

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		13/09/2010	
		N/A / attached		Consultation Expiry Date:		24/08/2010	
Officer				Application Number(s)			
Hugh Miller				2010/2249/P			
Application Address				Drawing Numbers			
6 Railey Mews London NW5 2PA				See draft decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of abandoned Mews building to a single family dwelling house (Class C3).							
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							
Adjoining Occupiers:		No. notified	14	No. of responses	01	No. of objections	01
				No. electronic	00		
Summary of consultation responses:		<p>One objection has been received from an occupier at 58C Fortress Road. A summary of the issues raised are as follows:</p> <ol style="list-style-type: none"> Concern that windows should be in keeping with the adjacent mews buildings; 1st floor windows should not be full length. Window at rear ground floor unacceptably overlooks garden of nos. 56/58 Fortress Rd. Works should be within boundary of host building site – no access from no.56/58 Fortress Rd. welcome the removal of the ivy. <p>Officer responses: 1. See para.4.1 below. 2. Ground floor plan as existing shows window in rear flank wall – window to be obscure glazed, secured via condition (see para 5.1). 3&4. Access to the site/removal of ivy are civil matters between the applicant and the neighbours; not a material planning consideration for officers/ Council.</p>					
CAAC/Local groups* comments: *Please Specify		N/A.					

Site Description

A 2-storey mid-terrace building located on the west side of Railey Mews and to the rear of 65 Leverton Street. The building is currently vacant, in a dilapidated state and comprises double-timber and single timber doors including timber framed glazed sash windows with glazing bars. The predominant use within the mews, which only includes building on the west side, is residential. The building is not in a Conservation Area, nor is it listed.

Relevant History

April 2010 – **Refused** - Lawful Development Certificate for the continued use of existing mews house as a single dwellinghouse (class C3); ref. 2010/1096/P for reasons as follows:

*Given that insufficient evidence has been submitted to confirm that 6 Railey Mews has been in continuous residential use for a period of four years or more prior to this application, and the building is considered to have been abandoned **the certificate should be refused.***

7 Railey Mews – January 2010 – Grant Lawful Development Certificate for Existing use as a single dwellinghouse (Use Class 3) for over 4 years; ref. 2009/5396/P.

Relevant policies

London Borough of Camden Replacement Unitary Development Plan 2006

SD2 – Planning obligations
SD6 - Amenity for occupiers and neighbours,
B1 –General design principles
B3 –Alterations and extensions
H1 –New housing
H7 - Lifetimes homes and wheelchair housing
T3 –Pedestrians and cycling
T8 –Car free housing and car capped housing
T9 - Impact of Parking
T12 – Works affecting highways

Camden Planning Guidance 2006

Draft LDF Core Strategy

The following policies in the draft LDF Core Strategy and Development Policies documents have been taken into consideration

CS1 – Distribution of growth
CS5 – Managing the impact of growth and development
CS6 – Providing quality homes
CS11 – Pedestrian and cycling
CS14 – Promoting high quality places and conserving heritage / conservation areas
CS19 – Delivering and monitoring the Core Strategy
DP2 - Protection of housing
DP5 – Homes of different sizes
DP6 - Lifetimes homes and wheelchair housing
DP17 –Walking, cycling and public transport
DP18 –Car-free housing and car capped housing
DP19 - Impact of parking
DP21 – Development connecting to the highway network
DP24 – General design principles
DP26 - Managing the impact of development on occupiers and neighbours

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage

Assessment

1.0 Background

1.1 With the exception of no.1 (garage) and the application site building, all the remaining mews buildings on Railey Mews are presently used as residential units.

1.2 Based on information provided by the applicant, the application site building was used for residential purpose between 1973 and 2002, at which time the person last occupying the building was re-housed elsewhere. Since 2002, the property has remained vacant. Prior to that, it is alleged that the most likely original use was as a stable house with accommodation with various uses over the intervening years.

1.3 The applicant states the building is in poor physical condition; due to water ingress via the roof, rotting flooring and roof timbers not to mention dry rot. The building has been plagued with aggressive climbing plants internally and externally with concerns about the structural integrity of the building. The applicant also denotes that the buildings' interior has been taken out and treatment of dry rot undertaken; to prevent its spread.

1.4 In April 2010, the Council refused an application for a Lawful Development Certificate (existing) denoting a residential use. This was due to insufficient evidence submitted to confirm that 6 Railey Mews had been in continuous residential use for a period of four years or more, and that the building was considered to have been abandoned.

1.5 In January 2010, the Council granted a Lawful Development Certificate for Existing use as a single dwellinghouse (Class C3) in relation to the neighbouring building at No. 7 Railey Mews.

1.6 The application proposes the following:

Change of use of abandoned Mews building at 6 Railey Mews to a dwelling house (Class C3).

The main issues concern the following:

- The Land Use / *Lawful use/Abandoned building*
- The quality of the proposed accommodation
- Design and impact on the appearance of the building
- Amenity for neighbours and occupiers
- Traffic and parking /Planning obligation

2.0 Land Use issues

2.1 As noted above, the residential use (i.e. the lawful use within the meaning of the Town & Country Planning Act 1990) of the building was considered to have been abandoned and therefore its lawful use would appear not presently to be residential; this is notwithstanding the information the applicant has submitted, denoting residential being the most recent use of the building.

2.2 Nevertheless, the Council's Policy H1 (New Housing) state inter alia "*The Council will grant planning permission for development that increases the amount of land and floorspace in residential use and provides additional residential accommodation, provided that the accommodation reaches acceptable standards. The Council will seek to secure the fullest possible residential use of vacant and underused sites and buildings, and may require suitable sites to be developed for primarily or wholly residential use*".

2.3 In terms of the provision of new housing, the Council's policy H1 seeks the fullest use of underused sites and buildings for housing. The host building has been vacant for several years and the proposal to provide new residential accommodation would be in compliance with policy H1.

3.0 The quality of the proposed accommodation

3.1 A total of 34.24sqm of residential floorspace net is proposed for this 1 x bedroom single-family dwellinghouse. The main bedroom is shown to be 7.57sqm in size. Whilst the net overall floorspace complies with Camden Planning Guidance (CPG), it is acknowledged that the bedroom size would not. CPG states that first bedrooms should be a minimum 11 square metres in size. Notwithstanding this, CPG also denotes that single bedrooms should be a minimum 6.5 square metres in size. As such, in this instance the bedroom comfortably complies with the single bedroom size; this unit would only be a one-bed unit and given the physical constraints of the application site building, such an arrangement is considered to be satisfactory in this instance. In addition, the living, kitchen and bathroom areas are considered to be acceptable, being of regular size and shape and providing sufficient outlook and ventilation. There is also considered to be adequate space internally for waste, recycling and storage. Thus in overall terms it is considered that an adequate standard of residential accommodation would be provided.

3.2 The applicant has partly taken account of Lifetime Homes Standards, with the submission of a statement in this regard. It is acknowledged that the residential unit is the result of conversion of an existing building. Therefore achieving Lifetimes Homes Standards is compromised by the existing layout. Thus it is acknowledged that not all Lifetimes Homes standards would be possible, although a number of standards will be adhered to and an informative will encourage the applicant to adhere to as many standards as possible when implementing the permission.

4.0 Design and impact on the appearance of the building

4.1 The applicant states that “excessive restoration of the building is required”; and the changes shown on the proposed drawings indicate this to be the case. The proposal would include external alterations to include new like-for-like timber framed sash windows on the front and rear elevation at first floor level, new timber framed glazed window as replacement for existing stable doors at ground floor level and new roof (slate tiles) set behind the raised parapet as existing. The chimneys would also be removed, which is unfortunate as they are considered to add to the character of the building. Although the site is not within a designated conservation area it is nevertheless considered that a condition is attached to any permission denoting that the chimneys be retained. Notwithstanding this element, the alterations are considered to be satisfactory in overall terms and they would not harm the appearance or overall character of the host building. Moreover, these changes add to the varied design of the front elevations of the neighbouring mews buildings within Railey Mews. The proposal is thus in accordance with policies B1 and B3 of the RUDP.

5.0 Amenity for neighbours and occupiers

5.1 The area is primarily residential in character. There are existing residential occupiers adjacent at no.5, to the rear at Fortress Road and opposite at Leverton Street. Fixed obscure glazed windows would replace existing windows at rear first floor level, which would ensure no overlooking or loss of privacy to residential occupiers at Fortress Road. This is recommended to be secured via condition. The provision of an additional residential unit is unlikely to cause any additional material loss of privacy or overlooking of the adjacent occupiers of residential properties. The proposal is considered to accord with policy SD6.

6.0 Traffic and parking /Planning obligation

6.1 Policy T3 (Pedestrians and Cycling) states, *the Council will only grant planning permission for development that it considers to make satisfactory provision for pedestrians and cyclists* (The term "Pedestrians" includes wheelchair users). The proposal is for the provision of 1 single-dwelling mews house and, in accordance with the Council's Parking Standards for cycles, 1 cycle storage or parking space is required. No cycle storage/parking has been provided in the application submission. However, the non-provision of cycle storage is considered acceptable due to site constraints. Moreover, there is space internally for cycles to be stored if required.

6.2 Turning to the provision of car-parking, no on-site parking is proposed. It is instead sought for this unit to be made car-free. UDP policies T1, T8 and T9 state that car-free should be sought for new housing in areas of high public transport accessibility. The application site has a Public Transport Accessibility Level (PTAL) of 5 (very good) and is within a Controlled Parking Zone. East Kentish Town CA-M indicates 94 parking permits have been issued for every 100 on-street spaces, meaning the area is highly stressed with respect of on-street parking. Not making the proposed unit car-free would add to this stress. Therefore the proposed dwelling is recommended to be made car-free. The applicant has accepted the principle of the car-free housing and payment of the Council's legal fees.

6.3 In terms of the construction of the proposed development, the proposed works are not considered to be of a scale which would require a Construction Management Plan (CMP) to be secured. Any occupation of the highway, such as for hoarding, skips or storage of materials, will require a licence from Highways Management and this, along with the existing on-street waiting and loading controls, are considered to be sufficient to ensure that work is carried out in such a way as to not adversely affect the safety or operation of the public highway.

7. Conclusion

7.1 It is considered that the change of use from abandoned building [previously residential] to C3 residential use would be acceptable. The provision of additional residential floorspace is a priority of the UDP and on balance; therefore, the proposal is welcomed.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement for car-free housing.

DISCLAIMER

Decision route to be decided by nominated members on Tuesday 31st August 2010. For further information see

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