

Delegated Report		Analysis sheet		Expiry Date:		04/11/2014	
		N/A / attached		Consultation Expiry Date:		09/10/2014	
Officer				Application Number(s)			
Olivier Nelson				2014/5391/P			
Application Address				Drawing Numbers			
275 Eversholt Street London NW1 1BA				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use of lower ground floor from Sauna (Sui Generis) to residential (C3).							
Recommendation:		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	20	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Site notice: 17/09/2014 – 08/10/2014 Press notice: 18/09/2014 – 09/10/2014 No responses were received.					
Camden Town CAAC		One comment was received: We do not object to the change of use but should point out that the proposed flat will be dark with a cramped kitchen. The basement entrance area in reality is much narrower than the area on the drawing so the outlook onto the proposed staircase will be unattractive and dark.					

Site Description

The application relates to a massage parlour/ sauna premises on the ground floor of a four-storey mid terrace building with basement, situated on the west side of Eversholt Street. The site is within a shopping frontage of the Eversholt Street neighbourhood centre. The property is identified as making a positive contribution to the Camden Town Conservation Area.

Relevant History

2011/3718/P - Erection of rear basement and ground floor level extension (following demolition of existing timber shed) and relocation of rear external stairway to garden. **Withdrawn 28/09/2011**

2012/0736/P - Erection of rear basement and ground floor level extension (following demolition of existing timber shed) and relocation of rear external stairway to garden. **Granted and warning of enforcement action 09/05/2012**

Relevant policies

National Planning Policy Framework 2012

Principle 4: Promoting sustainable transport

London Plan 2015, consolidated with alterations since 2011

Camden LDF Core Strategy 2010

CS1 Distribution of growth

CS4 Areas of more limited change

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP16 The 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

DP22 Promoting sustainable design and construction

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP29 Improving access

Camden Planning Guidance (updated 2013)

CPG1 Design

CPG2 Housing

CPG3 Sustainability

CPG6 Amenity

CPG7 Transport

Camden Town Conservation Area Statement

Assessment

Proposal

Permission is sought for the conversion of the existing lower ground floor unit to a 1 bed residential unit. The shop would remain at ground floor level.

Policy

The property has been operating as massage parlour/ sauna within the ground floor and basement for over 10 years and is considered to be the established use. There are no council policies to protect the use. The council consider housing to be a priority land-use and the Council will make housing its top priority when considering the future of unused and underused 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 principle of this change of use is therefore considered to be acceptable.

Standard of accommodation

Camden Planning Guidance 2 states that new self-contained dwellings should satisfy the following minimum areas for overall floorspace (excluding communal lobbies and staircases):

Number of persons	1	2	3	4	5	6
Minimum floorspace (m ²)	32	48	61	75	84	93

The proposed self-contained unit would meet the minimum standards the floorspace would be 57 sqm which is above the minimum space standard in the London Plan which is 50 sqm for a 1 bed 2 person flat. The bedroom and living room meet the standard room sizes in CPG 2, the bedroom would have an area of 18.7 sqm which is considered to be acceptable. In order to access the bedroom you would have to go via the living room due to the constraints of the original site it has not been possible to have one lobby area for each habitable room to lead off from.

Development policy DP5 seeks to ensure that all new housing provided is in line with the housing priorities for the borough. The proposal is to provide 1 x 1 bed unit. The one bed unit would be in line with the dwelling size priority table and would be an acceptable dwelling.

Lifetimes Homes

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.

Design

There are no alterations to the external appearance of the building. The main changes are internal and consist of reconfigurations to the rooms at lower ground floor level.

Amenity

The proposals are considered to provide an adequate level of amenity for future occupants of the site; bedroom and living areas are all adequate in size and well-proportioned and would have access to natural light and ventilation. There are a number of properties with flats at lower ground floor levels on this same stretch as 275 Eversholt Street.

Sustainability

LDF Policy DP22 requires developments to incorporate sustainable design and construction measures. The proposed internal alterations to the building would be built to modern insulation and energy use requirements. This is considered to adequately respond to the issue of sustainability given the nature of the existing building and the scale of works.

Transport

Camden's Parking Standards for cycles states that 1 storage or parking space is required per residential unit. The proposal is for 1 residential unit therefore 1 cycle storage/parking spaces are required. No details have been provided to show that storage of cycles would be safe and secure. Were the application considered acceptable then a condition would have been added in order to ensure these details are provided prior to occupation of the unit.

The site falls within an area which is currently experiencing parking stress and has a Ptal rating of 6b (excellent), it is in close proximity to Mornington Crescent underground station and is on a TFL red route. Therefore not making the development car-free would increase the demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. Given the limited nature of parking availability within the area, in order to be acceptable in transport terms, the new residential unit is recommended to be designated car-free, in that future occupiers will not be eligible for on-street parking permits. This shall be secured via a S.106 agreement. In the absence of such a legal agreement a reason for refusal is recommended.

Section 106 agreement

The applicant chosen not to sign a section 106 agreement to secure the development as car free. A section 106 agreement for the scheme would restrict the development as car-free (unless the occupant is disabled) which prevents occupants of the development from being granted parking permits and contracts for Council owned or controlled car-parks.

The reason for the s106 is to facilitate sustainability and to help to promote alternative, more sustainable methods of transport. The application site is located on Eversholt Street, which forms part of the Transport for London Road Network (TLRN) for which TFL are the highway authority and has an excellent Public Transport Accessibility level (PTAL of 6b), which indicates that it is highly accessible by public transport. The site is also located within a Controlled Parking Zone which is considered to suffer from parking stress. As the proposal provides an additional residential unit a S106 car-free development is required to ensure that the development does not create additional parking stress and congestion. This is in accordance with policies CS11 (Promoting sustainable and sufficient travel); CS19 (Delivering and monitoring the Core Strategy); DP18 (Parking standards and availability of car parking); and DP19 (managing the impact of parking).

The Council consider that a planning obligation is the most appropriate mechanism for securing the development as car-free as it relates to controls that are outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as "Car Free". The Council's control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property.

Further, use of a Section 106 agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

CIL compliance

The car free requirement complies with CIL regulations as it ensures that the development is

acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed. This supports key principle 4 of the National Planning Policy: Promoting sustainable transport.

Recommendation

Refuse planning permission