

Delegated Report		Analysis sheet		Expiry Date:		14/10/2011	
		N/A / attached		Consultation Expiry Date:		N/A	
Officer				Application Number(s)			
Jonathan Markwell				2011/4538/P			
Application Address				Drawing Numbers			
25 Agar Grove London NW1 9SL				Please see decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
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)).							
Recommendation(s):		Refuse					
Application Type:		Non Material Amendments					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00	
			No. electronic	00			
Summary of consultation responses:		None					
CAAC/Local groups* comments: <small>*Please Specify</small>		None					
Site Description							
The three storey plus basement building is located at the prominent junction of Agar Grove, Murray Street and St Augustine's Road within the Camden Square Conservation Area. The building comprises a public house at ground level with ancillary accommodation above. To the north west the property adjoins the terrace of Murray Street. This frontage forms part of the neighbourhood centre including small shops and services and the public house at ground floor level with residential above. To the Agar Grove elevation the 1-2 storey side additions adjoin the pair of residential buildings at numbers 23 and 21. Owing to the openness created by the railway cutting the public house is visible in long views in both directions along Agar Grove, from St. Augustine's Road and to an extent from Murray Street.							

Following an officer site visit on 07/07/2011 it was evident that the public house is not trading at present, with all windows and doors boarded up. Moreover, works to implement permission 2010/0086/P (see relevant history below) are in the process of taking place. The building is identified as making a positive contribution to the character and appearance of the conservation area in the recently adopted Camden Square Conservation Area Appraisal and Management Strategy.

Relevant History

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). Resolved for planning permission to be granted subject to the completion of a deed of variation S106 Legal Agreement 20/05/2011. The legal agreement is yet to be completed so full planning permission is yet to be granted.

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. Resolved for planning permission to be granted subject to the completion of a deed of variation S106 Legal Agreement 22/08/2011. The legal agreement is yet to be completed so full planning permission is yet to be granted.

2011/3062/P - Erection of first floor level extension to existing side extension and proposed use of extension as 1x one bedroom flat and amendments for use of lower ground floor for cycle parking and waste/recycling storage, to provide 1x two-bed flat at first floor level (instead of two 1-bed flats), installation of window at front first floor level and removal of window at rear first floor level pursuant to planning permission dated 1/9/2010 (ref. 2010/0086/P) for 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) and other alterations. Withdrawn 15/08/2011.

Relevant policies

LDF Core Strategy and Development Policies

CS5- Managing the impact of growth and development

CS11- Promoting sustainable and efficient travel

CS18 – Dealing with our waste and encouraging recycling

DP17- Walking, cycling and public transport

DP19- Managing the impact of parking

DP26- Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

Camden Square Conservation Area Appraisal and Management Strategy 2011

Assessment

Introduction

The original permission at the site (Ref 2010/0086/P – see relevant history above) included the provision of cycle parking and waste storage facilities at ground floor level on the Agar Grove frontage of the site. The applicant is now seeking to amend these details so that the approved cycle parking is instead located at basement floor level and the waste storage areas are provided in each individual residential flat rather than having a specific facility at ground floor level. In terms of the waste storage area for the Class A4 unit, this is proposed to be relocated to the basement floor level.

It is also noted that as a consequence of the proposed alterations this would also have subsequent implications for the access to the upper floors of the building, with the ground floor plan showing a staircase in an alternative location to that approved (within the main building rather than the single storey side element on the Agar Grove frontage). However a proposed first floor plan, an elevation nor a section have been submitted to show this change in full, which means it is unclear what impact this would have on the size and internal arrangement of the upper floor flats, the elevations or the operation of the A4 unit and therefore whether this change could be considered to be non-material or not. In the absence of this information (or any reference to it in the submission by the applicant) this element has not been considered as part of this application. An informative is recommended to be added to the decision notice to inform the applicant.

Assessment

The applicant has stated the reasoning behind the request for the amendment is *“With the proposed use of the first floor for a 1 x 2 bedroom flat, it is intended to replace the previously proposed flat on the first floor by relocating it to the adjacent building (submission to follow). The cycle and waste/recyclable material storage area previously proposed for the adjacent building is therefore to be relocated to the main building”*.

To clarify, application 2011/3043/P has been resolved to be granted for the use of the first floor as a 1 x 2 bed flat (although the legal agreement is yet to be finalised so this is yet to be granted full planning permission). The replacement flat (the ‘submission to follow’) is likely to be located in the area where the approved cycle parking / waste storage area is found. This was the case in application 2011/3062/P, which was withdrawn prior to a decision being made. The submission under consideration is thus likely to have been submitted to enable a future submission for the development of the area at ground floor level on the Agar Grove frontage for a self-contained residential unit.

Considering first whether the relocation of the cycle parking is a non material (as the applicant is proposing) or a material change, it is first considered necessary to outline that condition 5 of the original permission (2010/0086/P) stated:

Cycle parking in accordance with the drawings hereby approved shall be provided in its entirety prior to the first occupation of any of the new units, and shall be permanently maintained and retained thereafter.

As such, regardless of whether this change is considered to be non-material or material, it would require either a removal or variation of condition application for the change proposed to go ahead. Thus at this stage a non material amendment application, as that sought, is not considered to be the appropriate means of dealing with this issue.

Notwithstanding this, in the Communities and Local Government (CLG) ‘Greater flexibility for planning permissions’ guidance note (Second edition published October 2010) at paragraph 42 it is stated “There is no statutory definition of ‘non-material’. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under s.96A”. Furthermore Annex A comments on what these applications are considered against and states “Local planning authority have to be satisfied it is not material; they must have

regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted”.

With the above in mind, in itself, the change of location from ground to basement floor level of the cycle parking is considered to be a material change. The change in floor level for the cycle parking results in access to the space becoming more constrained for all possible users, with a number of turns as well as a staircase to negotiate for future cycle users. These difficulties may in-turn reduce the usage of the facility, to the detriment of the quality of residential accommodation provided (as outlined in DP26). Accessibility is one of the key requirements for cycle parking and the Council's general guidance is for this to be step free and located at entrance level to the building. Where it is not step free or at entrance level it should be accessible by a ramp or lift from street level which can accommodate a bike (CPG7 Chapter 9, which feeds into CS11, DP17 and DP19). No such lift is shown to be proposed on the plans submitted. If in the future a lift were shown, such a change is likely to be considered either minor material or material, as it would have knock on consequences in terms of the size of the Class C3 residential units and/or the Class A4 drinking establishment.

Turning to the waste storage element, this is also considered to be a material change. The approved scheme included separate commercial and residential refuse and recycling storage areas at ground floor level. Instead the applicant has denoted that this will be located within the basement for the Class A4 drinking establishment and no specific facility will be provided for the residential flats; instead this will be provided in an informal manner within each of the five approved flats. No specific details have been provided specifying the specific areas (or size of containers) where refuse and recycling is proposed to be stored.

The implications of the refuse and recycling storage for residential occupiers becoming an informal arrangement could be significant. Without a dedicated facility external to each flat within the boundary of the site (as approved as part of 2010/0086/P) it could be that insufficient provision occurs, to the detriment of the quality of accommodation provided for future occupiers. There is not considered to be scope for refuse bins to be stored on the upper floors of the building and moved to the ground floor frontage for kerbside collection on a weekly basis, primarily owing to access issues. CPG1 Chapter 10 (which feeds into CS18 and DP26) denotes that internal and external storage areas are designed into each unit. It could also potentially lead to waste and recyclables being left on the kerbside (given no external provision is now proposed), which as well as being visually unattractive, may also result in environmental issues such as the increase in vermin for example. The non-provision of any external storage areas, as proposed, would result in a material change to the provision and thus cannot be considered as a non-material amendment.

In terms of the commercial waste area, it is not clear how waste and recyclables will be transferred from the proposed (unspecified) basement location to the ground floor. Again there would be access difficulties for refuse bins to be located at basement floor level, without a lift to the ground floor of the building. If in the future a lift were shown, such a change is likely to be considered either minor material or material, as it would have knock on consequences in terms of the size of the Class C3 residential units and/or the Class A4 drinking establishment. Subsequently similar issues as described above with the residential (see previous paragraph) regarding the management of waste from the commercial part of the building could occur and thus this cannot be treated as a non-material amendment.

An informative is recommended to be added to the decision notice stating that, with view to any future proposal at the site, it is considered that dedicated areas for cycle parking and waste and recycling facilities should be provided. The ground floor level of the building is considered to be the most appropriate location for such facilities.

The CLG guidance states that the procedure for non-material amendments cannot be used to make a material amendment. Therefore the application should be refused as the proposed changes do not constitute non-material amendments.

Recommendation Refuse non-material amendment

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