

Delegated Report		Analysis sheet		Expiry Date:		31/03/2010	
		N/A / attached		Consultation Expiry Date:		11/3/2010	
Officer				Application Number(s)			
Hugh Miller				2010/0016/P			
Application Address				Drawing Numbers			
174 Royal College Street London NW1 0SP				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of basement from ancillary storage area of shop (Class A1) to Radio Controlled mini cab office (Sui Generis); new access via stairs in front lightwell and associated alterations to shop front.							
Recommendation(s):		Refuse					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	11	No. of responses	00	No. of objections	00
				No. Electronic	00		
Summary of consultation responses:		Site Notice displayed 5/2/2010, expires 26/2/2010. No response received.					
CAAC/Local groups* comments: <small>*Please Specify</small>		<i>South Kentish Town CAAC – objects</i> <i>Reed's and Rochester Place Neighbourhood Association – objects</i> <ul style="list-style-type: none"> • Creation of lightwell is likely to be detrimental to the business use at ground floor level as it isolates other shops in the parade • Creation of a lightwell would change the nature of the terrace/parade of shops in the Conservation Area • Creation of lightwell at no. 168 should not set a precedent. <p>We wish officers to make reference to recent rejected application at 172 Royal College Street [2009/3108/P].</p>					

Site Description

3-storey plus basement terraced building on the east side of Royal College Street occupied by a restaurant at basement and ground floor levels and a 2 bed maisonette on the first and second floor. The site lies within the Camden Broadway Conservation Area and the Royal College Street Neighbourhood Shopping and Service Centre.

Relevant History

Application site

- 2006/ 5871 – Change of use from internet cafe to car hire business. Refused 20.03.2007 for the following reason: *“In the absence of an operational methodology to enable proper assessment of traffic impact, it is considered likely that the proposal would result in an unacceptable increase in parking and waiting on Royal College Street and surrounding roads to the detriment of highway and pedestrian safety, contrary to policies T2, T3 and T9 of the London Borough of Camden Unitary Development Plan 2006.”*
- 2007/1712 - Change of use from internet cafe (Class A1) at rear of ground floor to office (Class B1). The application specifically states that the use is as an office and radio control room only for mini-cabs. Approved 29/05/07 and included the following conditions:
 1. In the event the premises are used for car-related business such as a booking office or radio control room for minicabs, no vehicles or drivers shall call at the premises at any time for the purpose of picking up or waiting for clients. Reason: To ensure the use of the premises does not result in unreasonable traffic congestion and excessive on-street parking pressure in accordance with policies SD6 and T9 of the London Borough of Camden Unitary Development Plan 2006.
 2. In the event the premises are used for car-related business such as a booking office or radio control room for minicabs, no casual or walk-in custom shall be solicited or provided service from the premises. No provision such as a customer waiting room, call bell, mini-com shall be made for casual or walk-in custom. Reason: To ensure that the use of the premises does not adversely affect the adjoining premises/immediate area by reason of noise, anti-social behaviour, traffic congestion and excessive on-street parking pressure in accordance with policies SD6 and T9 of the London Borough of Camden Unitary Development Plan 2006.

Surrounding buildings:

- No. 168 – PP **granted** - Change of use and works to convert ground floor and basement from restaurant (Class A3) to residential (Class C3) and conversion of existing 2-bedroom maisonette, involving the erection of a three-storey rear extension with rear terraces and re-opening of existing front lightwell to provide 3 self-contained flats (Class C3) ref. 2007/3461/P
- No. 211 – PP **granted** - Change of use of basement and ground floor from Class D2 to 2 x two-bed self contained flats (class C3) and associated alterations including front lightwell and railings, ref. 2006/0466/P
- 158-164 – PP granted - Planning permission **granted** on 13/11/2009 for change of use of ground and basement floors from retail (Class A1) to nine residential units (3 x studio flats, 3 x 1 bed, 1 x 2 bed and 2 x 3 bed) on ground and basement levels with associated external alterations to provide new windows, glazing and railings to the front elevation at ground floor, new lightwell at front basement level, alterations to the ground floor rear fenestration and erection of two new 2-storey rear extensions, ref. 2008/0448/P. included the following condition:
 1. *Notwithstanding the details illustrated on the approved drawings, no railings shall be erected to partially enclose the front lightwells without the prior approval of the Local Planning Authority. Instead, details of the design (including plan, section and external finishes) of a form of enclosure above the front lightwells shall be submitted to and approved by the Council. The approved lightwell enclosure shall be installed prior to the occupation of any of the residential units and shall be permanently maintained and retained thereafter, unless otherwise agreed in writing by the Council. Reason: To safeguard the appearance of the premises and the character and appearance of the immediate conservation area in accordance with the requirements of policies S1/ S2, SD6, B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.*

- No. 172 –PP **refused** - Creation of a new lightwell, including metal railings, gate and access staircase to the basement and alterations to front window and door, in association with the change of use from retail storage to a self-contained studio flat at basement level, ref. 2009/3108/P. Reason for refusal: *“The proposed front lightwell with railings and staircase would create a discordant feature in the terrace of properties at 166-178 Royal College Street, which would be detrimental to the appearance of the property and to the character of the streetscene which is relatively unaltered by railings and lightwells to the front. In this respect the proposed development would be contrary to policies B1 (General design principles), B3 (Alterations and extensions), B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006 and guidance contained within the Camden Planning Guidance 2006.”*

Relevant policies

RUDP 2006

SD2 – Planning Obligations
SD6 –Amenity for occupiers and occupiers and neighbours
B1 - General design principles
B3 - Alterations and extensions
B7 - Conservation areas
R7A & B – Protection of shopping frontages and local shops / Neighbourhood Centres
E1 –Location of business uses
T2 - Capacity of transport provision
T3 - Pedestrians and Cycling
T9 – Impact on parking

Draft LDF Core Strategy/ Draft LDF Core Strategy

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

CS5 – Managing the impact of growth and development
CS7 – Promoting Camden’s centres and shops
CS8 - Location of business uses
CS14 – Promoting high quality places and conserving heritage / conservation areas
CS19 - Planning Obligations
DP16 – Transport implications of development
DP17 – Walking, cycling and public transport
DP24 – Securing high quality design
DP25 – Conserving Camden’s heritage / conservation areas
DP26 - Managing the impact of development on occupiers and neighbours
DP27 – Basement and lightwells
DP30 – Shopfronts / Protection of shopping frontages and local shops

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.

Camden Broadway CAS: Camden Planning Guidance 2006

Assessment

Proposal

The application propose the change of use of basement from ancillary storage area of shop (Class A1) to Radio Controlled mini cab office (Sui Generis); new access via stairs in front lightwell and associated alterations to shop front.

The main issues are:

- i). Land use policy
- ii) design and impact on the character and appearance of the Conservation Area,
- iii) transport and impact on local parking & highway conditions,
- iv). residential amenity.

Land use policy

Although the site is located within a designated Neighbourhood Centre, the UDP only gives protection to ground floor retail uses in the context of Policy R7. In light of this, it is considered that it would be difficult to resist the loss of basement retail floorspace in principle. Moreover, it is considered that the loss of the ancillary basement floorspace would not compromise the continued retail operation of the ground floor and therefore in this instance and, under the circumstances, the loss of ancillary floor space is considered acceptable. The proposed accord with policy R7.

Design

Shopfront

The existing mid terrace building forms part of a terrace of eight mid 19th Century three storey dwelling with ground floor shopfronts and basements. The terrace is considered to include a largely unaltered parade of shopfronts which adds to the character and appearance of the terrace. The ground floor comprises modern Ppc aluminium shopfront, with more traditional shopfront 'frame' including pilaster, cornice and entablature concealed behind an orange fascia sign, as well as a door to the upper parts. The shopfront alteration is to facilitate the proposed new access to the basement. The actual alterations would comprise the relocation of the entrance door which in itself would not harm the appearance of the building or the streetscape because the principal shopfront elements would be retained as existing and the pattern of access to the buildings are inconsistent. Likewise, the proposed alterations would not harm the character or the appearance of the conservation area. The proposed accords with policies B1 and B3 of the RUDP.

New lightwell and railings

In the recent past, the Council has determine planning applications specifically addressing the formation/ creation of new lightwells associated with the change of use of existing basement floors of properties within 156-178B Royal College Street.

In the area surrounding the application site on the west side, there are 11 properties (nos. 193 -213) of which five have lightwells (197-199, 201, 207 & 211). On the east side, there are 9 properties nos. 166-178b; with only one property which has a lightwell (no.168). Numbers 154-164 lies due south east and there are no front lightwells or railing enclosure fronting these properties as the planning consents at 158-164 has not been implemented. Within the parade, which incorporate the application building are located partial/ remnants of railings (nos. 172 and 178) on their forecourt area. No.168 has recently been granted permission to create a lightwell, enclosed by railings (see history section above, application ref.2007/3461/P); however this is considered to be inconsistent with the largely unaltered shop frontages within the retail parade.

It is considered that the introduction of a front lightwell and railings would be inconsistent with the largely unaltered parade of shopfronts on this part of Royal College Street. The proposed works would be considered harmful to the character and appearance of the building and fail to preserve the special interest of the terrace and thus the conservation area. Policy justification para. 3.37 states that "*..the creation of new basements, whether it is to create habitable rooms at lower ground level or to form a separate access for a commercial use in the basement, can harm the appearance of the building and the streetscape...*". In this instance, it is considered that the works to create a lightwell at this property would harm the typical and original character and appearance of shopfront parades of this type. The works at no.168 should not set a precedent for future works along the parade. This position has been confirmed by the inspectorate when dealing with the identical issue of front basement lightwells to shopfronts further north along Royal College Street (specifically 234 Royal College Street).

Transport

Little information has been submitted with regard to the nature of the operation, and whether this would involve people coming to the premises without an appointment to pick up a cab, whether it would involve people waiting for cabs on the premises, or whether it would involve taxi drivers ranking up outside the premises. Should any of these scenarios become apparent then this would have a detrimental impact not only on the transport network but would add to car parking stress locally, which

would be unacceptable.

In view of the location, it is considered that, the proposal, if not properly managed, could lead to an unacceptable increase in parking and waiting on roads close to the minicab office, which could be detrimental to the capacity of the existing transport network and, which could create dangerous situations for vulnerable road users. In this regard, the proposal would not be in compliance with UDP policies T2, T3 and T9. However, were the applicant prepared to have the operation of the business conducted via a Management Plan and secured by a legal agreement (s106) *[to ensure that the operation would be, if the office was as a purely “remote” control office, with no customer making personal visits to the office and cars would be controlled remotely (e.g. Radio, mobile, PDA), and be given instructions to pick the customer up from wherever they are and deliver them to their destination without returning to the office (i.e. point-to-point hire) then]* it is likely that the proposed would be acceptable.

However, in absence of a legal agreement for Management Plan to address the above concerns, the proposed is considered to be unacceptable as it would have a detrimental impact on local transport network, add to parking stress and raise concerns regarding pedestrian safety.

Neighbour amenity

The proposal in its present form, without a management plan, would likely to impact detrimentally on neighbouring amenity. Residential occupiers are located above the host building and the upper floors of adjacent buildings within the terrace. Opposite too, the buildings or either fully residential or part residential so too are the surrounding roads. Moreover, this site is located within a designated Neighbourhood centre, and is by definition quieter than, and not generally as busy as, a typical Town Centre. It is considered therefore, that the proposed minicab office would harm residential amenity and is contrary to policy SD6 of the UDP.

Conclusion

- In land use terms, the principle of the change of use/ loss of ancillary retail floor space is satisfactory and complies with policy.
- In design terms, in particular the formation of new lightwell at front basement level and associated railing enclosure, it is considered that the proposed is unsatisfactory for reasons discussed above.
- In transport terms, the proposed in its present form is unacceptable because of its considered impact on the centre and the area generally.
- In terms of residential amenity, the proposed minicab office would cause material harm and is unacceptable.

Recommendation: Refuse Planning permission

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