roof extension, replacement of existing 1-2 storey side extensions with a single storey extension plus enclosed stair to first floor level and the conversion of the 1st, 2nd and new 3rd floors from ancillary public house accommodation (use class A4) to 5 self-contained residential flats (2x1 bed, 2x2 bed and 1x3 bed) for the use of Zinc cladding on the new ground floor external link and new door detailing. Current application under consideration – no decision has been made by the Council.

#### **1a Murray Street**

TP4654/6973 - To use the ground floor shop premises at No. 1A, Murray Street, St. Pancras, as a licensed betting office. Granted 31/07/1963.

10482 - The subdivision of the shop premises at 1A Murray Street, N.W.1. to provide a betting office and a shoe repairers shop, and alterations to the shopfront. Granted 31/03/1971.

H13/10/10/27330 - Erection of a rear extension and internal alterations to existing Betting Office, and change of use of a small part of the ground floor to Betting Office. Granted 16/01/1979.

### **1 Murray Street**

2008/0436/P - Retention of front part of ground floor as Class A1 (retail); change of use of rear part of ground floor and whole of basement from retail to residential; creation of new front lightwell with grille, reinstatement of original basement window and door and alterations to ground floor shopfront; erection of basement, ground floor and part first floor rear extensions and mansard roof extension to create four self-contained residential units (Class C3). Granted following completion of S106 Legal Agreement 13/01/2009.

### **3a Murray Street**

2008/4817/P - Change of use of ground floor shop (Class A1) to office (Class B1) for a temporary period of 2 years. Granted 23/12/2008.

Condition 2 - The use hereby permitted is for a temporary period only and shall cease on or before 1st January 2011, at which time the premises shall revert to their former lawful use which is Class A1. Reason: In order that the long term use of the site may be properly considered in accordance with policy R7B (Protection of shopping frontages and local shops - Neighbourhood Centres) of the London Borough of Camden Replacement Unitary Development Plan 2006.

### **4 Murray Street**

4 Murray Street and Land at rear of 5 Murray Street NW1 – 8602302 - Redevelopment of site behind retained front facade altered at ground-floor level to provide one shop and the erection of an additional storey at roof-level to provide one 1-bedroom split-level maisonette at first and second floors and one 2-bedroom maisonette at third and fourth floor levels and the erection of a 2-bedroom mews house with integral garage and domed access to a roof terrace as shown on drawing no.001A. Granted 26/02/1987.

### **5 Murray Street**

None of relevance.

### **6 Murray Street**

None of relevance.

### **7 Murray Street**

Ground floor - PE9800022 - Certificate of lawfulness for an existing use as a restaurant. Granted 09/02/1998.

### **8-9 Murray Street**

2003/0276/P - Change of use of basement and ground floors from Class B1 (offices) to Class B1/C3 (live/work). Granted 05/11/2003.

2007/2988/P - Alterations to ground floor and basement to include creation of a new basement below No 8, new lightwells to both 8 & 9, extension of existing basement below no 9, creation of a courtyard at basement level at rear of No 9 and erection of a ground floor rear extension at No 9 to replace the existing conservatory, in association with the change of use plus extension of the basement and ground floor from Class B1 business use to Sui Generis live/work unit. Granted 09/11/2007.

### **10 Murray Street**

2006/1820/P - Change of use of basement and part ground floor from retail use (Class A1) to residential use (Class C3), and conversion to provide 4 x self-contained flats, involving erection of a mansard roof extension, basement and ground floor rear extension, excavation of a front lightwell, alterations to the shopfront and reinstatement of first floor front balustrade. Granted following completion of S106 Legal Agreement 26/06/2006.

Enforcement investigation: EN09/0275 - Unauthorised change of use from A1 to C3. Site visit undertaken on 01/10/2009; the property was vacant although the letting agent acknowledged that it had been used as residential accommodation up until a few months ago. The letting agent stated it was not intended to be re-let as residential. Case Closed - No breach

found.

### **11 Murray Street**

PE9900304 - Change of use of ground floor and basement from retail to residential and external alterations to rear.  
Refused 22/06/1999.

Reasons for refusal:

1. A change of use of the basement and ground floor to residential would result in a single use building in this part of Camden Square Conservation Area where the character of the shopping parade strongly depends on mixed uses. This would be harmful to the character of this part of the Conservation Area and so would not comply with policy EN33 in the Unitary Development Plan.
2. The rear part of the proposed residential accommodation at basement level would not comply with the Council's environmental standards of daylight and sunlight and so would not comply with Unitary Development Plan policy SHG7.
3. The proposed development would not comply with the Council's parking requirements, particularly as Murray Street is classified as a heavily parked street, and so would not comply with Unitary Development Plan policies TR16 and DS9.

Appeal (T/APP/X5210/A/99/1027179/P5) dismissed on 02/12/1999 owing to the unacceptable loss of a retail unit within the designated neighbourhood centre.

### **Relevant policies**

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

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS7 Promoting Camden's centres and shops

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

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

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

Camden Square Conservation Area Appraisal and Management Strategy (Adopted March 2011)

## Assessment

### Introduction

Planning permission is sought for the change of use of the front part of the ground floor level, a retail unit (Class A1), to provide additional residential accommodation within an existing residential unit at (the rear part of the) ground floor level (Class C3). Based on an unaccompanied site visit on 02/02/2012 it was evident that permission 2011/1955/P was in the process of being implemented. This involved the retention of a 15sqm retail unit at the front of the ground floor of the building. The proposal therefore does not seek to create a separate residential unit; instead it seeks to extend a granted one-bed residential unit into a two-bed residential unit. The proposal only seeks for the change of use of this part of the building and no external alterations are proposed.

### Land use

The applicant, within the design and access statement and a supporting letter, has sought to justify the loss of the existing retail unit at the site. The justification provided is summarised as follows:

- designation of Murray Street neighbourhood centre is misplaced – retail and commercial uses have struggled for 20 years. Examples given of No 2 (empty and disused for at least 10 years, “despite various attempts to let it”); No. 1 (empty and disused for approximately 7 years); No. 3 (empty for approximately 11 years with the exception of a 6 month period for an African foodstore)
- No viable use for a small commercial premises in this location – empty façade would be detrimental to the character and vibrancy of the street.
- No 9 converted to residential 5 years ago, whereas permission was approved for retail at ground floor level. The Council has never considered it appropriate to take enforcement action against it. No. 10 was also converted in the last 6-7 years supposedly with retail at the ground floor – which has never been used as such. No 17a was granted with a B1a unit at ground floor in the last 3 years. Despite strenuous efforts to let this, both whilst the development was under construction and since it was completed these attempts have failed.

In order to provide context for the consideration of the application a land use assessment of the neighbourhood centre, based on the position seen on site on 02/02/2012, the planning history of each unit, background information from the Retail Survey 2011 and Land Use Survey 2012 is provided below:

No. Murray St	Use as seen on site on 02/02/2012	Lawful use according to planning history (see relevant history section above for details)	Land use according to Retail Survey 2011 information	Land use according to Land Use Survey 2012
25 Agar Grove	Class A4 public house in the process of being refurbished	Class A4	Class A4	Vacant
1a	Class A2 – In active use as Omega property agents	Class A2	Noted as 1c – vacant Noted as 1b – Class A2 (Omega)	Class A2 Class A2 (Omega Estate Agents)
1	Class A1 – Currently vacant and in the process of being refurbished	Class A1	Vacant	No record
2	Class A1 – Currently vacant and in the process of being refurbished	Class A1	Vacant	Vacant
3a	Vacant	Class A1	Vacant	Vacant
4	Vacant	Unclear but assumed to be Class A1	Vacant	Vacant
5	Class A1 – in active use as Smart Clean (Dry Cleaners /	Unclear but assumed to be Class A1	Class A1	Class A1

	laundrette)			
6	Class A1 – in active use as Quix (newsagents / convenience store)	Unclear but assumed to be Class A1	Class A1	Class A1
7	Class A3 – in active use as A Baia (Restaurant and Snack Bar)	Class A3	Class A3	Class A3
8-9	Unclear – frosted glass meant it was uncertain what function is in use.	Sui Generis	Vacant	Class C3
10	Unclear – blinds meant it was uncertain what function is in use.	Class A1	Class B1	Class C3
11	Class A2 – in active use by Spiegel & Utrera Ltd (Solicitors)	Class A1	Class A2	Class B1 solicitors office

The application site is located within a designated neighbourhood centre, a designation which has been in place for a number of years including the most recent UDP (2006) and the subsequently adopted LDF (November 2010), which superseded the UDP.

Policy CS7 seeks to protect and enhance Camden's Centres, with paragraph 7.1 of the supporting text outlining that "our centres are of great importance to the life of the borough and those that live in, work in and visit it". On page 80 of the LDF more guidance is provided with respect of neighbourhood centres, which the site is located with (Murray Street). Although residential uses are promoted above ground floor level in neighbourhood centres, this does not apply to the ground floor of premises, as proposed "The Council will seek to retain a strong element of convenience shopping for local residents in Camden's neighbourhood centres and ensure that any development in them does not harm the function, character, or success of that centre. We will take into account the individual character of the centre when assessing development proposals but, as a guide, we will resist schemes that would result in less than half of ground floor premises in a neighbourhood centre from being in retail use or in more than three consecutive premises being in non-retail use. We will also take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises". Policy DP12 goes into more detail and specifies that "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. We will consider: a) the effect of non-retail development on shopping provision and the character of the centre in which it is located".

It is considered that the entire loss of a retail use at the application site, a mid terrace property within a designated neighbourhood centre would cause harm to the character, function, vitality and viability of the centre. In the table above it is seen that, based on the on-site survey undertaken on 02/02/2012 that there are a variety of Class A1, A2 and A3 uses, with three units (including the application site) being in the process of being refurbished as a result of recent permissions in the process of being implemented. It is acknowledged that there is a degree of vacancy in the designated centre, but this is not of a level which is considered to justify the proposed loss of a Class A1 space. In addition a proposal at No. 11 was dismissed at appeal on the basis of the unacceptable loss of a retail unit within the designated neighbourhood centre (see relevant history above). The centre was designated at this time, like it is today, and despite the age of this scheme, it is considered to be a material consideration in the determination of this application and a further reason why this proposal is not considered to be acceptable.

In addition, it is noted that the applicant has not provided comprehensive information in respect of the vacancy of the unit, what precise attempts have been made to market the premises or similar information in respect of the other buildings in the parade in order to allow a more substantial assessment of the centre as a whole. In this context it is considered that the applicant has not provided the level of information that the Council would expect in a submission which is generally contrary to policy. In respect of the view of the applicant that the designation of the centre is misplaced, it is noted that the centre was subject to scrutiny during the recent adoption of the LDF, where it was not sought by any interested parties for the centre to be de-designated or reviewed. Thus the centre is a designated neighbourhood centre and must be considered as such.

In respect of the small size of the unit (15sqm) not being viable, it is noted that in the previous 2011 application at the site (similar to the 2009 permission at the neighbouring No. 1 and the 2006 permission at No. 10) that the size has recently

been reduced in size. At the time of the previous permission it was considered that a 15sqm unit could still function as a viable commercial unit. There was for example considered to be some scope for uses such as a small newspaper concession or a coffee kiosk operation to occupy the unit. It is also possible that the retail units at No. 1 and the application site could be co-joined in the future to provide one larger unit. It is not clear from the information provided by the applicant whether these possibilities have been explored or not.

The Council must also consider the cumulative impact that the proposal may have on the rest of the centre, in particular the potential for the loss of a retail use for residential purposes being sought by other units in the parade, which would both individually and collectively cause harm to the character, function, vitality and viability of the centre.

As such it is considered in overall terms, based on an assessment of all the relevant factors, that the principle of the loss of the retail use at the site is not able to be supported in land use terms. Instead it is considered to be harmful to the centre, contrary to CS7 and DP12.

Notwithstanding the above, had the principle of the loss of the existing retail use been able to be accepted the provision of additional residential accommodation, increasing the size of the ground floor flat presently in the process of being implemented as part of 2011/1955/P, would have been considered appropriate in principle, in line with CS6 and DP2.

### **Quality of residential accommodation**

Notwithstanding the land use section above, the proposal would result in a one bed unit becoming a two bed (3 person) unit. Although in overall floor space terms the size of the unit would be slightly below the 61sqm CPG standard (56sqm) this small shortfall would not significantly impinge on the quality of residential accommodation for future occupiers. In overall terms no substantial concerns are raised with the quality of accommodation changing from a one-bed to two-bed unit.

### **Conservation Area**

As outlined above, the proposal is for change of use only and no external alterations are proposed. The pure change of use of the front part of the premises is not considered to cause significant enough harm to the character and appearance of the conservation area to warrant a sustainable reason for the refusal of the application. This was also considered to be the view of the Inspector in the 1999 decision at No. 11.

### **Amenity**

In terms of nearby and neighbouring occupiers the proposal, given that no additional units are proposed, is not considered to result in a loss of amenity in terms of matters such as outlook, overlooking, sunlight/daylight and noise/disturbance.

### **Transport**

Given that there is no increase in number of residential units proposed, it is not considered necessary or reasonable to seek cycle parking or car-free housing in respect of this application. Instead it is considered that the proposal would have no harmful impact on the local transport network.

### **Recommendation**

Refuse Planning Permission

### **Disclaimer**

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