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| Delegated Report (Members Briefing) | | Analysis sheet | | Expiry Date: | 16/06/2011 |
| | | N/A / attached | | Consultation Expiry Date: | 16/06/2011 |
| Officer | | | Application Number(s) | | |
| Sara Whelan | | | 2011/2116/P | | |
| Application Address | | | Drawing Numbers | | |
| 234 Royal College Street London NW1 9NJ | | | Please see draft decision notice | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | |
| | | | | | |
| Proposal(s) | | | | | |
| Change of use from existing public house (Class A4) at basement level to residential use (Class C3) to provide additional accommodation to existing ground floor flat. | | | | | |
| Recommendation(s): | | Grant Subject to a Section 106 Legal Agreement | | | |
| Application Type: | | Full Planning Permission | | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | | |
| Informatives: | | | | | |

Consultations

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|--|--|-----------|------------------|-----------|-------------------|-----------|
| Adjoining Occupiers: | No. notified | 18 | No. of responses | 00 | No. of objections | 00 |
| | | | No. Electronic | 00 | | |
| Summary of consultation responses: | Site notice 26/05/2011 – 16/6/2011 Press notice 13/05/2011 – 3/0/2011 No comments received | | | | | |
| CAAC/Local groups* comments: *Please Specify | <p><u>Reeds and Rochester Place Neighbourhood Association – Objection</u></p> <ul style="list-style-type: none"> - The sixth application by the applicant (following five previous applications and two appeals) was granted. It was a retrospective application as all the build on the ground and cellar floors had been completed by the time of a site visit from the inspector for the first appeal - With this history we hope that officers, if minded to give permission, will send the application to committee - This application is only for change of use in the cellars. The build is complete. We would like officers to address the issue of really poor design of living spaces which have little light and little ventilation and do not conform to BRE guidance. <i>Officer response: please see paragraphs 3.1 – 3.3 of the assessment section</i> - As soon as permission is given, is there anything to stop this applicant from making as many ‘flats’ on the ground floor and in the basement as he wants? <i>Officer response: please see paragraph 3.4 of the assessment section</i> <p><u>Rochester CAAC - Objection</u></p> <ul style="list-style-type: none"> - We would have rather the site continued as a pub use. - Much effort has been made to the front elevation retaining a pub feel. - In the meantime, while the façade has mostly been corrected, the disability ramp has not been built - In this new application it is proposed that apertures are put into the facade to ventilate and light the basement. This would be against conservation recommendations and the previous appeal decision. - Without these apertures, the basement cannot be used for living <i>Officer response: the proposed works would not alter the front elevation; no apertures would be inserted in the front elevation. Ventilation would be achieved from the rear elevation</i> - In 2007 the application for change of use of the basement was refused. However the owners had already created stairs down without permission. Camden Enforcement should have required these stairs to be removed - We recommend that the Council reject this application and continue with its legal responsibility for enforcement to remove the staircase from this historic building <i>Officer response: the enforcement team is aware of unauthorised works at the site; however it is not considered expedient to take action to remove the internal staircase until this current application has been decided</i> | | | | | |

Site Description

The application site is located on a prominent position on Wilmot Place facing College Gardens and comprises a three storey mid-terrace building. The former public house is unlisted and dates from the mid 19th century. It is considered to make a significant contribution to the character of the area and is located within the Jeffrey's Street Conservation Area.

Conversion works have already taken place within the building to implement the change of use to flats including the installation of internal walls, alterations to the front elevation and the unauthorised excavation of the front lightwell.

The existing façade is an attractive timber composition with two large glazed windows and three symmetrically placed doors. The fenestration is divided into small panes with glazing bars and the stallriser to the large windows and doors have applied mouldings.

Relevant History

There has been a detailed history relating to the site since 2001 that is listed below.

2010/4656/P Resubmission of approval of Condition 4 (stone samples) pursuant to planning permission reference 2009/3737/P (granted 08/10/2009) for change of use and works of conversion from public house (Class A4) to two residential units (Class C3) and associated external alterations – withdrawn

2010/1519/P Approval of Condition 3a and b (Joinery Work) pursuant to planning permission reference 2009/3737/P (granted 08/10/2009) for change of use and works of conversion from public house (Class A4) to two residential units (Class C3) and associated external alterations – approved

2010/1517/P Approval of Condition 4 (stone samples) pursuant to planning permission reference 2009/3737/P (granted 08/10/2009) for change of use and works of conversion from public house (Class A4) to two residential units (Class C3) and associated external alterations – approved

2009/3737/P Change of use and works of conversion from public house (Class A4) to two residential units (Class C3) (2 x 2-bedroom) at ground floor level, retention of new windows on the ground floor and lower ground floor rear elevation of the building and reinstatement of the front forecourt and front façade – **approved** 8/10/2009

February 2008

Planning application **2007/3309/P** for the change of use and works of conversion from public house (Class A4) to two self-contained flats at ground floor level, including alterations to ground floor front windows and doors and reinstatement of forecourt was **refused** for the following design reason:

- 1. The proposed forecourt alterations, by reason of their design and appearance, would be incongruous alterations in relation to the character and appearance of the building, and would fail to preserve or enhance the character and appearance of the Jeffrey's Street Conservation Area, 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); and supporting documentation outlined in the Jeffrey's Street Conservation Area Statement (2003)*

A subsequent appeal was dismissed in October 2008 on the grounds that the overly large areas of glass lights and the raised ventilation grilles would harm the character and appearance of the building and its forecourt, a lightwell was considered to be inappropriate for the property. (ref: Appeal Decision APP/X5210/A/08/2073462)
Appeal dismissed

March 2007

Enforcement case was opened for lightwell excavated 1-2 years before and works commencing for completion of the 2 previous refused applications. (ref: EN07/0232)

March 2007

Planning application **2007/0501/P** for change of use of ground floor from public house (Class A4) to two self-contained flats (Class C3) together with infilling of unauthorised lightwell, alterations to front windows and new windows to rear elevation was **refused** for the following design reason:

- 1. In the absence of adequate information to properly assess the detailed design of the proposal, it is likely to have a detrimental impact on the character and appearance of the building and the conservation area contrary to policies B1, B3 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006 and guidance contained within Camden Planning Guidance 2006 and the Jeffrey's Street Conservation Area Statement.*
- 2. In the absence of a legal agreement to secure car-free housing, the proposed development is likely to result in increased parking stress and congestion in the surrounding streets to the detriment of highway and pedestrian safety, contrary to policies T3, T8 and T9 of the London Borough of Camden placement unitary development plan 2006.*

June 2006

Planning application **2006/1686/P** for change of use of ground & basement from Public House (Class A4) to residential use (Class C3) providing 1 x 2 bed and 3 x 1 bed self-contained flats with associated external alterations to front and rear elevations was refused in for the following design reason:

- 1. The proposed development, by virtue of unacceptable light levels reaching the basement level living*

rooms of flats 3 and 4, would fail to provide residential accommodation of an acceptable standard of amenity, contrary to the provision of policy EN19 (Amenity for occupiers and neighbours) of the London Borough of Camden unitary Development Plan, and policy SD6 (Amenity for occupiers and neighbours) of the revised Deposit Draft as amended by the proposed Modifications agreed by the Council's Executive on 11th January 2006, and the standards contained within Section 2,3 (Internal arrangements) of the London Borough of Camden Supplementary Planning Guidance 2002.

2. The design of the basement level windows on the front elevation, by reason of their proportions and horizontal emphasis, would be out of keeping with the architectural style and character of the building to the detriment of the character and appearance of the building and of the Conservation Area. This would be contrary to policies EN1, EN13, EN21, EN22 and EN31 of the London Borough of Camden Unitary Development Plan 2000, and policies B1, B3 and B7 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

A subsequent appeal was dismissed in March 2007 on the grounds that a lightwell was considered to be inappropriate for the property and insufficient level of detail of the formation of the lightwell, the finish of the external walls below ground level, the design of the means of access across it to the building entrance, or of any alterations to the ground floor glazed façade to provide opening windows or other means of ventilation. (ref: APP/X5210/A/06/2022362.) The appeal was dismissed.

April 2004

230/232a & 234 Royal College Street - Planning permission **granted** for variation of planning permission dated 07.12.01 (Reg. No.PEX0100046R3) which includes changes to fenestration, building levels, balcony treatment and roof terrace. (ref: PEX0101048)

December 2001

230/232a & 234 Royal College Street - Planning permission **granted** for demolition of public house extension, yard and church building, the erection of a new public house extension and formation of 10 new residential units, involving the erection of a 4 storey (including basement) building fronting Royal College Street comprising 6 units plus roof terrace and private gardens, the conversion of the existing floor space above the public house to form 4 residential units plus associated raised level communal gardens and staircase to the rear of public house and refuse area. (ref: PEX0100046)

Relevant policies

LDF Core Strategy and Development Policies

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
DP2 Making full use of Camden's capacity for housing
DP6 Lifetime homes and wheelchair homes
DP18 Parking standards and limiting the availability of car parking
DP19 Managing the impact of parking
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
DP 27 Basements and lightwells

Camden Planning Guidance 2011 (Phase 1 and 2)

Jefferys Street Conservation Area Statement

Assessment

1.0 Context

1.1 This application seeks full planning permission for a change of use of the disused basement from Public House (Class A4) to residential use (Class C3). The proposed accommodation at basement level would provide a living room, kitchen, store room, bathroom and second bedroom. An internal staircase would connect it to an existing flat at ground floor level. The existing ground floor unit would be connected to the basement living space and would thus create a large two-bedroom maisonette. The ground floor at the front of the property would be 'cut away' internally from the front elevation so that a void is created allowing light from the ground floor front elevation to penetrate to the basement level.

1.2 The principal planning considerations are;

- Change of use
- Quality of the proposed residential floorspace and impacts on amenity
- Impact upon the character and appearance of the area
- Other issues

2.0 Change of use

2.1 Planning permission 2009/3737/P allowed the change of use from public house to residential use at ground floor level. This has been implemented. There is no longer a functioning public house use on the site. The basement floorspace is currently vacant; there is no way of using it as a commercial use independent of the residential uses above. The basement level does not provide any activity to the street scene, therefore its loss would be considered acceptable. The proposed residential use in principle is welcomed by the Council.

3.0 Quality of the proposed residential floorspace and impacts on amenity

3.1 The proposed residential floorspace would provide a large kitchen and living room and a second bedroom as well as additional ancillary accommodation such as storage and bathrooms. The proposed basement would result in the ground floor flat becoming three times larger than the existing property. The basement level does not benefit from high levels of daylight/sunlight. However it does have glass brick windows on the rear elevation and flank façade. These would light the proposed bedroom and kitchen/living space. The Kitchen/living space would also be lit by a cut back at ground floor level, allowing light through a double height void from the ground floor front elevations. Openable windows would be located on the rear elevations allowing natural ventilation to the basement level.

3.2 A daylight and sunlight report has been submitted showing various layouts for the basement space. All of the layouts would place a second bedroom in an area which has a window on the flank elevation away from a walkway at the rear of the property. The living room and kitchen would have access to light from the front and rear elevations; however due to its large depth and the contrived nature of the proposed windows, the accommodation at basement level would fail both the ADF and VSC tests as laid out in the BRE Guidelines. However, the accommodation to be provided is a bedroom and living room/kitchen, while the ground floor level would comprise a bedroom and study area which would receive good levels of natural daylight/sunlight. The size of the accommodation at basement level would provide very spacious living space which may be useful and attractive to some occupants and is considered to outweigh the harm of poor natural daylight/sunlight. In addition the proposed works would create a new maisonette which future occupants would choose to live in, despite its shortcomings, rather than the works affecting and worsening living conditions of existing occupants. On balance it is considered that the size of the proposed unit provides a good level of amenity which would outweigh the low levels of natural daylight/sunlight.

3.3 The Council has guidelines on floorspaces for property sizes; although it is acknowledged that the proposed maisonette would dramatically exceed these floorspace guidelines, it is considered that this is an appropriate way to use the basement use effectively, considering its low levels of natural light. In addition the basement floorspace cannot be used independently as a commercial use therefore if the space is not utilised as proposed it would be likely to remain vacant. It is considered that a large maisonette is a more efficient use of space rather than leaving it vacant. In addition leaving the space as vacant may result in future problems of management and security issues, it is considered a benefit for the space to be bought into use.

3.4 The applicant has agreed to enter into a section 106 legal agreement to secure the maisonette as one unit. This would ensure that the basement level could not be used as a separate residential unit. This is considered necessary to prevent the creation of a separate unit at basement level which, independent from the accommodation at ground floor level, would suffer from low levels of amenity.

4.0 Impact upon the character and appearance of the area

4.1 The proposal would include an internal lightwell void to allow light into the basement level. However, no external alterations are proposed on the external levels. Therefore the proposed works are considered to preserve the character

and appearance of the conservation area.

4.2 It is noted that the previous permission 2009/3737/P granted consent for York stone slabs to be laid to the front of the building at the forecourt. This application does not seek to alter these proposals.

5.0 Other issues

5.1 Considering that the proposal essentially seeks an extension to the ground floor flat, there would be no requirement for a car free agreement or cycle parking as the existing ground floor flat, which the proposal would enlarge, is already secured to be car free. In addition it is considered that the proposed maisonette would have sufficient internal floorspace to allow for cycles to be stored within the property.

Recommendation: That permission be granted subject to a Section 106 legal agreement which secures the new maisonette as one Class C3 dwelling unit and prevents its subdivision into 2 units in the future.

DISCLAIMER

Decision route to be decided by nominated members on Monday 24th October 2011.

For further information see

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