

Delegated Report		Analysis sheet	Expiry Date:	18/07/2014
		N/A / attached	Consultation Expiry Date:	20/06/2014
Officer			Application Number(s)	
Mandeep Chaggar			2014/3316/P 2014/6518/L	
Application Address			Drawing Numbers	
61 Swinton Street London WC1X 9NT			Please see draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
<p>Planning permission - Conversion of public house (Class A4) with ancillary accommodation to bistro (Class A3) at ground and basement floor levels, 2x self-contained flats at ground and first floor levels (Class C3) and 10 room hotel (Class C1), and erection of a three storey rear extension and light well to front.</p> <p>Listed building consent - Conversion of public house (Class A4) with ancillary accommodation to bistro (Class A3) at ground and basement floor levels, 2x self-contained flats at ground and first floor levels (Class C3) and 10 room hotel (Class C1), and erection of a three storey rear extension and light well to front and associated internal alterations.</p>				
Recommendation(s):		Refused		
Application Type:		Full Planning Permission Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	18	No. of responses	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p><i>A site notice was erected on the 04/06/2014 & expired on the 25/06/2014 & a press notice was displayed in the Ham & High on the 05/06/2014 allowing comment until the 26/06/2014</i></p> <p>Three letters of representation have been received from 59 Swinton Street, Flat 1, 39 Swinton Street and 66 Acton Street, with the following objections summarised below:</p> <ul style="list-style-type: none"> • There is not enough information regarding how the rear storey is going to effect the light coming into No.66 Acton Street. This will have an effect on business. (Please refer to paragraph 5.3) • Dust from construction work is bad for health. (If the application was recommended for approval, this would be dealt with by condition) • There is no need for a bistro or hotel in this street as we already have several hotels. (Please refer to 2.4 and 2.5) • We have had two new hotels open on Swinton Street in the past few years, including the large Tune Hotel at the corner of Swinton Street and Grays Inn Road. We now have 4 hotels on Swinton Street, 1 very large hotel at the bottom of Swinton Street - on Kings Cross Road, and a large student residence on Britannia Street. The growth of these venues has led to an enormous growth in an itinerant population in and around Swinton Street, including litter, anti-social behaviour, crowding and congestion on pavements and roads, and a real squeeze on parking on Swinton Street, which is a red route and part of the Congestion charging route. (Please refer to section 7) • Swinton Street is a predominantly residential street with a mixture of private and council owned flats. To approve yet another hotel on Swinton Street creates an excessive burden on local residents. 					
CAAC/Local groups* comments: *Please Specify	N/A					

Site Description

The application site is a four storey property with a basement located on the south side of Swinton Street close to the junction with Grays Inn Road. It lies within the Holborn Growth area and Bloomsbury Conservation Area. The building was most recently in use as a public house, with an ancillary residential use on the second and third floors. The site is currently vacant.

The building is grade II listed and forms part of a terrace on the south side of the street, Nos.55-67 (Odd) and attached railings.

Relevant History

2007/1245/P & 2007/1246/L Removal of two windows and replacement with doors in rear courtyard to existing public house (Class A4). Granted 14/05/2007

9501110 & 9570206 The erection of a rear extension to public house internal alterations and alterations to the front elevation. Granted 24/11/1995

65 Swinton Street

2011/4710/P & 2011/4712/L Change of use from residential dwelling (Class C3) to bed and breakfast (Class C1), including erection of rear extensions at basement, ground, first, second and third floor and other external alterations. Granted 15/04/2013

Relevant policies

LDF Core Strategy and Development Policies

Core strategies

- CS1 (Distribution of growth),
- CS5 (Managing the impact of growth and development),
- CS8 (promoting a successful and inclusive economy
- CS9 (achieving a successful Central London)
- CS11 (Sustainability)
- CS14 (Promoting high quality places and conserving our heritage)
- CS19 (delivering and monitoring the Core Strategy)

Development policies

- DP2 (making full use of Camden's capacity for housing)
- DP13 (employment premises and sites)
- DP14 (Tourism development and visitor accommodation)
- DP16 (transport implications of development)
- DP17 (walking, cycling and public transport)
- DP18 (parking standards and limiting the availability of carparking)
- DP19 (managing the impact of parking)
- DP20 (movement of goods and materials)
- 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)

Camden Planning Guidance 2011

Bloomsbury Conservation Area Appraisal and Management Strategy 2011

Assessment

1. Proposal

1.1 Planning permission and listed building consent are sought for the conversion of public house (Class A4) with ancillary accommodation to bistro (Class A3) at ground and basement floor levels, 2x self-contained flats at ground and first floor levels (Class C3) and 10 room hotel (Class C1), and erection of a three storey rear extension and light well to front. The development comprises the following:

- Three storey rear extension measuring 3.7m deep, 10.6m wide and the same height and pitched roof to match the existing building. The new extension would be constructed with reclaimed brickwork to match the existing and new double glazed sash windows.
- To the front of the property, all existing sash windows overhauled and renovated with 'slime line' double glazing, external doors to be refurbished and modern doors to be replaced with traditional timber panelled doors. New iron railings and lightwell reinstated.
- Basement: New staircase to access basement and internal floor level lowered with new concrete slab and insulation. The basement would comprise a kitchen, lobby and plant room.
- Ground floor: New entrance with a lobby area leading to bistro/breakfast room. A separate entrance proposed for the two bedroom flat with a courtyard.
- First floor: One bedroom flat and two en-suite guest rooms for the hotel.
- Second floor: Four en-suite guest rooms proposed.
- Third floor: Four en-suite guest rooms proposed.
- Internal alterations include: subdivision of the first floor, reconfiguration of the first flight of stairs including structural work to the spine wall and loss of bar features, remove the original rear wall to extend the depth of the building, and increase the height of the ceiling at third floor level.

1.2 The main issues of consideration are:

- Land use
- Heritage impact
- Residential development standards
- Amenity
- Sustainability
- Transport

2. Land use

2.1 The proposal is for the change of use of the building from a public house (Class A4) to a mixed use comprising bistro (Class A3), 2x flats (Class C3) and a 10 room hotel (Class C1).

2.2 Loss of public house

Policy DP15 (Community and leisure uses) seeks to protect public houses only if they serve a recognised community role such as providing evening classes, clubs or meetings. In this instance, considering its vacancy and from the information provided, it appears unlikely that the pub provided such a use. However, the proposed bistro (A3 use) that would replace the pub is considerably smaller in size that it is unlikely to be able to function. It appears there would not be much floor space for seating, therefore, it is considered the pub use would be completely lost, contrary to Policy DP15.

As is common with public houses, some of the upper floors were in residential use. As the residential use appears to have been ancillary to the public house use, and not a separate unit, the whole site is considered to be a single planning unit falling within the A4 use class. Policy DP2 (Making full use of Camden's capacity for housing) takes existing ancillary residential floorspace into account. Where a development changes the main use of a building, or

separates the housing floorspace from the main use, the Council would seek to protect the residential floorspace. In this instance the amount of residential floorspace would increase from 108sqm to 162sqm (54sqm), which is considered appropriate as the proposal would replace a 2-bed unit with 1x 2-bed and 1x 1bed, and replace ancillary accommodation with self-contained accommodation.

2.3 Proposed uses

2.4 Hotel Use

Policies CS8 (promoting a successful and inclusive Camden economy) and DP14 (Tourism development and visitor accommodation) recognise the contribution that tourism makes to the character of Camden and the way that is perceived by those living outside the borough, and the substantial number of jobs it provides. The policies require all tourism development to be easily reached by public transport, and not harm the balance and mix of uses in the area, or the local character, residential amenity, services for the local community, the environment or transport systems.

The proposed hotel would be positioned on a busy red route adjacent to an existing public house and close to a number of similar hotel uses. Swinton Street comprises residential properties interspersed with a number of hotel uses including a 218 room hotel on the corner of Swinton Street and Gray's Inn Road, a 75 room hotel at nos. 47-55 and a hotel comprising 54 rooms at nos. 18-24 Swinton Street. Permission was also granted in April 2013 for the conversion of the neighbouring building, no. 65, from a single dwelling to a 20 room hotel. As such, the site is considered appropriate for a hotel use given its location and high level of accessibility. It is considered the scale of the proposed use and the existing commercial use of the building would not harm the balance and mix of uses in the area.

2.5 Bistro

The proposed bistro would fall within the A3 use class. Such a change of use would normally fall under permitted development. The bistro would cover an area of 129sqm and is intended to serve nearby hotel customers and guests of the proposed hotel. As the lawful use is as a public house, a change to a bistro is considered not to create any additional amenity impacts for adjoining occupiers, although it is noted that the proposed two bedroom flat on site would be directly behind the A3 unit.

2.6 Residential use

The proposal would see an increase in residential floorspace and an increase in the number of units. As such the proposal to provide two flats is considered acceptable as long as other issues are satisfied.

3. Heritage Impact

3.1 Constraints

The site is a grade II listed building located on the south side of Swinton Street it forms part of a terrace on the south side of the street - Nos.55-67 (Odd) and attached railings.

The list description reads:

Terrace of 7 houses. c1776, some altered. Nos 55-59: darkened stock brick, Nos 55 & 57, 3rd floors rebuilt. No.55 painted ground floor; Nos 55 & 57 rusticated stucco ground floors. Plain stucco 1st floor bands. 4 storeys and basements. 3 windows each. No.55, wooden doorway with fluted pilasters and

brackets carrying projecting cornice; fanlight and panelled door. No.57, wooden Doric doorcase with open pediment; round-arched doorway with radial fanlight, panelled reveals and door. No.59, segmental-arched, recessed doorway with fanlight. Gauged red brick flat arches to recessed sashes with glazing bars; 1st floors Nos 55 & 57 with cast-iron balconies. Parapets.

SUBSIDIARY FEATURES: attached cast-iron railings with urn (No.55) and torch flambe finials to areas. Nos 61-63 (King's Head Public House): stucco. Formerly 2 houses with 3 windows each, now 5 windows. 4 storeys and cellars. C20 public house frontage with late C19 consoles flanking fascia. Architraved sashes, with lugs to 1st floor. Parapet with plain stucco band.

INTERIORS: ground floor with c1930s bar interior with central counter and bar back. No.65: darkened stock brick. 4 storeys 1 window. Late C19 wooden shopfrontage with enriched consoles. Gauged red brick flat arches to recessed C20 sashes. Parapet.

3.2 Considerations

The main issues to consider are the affect the works would have on the special interest of the grade II listed building, and terrace group as well as the character and appearance of the Bloomsbury Conservation Area.

The works would erect a full width, three storey extension above ground floor level immediately against the rear wall of the existing main building and projecting out to the rear by about 3.7 metres. The structural reports by Michael Chester & Partners dated May 2014 does not set out the impact the works would have on the listed building or adjoining listed buildings. The extension, by reason of its full height, full width, scale, bulk and design of the pitched roof would fail to comply with the Council's guidance of rear extension which states that it should rise a single storey below eaves. As a result, the extension would represent an uncharacteristic valley roof design and terminating height would diminish any positive contribution to the Conservation Area.

It is acknowledged that vertical element of the extension at the rear would not be seen from the street in the adjacent roads. However, none of the relevant policies suggest that alterations which would result in the adverse effects described above should necessarily be approved because of the absence of such viewpoints. Furthermore, they would be subject to clear and direct views from the rears of properties on Acton Street. In this case the absence of street level views does not prevent the rear of the property being part of the fabric of the Conservation Area.

The extension to the rear would, by virtue of their size and bulk, significantly envelope the rear façade of the building in a particularly unsympathetic manner. It is therefore concluded that the character and appearance of the Conservation Area would not be preserved. This adverse impact is contrary to LDF Policies CS14, DP24 and DP25, which requires development to preserve and to take opportunities to enhance the character or appearance of Conservation Areas.'

As such the scale of extensions is considered to not be subordinate to the existing building and is considered to overwhelm the listed building. The historic impact assessment states "The new range will not be visible from the street or in any public views and will preserve the character of the Conservation Area." These are not the tests which are applied to consider the appropriateness of works to a listed building or impact of conservation areas. The tests are whether the works would impact the special interest of the listed building. Georgian London terraced houses comprise certain aspects common to all which make up their special interest. The degree to which these survive is an indication of their significance. These include (in no particular order);

The architectural composition of the terrace facades

This will be unaffected except for the double glazed windows which will have a detrimental impact on the terrace.

The detailed architectural treatment

This will be unaffected/marginally improved by the works to the front façade. How these are not considered to outweigh harmed caused to the remainder of the building.

The plan form

Despite the large existing 20th century rear extension, the form and scale of the original building could be easily discernible. To the upper levels the historic plan survives with a recognisable central core containing the entrance hall and a full-height dog-leg stair, with a central landing and a single room on each side, heated from chimney stacks in the end walls.

The erection of the full height, full width, rear extension would disfigure the original layout and historic envelope of the building. As set out above this would overwhelm the existing and original form and scale of the listed building as well as result in the loss of this historic plan form.

The conservation officer has no concern about the size and position of the ground and first floor rear (most) proposed extension.

In addition the new partitions forming bathrooms would impact on the form and layout of the principal rooms at first and second floor level. The works would result in less than substantial harm to the significance for which no public benefit is derived. These could be considered acceptable if the remainder of the scheme was acceptable however at present the works remain harmful.

At basement level the plan is likely to have comprised two room plan form accessed from a landing at the base of the staircase. In this regard there is no objection to the works at basement and ground floor level which would, to a small degree reintroduce the plan form by reinstating partitions at basement level and the position of the original rear wall of the building at ground floor level.

Structure

The report states the extension would be “structurally independent.” However, the applicant has not clarified how the structure is to be dealt with.

Interiors architectural treatment

The building is in a poor state of repair but does contain many features of interest.

In general terms all works should retain all historic fabric inspected on site on the 29th August 2013, which includes but is not limited to:

- Historic structure including walls and floor joists;
- Staircase
- Historic floorboards
- Historic 2 room plan form.
- Chimney breasts
- Numerous historic windows and reveals/shutters
- Door and architraves
- Historic plaster work and features highlighted in the list description which remain in the bar

The historic impact assessment states that at least some of the doors and windows are historic.

The plans show the existing windows to be retained. However the existing windows cannot be retained as double glazed (slimline) windows would be installed. This would result in the loss of the historic windows which, by itself would result in harm caused to the significance of the listed building through loss of character and historic fabric of interest. The works would also harm the setting of the wider listed terrace group of which it forms.

The creation of a lightwell to the front façade would result in the loss of historic York stone paving and would be atypical of traditional public houses and as such would harm the special interest to the listed building/group and fail to preserve the character and appearance of the Bloomsbury Conservation Area. The heritage statement confirms “The building was already in use as a tavern or public house called The King’s Head as early as the 1780s.” Public houses traditionally do not have lightwells and given the length of time the premises has been in use as a public house it is considered important to retain the frontage without lightwells to appreciate and recognise the historic value of the use.

For the reasons set out above the works would have a significant detrimental impact on the special interest of the listed building.

4. Residential standards

4.1 The proposal is for two flats, one 2-bed unit at ground floor level, and one bed unit at first floor level. The two-bed unit is shown as having two double bedrooms which indicates it is suitable for four persons, however the floorspace appears to be 79sqm which is above Camden’s, and the London Plan’s, minimum floorspace requirement for a 3 person unit (61sqm). The one bedroom unit would be 56sqm which is above Camden’s and the London Plan’s minimum floorspace of 48/50sqm for a 1-bed/2 person unit.

4.2 The two bedroom flat would have external amenity space in the form of an internal courtyard at ground floor level. However there is some concern about the outlook from the ground floor flat as it would only look out onto the rear courtyard. Furthermore, the poor layout of the two bedroom flat, the single aspect windows looking out on to the courtyard, the loss of daylight and sunlight to this flat would result in poor residential standards for future occupiers.

4.3 In line with policy DP6 (Lifetime Homes and wheelchair housing) all new residential development should meet the Lifetime Homes standards. New build accommodation should meet all of the standards. The policy accepts that conversions may not be able to meet all of the relevant criteria, and listed buildings have even more constraints. The Lifetime Home statement indicates which criteria can and cannot be met.

5. Amenity

5.1 The potential impacts most likely to be associated with the hotel use would be noise and nuisance from the comings and goings of hotel residents, transport related impacts such as congestion from additional taxi trips and site servicing. The proposed bed & breakfast is of a relatively small scale with the ability to accommodate 25 persons per night at full capacity (10 rooms). The proposed B&B would be positioned on a busy red route and close to a number of similar hotel uses. It is considered that given the scale of the proposed use and the presence of similar uses within the street and wider area the overall impact on the amenity of neighbouring occupiers would be limited. The proposed hotel use in this location is therefore considered acceptable.

5.2 The proposed bistro would be directly in front of the proposed flat. The site is also next door to no. 59 Swinton Street that is solely in residential use. Given the size of the bistro has been reduced considerably following pre-planning advice, the proposed A3 use would not harm the amenity adjoining occupiers in terms of noise or fumes.

5.3 The proposed extension would extend the rear of the building by approximately 3.7m at first to third floor levels. To the west, no. 65 is empty and has permission for a change of use to a hotel. To the east the extension would not extend beyond the rear building line of no. 59. As such the proposed extension is considered not to harm the amenity of any adjoining residential occupiers in terms of loss of daylight or sunlight.

5.4 The two bedroom flat would have external amenity space in the form of an internal courtyard at ground floor level. The ground floor flat has windows that only look out to this courtyard, creating a suppressive environment for future occupiers. Furthermore, the courtyard would also be accessed from the bistro and a link to No.65 rear courtyard, which would not be private amenity space. The first floor flat has no private useable amenity space. As such, the proposal would not create a good standard of accommodation for future occupiers.

6. Sustainability

6.1 The renovation and repair of the listed building will undoubtedly improve the overall sustainability of the building. The proposed alterations and extensions would result in a total floorspace of more than 500sqm, in line with policy CS13 (Tackling climate change through promoting higher environmental standards). The applicant has failed to submit an energy statement in compliance with CPG3 (Sustainability) to demonstrate how the proposed development would reduce carbon dioxide emissions.

7. Transport

7.1 The site is located on Swinton Street, which provides excellent access to both Kings Cross and St Pancras Railway and Underground Stations the location has an excellent PTAL 6a rating. There is no vehicle access to the site. The site fronts the Transport for London Road Network (TLRN) of Swinton Street (which is one-way westbound at this point). The development has the potential to add additional parking stress and congestion in the area. Given the site is so highly connected with a number of links to public transport it is considered that any development should be secured as car-free via S106 Legal Agreement.

7.2 The LDF Development Policies Appendix 1 identifies that supporting transport information should be submitted for Hotels (Class C1) for 10 or more beds. The applicant has failed to submit a Transport Plan which covers overall floor area, cycle parking and servicing.

7.3 No cycle parking has been proposed. In line with the Council's parking standards, the proposed flat would require space for one cycle each, however constraints of a site including its listed nature would mean there is limited space for cycle storage. The hotel use falls below the threshold for a cycle parking requirement.

7.4 Due to the site's location and size of the extension, a Construction Management Plan would be required to demonstrate that the construction process would not harm the transport network. Therefore, in the absence of a S106 Legal Agreement to secure a Construction Management Plan and car free becomes a reason for refusal, albeit one that can be addressed.

8. Community Infrastructure Levy (CIL)

8.1 The proposal would be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the MoL's CIL charging schedule and the information given on the plans the charge is likely to be £2,700.00 (54sqm (additional floorspace) x £50).