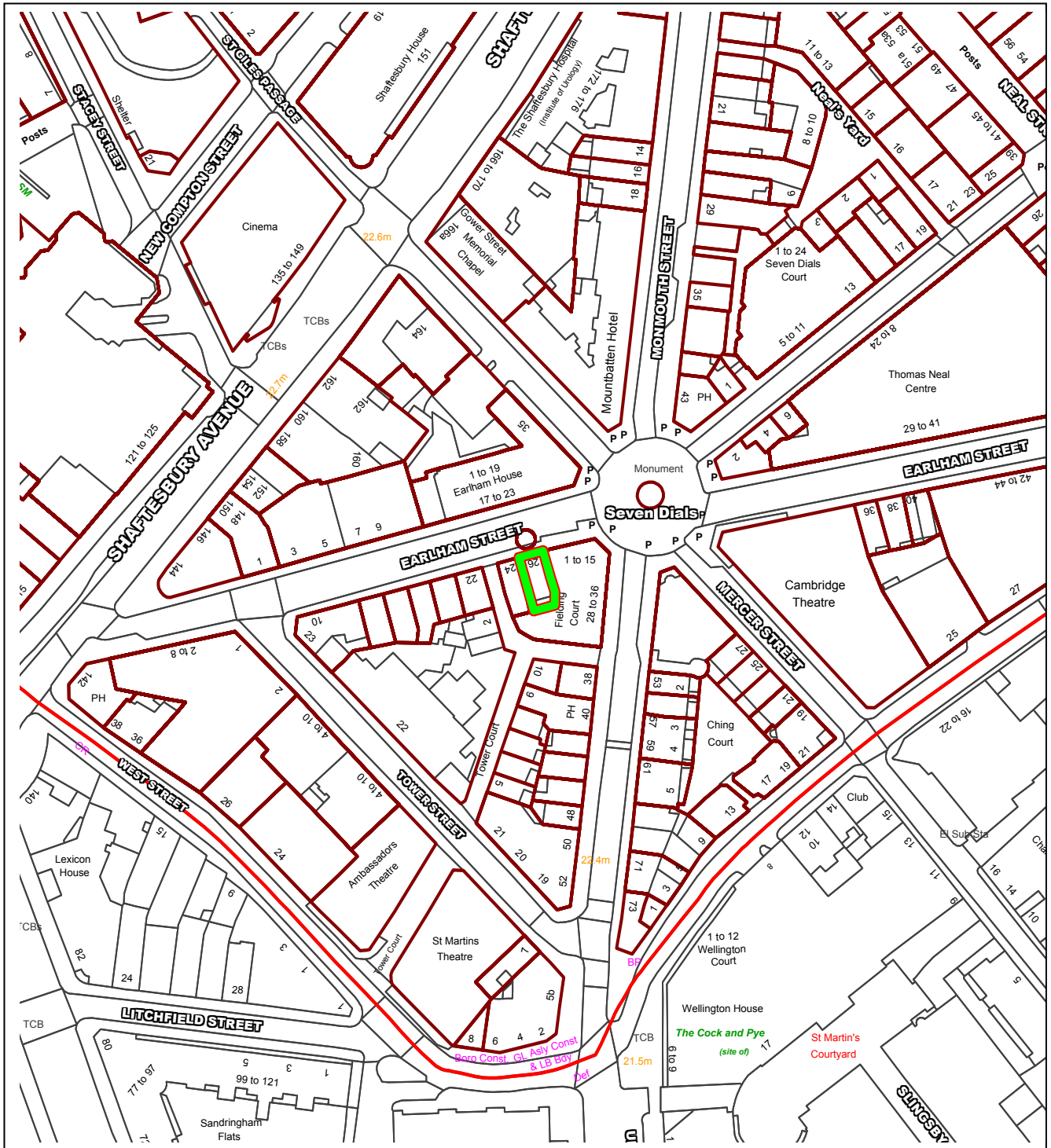


26 Earlham Street, London, WC2H 9LN



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Photos:



Front of building



Shopfront

Delegated Report (Members Briefing)		Analysis sheet N/A / attached	Expiry Date: 04/11/2015
			Consultation Expiry Date: 20/11/2015
Officer		Application Number(s)	
Kate Phillips		2015/1900/P & 2015/2423/L	
Application Address		Drawing Numbers	
Sartaj Balti House 26 Earlham Street London WC2H 9LN		Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
Proposal(s)			
<p>Planning – Alterations to shopfront to incorporate a second door; change of use of upper floors from ancillary restaurant use (Class A3) to residential use (Class C3) to create 1 no. self-contained 1-bed unit on the 1st floor and 1 no. self-contained 2-bed unit on the 2nd and 3rd floors.</p> <p>Listed building consent – Alterations to shopfront to incorporate a second door; removal of internal staircase from basement to first floor; installation of internal staircases from basement to ground floor and ground floor to first floor; internal alterations to allow a change of use of the upper floors from ancillary restaurant use (Class A3) to residential use (Class C3) to create 1 no. self-contained 1-bed unit on the 1st floor and 1 no. self-contained 2-bed unit on the 2nd and 3rd floors.</p>			
Recommendation(s):		Grant conditional permission subject to a Section 106 legal agreement Grant listed building consent	
Application Type:		Full Planning Permission Listed Building Consent	

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	24	No. of responses	00	No. of objections	00
			No. Electronic	00		
Summary of consultation responses	<p>A site notice was displayed on 15/10/2015 (consultation expiry date 05/11/2015) and a press notice was displayed on 14/10/2015 (consultation expiry date 04/11/2015).</p> <p>No responses were received as a result of statutory consultation process.</p>					
Bloomsbury CAAC	<p>The Bloomsbury CAAC has raised the following objections:</p> <ul style="list-style-type: none"> The internal and external renovations must be sensitive to the historic nature of the building and its context within the Bloomsbury Conservation Area. The change of use of the upper floors to residential will be subject to smells from the restaurant below which must be adequately catered for without the intrusion of inappropriate external ducts which cause harm to a Grade II listed building. <p>Officer comment:</p> <p><i>The plans have been amended during the course of the application to prevent over-intensive subdivision of the building and to retain a spinal wall rather than creating new room layouts which fail to respect the historical development of the building. On the basis that much of the historical fabric of the building has already been lost, the impact is considered to be acceptable.</i></p> <p><i>The existing external flue position will not be altered as a result of the proposed works. The top of the flue is above the eaves level of the roof and should not therefore impact on future occupiers of the building. An Informative can remind the applicant of their responsibilities under Environmental Health legislation.</i></p> <p><i>(NB. The application site is within the Seven Dials Conservation Area, not the Bloomsbury Conservation Area)</i></p>					
Covent Garden Community Association	<p>The Covent Garden Community Association has raised the following objections:</p> <ul style="list-style-type: none"> Object to the proposed shopfront alterations because the proposals fail to preserve or enhance this listed building in the Seven Dials Conservation Area, and are not in keeping with the character of the building as a whole. The proposals do not adhere to the recommendations in the Seven Dials Renaissance Study. The Seven Dials Study states that No. 26 has a substandard shopfront that could be improved. The stucco cornice on top has been cut back, but could be restored to the original profile that survives next door. Concerned about use of residential flats for short-term lets and about use of multiple tenants being allowed in a single unit. We support Westminster's efforts to have the Council exempted from policies that allow short-term lets, including the use of residential flats for holiday lets, as short-term lets have an adverse impact on the local community. The change of use of the upper floors to C3 will be subject to smells from the restaurant below which must be adequately catered for without the intrusion of inappropriate external ducts, which cause harm to a listed building. <p>Officer comment:</p> <p><i>The proposed alterations to the shopfront would be in keeping with other buildings in the street and the works are necessary to allow the creation of a separate, independent access</i></p>					

to the upper floors of the building (see section 5 below).

This application seeks permission for 2 no. self-contained residential units (Class C3). An Informative can alert the applicant to Section 25 of the Greater London Council (General Powers) Act 1983, which prohibits the use of a property for "temporary sleeping accommodation" for less than 90 days without planning permission.

The existing external flue position will not be altered as a result of the proposed works. The top of the flue is above the eaves level of the roof and should not therefore impact on future occupiers of the building. An Informative can remind the applicant of their responsibilities under Environmental Health legislation.

Site Description

No. 26 Earlham Street is a three storey, mid terrace, brick building with accommodation in the roof space on the southern side of the road. Sartaj Restaurant occupies the basement, ground and first floor levels of the building (kitchen and eating areas) and there is ancillary living accommodation on the upper floors. The building frontage features a black painted fascia above a central entrance door and display windows at the ground floor level. The upper floors feature cream-painted brickwork. The roof dormer is partially visible from the street level.

The application building and its neighbour to the west (No. 24) are Grade II listed. The application site is within the Seven Dials Conservation Area, close to the Seven Dials Monument. The application site is within the designated Covent Garden Central London Local Area.

Relevant History

No. 26 Earlham Street

9200728 & 9270142 - Installation of a traditional retractable canvas canopy to the front elevation - Grant Full or Outline Planning Permission 08-07-1993.

9000554 & 9070105 - The installation of a new shopfront new window formation at the rear - Grant Full or Outline Planning Permission 12-02-1991.

9070078 - Internal alterations involving demolition of partition removal of existing stairs and erection of new stairs - Grant Listed Building or Conservation Area Consent 19-07-1990.

No. 24 Earlham Street

2014/1797/A - Addition of 2 x halo illuminated fascia sign – Granted 09/05/2014.

2014/1800/L - Internal and external alterations to include the addition of a step to front entrance, addition of internal partitions, kitchen facility and alteration to existing opening at basement level and new signage - Granted 09/05/2014.

2013/4434/P - Erection of a roof extension with rear dormer and front rooflight. Erection of extension at rear third floor level. Creation of an additional 1 x 1-bedroom flat, and reconfiguration of existing flats (Class C3) – Granted 26/11/2013.

2013/4476/L - Erection of a roof extension with rear dormer and front rooflight. Erection of extension at rear third floor level. Creation of an additional 1 x 1-bedroom flat, and reconfiguration of existing flats (Class C3) and associated internal alterations – Listed building consent granted 21/01/2014.

1 Fielding Court 28 Earlham Street

2015/1534/P - Change of use of the ground floor from residential (Class C3) to office (Class B1(a)) in association with a land use swap at 23 Monmouth Street - Granted Subject to a Section 106 Legal Agreement 06/08/2015.

2014/5187/P - Creation of external doorway to new plant room and creation of a new residential window - Granted 26-09-2014.

Relevant policies

National Planning Policy Framework (2012)

London Plan 2015 consolidated with alterations

LDF Core Strategy and Development Policies 2010

CS1 Distribution of growth
CS2 Growth areas
CS5 Managing the impact of growth and development
CS6 Providing quality homes
CS7 Promoting Camden's centres and shops
CS8 Promoting a successful and inclusive Camden economy
CS11 Promoting sustainable and efficient travel
CS14 Promoting high quality places and conserving our heritage
CS18 Dealing with our waste and encouraging recycling

DP1 Location and management of Camden's growth
DP2 Making full use of Camden's capacity for housing
DP5 Homes of different sizes
DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
DP13 Employment sites and premises
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
DP21 Development connecting to the highway network
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
DP27 Basements and lightwells
DP28 Noise and vibration
DP30 Shopfronts

Camden Planning Guidance

CPG1 Design (2015)
CPG2 Housing (2015)
CPG5 Town Centres, Retail & Employment (September 2013)
CPG6 Amenity (2011)
CPG7 Transport (2011)
CPG8 Planning Obligations (2015)

Seven Dials Estate Conservation Area Statement (1998)

Assessment

1. Proposal

1.1 This application seeks planning permission for a change of use of the upper floors of the building (first, second and third floors) from ancillary restaurant use (Class A3) to residential use (Class C3) to create 1 no. self-contained 1-bed unit on the first floor and 1 no. self-contained 2-bed unit on the second and third floors.

1.2 The proposal also involves altering the shopfront to incorporate a second door, which would allow separate access to the newly created self-contained residential units above. The resultant restaurant frontage would feature single doors at either side of a central display window. The fascia would not change.

1.3 Listed building consent is sought for the above works, as well as the removal of the internal staircase from basement to first floor and the installation of new internal staircases from the basement to ground floor and ground floor to first floor.

2. Amendments

2.1 The following amendments have been made during the course of the application:

- Altered layout at first, second and third floor levels (revised internal wall positions)
- Creation of 2 no. units instead of 3 no. units
- Omission of first floor rear extension

3. The principle of development

3.1 The application site is within the Covent Garden Central London Local Area, and CPG5 notes that food, drink and entertainment uses are an important part of the mixed use character and function of Covent Garden. However, CPG5 also notes that these uses may cause harm to residential amenity and to the mix and balance of uses in the area and it sets out policies to limit the expansion of food, drink and entertainment uses on the designated frontages.

3.2 This application involves the loss of A3 floorspace at the first floor of the host building. The restaurant would continue to occupy the basement and ground floors of the building and the proposed self-contained residential units would occupy the first, second and third floors of the building. Insofar as there are no specific policies in the LDF that specifically seek to protect food, drink and entertainment uses above ground floor level, the loss of the A3 floor space is considered to be acceptable.

3.3 Housing is regarded as the priority land-use of the LDF. The principle of the development is therefore considered to be acceptable, subject to the detailed considerations below.

4. Dwelling mix and living standards of future occupiers

4.1 The proposal would provide 1 no. self-contained 1-bed unit and 1 no. self-contained 2-bed unit. The Dwelling Size Priorities Table (Policy DP5) notes that 2-bed units have 'very high' priority, whereas 1-bed units have 'lower' priority. The table requires a minimum of 40% 2-bed units, where practicable. The proposal satisfactorily meets the requirements of Policy DP5.

4.2 Unit 1 (first floor) would fail to meet the nationally described space standards, insofar as it would provide 32.5 sqm of gross internal floor space instead of the required 37 sqm for a single storey 1-bedroom-1-person unit (50 sqm if 2 persons). The original proposal included a first floor rear extension, to provide additional floor space; however, the extension would have been out of keeping with the character and appearance of the host building (Grade II listed). On balance, taking into consideration the constraints of the host building (Grade II listed), the shortfall in floor space is considered to be acceptable.

4.3 Unit 2 (second and third floors) would meet the standards for a 2 storey, 2-bedroom-3-person unit (70 sqm) as it would provide 70.6 sqm of gross internal floor space; however, it would fail to meet the standards for a 2-bedroom-4-person unit because the requirement is 79. The number of bedrooms in this unit has been reduced from 3 to 2 in order to limit the number of occupants. Again, taking into consideration the constraints of the host building (Grade II listed), the shortfall in floor space is considered to be acceptable.

4.4 The proposed new dwellings would provide a good standard of residential accommodation in terms of layout; storage and utility spaces; daylight and sunlight; privacy and security. The outlook to the rear in each unit would be limited because the site is landlocked; however, this is not considered to be sufficient reason to refuse the application. Both units are dual-aspect and the main living areas would enjoy a good outlook onto Earlam Street.

4.5 Subject to a suitable planning condition, the new dwellings would also provide a good standard of residential accommodation in terms of noise transfer between the individual units and from the restaurant below and the street outside.

4.6 Concern has been raised about the requirement for external flues, extraction fans etc. There is an existing flue on the rear of the host building, the position of which would not change as a result of the proposal.

5. Heritage and design considerations

5.1 The application site is located within the Seven Dials Conservation Area, wherein the Council has a statutory duty, under section 72 (Conservation Areas) of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, the application building is Grade II listed and the Council has a statutory duty, under Section 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

5.2 The proposal involves altering the shopfront to incorporate a second door, which would allow independent access to the newly created self-contained residential units above. The resultant restaurant frontage would feature single doors at either side of a central display window, one to access the flats and one to access the restaurant (currently there is one central door in between two display windows). The fascia would not change.

5.3 CPG1 notes that shopfront alterations should respect the detailed design, materials, colour and architectural features of the shopfront and the host building. Historic, locally distinctive or characteristic shopfronts which contribute to the townscape should be retained; and new shopfronts should be designed as part of the whole building and should sensitively relate to the scale, proportions and architectural style of the building and surrounding facades.

5.4 Other properties in the street have second doorways on their frontages, for example, Nos. 12, 14, 16 and 18 Earlham Street. Therefore the proposed works would not detract from an established pattern of shopfronts in the wider street scene. Furthermore, there is no established pattern between the host building and its immediate neighbours (No. 24 Earlham Street and Fielding Court) because these buildings are of a different design (both are corner buildings whose main entrances face away from the application building).

5.5 The resultant shopfront would still incorporate a display window above a stall riser and the fascia would remain the same. The existing entrance is not recessed and neither would the new entrance be. The resultant frontage would retain a degree of symmetry and it is considered that it would respect the design and architectural features of the host building. Insofar as the shopfront alterations are necessary to allow the provision of a separate, independent access to the newly created residential units above, the proposal is considered to be acceptable in this respect.

5.6 Internally, the proposal involves the replacement of the staircases from basement to ground floor and ground to first floor in new positions to enable the separation of the newly created residential units. The works also involve altering the positions of the internal walls and the installation of bathroom / kitchen facilities. Amended plans have been submitted during the course of the application because the original proposal was not considered to be sympathetic to the historic plan form of the building. The proposed layout is now considered to respect the historical development of the building.

5.7 There will be some impact on the historic fabric of the building as a result of the works; however, internally there has already been a loss of historic fabric and it is considered that the significance of the building now lies mainly in its external appearance. The proposal will reinstate a spinal wall on the upper floors of the building, albeit not in the original position, which is welcomed.

5.8 Concern has been raised about the requirement for external flues, extraction fans etc. which may adversely affect the character and appearance of the listed building and the Seven Dials Conservation Area. There is an existing flue on the rear of the host building, the position of which would not change as a result of the proposal.

5.9 Overall, it is not considered that the proposal would harm the listed building or any features of special architectural or historic interest which it possesses; and it is considered that the proposal would preserve and enhance the character and appearance of the Seven Dials Conservation Area. The proposal is therefore considered to be acceptable in this respect.

6. Impact on the residential amenity of nearby and neighbouring residential properties / adjacent land uses

6.1 The proposal would not cause unacceptable loss of amenity to neighbouring or nearby properties by way of privacy and overlooking, overshadowing and outlook, or sunlight/daylight. Furthermore, given that the upper floors of the building are already used as staff accommodation, any noise associated with the creation of self-contained residential units is unlikely to have a significant impact on nearby residential properties. A planning condition can ensure the noise levels in the rooms do not exceed best practise standards.

7. Transport considerations

7.1 The application site has a Public Transport Accessibility Level (PTAL) of 6b and is within a Controlled Parking Zone (Covent Garden - CA-C), which operates between 0830 and 1830 hours on Monday to Saturday. Policy DP18 expects development to be car-free in the Central London Area. This permission is therefore subject to a legal agreement to ensure the new dwellings will be car-free. The legal agreement will also secure a contribution towards repairing any damage caused to the public highway as a result of the works.

7.2 Whilst there is no provision for cycle parking provision, the constraints of the site do not allow for this and so the proposal is considered to be acceptable in this regard.

Recommendation: Grant conditional permission subject to s106 agreement and grant conditional listed building consent.

DISCLAIMER: Decision route to be decided by nominated members on *Monday 25th January 2016*. For further information please go to www.camden.gov.uk and search for 'members briefing'.

Mr Farid Miah
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London
E7 8DU

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Textlink 020 7974 6866

planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2015/1900/P**
Contact : Kate Philips
Telephone no: 0207974 2521
21 January 2016

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
Sartaj Balti House
26 Earlham Street
London
WC2H 9LN

Proposal:

DECISION
Alterations to shopfront to incorporate a second door; change of use of upper floors from ancillary restaurant use (Class A3) to residential use (Class C3) to create 1 no. self-contained 1-bed unit on the 1st floor and 1 no. self-contained 2-bed unit on the 2nd and 3rd floors

Drawing Nos: Site Location Plan at 1:1250; Existing front elevation; Proposed front elevation; 002 Rev A; 003 Rev C; 009 Rev A

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The noise level in rooms at the development hereby approved shall meet the 'Good' noise standard specified in BS8233:1999 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan at 1:1250; Existing front elevation; Proposed front elevation; 002 Rev A; 003 Rev C; 009 Rev A.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 2 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public

Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 4 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 5 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.
- 6 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.
- 7 You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation.

The liable amount may be revised on the receipt of the CIL Additional Information Requirement Form or other changes in circumstances. Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate

Mr Farid Miah
182 Halley Road
Forest Gate
London
E7 8DU

Application Ref: **2015/2423/L**
Please ask for: **Kate Phillips**
Telephone: 020 7974 **2521**

18 January 2016

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
Sartaj Balti House
26 Earlham Street
London
WC2H 9LN

DECISION

Proposal:

Alterations to shopfront to incorporate a second door; removal of internal staircase from basement to first floor; installation of internal staircases from basement to ground floor and ground floor to first floor; internal alterations to allow a change of use of the upper floors from ancillary restaurant use (Class A3) to residential use (Class C3) to create 1 no. self-contained 1-bed unit on the 1st floor and 1 no. self-contained 2-bed unit on the 2nd and 3rd floors

Drawing Nos: Site Location Plan at 1:1250; Existing front elevation; Proposed front elevation; 002 Rev A; 003 Rev C; 009 Rev A

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions And Reasons:

Director of Culture & Environment



- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 All new work and work of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment