

<b>Address:</b>	<b>75 Prince of Wales Road London NW5 3LT</b>	
<b>Application Number:</b>	2009/5872/P	<b>Officer: Jonathan Markwell</b>
<b>Ward:</b>	Haverstock	
<b>Date Received:</b>	<b>11/12/2009</b>	
<b>Proposal:</b> Erection of a one-storey (at second floor level) and two-storey (at ground and first floor level) side extension in association with conversion and change of use from public house (Class A4) to five self-contained residential (Class C3) units (1x1 bed, 3x2 bed and 1x3 bed units) and flexible uses within Class A1-A2 at part basement and ground floor levels.		
<b>Drawing Numbers:</b> Site Location Plan; 07; 08; 09; 10 Rev B; 11 Rev A; 12 Rev A; 13; 14; 15; 16 Rev A; 17 Rev A; 18 Rev A; BREEAM: Ecohomes Pre-assessment, dated 09/02/2010.		
<b>RECOMMENDATION SUMMARY: Grant Subject to a Section 106 Legal Agreement</b>		

<b>Applicant:</b> C/O Agent	<b>Agent:</b> Metropolitan Development Consultancy Bickenhall Mansions 66 Bickenhall Street London W1U 6BX
--------------------------------	--

### ANALYSIS INFORMATION

Land Use Details:		
	Use Class	Floorspace
Existing	<i>A4 Drinking Establishments</i>	<i>597.2m<sup>2</sup></i>
Proposed	<i>C3 Dwelling House A1/2 Shops / Financial and Professional</i>	<i>516.4m<sup>2</sup> 133.9m<sup>2</sup></i>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Proposed	<i>Flat/Maisonette</i>	1	3	1						

### OFFICERS' REPORT

**Reason for Referral to Committee:**     **The Director of Culture and Environment has referred the application for consideration as it**

**involves the creation of five residential flats from the change of use of / conversion of / extension to an existing building [Clause 3 (iii)].**

## **1. SITE**

- 1.1 The application site comprises a three-storey and basement building located on the corner of Prince of Wales Road (to the north) and Harwood Street (to the west and south). It is presently in use as the Prince of Wales Public House, although the applicant has indicated that the current tenant will be vacating the premises in the near future. During the site visit undertaken on 26/01/2010, the public house was still in use. The premises comprise the main public house use at ground floor level, with ancillary storage at basement floor level. Above ground floor level is ancillary residential accommodation for the landlord of the public house.
- 1.2 The surrounding area comprises a mix of uses, although the predominant use is residential. To the north, beyond Prince of Wales Road, is Talacre open space. To the east is a three-storey building (No. 73 Prince of Wales Road), which consists of a retail unit (Wild Organic sandwich shop) at ground floor level and a separate residential unit on the upper floors. To the rear (south) of No. 73 is a shared courtyard area and a single-storey retail unit (laundry/ironing/repair services), known as No. 71 Prince of Wales Road. Access to this retail unit is through an undercroft area off Prince of Wales Road between No. 73 and No's 59-67. No's 59-67 is a four-storey building including a single retail unit (Costcutter) at ground floor level and residential units above. To the south the application site is connected to a terrace of three-storey (but lower in height than the application site) properties (No's 102-108) situated on the east side of Harwood Street. Further to the south (No.98 and beyond) the properties reduce in height to a two-storey terrace. To the west of the application site, beyond Harwood Street, are the four-storey residential flats known as Mutton Place.
- 1.3 Although the application building is not listed, it is located within Harwood Street Conservation Area. The application site represents the northern boundary of the conservation area. For clarification, No's 71 and 73 Prince of Wales Road and properties within Mutton Place are located outside of the conservation area. The application site building is identified within the conservation area statement as making a positive contribution to the character and appearance of the conservation area. The conservation area statement refers to the application site as follows "The opening to the street (Harwood Street) is marked by the Prince of Wales Public House (no. 75 Prince of Wales Road). This is a substantial, three storey corner building, with elevations of painted stucco with four windows facing Prince of Wales Road and five windows facing Harwood Street. A flat parapet conceals the roof. The ground floor has an attractive late 19<sup>th</sup> century pub front on both sides".

## **2. THE PROPOSAL**

### **Original**

- 2.1 Planning permission was originally sought for the erection of a mansard roof extension and a one-storey (at second floor level) and two-storey (at ground and first floor level) side extension on the Prince of Wales Road elevation. Permission was also sought for a reconfigured first floor rear side (east elevation) extension and fenestration alterations on the rear (south) elevation. All of these alterations were in association with conversion and change of use of the existing public house (Class A4) to six self-contained residential (Class C3) units (1x1 bed and 5x2 bed units) from basement to newly created third floor level and flexible uses within Class A1-A2 at part basement and ground floor levels only.

## Revisions

- 2.2 During the course of the application the proposed mansard roof extension has been omitted from the proposed scheme. As such, five residential units are now proposed, not six as originally proposed, at basement to second floor level. In addition, the mix of units has been altered so that a three-bedroom unit is now proposed. Thus the proposed mix comprises 1x1 bed, 3x2 bed and 1x3 bed units. Furthermore, the detailed design of the two-storey side extension (at ground and first floor level) fronting onto Prince of Wales Road has also been altered from that originally proposed. All other elements remain unaltered from that originally proposed, as outlined above.

## 3. RELEVANT HISTORY

- 3.1 28992 - Erection of a single storey side extension to provide male and female lavatory facilities. Granted 27/11/1979.

## 4. CONSULTATIONS

### Adjoining Occupiers

<i>Number of letters sent</i>	22
<i>Total number of responses received</i>	2
<i>Number of electronic responses</i>	2
<i>Number in support</i>	0
<i>Number of objections</i>	2

- 4.1 A site notice was erected on 20/01/2010, expiring on 10/02/2010. A total of two objections were received. An occupier of **No. 73 Prince of Wales Road** objects on the following basis:
- Objects to the two storey side extension at ground and first floor level on the Prince of Wales Road elevation. This is owing to this extension impeding the business at No. 71 Prince of Wales Road and the courtyard area generally at this point. In addition, it is noted by this objector that the existing wall between no. 73 and the application site “is illegal anyway”.

4.2 The occupiers of **8 Mutton Place** object to the application on the following grounds:

- Proposed roof extension will reduce privacy, access to light, quality of life and devalue the adjoining property. Objections to the roof extension are also raised on design grounds (Officer comment: Please note that the roof extension has been omitted by the applicant during the course of the application);
- Increase in residential units “is too much for this overcrowded neighbourhood where parking and other facilities are struggling to cope”. Reference is made to a nearby approved scheme in Dalby Street and there being no provisions for additional car parking in the proposed scheme.
- Non-provision of fire escapes, an asbestos risk assessment or “proposals for a considerate contractor scheme”;
- No “description of what type of commercial occupants would be considered, this needs to be defined”;
- Concerns raised over the structural implications from the building works proposed on neighbouring buildings, “many of which are fragile period properties within the Harmond Street Conservation Area”. More specifically, impact of structural damage and subsidence effects and request for an extensive investigation to be carried out by a qualified structural engineer to “ensure proper structural design”.

## 5. **POLICIES**

### 5.1 **Camden Replacement Unitary Development Plan 2006**

SD1 Quality of Life  
SD2 Planning obligations  
SD6 Amenity for occupiers and neighbours  
SD9 Resources and Energy  
H1 New Housing  
H7 Lifetime homes and wheelchair housing  
H8 Mix of units  
B1 General design principles  
B3 Alterations and extensions  
B7 Conservation areas  
N4 Provision of public open space  
T3 Pedestrians and Cycling  
T8 Car free housing and car capped housing  
T9 Impact of Parking  
T12 Works affecting highways

### 5.2 **Other Relevant Planning Policies**

Camden Planning Guidance 2006 (CPG)

### 5.3 **Supplementary Planning Policies**

Harmond Street Conservation Area Statement

## 6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Principle of development – change of use
- Quality of accommodation
- Design
- Amenity
- Transport
- Sustainability
- Other S106 contributions

### **Principle of development – change of use**

6.2 The existing use of the building is as a drinking establishment under Class A4, with the residential accommodation above being ancillary to the main public house use. The applicant has indicated that the present tenant is likely to vacate the premises in the near future, at which time the premises will become vacant. The Council has no specific policies within the UDP which seek to protect the use of public houses. As such, there is no policy basis to resist the loss of the present use of the building.

6.3 With regard to the proposed use, it is noted that the applicant is seeking to provide flexible uses within Class A1 (shop) or A2 (financial and professional services) within part of the basement and ground floor levels (totalling 133.9m<sup>2</sup> of floorspace). It is acknowledged that a change of use to either a Class A1 or A2 use from Class A4 would constitute permitted development under the Use Classes Order.

6.4 Notwithstanding this, the provision of a Class A1 or A2 operator at this location is considered to be appropriate. Although not located within a designated town or neighbourhood centre, the site is located adjacent to a small parade of existing shops and would serve members of the public, whilst also contributing positively to the character of the local area. It is also situated within an accessible location. In this context, the provision of either a Class A1 or Class A2 use at part basement/ground floor level is considered to be appropriate. In addition, the alternative Class A1 / A2 use sought is considered to provide a degree of flexibility for the applicant with regard to any future tenant occupying the unit. It is recommended an informative is added to any permission denoting that that if implemented, the permission would give flexibility for use for 10 years from the date of the permission. After 10 years the lawful use would revert to whichever of the uses is taking place at the time. At this time no intended occupier has been specified by the applicant.

6.5 In respect of the principle of the proposed residential use at the site, housing is stipulated as the priority land use within policy H1 of the UDP. Subsequently the proposals will help to meet and exceed the strategic housing target for the Borough (providing it is of an acceptable standard – see quality of accommodation section below).

## Quality of accommodation

- 6.6 Following revisions during the course of the application, 1x1 bed, 3x2 bed and 1x3 bed self-contained residential units are proposed. All units will be accessed from a designated entrance on the Prince of Wales (north) elevation. In terms of overall floorspace and room size standards, please see the table below:

Flat No.	Overall unit size	Bedroom 1	Bedroom 2	Bedroom 3
1	105m <sup>2</sup>	19.06m <sup>2</sup>	13.7m <sup>2</sup>	
2	80.1m <sup>2</sup>	12.43m <sup>2</sup>	12.92m <sup>2</sup>	7.02m <sup>2</sup>
3	75.7m <sup>2</sup>	13.7m <sup>2</sup>	13.6m <sup>2</sup>	
4	55.4m <sup>2</sup>	13.7m <sup>2</sup>		
5	64.8m <sup>2</sup>	14.28m <sup>2</sup>	9.31m <sup>2</sup>	

- 6.7 It is seen that the bedroom sizes all comply with the minimum standards stipulated in CPG. The overall unit sizes of flats 1, 3, 4 and 5 are also in full compliance with CPG. It is acknowledged that there is a small shortfall in the overall size of flat 2, which is a five person, three bedroom unit. The proposed unit is approximately 3.9m<sup>2</sup> below the 84m<sup>2</sup> standard outlined in CPG. However, all rooms within this unit are considered to be regular in size and shape, with appropriate circulation, ventilation and a dedicated storage area. Within this context, the quality of the residential accommodation is not considered to be compromised by the slight shortfall in overall floorspace. In addition, the four other units are also considered to provide a good quality of residential accommodation in these regards. In addition, there is a separate dedicated area proposed for the storage of waste and recyclables at ground floor level, providing easy access for refuse collection. Although there is no outdoor amenity space proposed, it is noted that the site is located opposite Talacre open space, which will provide adequate space in this regard.
- 6.8 With regard to housing mix, policy H8 seeks to secure a range of unit sizes within developments, including large and small units, in order to address housing need in the Borough. The proposed mix, following revisions, comprises 1x1 bed (two person), 1x2 bed (three person), 2x2 bed (four person) and 1x3 bed (five person) units. Such a mix is considered to provide a suitable range of small and large units, including a three-bed unit suitable for family accommodation.
- 6.9 In respect of lifetime homes (as outlined by policy H7), the applicant has submitted a lifetime homes assessment demonstrating areas where the proposed scheme can accord with the necessary standards. It is however also acknowledged that in some instances the proposed scheme will not be able to achieve some standards, owing to the proposed scheme incorporating the conversion of an existing building. The applicant has nevertheless demonstrated areas where such standards can be met. It is considered an informative is recommended to be added to any permission, encouraging the applicant to implement as many of the lifetime homes standards as possible.
- 6.10 With regard to the quality of the Class A1 or A2 use proposed at part basement and part ground floor level, it is considered that the open plan nature of the proposed

spaces would provide any future occupier with as much flexibility as possible concerning the internal layout and use of the space.

## **Design**

- 6.11 To clarify, the originally proposed mansard roof extension was removed from the proposed scheme during the course of the application. In addition, the existing shopfront façade is to be retained as existing. As such, the only external works sought as part of the application relate to a single-storey second floor extension on the Prince of Wales Road elevation, a further two-storey side extension adjacent to this on the Prince of Wales Road (up to the boundary with No. 73 Prince of Wales Road) at ground and first floor level and a reconfiguration of the existing first floor rear side (east and south) elevation. Minor fenestration alterations to windows on the rear (south) elevation are also proposed at ground, first and second floor level.
- 6.12 The second floor extension on the Prince of Wales Road elevation in-fills an existing setback at this part of the building. The proposed design seeks to continue the existing fenestration and detailed design pattern on the Prince of Wales elevation. As such, the painted stucco finish with four windows facing Prince of Wales Road would become five windows, to mirror the five existing windows facing Harwood Street.
- 6.13 Adjacent to this extension it is proposed to erect a two storey extension up to the boundary of No. 73 Prince of Wales Road at ground and first floor level, set back 1.7m from the main frontage of the application site building. The existing single-storey toilet structure, enclosed by brick walls to front (north elevation) and rear (south elevation), will be demolished as part of this element of the proposals. The proposed extension would utilise the existing footprint of this part of the building, which is set level with the front and rear elevations of the neighbouring building at No. 73. Thus the proposed extension would not step forward from the existing building lines of the neighbouring building and be stepped back from the main Prince of Wales (north) elevation of the application site building. In terms of detailed design, during the course of the application the window and door sizes have been revised so that they complement the form, proportions and character of the existing building, whilst not seeking to replicate the existing building. This is considered to have been achieved in order to ensure that the extension would appear as a subordinate addition to the side of the building. As such, these extensions are considered to raise no design issues and preserve the character and appearance of this part of the conservation area.
- 6.14 The proposed rear side reconfiguration at first floor level would replicate the existing brick finish seen elsewhere on this elevation. Furthermore, the height of the reconfigured first floor level would mirror the proposed height of the nearby two-storey side extension, resulting in a degree of uniformity at this point. The proposed fenestration alterations on the east elevation involves the replacement of non-original doors at ground floor level with a timber framed window (with lintel detail above) and replacement windows on the floors above, again to match the existing fenestration pattern on this part of the building. Therefore no design issues are raised in relation to this element of the proposals.

## **Amenity**

- 6.15 The proposed side extension at ground and first floor level is set up to the boundary with No. 73 Prince of Wales Road. There are no existing windows on the western side elevation of this building directly facing the application site. Furthermore, the proposals would not extend beyond the front and rear building lines of the neighbouring properties. Within this context, the proposed extension is not considered to impinge on sunlight/daylight or outlook matters, nor lead to a loss of privacy for neighbouring occupiers. A party wall agreement will be required for these works; this is not a planning consideration and will be dealt with by building control regulations. Building regulations will also ensure that there is sufficient soundproofing between buildings, to maintain residential amenity in relation to noise matters for occupiers of No. 73. Furthermore, the proposed plans indicate these areas would be used as a refuse and cycle storage area at ground floor level and bathroom and bedroom at first floor level.
- 6.16 With regard to the impact on No. 71 Prince of Wales Road, the single storey retail unit located to the rear of No. 73, it is considered that the proposed extension would not have a sufficiently adverse amenity impact on this building to warrant the refusal of the application. Access to this unit would be maintained as existing and overlooking issues are not considered to be of significance given the existing (retail) use of No. 71. An objection has been received regarding the loss of prominence to this unit, citing that the existing single storey walls associated with the single storey toilet facilities are unauthorised. It is noted that planning permission was granted in 1979 for such works (see relevant history section above). As such, the prominence of this retail unit is not considered to worsen as a result of the proposed development when compared with the existing situation at the site.
- 6.17 In relation to the fenestration alterations on the rear side elevations, it is noted that existing windows/doors exist at present in these locations. The proposed windows are predominantly smaller in size than those existing, meaning that the existing overlooking issues with No. 108 Harwood Street would not be exacerbated by the proposed development. Therefore in overall terms the proposed development would not give rise to any amenity issues in the local area.
- 6.18 In respect of the amenity of future occupiers of the proposed residential units, all rooms are considered to have adequate outlook, ventilation and access to natural sunlight and daylight. Flat 1 is a maisonette unit located at basement and ground floor level. Both bedrooms are situated at ground floor level, with a void area created at ground floor level on the Harwood Street side of the building to make part of the living area at basement floor level double height, thereby benefitting from the natural light from the large existing windows at ground floor level. Therefore it is considered that the proposed units would provide a good level of amenity for future occupiers.

## **Transport**

- 6.19 Camden's Parking Standards for cycles (Appendix 6 of the UDP) states that 1 storage or parking space is required per residential unit proposed. The proposal is

for 5 residential units and 6 cycle storage/parking spaces have been proposed. It is acknowledged that there is a slight shortfall in the distance between the end of the cycle stands and the walls (required distance is 0.75m; proposed distance is 0.55m). However, it is considered that such a shortfall will not impinge on the ability to store cycles and given the site constraints of the proposed scheme converting an existing building, this is considered to be adequate. It is recommended a condition denoting that the cycle spaces shown are provided prior to occupation and thereafter retained and maintained as such. The threshold for requiring cycle parking for the Class A1 / A2 space is 500sqm. As only 133.9m<sup>2</sup> is proposed, no cycle parking is required for this element.

6.20 With regard to car-parking, no off-street parking spaces are proposed. The application site is located within a Controlled Parking Zone (Camden Town North CPZ) with a ratio of parking permits to available parking bays of 1.16:1. This means that more parking permits have been issued than spaces available. The site also has a Public Transport Accessibility Level of (PTAL) of 6a (excellent) and is located close to the designated town centres of Kentish Town and Camden Town. Therefore the five residential units proposed are recommended to be made car-free, as secured via a S106 Legal Agreement. The applicant has indicated that they will be willing to enter into this agreement.

6.21 It is also considered necessary to seek highways improvements in the local area as part of the development. The change of use of the part of the site from Class A4 to Class A1 / A2 means that three existing bollards (to prevent delivery vehicles mounting the footway) on the Prince of Wales elevation will no longer be required. Furthermore, they are considered to be a trip hazard for pedestrians. Such works will be secured as part of the S106 Legal Agreement at the site. The applicant has indicated a willingness to enter into this, with the anticipated contribution being £2,000.

### **Sustainability**

6.22 In terms of sustainability, the applicant has submitted an EcoHomes assessment given that the proposals involve the creation of five residential units. The pre-assessment demonstrates that the development would meet the minimum 'very good' rating. The target of 60% credits for energy and water are achieved, and 40% materials credits are also likely to be achieved, complying with guidance contained within CPG and policy SD9C of the UDP. More specifically, the pre-assessment demonstrates that 62.5% of credits would be achieved for energy, 66.66% for water and 67.74% for materials. Notwithstanding this, it is recommended that a design stage and post-construction review is submitted in due course. This assessment will be required to meet the required criteria and is recommended to be secured via a S106 Legal Agreement. The applicant has indicated a willingness to enter into this part of the agreement.

### **Other S106 Contributions**

6.23 Further to the S106 elements noted above, given that five residential units are proposed, open space and education contributions are also sought. In relation to open space, policy N4 denotes that proposals which increase demand for open

space are required to make a contribution to the supply of open space. None is proposed on-site and thus a financial contribution is considered to be suitable in this instance. A financial contribution of £7,515 is sought, in line with CPG methodology. The Council's Parks and Open Space team have confirmed that there are some small scale works required in the adjacent Talacre open space in which this contribution can feed into. These include works to connect water to the park and both water and a sewage connection to the park attendant hut. Other works where a contribution could be added includes funding towards the bench project with the Friends of Talacre Gardens or to assist in replacing some of the play equipment.

- 6.24 In respect of contributing towards educational infrastructure in the area, a financial contribution of £17,016 is sought. Again, this has been calculated in accordance with the formula denoted in CPG. The applicant has indicated a willingness to enter into both this education and the open space contribution, as secured via a S106 Legal Agreement.

## **7. CONCLUSION**

- 7.1 The proposed development would provide five residential units of varying sizes in a sustainable location and would also provide a new Class A1 or A2 to serve members of the public. There is no policy basis to resist the loss of the existing Class A4 use at the site. The proposed extensions are considered to be appropriately designed in relation to the host building, the neighbouring buildings and the local area in general, including the Harwood Street Conservation Area. Furthermore, it is considered that these extensions would not impinge on the amenity of any neighbouring occupiers. Moreover, a legal agreement has been agreed in principle with the applicant in respect of car-free housing, highways works, sustainability, open space and education contributions.

## **8. LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

## **9. RECOMMENDATION**

- 9.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Car-free housing for the five residential units being created;
  - Highways contribution for £2,000 for works to remove bollards adjacent to the site;
  - All buildings works to be implemented in accordance with the submitted Ecohomes pre-assessment 'minimum' very good, and a commitment to ensure the materials, water, energy components meet/exceed the CPG

targets and all ratings to be met in the final assessment via design stage and post construction sustainability appraisal;

- A financial contribution of £7,515 for the improvement and maintenance of public open space within the Borough;
- A financial contribution of £17,016 towards educational infrastructure in the area.