

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	11/04/2014
		N/A / attached	<b>Consultation Expiry Date:</b>	13/03/2014
<b>Officer</b>			<b>Application Number(s)</b>	
Fergus Freaney			2014/0857/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
162 Agar Grove London NW1 9TY			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Conversion of a vacant ground floor restaurant (Class A3) to 1x2 bed dwelling (Class C3).				
<b>Recommendation(s):</b>		Grant Planning permission subject to S106 Car-free Legal Agreement		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>Site notice: 24/02/2014 – 17/03/2014  Press notice: 20/02/2014 – 13/03/2014</p> <p>1 Objection received from a resident at 156 Agar Grove, summarised as follows:</p> <ul style="list-style-type: none"> <li>- The proposal will take away a scarce amenity from local residents</li> <li>- It is inappropriate for this historic building in a conservation area.</li> <li>- Residential use is inappropriate for a shop premises with a large window.</li> <li>- Proposal is for 3 shower rooms/WCs which suggests the plan is for 3 small flats/bedsits or a hostel, which would put pressure on local amenities and significantly change the use.</li> </ul>					
<b>CAAC/Local groups* comments:</b> *Please Specify	Camden Square CAAC – No comments received					

## Site Description

The site is located on the south side of Agar Grove, close to the junction with York Way and Brewery Road. It comprises a mid terrace 4 story property with a vacant shop at ground floor level and residential above.

The site is not listed, but is within the Camden Square Conservation Area.

## Relevant History

### Historic applications

2013/5969/P - Change of use of basement & ground floor from restaurant to form 2 dwellings (1x studio in basement and 1x 2 bedroom at ground floor). Includes opening up of front lightwell, installation of railings and new access stair. Installation of 2 rooflights to existing rear ground floor extension and replacement windows with timber double glazed windows. *Withdrawn 19/12/2014*

2012/3561/P - Retention of UPVC windows to front and rear elevations at first, second and third floor levels in connection with residential use (Class C3). *Refused and warning of enforcement action to be taken 08/11/2012*

2012/0853/P - Erection of rear extension at first and second floor level, installation of front lightwell and associated railings and stairs, installation of two rooflights at rear ground floor level and associated works in connection with change of use of use from residential dwelling (Class C3) and restaurant use (Class A3) to 4 (1x 1-bed, 2x 2-bed & 1x 3-bed) self-contained residential units (Class C3). *Withdrawn 21/06/2012*

2011/3007/P - Change of use from dwelling (Class C3) and restaurant (Class A3) to guest house (Class C1) and alterations including erection of extension at first and second floors to rear elevation, excavation to increase basement level at rear, alterations to ground floor front elevation and installation of railings and stairs to front elevation to allow access at basement level. *Refused 08/08/2011 (Appeal dismissed 23/12/2011)*

### Concurrent application

2014/0858/P - Conversion of a vacant Basement floor in ancillary A3 Restaurant use to a B1a Office use. *Decision pending*

2014/1822/P - Retrospective change of use from house (Class C3) to a holiday let property (Class C1). *Decision pending*

### Enforcement

EN11/0760 – Use of building as hotel following refusal of 2011/3007/P – *Breach appeared to have ceased 04/10/2011*

EN12/0280 – Unauthorised installation of UPVC windows on front and rear elevations and first, second and third floors. *Enforcement notice served 30/11/2012, compliance due 13/04/2013*

EN12/0565 – Unauthorised change of use from restaurant and single flat above to 4x self contained flats. *No breach found 12/10/2012*

EN13/0761 – Use of the property as extension to neighbouring hotel at 17 York Way. *Planning application for retention of use as hotel submitted (See above).*

## **Relevant policies**

### **LDF Core Strategy and Development Policies**

CS1 – Distribution of growth

CS4 – Areas of more limited change

CS5 – Managing the impact of growth and development

CS7 – Promoting Camden's centres and shops

CS6 – Providing quality homes

CS11 – Promoting sustainable and efficient travel

CS14 - Promoting high quality places and conserving our heritage

CS19 – Delivering and monitoring the Core Strategy

DP2 - Making full use of Camden's capacity for housing

DP6 – Lifetime homes and wheelchair homes

DP10 – Helping and promoting small and independent shops

DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP24 – Securing high quality design

DP25 - Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP29 – Improving access

DP30 – Shopfronts

**Camden Planning Guidance 1 – Design (2013)**

**Camden Planning Guidance 2 – Housing (2013)**

**Camden Planning Guidance 7 – Transport (2011)**

**Camden Planning Guidance 8 – Planning obligations (2011)**

**Camden Square Conservation Area Statement**

**NPPF**

**London Plan**

## Assessment

### Proposal:

Permission is sought for the change of use of a vacant restaurant (A3 Use) to a 2xbed self contained flat (C3 Use).

Revisions: The application has been amended to remove a proposed front lightwell and associated railings.

### Assessment

#### *Land use*

The ground floor was previously in use as a restaurant, but is now vacant and appears to have been so for some time. The LDF seeks to protect retail uses as well as the function, character, vitality and viability of centres or local areas, and seeks to resist uses that would harm this. Policy DP12 considers the effect of non-retail development on shopping provision and the character of the centre in which it is located, whilst policies CS7 and DP10 support the limited provision of small shops outside centres to meet local needs.

The local area is predominantly residential and the site does not lie within a designated centre. The aforementioned policies, do not specifically seek to protect food, drink and entertainment uses, and considering the residential nature of the local area, the loss of the A3 unit is not considered to be contrary to the above policies.

#### *New residential accommodation*

Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. As such the provision of new residential accommodation is compliant with policies CS6 and DP2 as long as it meets the Council's residential development standards and does not harm local amenity.

The proposal is for the creation of a 2-bedroom flat. Policy DP5 seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table. The table identifies 2-bedroom market homes as being very high priority as such it is considered to comply with policy DP5.

The proposed two-bed unit would be approximately 70sqm which would be above the minimum floorspace for a 3-person unit of 61sqm as set out in CPG2. Both bedrooms would be 11sqm which complies with the minimum standards. Light to the bedrooms would be via skylights measuring approx. 0.8sqm. Although windows in one of the elevations would be preferable, this is not possible given the site constraints. On balance this would not be sufficient to refuse the planning application as future occupiers will be fully aware of the situation.

The main living room and kitchen area will have access to sufficient light from the large shopfront window which will be retained.

Policy DP6 requires all new residential accommodation, including conversions, to meet Lifetime Homes standards. It is acknowledged that conversions may not be able to meet all of the criteria due to existing physical constraints, and the applicants have provided a Lifetime Homes Statement which indicates that the proposal will comply with the criteria where relevant. A condition will specify that the features denoted to be met shall be implemented on site.

#### *Transport*

The site has a Public Transport Accessibility Level (PTAL) of 3, which is low for Camden standards. Nonetheless, there are bus routes within easy reach of the property and limited parking in close proximity. It is therefore considered necessary to secure the property as Car-free by way of section 106 agreement to ensure there are no adverse impacts on parking stress as a result of the scheme.

Appendix 2 of the Local Development Framework Development Plan document states that at least 1 cycle parking space should be provided per residential unit. No allocated space has been provided in this instance, however, it is considered that a bike storage area at the front of the property would be unacceptable on design grounds and there is no space at the rear. There is however sufficient space within the property to store at least 1 bike.

### *Design*

External alterations would be limited to minor alterations to the existing glazing to install an obscure band to aid with privacy for future residents. It is also proposed that the fan-light above the door be openable.

These proposals are considered to be acceptable, the existing shopfront would be retained with minor alterations to the glazing, thereby reducing the visual impact on the modest parade of shops.

### *Amenity*

There would be no impact on the amenity of adjoining neighbours. The main alterations would take place internally with no potential to impact upon sunlight/daylight or outlook, nor is it considered that a residential use would harm noise levels.

**Recommendation: Grant Planning Permission Subject to a S106 Car-free agreement**