

Delegated Report		Analysis sheet	Expiry Date:	23/09/2010
		N/A / attached	Consultation Expiry Date:	06/09/2010
Officer		Application Number(s)		
Katrina Christoforou		2010/1665/P		
Application Address		Drawing Numbers		
33 Coptic Street London WC1A 1NP		See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	

Proposal(s)

Change of use from Hostel/House in Multiple Occupation (use class sui generis) to a single dwelling house (class C3).

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	27	No. of responses No. electronic	01 00	No. of objections	00
Summary of consultation responses:	A site notice was erected on the 04/08/2010. One neighbour at 32 Coptic Street responded in support of the proposals.					
CAAC/Local groups* comments: <small>*Please Specify</small>	<u>Bloomsbury CAAC</u> : No response					

Site Description

The historic four storey plus basement terraced building is located on the east side of Coptic Street within the central London area. The site is within the Bloomsbury Conservation Area and adjoins grade II listed building at 43 Great Russell Street and backs onto a number of other listed properties.

Relevant History

The only planning history relating to the building is the refusal of permission for a change of use from residential to office use dating from 10/09/1970 (reference N14/28/3/9348).

A planning enforcement investigation EN09/0430 was opened 09/06/2009 following concerns of the Council's Private Sector Housing Team that there had been a change of use from permanent residential to short term lets. Following investigation of the history and a site visit it is likely that this investigation will be closed as no breach is considered to have occurred.

Relevant policies

Replacement Unitary Development Plan 2006

- SD1- Quality of life
- SD6- Amenity for occupiers and neighbours
- SD9- Resources and energy
- H1- New housing
- H6- Protection of houses in multiple occupation
- H7- Lifetime homes and wheelchair housing

H8- Mix of units
H9- Hostels
B1- General design principles
B3- Alterations and extensions
B6- Listed buildings
B7- Conservation Areas
C5- Tourism uses
T1- Sustainable Transport
T3- Pedestrians and Cycling
T8 - Car free housing and car capped housing
T9 - Impact of Parking

Supplementary planning Guidance

Camden planning guidance 2006

LDF Core Strategy and Development Policies

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound. This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter. However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.

LDF Core Strategy

CS1- Distribution of growth
CS6- Providing quality homes
CS8- Promoting a successful and inclusive Camden economy
CS11- Promoting sustainable and efficient travel
CS13- Tackling climate change through promoting higher environmental standards
CS14- Promoting high quality places and conserving Camden's heritage
CS16- Improving Camden's Health and well being

Development Policies Development Plan

DP2- Making full use of Camden's capacity for housing
DP5- Housing size mix
DP6- Lifetime homes and wheelchair homes
DP8- Hostels with support facilities
DP9- Housing with shared facilities
DP14- Tourism development and visitor accommodation
DP17- Walking, cycling and public transport
DP18- Parking standards and the availability of car parking
DP19- Managing the impact of parking
DP22- Promoting sustainable design and construction
DP24- Securing high quality design
DP27- Basements and lightwells

Assessment

The application has been submitted for the change of use of the property from C1 Hotel with 12 bedrooms to a single dwelling house.

The existing use

There is some dispute over the existing lawful use of the premises. At present, it is the understanding of the Council that the building is leased to a foreign language school (Oxford House College) which lets the rooms exclusively to students studying with the college. Lengths of occupation range from a few days to a long term basis. It is understood that the leaseholder applied for a HMO licence which was granted on the 26th March 2009. The Freeholder appealed against this decision but the appeal was dismissed by the Residential Property Tribunal and the granting of the licence was confirmed. It is understood that as a result of this dispute and following the granting of the licence the freeholder has instructed that the leaseholder must vacate the premises by next month.

The Council's Private Sector Housing Team Have advised that the property has been laid out as existing for a number of years. The layout is typical of a HMO, with individual and shared bedrooms, communal kitchens and lounge at basement level and communal toilets and shower rooms at ground and second floor levels. There is

no reception area or other indicators of a C1 hotel use.

The earliest and only formal planning record of the property is an application determined on the 10/09/1970 where planning permission was refused for a change of use of the property from residential to offices (N14/28/3/9348). Records show that the property was used as staff hostel to house hotel staff for a period up until 1985. In the 1990's, the premises was used to house homeless persons under the name of British Museum House. Both these uses indicate a hostel style of accommodation.

Oxford house college have occupied the building on a lease since 1995. Council tax has been paid under the same record for the property since 1993 again indicating a form of residential use rather than a hotel use that would be paying business rates. The evidence indicates that the property is a form of hybrid hostel/HMO taking elements of both. The property is therefore considered to fall within the sui generis use class. As the premises is and has the potential to be occupied by more than 6 persons it does not fall into the new C4 use class of a HMO, which only applies to small scale residences. The lawful use of the building is not considered to be C1 hotel use as described on the application form. The description of development has therefore been amended.

Loss of hostel/HMO

As the premises is not considered to be a C1 hotel UDP policy C5 and LDF development plan policy C14 do not apply. The principle of the change of use from a hostel should be assessed against UDP policies H6 and H9 of the UDP 2006 and policy DP9 of the LDF Development Plan 2010.

Policy H6 (Houses in multiple occupation) of the UDP states that the Council will not grant planning permission for a change of use or conversion that would result in the loss of a house in multiple occupation of an acceptable standard, unless it is replaced with by permanently available affordable housing.

Policy H9(B) (Loss of hostels) of the UDP states that the Council will not grant permission for the loss of hostel accommodation without adequate replacement.

Policy DP9 (Student housing, bedsits and other housing with shared facilities) of the LDF Development Plan states that the Council will resist development that involves the net loss or self-containment of housing with shared facilities unless:

- It can be demonstrated that the accommodation is incapable of meeting the relevant standards for HMO's.
- Adequate replacement housing with shared facilities will be provided.
- The development provides student housing of a suitable standard.
- The development provides self-contained socially rented homes.

The policies are resistant to the loss of such accommodation because hostels, HMO's and other accommodation with shared facilities plays an important role in catering for those on low incomes and those in greatest need of housing. Such accommodation comes under great pressure for self-containment and conversion and once lost from the housing stock is unlikely to be replaced.

An internal inspection has indicated that the property is generally in a fairly good state of repair and the Council's Private Sector Housing Team have advised that the property could easily remain a viable HMO under the Environmental Health Legislation.

The applicants have not submitted any justification for the loss of the hostel use against the relevant policies. The reasoning behind the proposals provided in the Design and Access statement is that the continued use of the property as existing is not viable since the granting of the HMO licence. At the time the HMO licence was granted (26/03/2009) the property was occupied by 10 persons with single occupancy per room with two rooms being vacant at the time. The licence restricted maximum occupancy to 10 persons, stating that certain rooms were suitable for double occupancy and others were too small to be in use as bedrooms but that the kitchen facilities currently provided restricted maximum occupancy to 10. The granting of the licence signifies that the Council consider the property to be suitable for HMO use. The Council's Housing Department recently approached the owner regarding the possibility of taking a lease on the property to house single persons on the Council's waiting list but the offer was declined.

The applicant has not submitted any financial information to support the claim that the use is no longer sustainable. It is also considered that there is potential for some of the rooms identified as being too small to be merged with relatively minimal internal re-arrangement which could increase levels of occupancy and income. Such alterations are proposed as part of the internal conversion to a dwelling house. No external

alterations are proposed.

The proposal is to convert the property into a single dwelling house. The design and access statement makes the case for returning the property to its original use. Whilst the property would have been built as a single house, the property is not listed and has been so extensively modified that it does not retain any original historic features other than its façade. There is not therefore considered to be a conservation case for conversion back into a single dwelling in heritage terms.

It appears that the current leaseholder's have been forced to leave the premises as a result of a dispute over the granting of the HMO licence. It is unclear whether the current occupiers, Oxford House College have found alternative accommodation in the area but this has not been put forward as part of the application. The development would not therefore provide suitable alternative accommodation with shared facilities, student housing or permanent affordable housing as stipulated by the relevant policies.

The proposals do not therefore comply with UDP policies H6 and H9; LDF Core Strategy policy CS6 and Development Plan policy DP9. It is recommended that the application be refused on this basis.

It should be noted that the applicant may be able to produce further information that could support a change of use under the policies outlined above. However, this has not been provided as part of the current application.

Residential use

The application is recommended for refusal on the basis of the loss of the hostel/HMO. The assessment of the proposals against the Council's housing policies raises no further reasons for refusal. The building would be capable of providing adequate residential accommodation under UDP policy H1, LDF Core Strategy Policy CS6 and Development Plan Policy DP2. As the building would provide extensive family sized accommodation it is unfortunate that it includes no functional external space, but this is a constraint of the site and the central location. A Lifetime Homes statement has been submitted with the application. The building would fail to meet the majority of requirements due to the constraints of the existing layout, access and arrangement over 5 floors. However, it is considered that measures could be included where possible.

The building has quite a close relationship with its neighbours to the rear with direct outlook from the basement kitchen onto a neighbouring courtyard. However, the relationship with the buildings behind is existing and a change of use of the nature proposed would not have any implications for the residential amenity of neighbours.

Transport

It is considered that cycle parking could be accommodated within the property at ground floor level. Due to its central location, Public Transport Accessibility Level (PTAL) of 6b (Excellent) and location within a controlled parking zone that is considered to be suffering from parking stress, UDP policies T1, T8 and T9 and LDF Core strategy policy CS11 and Development Plan Policy DP19 would only be complied with if the development was secured as car free through a section 106 agreement. In the absence of such an agreement this should form a reason for refusal. However, it is noted that the applicant has expressed a willingness to enter into such an agreement so this reason for refusal could potentially be overcome.

Recommendation:

Refuse planning permission.

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