

DISCLAIMER

Decision route to be decided by nominated members on Monday 08th March 2010. For further information see

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

Delegated Report Members Briefing		Analysis sheet		Expiry Date:	05/02/2010
		N/A		Consultation Expiry Date:	25/02/2010
Officer			Application Number		
John Sheehy			2009/5811/P		
Application Address			Drawing Numbers		
158a Mill Lane London NW6 1TF					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Extension to the time limit for the implementation of application 2004/0145/P (granted 13/05/2005) for the demolition of the existing artist studio and redevelopment involving the erection of a 4 storey building for use as an artists studio on lower ground floor, 1 x 2 bed flat on upper ground floor and 1 x 3 bed maisonette on first and second floor, including the provision of one garage.					
Recommendation:		Grant permission subject to a Deed of Variation			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	40	No. of responses	6	No. of objections	6
			No. electronic	4		
Summary of consultation responses:	<p>Site notice erected outside the property.</p> <p>Objections received from occupiers of 138 (x2), 149 and 156 (x2) Cholmley Gardens; 6 Cavendish Mansions Mill Lane;</p> <p>In summary, the following points were made:</p> <ul style="list-style-type: none">• The proposed building not in keeping with the surrounding area and it is located in close proximity to a Conservation Area;• The existing low-rise building allows long views over it to the surrounding townscape which this development would remove;• The proposed building will block out light to nearby residents;• “No rational reason for the planning application to include a garage/ car space”. More accommodation is likely to increase the current pressure on car-parking despite the garage;• Development would be “obtrusive and hazardous” and would pose a “risk” to users of Mill Lane Open Space including school children;• Proposal “will conflict with the proposed Emmanuel School extension”;• Safe access to the school would be disadvantaged; and• The land would be better used in the proposed extension to the school. <p><i>Officer response: see assessment.</i></p>					
CAAC/Local groups comments:	No response received.					
Children Schools and Families comments	<p>I don’t think there are any objections as such we can make to this. We have already taken into consideration rights of lights issues for an extended 158a in the design of the new Emmanuel school building which we are proposing to build next to this property (subject to planning permission). Although we haven’t got permission yet for the Emmanuel scheme, as the school playground would be adjacent to 158a there may be potential issues with overlooking from 158a into the playground from the flat and maisonette so if there is anything that can be done to mitigate this that would be helpful.</p> <p><i>Officer response: Whilst the point regarding the relationship between the rear of the proposed development (the permission for which it is proposed to</i></p>					

	<p><i>'renew') and the sites to the rear, including Emmanuel School, is noted, it is the case, when dealing with applications to extend the time of a permission, that no changes at all to the previous permission are allowed – this is something that the Council has no discretion on.</i></p>
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Site Description

The site is located on the south side of Mill Lane and is occupied by a single storey building, originally built pre-war as a meeting hall and later extended, but used as an artist's studio since the 1970s. The site is not located in a Conservation Area but is on the boundary of the West End Green/Parsifal Road Conservation Area which is opposite and to the east.

This part of Mill Lane is primarily residential in character. Directly to the east, there is an access road, giving pedestrian and vehicular access to the rear of the site where the Emmanuel Primary School has a play area and other facilities. In this area, directly behind the site, there is also a small nursery school.

On the northern side of Mill Lane, there are more substantial mansion blocks of flats 4/5 stories in height. Emmanuel Primary School is located diagonally opposite, towards West End Lane.

Relevant History

October 1978 planning permission granted for the change of use of the building from religious purposes to an artist's studio and office, ref. F4/16/F/26983.

June 1984 planning permission was granted for the redevelopment of the site to provide a three storey photographic studio with ancillary offices and showroom. This permission was renewed on 21/11/90 and again on 24/8/95 permission was granted for a similar scheme, ref. 8400738. (Not implemented)

Original permission

May 2005 planning permission granted subject to S106 Legal Agreement (signed 13th May 2005) for demolition of the existing artist studio and redevelopment involving the erection of a 4 storey building for use as an artists studio on lower ground floor, 1 x 2 bed flat on upper ground floor and 1 x 3 bed maisonette on first and second floor, including the provision of one garage, ref. 2004/0145/P. The following Legal Agreement Heads of Terms were secured:

- Highways Contribution of £5,500 (index-linked) for removal of the street lamp from in front of the proposed access and relocation to a new position; extension of pavement further east in front of the Mill Lane Open Space entrance; and creation of a new crossover ; and
- Car-capped housing.

Relevant policies

Unitary Development Plan 2006

SD6 Amenity for Occupiers and Neighbours

H1 New Housing

H7 Lifetime Homes and Wheelchair Housing

H8 Housing Mix

B1 General Design Principles

B3 Alterations and Extensions

B7 Conservation Areas
N5 Biodiversity
T1 Sustainable Transport
T3 Pedestrians and Cycling
T7 Off-street parking
T8 Car free housing and car capped housing
T9 Impact of Parking
T12 Works affecting Highways
E2 Retention of existing business use

Camden Planning Guidance 2006

Assessment

Approved scheme: Planning permission was granted subject to a Section 106 Legal Agreement (signed on 13th May 2005) for the demolition of the existing artist's studio and redevelopment involving the erection of a 4 storey building for use as an artists studio on lower ground floor, 1 x 2 bed flat on upper ground floor and 1 x 3 bed maisonette on first and second floor, including the provision of a garage.

The permission is due to expire on the 13th of May 2010. The current application seeks to renew this permission.

Assessment

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

- Principle of the development in land use terms and whether there have been material changes in circumstances since the previous permission was granted;
- Mix and quality of proposed housing
- Design and neighbouring amenity occupiers
- Transport
- Retaining the site for future school expansion

Principle of the development in land use terms and whether there have been material changes in circumstances since the previous permission was granted

The provision of new residential units was strongly supported by land use policies at the time of the original decision and is supported by the existing land use policies.

The replacement of the existing Class B1 photography/ artists studio with a studio approximately half its size (65sqm) is considered acceptable because the new studio is still suitable for occupation by a small firm in line with the Council's employment policies. The reduction in size of the unit is considered acceptable as the application will result in the provision of a better quality studio unit and the scheme will have an overall benefit in terms of provision of additional housing.

Design and neighbour amenity

The proposed building was granted permission in 2005 and given that there are no material changes in circumstances since then, the proposed new building is considered to be acceptable in terms of design and amenity. Revised drawings were submitted for the previous application which reduced the width of the crossover and the number of spaces within the garage from two to one, reduce the steepness of the ramp to the car park, include bicycle storage and also planting in the forecourt.

The same conditions in relation to design and neighbour amenity which were attached to the original permission have been attached to this permission.

Mix and quality of proposed housing

The proposal includes a family-sized unit (3 bedrooms) and a 2- bedroom flat, and therefore complies with policy H8 on housing mix for new development. Both residential units exceed Council's minimum space standards. They also have some amenity space in the form of roof terraces.

Transport

The proposal involved the creation of a garage for 1 car space at ground floor level. As part of the original application, car-free housing was secured, via a Legal Agreement, against 1 of the new units. This agreement also secured a Highways Contribution of £5,500 (index-linked) for removal of the street lamp from in front of the proposed access and relocation to a new position; extension of the pavement further east in front of the Mill Lane Open Space entrance; and creation of a new crossover. This contribution is secured against the renewed permission via a Deed of Variation.

Covered, secure cycle parking for both units can be accommodated within the ground floor garage and no further details in relation to cycle parking are required by condition.

The Council's Transport Officers have commented on the application and have confirmed that no additional legal agreement requirements or conditions in relation to transport are required as part of this renewal application.

Retaining the site for future school expansion

Objectors have stated that proposal "will conflict with the proposed Emmanuel School extension". The Emmanuel School extension application has now been received by the Council and the proposal has taken account of the existing and proposed plans for 158a Mill Lane. Objectors did not outline in what way the renewal application would "conflict" with the potential future extension to the school. Nevertheless, no objection is raised to the principle, use, scale, bulk or design of the proposed building.

Objectors also stated that the land would be better used in the proposed extension to the Emmanuel School. However the site is not formally designated in the UDP for any purpose (unlike the rear site at no.160), and it is not possible to reserve a site indefinitely for another use unless the Local Education Authority purchases the site for this purpose.

Other issues raised by neighbouring occupiers

Objectors stated that the development would pose a “risk” to users of Mill Lane Open Space including school children and safe access to the school would be disadvantaged. The proposed building would follow established building lines, and windows along these lines would not create unacceptable overlooking to other properties. Pedestrian conditions generally around the site would be improved by the works secured under the Highways Contribution and the access to the open space would be improved as a result of these works.

Recommendation: grant permission subject to the completion of a Deed of Variation to secure both obligations associated with the original scheme against the renewed permission.