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|---|--|---|-----------|----------------------------------|-----------|-------------------------------------|-----------|
| <b>Delegated Report</b>   |  | <b>Analysis sheet</b>   |           | <b>Expiry Date:</b>              |           | <b>06/05/2014</b>                   |           |
|   |  | N/A   |           | <b>Consultation Expiry Date:</b> |           | <b>13/08/2015</b>                   |           |
| <b>Officer</b>  |  |   |           | <b>Application Number(s)</b>     |           |                                     |           |
| Fergus Freeney  |  |   |           | 2015/3507/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>  |  |   |           |                                  |           |                                     |           |
| Retrospective change of use from house (Class C3) to a holiday let property (Class C1). |  |   |           |                                  |           |                                     |           |
| <b>Recommendation(s):</b>   |  | Refuse Planning Permission and Warning of Enforcement Action  |           |                                  |           |                                     |           |
| <b>Application Type:</b>  |  | Full Planning Permission  |           |                                  |           |                                     |           |
| <b>Conditions or Reasons for Refusal:</b>   |  | Refer to Decision Notice  |           |                                  |           |                                     |           |
| <b>Informatives:</b>  |  |   |           |                                  |           |                                     |           |
| <b>Consultations</b>  |  |   |           |                                  |           |                                     |           |
| <b>Adjoining Occupiers:</b>   |  | No. notified  | <b>08</b> | No. of responses                 | <b>02</b> | No. of objections                   | <b>01</b> |
|   |  |   |           | No. electronic                   | <b>00</b> |                                     |           |
| <b>Summary of consultation responses:</b>   |  | Site notice: 23/07/2015 – 13/08/2015<br>Press notice: 22/07/2015 – 12/08/2015<br><br>1 Objection received from a resident at 156 Agar Grove, summarised as follows: <ul style="list-style-type: none"> <li>- Dwelling houses and affordable houses and flats are badly needed in this part of Camden for locals and key workers</li> <li>- The street is primarily residential and changing it to C1 would allow a creeping change to commercially run hotel/holiday let use and would affect the character of the residential street and remove housing stock for local people.</li> <li>- Large numbers of transient visitors would dramatically alter the residential nature of the area.</li> </ul> |           |                                  |           |                                     |           |
| <b>CAAC/Local groups comments:</b>  |  | 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

2014/0857/P - Conversion of a vacant ground floor restaurant (Class A3) to 1x2 bed dwelling (Class C3).  
*Granted 12/08/2014*

2014/0858/P - Conversion of a vacant basement floor in ancillary restaurant use (Class A3) to office use (Class B1a) and installation of front lightwell with railings and associated works. *Refused 10/06/2014*

2014/1822/P - Retrospective change of use from house (Class C3) to a holiday let property (Class C1) at first to third floor level. *Refused and Warning of Enforcement Action to be taken 10/06/2014*

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)*

### 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 the neighbouring hotel at 17 York Way. *Planning application for retention of use as hotel submitted (See above 2011/3007/P).*

## Relevant policies

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

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS19 – Delivering and monitoring the Core Strategy

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

DP14 - Tourism development and visitor accommodation

DP16 – The transport implications of development

DP26 – Managing the impact of development on occupiers and neighbours

## **Assessment**

### **Proposal:**

Permission is sought for the retention of a change of use from a single dwelling house (C3 Use Class) at first, second and third floor level to an 8-bedroom hotel/hostel (C1 Use Class).

This is a resubmission of a previously refused scheme, ref: 2014/1822/P (refused with warning of enforcement action to be taken 10/06/2014), this application appears to be identical. There has been no significant change in local or national policy or guidance and as such the Council's opinion is unchanged and the application is unacceptable.

The lawful use of the property is as a C3 dwelling house, however, following an enforcement complaint in 2011 regarding the unlawful use as a hotel/hostel an investigation was carried out and site visit confirmed that it appeared the unlawful use had ceased on 04/10/2011 (see planning history above). It is likely that the unlawful use was reinstated after this date.

### **Assessment**

Policy Core Strategy 6(d) states that the Council will aim to make full use of Camden's capacity for housing by minimising the net loss of existing homes. Paragraphs 6.17 and 6.18 states that the expected delivery of additional homes from 2010/11 to 2024/25 falls significantly short of the projected growth in the number of households up to 2026. Any loss of residential floorspace that could potentially house an individual or household would worsen this shortfall, and will be therefore resisted by the Council.

Policy DP2 seeks to minimise the loss of housing in the borough by (d) protecting residential uses from development that would involve a net loss of residential floorspace (including residential floorspace that might be ancillary to another use) and (e) protecting permanent housing from conversion to short-stay accommodation intended for occupation for periods of less than 90 days. Paragraph 2.20 states that whilst there is a demand for short term and temporary accommodation in the borough this accommodation falls outside the Council's land use priority for housing and new demand should be met from appropriate sites in non residential use, rather than sites used for permanent housing. The Council will resist development that changes permanent housing into such short term accommodation.

Policy Development Policy 2 (f) allows for the net loss of two or more homes but only in the context of conversions to allow for the creation of larger residential units or more appropriately sized affordable housing units. It is therefore not applicable to this application as this involves the loss of residential floorspace. Policy DP2 also allows for some loss of residential floorspace where no alternative site is available to provide small scale healthcare facilities and again this is not applicable to the application.

It is noted that Development Policy DP14 seeks to support tourism and development and visitor accommodation. The policy states that accommodation must: be easily reached by public transport; provide any necessary off-highway pickup and set down points for taxis and coaches; and not harm the balance and mix of uses in the area. The subject site is located in an area moderately served by public transport however given the clear policy context outlined above there is a presumption against the proposed loss of residential accommodation and floorspace, the proposal is contrary to policies CS6 and DP2 and is therefore considered unacceptable.

### **Recommendation**

1. Refuse planning permission.
2. "That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control."

**The Enforcement Notice shall allege the following breach of planning control:**

Change of use of the basement, first and second floors to short term lets (C1 use).

The Enforcement Notice shall require within a period of 2 months of the Notice taking effect:

- a) The use of the first second and third floor of the property as short stay accommodation (C1 Use Class) shall permanently cease.
- b) The use as a single dwelling (Class C3) shall be reinstated.

**REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.**

The works listed above do not have the benefit of planning permission and would be unacceptable for the following reasons:

The proposed change of use to short stay accommodation (Class C1) would result in the unacceptable loss of permanent residential housing (Class C3) contrary to objectives to maximise the supply of additional homes in the borough. As such, the proposal would be contrary to Core Strategy Policy CS6 'Providing quality homes' and Development Policy DP2 'Making full use of Camden's capacity for housing' of Camden's Local Development Framework.