

Delegated Report		Analysis sheet		Expiry Date:		17/08/2010	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		26/08/2010	
Officer				Application Number(s)			
Anette de Klerk				2010/2766/P			
Application Address				Drawing Numbers			
280 Gray's Inn Road London WC1X 8EB				Refer to decision notice.			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from ground floor shop (Class A1) and basement podiatrist consulting room (Class D1) to one self-contained maisonette (Class C3), with associated alterations to windows and doors on front and rear elevations.							
Recommendation(s):		Grant Planning Permission subject to a S106 legal agreement					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	15	No. of responses	6	No. of objections	6
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed between 29/06/2010 – 20/07/2010. Six letters of objection were received stating the following:</p> <ul style="list-style-type: none"> - The change of use will be a loss to the local area and community. <i>(Paragraphs 3.4, 3.5, 3.6 & 3.7).</i> - There is already a short supply of podiatrists in the area. <i>(Paragraphs 3.4, 3.5, 3.6 & 3.7).</i> - The landlords want a change of use to residential with the view to make a financial profit only. <i>(This is not a planning consideration).</i> - The change to residential use would not make good quality housing. <i>(Paragraphs 5.1 & 5.2).</i> - The Public Notice only refers to ‘consulting rooms’. This incorrect description as medical treatments including minor surgical procedures have been performed at the premises. <i>(The description on the site notice read: ‘Change of use from ground floor shop (Class A1) and basement floor consulting room (Class D1) to one self-contained maisonette (Class C3) and associated alterations.’ The description refers to consulting rooms and the Use Class D1 which includes a wide variety of uses like clinics and health centre. The description is therefore considered to be accurate).</i> 					
CAAC/Local groups comments:	<p>Bloomsbury CAAC – made the following comment:</p> <ul style="list-style-type: none"> - Questions the desirability of the change of use in this location given the design of the shopfront – privacy issues – it’s likely to look tatty from the start. <i>(The shopfront is to be glazed with coolite glass which provides privacy during daylight hours whilst retaining the appearance of standard glass when viewed externally. Blinds and curtains will provide privacy at night.)</i> 					

Site Description

The application relates to a four storey plus basement building located on the western side of Gray's Inn Road. The site is within the London Plan Central Activities Zone. The property is not listed but is located within Bloomsbury Conservation Area. Gray's Inn Road is characterised by a variety of commercial and residential uses.

The ground floor of the application site is currently vacant but was previously used as a shop (Class A1). The basement is used as a podiatrist consulting rooms which will become vacant in August 2010. The ground floor and basement are linked by an internal stair and both floors share the WC and kitchenette in the basement. The first floor contains a one bedroom flat and the second and third floors form a two bedroom maisonette with a terrace at rear second floor level.

Relevant History

PSX0105363: Change of use of basement from office (Class A2) to chiropodist (Class D1) with no external alterations. Granted 08/01/2002.

9201039: Change of use from retail with ancillary storage to solicitor's office (A1-A2). Granted 12/11/1992.

8401966: Erection of a building comprising basement ground and three storeys for use as retail shop and ancillary storage on ground and basement floors one one-bedroom self-contained flat at first floor level and one two- bedroom maisonette on floors above. Granted 30/04/1985.

L15/24/A/35856(R1): Erection of a basement and four storey building for use as a shop and ancillary storage on the ground and basement floors, a one bedroom flat on the 1st floor and a two bedroom maisonette on the 2nd and 3rd (mansarded) floors. Granted 23/05/1983.

Other Relevant History - The adjoining site at No. 278 Gray's Inn Road received planning permission in 2002 for similar development:

PSX0104481: The change of use from massage parlour (sui generis) to use Class C3 (residential) to provide a three bedroom self-contained flat, together with the erection of a rear ground floor extension, and the opening up of the forecourt and the enclosure of the area by railings to provide access to the basement. Granted 15/03/2002.

Relevant policies

Replacement Unitary Development Plan 2006

SD1 Quality of life
SD2 Planning Obligations
SD6 Amenity for occupiers and neighbours
SD7 Light, noise and vibration pollution
H1 New Housing
H7 Lifetime homes and wheelchair housing
B7 Conservation areas
C1B New community uses
R7 Protection of shopping frontages and local shops
T2 Capacity of transport provision
T3 Pedestrians and Cycling
T4 Public transport and development
T7 Off Street Parking
T8 Car free housing and car capped housing
T9 Impact of Parking
T12 Works affecting highways

Camden Planning Guidance 2006

Bloomsbury Conservation Area Statement (Draft)

LDF Core Strategy and Development Policies

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.

Relevant Policies in Camden Core Strategy

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS6 Providing Quality Homes

CS8 Promoting a successful and inclusive Camden economy

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

CS16 Improving Camden's Health and Well-being

CS17 Making Camden a safer place.

CS19 Delivering and monitoring the Core Strategy

Relevant Policies in Camden 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 sites and premises

DP16 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

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

DP29 Improving access

DP30 Shopfronts

Assessment

1. Proposal:

1.1 The proposal entails the change of use from ground floor shop (Class A1) and basement podiatrist consulting rooms (Class D1) to one self-contained maisonette (Class C3). Alterations to the front and rear elevations include the following:

1.2 Front:

- replacement of existing windows along the front elevation at lower ground level with a single window
- Insertion of high level opening sashes to existing shopfront.
- Extension of existing metal fence with installation of a new metal gate and fence to enclose the lightwell to the basement area.
- Replacement of existing stairs leading the front basement area with a narrower steel staircase.

1.3 Rear:

- Partial demolition of the rear structure at lower ground level to create a lightwell
- Installation of a window in the east elevation at rear first floor level of the existing rear projection.

2. Assessment:

The principle considerations relative to this case are considered to be the:

- Loss of A1 and D1 floorspace and replacement with C3 use
- Amenity and Transport

3. Land Use:

Ground Floor – Loss of A1 floorspace:

3.1 The application site is located within the Central London Area, but is not located within any

designated shopping frontage. Policy R7c states that the Council will only grant permission for loss of A1 use in the Central London Area where the development contributes to local character, function, vitality, viability and amenity. This includes the provision of housing. The existing ground floor premises appear to be vacant. Although Council policy does not require marketing evidence to demonstrate lack of demand for an A1 use, information has been submitted to indicate that the A1 use in its present form is no longer in demand. Given this, and the fact that the proposals are for a use identified as acceptable within this policy and other parts of the Plan, the proposals are broadly acceptable in the context of R7 in this instance.

Basement – Loss of D1 floorspace:

- 3.2 The basement is currently occupied as a private podiatrist's surgery. The podiatrist has given notice to break the existing lease and the basement will become vacant shortly.
- 3.3 Policy C2 states that the Council will not grant planning permission for development that results in the loss of a community use unless it is demonstrated adequate replacement facilities will be provided in a location accessible to the users of the facility. It must be shown that the existing use is no longer required and that there is no demand for another suitable community use of the site.
- 3.4 The applicant has submitted a range of information to support the loss of the D1 (community use) use on the site. The following reasons have been presented;
- The location of unit at basement level and associated issues of access and lack of adequate natural light.
 - The nearest alternative specialist NHS podiatrist and foot care clinics to the application site are located 200m away at No. 8 Hunter Street and at St Pancras Hospital about 800m away.
 - Other private practitioners located within walking distance of the application site are located at The Royal London Homoeopathic Hospital on Great Ormond Street, at No. 25 Grafton Way and at No. 46 Theobalds Road.
 - There are 20 Podiatry/Chiropody centres listed in the Corough's Cindex services finder which demonstrates that there is a good supply of foot care services within Camden.
- 3.5 The podiatrist currently occupying the basement has given notice to break the existing lease therefore the premises will become vacant shortly. It is considered that there are more than adequate replacement facilities for the loss of the podiatrist surgery at this site. The applicant has shown that there are numerous replacement podiatrist/chiropody surgeries within close proximity to the site.
- 3.6 The unit is positioned at basement level within a largely residential terrace and accessed via steep steps. It is therefore considered impractical to provide disabled access to this unit, required for most other D1 uses. Given the size of the premises, its accessibility and the fact that there appears to be alternative provision elsewhere, it is not considered that the loss of this use would have a detrimental impact on community facilities in the area.
- 3.7 The UDP policy C2 states in paragraph 8.31 that where the loss of community uses are accepted, The Council's preference would be for the provision of housing. The provision of additional residential floor space is therefore welcomed in the context of UDP Policy H1.

4. New Housing

- 4.1 In terms of the provision of new housing, the Council's policy H1 seeks the fullest use of underused sites and buildings for housing provided that the accommodation reaches acceptable standards. This proposal would provide a single residential unit and as such complies with policy H1.

5. Residential Standards and Lifetime Homes:

5.1 The internal arrangements as shown on the proposed plans meet size requirements for both individual room sizes and the total floor area of the proposed dwelling. The proposed habitable rooms would receive adequate levels of light and ventilation. The proposed residential unit is therefore considered to provide residential accommodation of an acceptable standard.

5.2 Residential amenity space will be provided in the form of a small court yard to the rear of the property at ground level and also the existing roof terrace at rear first floor level. In addition to this, the property is located within a short distance from Argyle Square. It is therefore considered that the proposed residential dwelling will have sufficient access to outdoor amenity space given its location within a Central London Area.

5.3 Policy H7 of the UDP encourages new housing to be accessible to all and built to 'Lifetime Homes' standards. The applicant has demonstrated where the proposed dwelling will adhere to 'Lifetime Homes' standards in the submitted Lifetime Homes Standards document. There are however instances where the 'Lifetime Homes' standards will not be able to be met, mainly due to the constraints of the site and proposed internal layout of the new unit and it would therefore be unreasonable to refuse this application on these grounds.

6. External Alterations - Design, Scale and Appearance:

Front:

6.1 The current access to the basement area is via a steep steel staircase leading directly down to the front door of the podiatrist surgery at basement level. Iron railings and a gate are located along the perimeter of the front lightwell area. The proposal entails the replacement of the existing stairs with a narrower steel staircase. The existing railings are to be extended to accommodate the new metal gate across the access to the ground floor entrance door. The railings and gate will match the existing railings along this terrace in appearance and are not considered to harm the character and appearance of the building and conservation area.

6.2 The two windows and entrance door facing into the existing lightwell area will be replaced by a new window and semi-glazed door. The proposed window will be similar to the existing windows on the front elevation on the upper floors in terms of design and appearance. The proposed development also includes the installation of high level opening sashes to the existing shopfront.

6.3 The proportions, style and materials of the proposed entrance door, windows and railings are considered to respect the character and appearance of the existing building and conservation area. The proposal is considered to be acceptable in design terms and consistent with policies B1, B3 and B7.

Rear:

6.4 The basement of the property covers the entire site to the rear. The property has an existing two storey rear extension along the southern boundary with No. 278 Gray's Inn Road. It is proposed to demolish part of the rear ground floor structure to create a lightwell to provide natural lighting and ventilation to the proposed bedroom. No changes are proposed to the existing boundary walls. It is also proposed to install a window in the east elevation at rear first floor level of the existing rear projection. The proposed sash window will match the existing windows on the rear elevation. In terms of design, materials, scale and proportions, the proposed lightwell area and new window are considered satisfactory and will not have a detrimental visual impact on the appearance of the building or the conservation area.

7. Amenity:

Front:

7.1 Given the location of the new window and door in the front basement area and the appropriate height of the proposed railings and gate, it is not considered that the proposed development would

have any impact on neighbour amenity adjacent or those opposite.

Rear:

7.2 The proposal includes the creation of a lightwell area at rear ground floor level and the installation of a window to the east elevation of the two storey rear projection. The windows and doors of the proposed bedroom will look out onto the enclosed lightwell area and the new window will look out onto the existing terrace at rear first floor level. Given the existence of the terrace and the location of the windows and doors overlooking the lightwell area, it is not considered to have an adverse impact on the amenities of the neighbouring properties in terms of loss of privacy.

8. Transport:

8.1 Policy T8 (Car free housing and car capped housing) of the Replacement UDP 2006 states that where the minimum parking standards are not practicable and where the application site is within a controlled parking zone, together with high public transport accessibility, a proposal of this type should be considered as car-free housing.

8.2 The application site is within a controlled parking zone, has a Public Transport Accessibility Level (PTAL) of 6B (excellent) and there are limited opportunities for parking on nearby streets. A S106 legal agreement is therefore proposed seeking the residential unit being created to be made car-free. Not making the development car-free would increase demand for on-street parking in the CPZ the application site is within.

8.3 UDP policy T3 requires development to sufficiently provide for the needs of cyclists, which includes cycle parking and UDP policy T7 states development must comply with Camden Parking standards. The London Plan also adopts the Transport for London cycle parking standards.

8.4 Camden's Parking Standards for cycles (*Appendix 6 of the Unitary Development Plan*), states that 1 storage or parking space is required per residential unit. The proposal is for 1 residential unit; therefore 1 cycle storage/parking space is required. The applicant has not included provision for the required amount of cycle storage/parking in the proposed design. However, the proposals are for a maisonette flat with step free access from street level and a cycle or cycles can easily be stored within it if required, and therefore complies with Camden's parking standards for cycles.

Recommendation: Grant Planning Permission

DISCLAIMER

Decision route was decided by nominated members on 16th August 2010. For further information see

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