

Delegated Report		Analysis sheet		Expiry Date:		28/12/2011	
		N/A / attached		Consultation Expiry Date:		08/12/2011	
Officer				Application Number(s)			
Amanda Peck				2011/5254/P			
Application Address				Drawing Numbers			
8 Warner Yard London EC1R 5EY				Please refer to decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of the existing office building (Class B1A) to provide 2 x 1bed units and 3 x 2 Bed self contained flats (Class C3), alterations to the fenestration, restoration of existing atrium, and associated works.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	11	No. of responses	00	No. of objections	00
				No. Electronic	00		
Summary of consultation responses:		Notice displayed in the Ham & High on 17 November allowing comment until 8 December. Site notice displayed from 9 November until 30 November. No comments were received.					
CAAC/Local groups comments:		N/A					
Site Description							
The site is located on the south side of Warner Street with Rosebery Square to the west and Eyre Street Hill to the east. The site comprises a 4 storey building in office use accessed via a shared driveway with a number of commercial units from Warner Street. The surrounding area is a mix of commercial, office and residential uses. The existing building is not listed but is located within the Hatton Garden Conservation Area.							
Relevant History							
<ul style="list-style-type: none"> 28/07/2011 – pp granted subject to a S106 (2011/0341/P) for Change of use from office accommodation (Class B1) to a dwelling house (Class C3). 03/05/2005 – p.p. (2005/0944/A) granted for the display of a non-illuminated projecting sign on the Warner Street frontage to the west side of the entrance to Warner Yard. 28/01/2002 – p.p. (PSX104606) granted for the amendments to Planning permission PSX0004823/R1 including the installation of 4 air conditioning units on the flat roof terrace of the 							

third floor rear extension, increase in the height of the lift shaft enclosure and increase of 200mm.

- 25/09/2000 – **p.p. (PSX0004823) granted** for extensions at second and third floor level and the erection of a four storey lift/stair core all for Class B1 use.
- 15/01/1999 – **p.p. (PS9804765) granted** for the change of use from B8 (storage and distribution) to class B1 (business).

Relevant policies

LDF Core Strategy and Development Policies

Camden Core Strategy

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS11 – Promoting sustainable and efficient travel

CS13 – Tackling climate change through promoting higher environmental standards

CS14 – Promoting high quality places and conserving our heritage

CS18 – Dealing with our waste and encouraging recycling

CS19 – Delivering and monitoring the Core Strategy

Development Policies

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

DP5 – Homes of different sizes

DP6 – Lifetime homes and wheelchair homes

DP13 – Employment premises and sites

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking

DP19 – Managing the impact of parking

DP20 – Movement of goods

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 2006

Hatton Garden Conservation Area Statement

Assessment

Proposal

Planning permission is sought for the following;

- Change of use of the building from Office accommodation (790.9sqm) to provide 2 x 1bed units and 3 x 2 Bed residential units (the ground floor will be used as non habitable rooms associated with 2 of the flats – multi media rooms, offices and utility rooms)
- Removal of existing glass roof to create an open atrium through the core of the building, replacing some of the existing openings into the lightwell with windows and infilling others.
- The courtyard would be used for access to the lift and for a potential sitting out area for the residents.
- Alterations to the fenestration including:
 - the removal of the existing ground floor roller shutters to the entrance and their replacement with glazing and doors
 - installation of 4 new windows in the north elevation

The removal of the glazed rooflight above the internal courtyard would not be sufficient to require Conservation Area Consent.

Principle of development

The principal of the change of use from business to residential floorspace was agreed with the previous application (2011/0341/P) so the key consideration is regarding the change from one single family 4 bedroom dwellinghouse to 5 residential units (although it should be noted that the consent for the single family dwellinghouse has yet to be implemented). Policy DP2 seeks to minimise the loss of

housing in the borough and resisting development that would involve the net loss of two or more homes. There is no policy protection from the conversion of larger units to smaller units.

The gross external area of the proposal would be approximately 790sqm. The Council will seek to achieve a contribution to affordable housing for developments with a capacity of 10 units (or 1000sqm floor space) or more. The proposal does not reach these thresholds and therefore affordable housing does not need to be provided. It is considered that the property is not capable of any future subdivision or extensions and therefore a S106 clause regarding future provision of affordable housing is not required.

Residential amenity of future occupiers

The case officer's report for the previous application stated "It is considered that as a large family house spread over 4 floors the limited daylight/sunlight and outlook to some floors is acceptable and would not result in a substandard unit. The future subdivision of the dwelling house would be strongly resisted given these limitations".

A desk-top assessment of the levels of the levels of light was submitted with the application which states that all the habitable rooms will receive sufficient levels. However a BRE daylight/sunlight assessment has not been submitted and officers do not agree with the conclusion of the desk top assessment in the context of the property being used for a number of self contained residential units. In the context of the previous application with one large dwellinghouse it was considered that on balance with the overall floorspace, bedroom sizes, layout and access to natural light and ventilation at upper floor levels the limited daylight/sunlight and outlook to some floors was acceptable and overall would not result in a substandard unit. In the context of the current application it is considered that the units are not of a sufficient quality and are considered unacceptable as outlined below:

- Bedroom 1 to flat 1, bedrooms 1 and 2 to flat 2, and bedroom 1 to flat 4 would not to receive adequate daylight or sunlight because they either have west facing windows onto a narrow courtyard (b1 to flat 1, b2 to flat 2) or they have very small north facing windows that are only 1m away from the adjacent building (b1 to flat 2 and b1 to flat 4.)
- Flat 3 will require obscure glazing and fixed shut windows to all rooms (with the exception of a small courtyard window to the living room and a small north facing window to the bedroom) to overcome potential overlooking issues with adjoining buildings and will therefore have insufficient outlook and access to ventilation.
- An attempt has been made to reduce overlooking between units across the courtyard with the layout of the rooms and the infilling of some openings. However there would be the need for more obscure glazing to proposed bathrooms and hallway windows which would further reduce the outlook and daylight/sunlight levels (obscure glazing would be required on all courtyard elevations for the bathroom and hall way to flat 1, the hallway to flat 2, the kitchen to flat 3, the hallway to flat 4 and the bathroom to flat 5).
- There are potential overlooking issues between the flats themselves across the narrow courtyard – between the living room of flat 3 and the living room of flat 1 which have a distance of some 9m (albeit at different floor levels). This could again be overcome with the use of obscure glazing, but this would compound the existing issues with outlook to flat 3 as outlined above and would result in only 1 remaining window without obscure glazing (in the north elevation of the bedroom) and this window is approximately 2m away from the adjacent building.

There are also concerns with regard to the proposed layout and sizes of some of the units. In particular unit 3 which is only 42sqm as opposed to the CPG size of 48sqm, does not appear to have an adequate sized bathroom and the bathroom can only be accessed via the bedroom. The other units are acceptable in terms of their size, but again there are very small bathrooms which are only accessible via bedrooms in units 4 and 5.

At ground floor level there is a confusing layout with potential security issues for the rooms at ground floor level: the access to the lift is via the courtyard which means that the security of the rooms which face onto the courtyard could be compromised. The applicant states that the access to the upper floor flats would primarily be via the lift, with an existing staircase to the north being used as an

emergency staircase. As a result there are a number of different lobbies at ground floor level, providing access for flat 1, flat 2, the lift and the emergency staircase. This issue could be overcome with changes to the ground floor layout and a condition would have been placed on the consent requiring this were the application to be approved.

It is therefore considered that the proposal for 5 units within this building would result in an unacceptable standard of accommodation as exemplified by issues in all flats except unit 5 with inadequate daylight/sunlight levels, no outlook to unit 3 because of the requirement for so many obscure glazed windows, the inadequate size of unit 3 and potential overlooking. The application is therefore recommended for refusal.

Amenity of neighbouring occupiers

The building is tightly constrained with a number of office buildings to the east of the site, commercial buildings to the north and commercial with residential units above to the east. The building was previously in use as stables prior to the change of use to office accommodation in 1999.

The site is positioned adjacent to the rear elevation of the mansion buildings on Rosebury Square. At the closet point part of the existing building is positioned 9m from the rear elevation of the neighbouring building on Rosebury Square. The ground and first floor of the mansion block (1-3 Warner Yard) and nos. 6-7 Warner Yard are in commercial use with the upper floors of nos. 1-3 (52-63 Rosebury Square) in residential use. It is considered that given the commercial use at ground and first floor and the likely hours of operation that residential windows at ground and first floor level would not be unreasonably overlooked. In order to protect the amenity of the neighbouring occupiers and future occupiers on the units it is recommended that the windows on the second and third floor of the building along the side elevation of the building are obscure glazed and non-opening to a height of 1.7m. This could be secured with the use of a condition if the application were to be approved. It is considered that this would be sufficient to prevent unreasonable overlooking or a loss of privacy to the neighbouring residential unit, however this results in unacceptable impacts on amenity for future residents as discussed above.

It is considered that the distance of the windows on the rear of the upper floors of the proposed dwelling house to the residential units on Rosebury Square and the oblique angles towards these windows that the proposal would not result in unreasonable levels of overlooking or loss of privacy. Planning permission has recently been granted for residential use at the adjacent property to the north on Warner Street. This permission does not include any new windows on the elevation facing the application site and it is therefore considered that these new residential units will not add any unreasonable levels of overlooking.

There are a number of office buildings which are in close proximity to the building however given the likely hours of operation of these buildings it is not considered necessary to obscure glaze these windows.

There are a number of flat roofs on the building. In order to protect the amenity of neighbouring occupiers a condition could be used if the application were to be approved to prevent the use of these areas as additional amenity space. This would be secured via condition were planning permission to be granted.

Lifetime Homes

The scheme was submitted with a Lifetime Homes assessment which illustrates the scheme would comply with the majority of the points. There is an existing lift which would be retained.

Design

The proposed insertion of windows in the ground floor main elevation and in the internal elevations facing into the courtyard (along with infilling of windows) following the removal of the glazed rooflight are considered acceptable and do not raise any design concerns.

Transport

There is vehicular access to the site which is shared with a number of other commercial units. The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent). There is a shared access to the building and the neighbouring commercial buildings. If the application were to be approved it would be recommended that the units are designated as car-free and this would be secured via a S106 Legal Agreement. In the absence of such a legal agreement a reason for refusal is recommended.

An area is indicated on the ground floor for cycle parking, whilst it is unclear if this would provide sufficient space for 5 bicycles, given the amount of floorspace on the ground floor it is considered that the layout could be tweaked to allow sufficient space for 5 bicycles. This would have been secured by a condition if the application were to be approved.

Sustainability

Policy DP22 specifies that the Council will promote and measure sustainable construction by expecting developments of 500sqm of residential floorspace to achieve "very good" in EcoHomes Assessments prior to 2013. A pre-assessment was submitted during the course of the application which confirms that the proposed development would meet a credit score of 68.41% (very good). A post-assessment would be secured via S106 Legal Agreement. In the absence of such a legal agreement a reason for refusal is recommended.

Other matters

All residential developments involving a net increase of 5 or more units are expected to provide a financial contribution towards education provision in the Borough, as secured via a S106 Legal Agreement. The contribution sought is proportionate to the size of dwellings proposed, and is not sought for single-bed or studio units, as these are unlikely to house children. Based on the current unit numbers and mix, a contribution of £6,639 would be sought. Given that the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal of the application. An informative is however recommended to be added to the decision notice denoting that this reason for refusal could be overcome, in the context of a scheme acceptable in all other respects, by entering into a legal agreement with the Council. This is without prejudice to any future application or appeal at the site.

CPG guidance requires the provision of open space for residential developments providing 5 or more additional dwellings. Open Space provision will initially be expected to be provided on site. Where a site cannot provide open space provision on site the preferred option would be to provide suitable open space off-site, but at a maximum of 400m from the development. If either of the above are not practical a financial contribution to open space will be acceptable. . Based on the current unit numbers and mix, a contribution of £5,546 would be sought. Failure to provide a contribution would lead to unacceptable pressures on local outdoor amenity spaces, contrary to policy CS19. Given that the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal of the application. An informative is however recommended to be added to the decision notice denoting that this reason for refusal could be overcome, in the context of a scheme acceptable in all other respects, by entering into a legal agreement with the Council. This is without prejudice to any future application or appeal at the site.

An area is indicated on the ground floor for refuse storage, whilst it is unclear if this would provide sufficient space, given the amount of floorspace on the ground floor it is considered that the layout could be tweaked and this would have been secured by a condition if the application were to be approved.

Recommendation

Refuse planning permission

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