

Delegated Report		Analysis sheet		Expiry Date:		12/09/2016	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Amy Grace Douglas				2016/3964/P			
Application Address				Drawing Numbers			
Basement Flat 122 Drummond Street London NW1 2HN				Refer decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use at basement level only from retail (Class A1) to short let accommodation (Class C1)(Retrospective)							
Recommendation(s):		Refused and Warning of Enforcement Action					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	05	No. of responses	02	No. of objections	00
				No. electronic	02		
Summary of consultation responses:		5 neighbours were consulted as part of the proposal. No objections were received. 2 letters of support received.					
CAAC/Local groups* comments: *Please Specify		The site is not within a Conservation Area.					

Site Description

The subject site is located at 122 Drummond St, and relates to the basement level of the property, which is accessible from the street via a staircase situated at the front. The property is a mixed-use four storey building with residential accommodation to the upper floors and a designated retail use at ground floor and basement. The ground floor is currently occupied by a retail unit.

The site is within the Central London Area, in a Neighbourhood Centre, as designated within the Camden Council proposals Map. It is also within the Euston Growth Area.

It is not within a conservation area and is not listed.

Relevant History

SUBJECT SITE

2016/0200/P – GPDO Prior Approval Class M Change of Use from a shop (A1) to residential (C3) – **Refused**

2014/5443/P - Part retrospective planning permission for the change of use of basement from A1(shop) to 1x one bed self-contained flat (C3) and proposed alterations to the external pavement vault form a bedroom – **Refused and Warning of Enforcement Action – 8/1/2015**
Appeal Dismissed 13/11/2015

2013/1040/P – Alterations to shopfront and the addition of new front railings (Class A1) (retrospective) – **Granted 17/5/2013**

2013/1039/P - Conversion of basement level ancillary to ground floor shop (Class A1) to self-contained studio flat (Class C3), including the re-opening of front lightwell with the addition of an external staircase (retrospective). – **Refused and Warning of Enforcement Action – 17/5/2013**
Appeal Dismissed 27/11/2013

2010/5852/P - Alterations and extensions including erection of mansard roof extension with front and rear dormer windows to 1st and 2nd floor residential accommodation ancillary to retail and erection of basement and ground floor side/rear extension to retail unit (Class A1) – **Granted 23/12/2010**

ENFORCEMENT

EN16/0216 - The change of use of the basement level of a shop (Class A1) to a self-contained studio flat (Class C3) – **APPEAL LODGED** (Enforcement Notice dated 31 March 2016).

NEARBY SITES

2003/3561/P – 120 Drummond St - Change of use of ground and basement floors from retail (Class A1) to restaurant (Class A3) together with the erection of a rear extension at basement and ground floor levels. – **Refused 11/02/2004**

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of Growth)

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's Centres and Shops)

CS8 (Promoting a successful and inclusive Camden economy)

CS10 (Supporting community facilities and services)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

CS19 (Delivering and monitoring the Core Strategy).

DP10 (Helping promote small and independent shops)

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

DP14 (Tourism development and visitor accommodation)

DP15 (Community and leisure uses)

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)

DP26 (Managing the impact of development on occupiers and neighbours)

DP28 (Noise and Vibration)

Camden Planning Guidance (2015)

CPG1 (Design)

CPG2 (Housing)

CPG3 (Sustainability)

CPG5 (Town Centres, Retail and Employment)

CPG6 (Amenity)

CPG (Transport)

Assessment

Proposal and History

Planning permission is sought for the change of use from retail (A1) to short-term letting (C1) for a basement level unit at 122 Drummond St. The area of the unit is 24sqm and comprises a bedroom/living area and a separate bathroom/WC with internal configurations having been undertaken sometime during 2013.

Permission is sought for the unit to be let on a short-term basis (less than 90 consecutive nights not exceeding 90 nights in the same calendar year). The short stay will use a hotel-style booking system similar to renting an apartment other than having no fixed-term contract.

The unit is accessible from street level via the front lightwell and an external staircase. Council records suggest that the ground floor and basement unit has always been in A1 retail use for the known past until the unauthorised conversion of the basement level to residential accommodation.

The cover letter submitted with the proposal expresses that from 1982 to 2010 the basement was used for the storage of meat and food items for the ancillary butcher and grocery shop at ground floor ('London Oriental Foods'). Since that time the basement unit has been converted to use as a residential unit (C3) and enforcement action undertaken.

The owner/agent submitted for pre-application advice from the Council (under reference: 2016/2070/PRE) requesting further advice for the site to undertake a change of use from retail (A1) to either short-stay accommodation, medical consulting room, or office. In the Council's response dated 7/6/2016 the agent/owner was advised that 'conversion to short term accommodation would need to show that this proposed use is appropriate in the immediate surroundings and that this use would not have an adverse impact on neighbouring uses'.

Overall, the main considerations of this proposal are:

- Principle of the proposed change of use (whether the use is appropriate in the immediate surroundings);
- Design and Amenity;

- Impact (on the surrounding character of the area and the surrounding uses)

Principle of the Change of Use from Retail (A1) to Short-term Accommodation (C1)

Policy DP2 states that proposals for new short-term and temporary accommodation will be considered taking into account policies that seek to protect existing uses.

Where a proposal involves accommodation for short-term visits to Camden, the Council will take into account Policy DP14 relating to tourism development visitor accommodation. Further to this DP12 notes that the Council will ensure development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre.

The proposal has been assessed against the policies that exist to protect certain uses, relevant to the siting of the proposal, as well as policy DP14 which requires all visitor accommodation to 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, local character, residential amenity, services for the local community, the environment or transport systems. The site is well located and is easily accessible by public transport (as further discussed in the report). Given the scale of the development it is not considered that the highway would be detrimentally impacted as there would unlikely be a requirement for additional provision to allow for any significant increase of taxi drop-offs.

However, Paragraph 12.7 of Policy DP12 specifies that the Council will use Camden Planning Guidance supplementary planning documents to give more detailed guidance on how we will treat planning applications for shops in particular centres, taking into account their specific circumstances. The site is within the Drummond St Neighbourhood Centre, in the Central London area which has been identified as a key shopping area.

Core Strategy Policy CS7 furthermore requires that schemes that would result in less than half of ground floor premises in a neighbourhood centre from being in retail use or in more than three consecutive premises being in non-retail use will be resisted. Given the presence of restaurant uses at ground floors of neighbouring properties 120 and 118 Drummond St, the further loss of retail at No. 122 would not comply with Policy CS7.

Camden's planning guidance CPG5 paragraph 3.60 and 3.61 states the Council will resist schemes that result in less than 50% of ground floor premises being in retail use, and the Council will take into account any history of vacancy in the centre and the viability of retail use at that location. CPG5 explains further when the reductions in the proportion of premises in retail use would be likely to cause harm to the character, function, vitality and viability of a centre.

The Council will also take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises when considering proposals that involve the loss of retail premises.

CPG5 further provides 'Guidance for Neighbourhood Centres in Central London' which specifies that the Drummond Street precinct has a specialist concentration of ethnic Asian (particularly South Indian) shops and restaurants, with less than a third of premises in retail. As such the guidance specifies that no loss of A1 retail uses allowed (as already below 50%).

The Drummond St Neighbourhood Centre frontage relating to this site, has the following properties located within it: 92-122 Drummond St. A site visit has confirmed that less than 50% of this frontage is in use as retail units. In fact, a refusal for the neighbouring property No. 120 Drummond St in 2003 for a change of use from retail at ground and basement level to restaurant was refused on the basis that the loss of retail at this location would result in the further erosion of the retail function of this neighbourhood shopping parade and the over-concentration of catering establishments (class A3 uses) detrimental to the character, vitality and viability of the centre.

No evidence has been submitted with the proposal to demonstrate the market viability of the unit. As such it is considered that the proposed change of use, resulting in a loss of retail (A1) within the Drummond St Neighbourhood Centre, would significantly harm the viability and vitality of the area and therefore does not comply with CS7, DP12, , and CPG5. The loss of the basement unit would result in potential necessary ancillary retail operations or storage space so as to deter any future occupiers of the ground floor level. Furthermore, the Council's emerging Local Plan, in draft form, paragraph 9.20 and 9.21 make a distinction between what's acceptable at ground and upper floors. The proposal does not comply as it specifies that any proposed C1 uses are only acceptable at upper floors in a Neighbourhood Centre.

It is acknowledged that the previous application was not refused on grounds of loss of the A1 use, however the previous application proposed C3 accommodation which is a key priority land use within the Borough. Within the application the subject of this report, the unit would become C1 and operate as a short term let, and it is considered the retention of the retail use over the provision of the C1 use would be of greater benefit to the vitality and viability of the neighbourhood centre as the retail use is in particular need within this Neighbourhood Centre, as expressed within CPG5, which supports Policies CS7 and DP12.

Whilst the proposal would comply with relevant tourism policies in promoting visitors to the Borough, the Council is currently on target to meet the quota for hotel rooms (Class C1) as set by the London Plan, therefore hotel accommodation is not a key priority land use.

Refusal of planning permission for short term letting at this site, accommodating 2 persons as a maximum would not cause harm to the overall tourism development objectives for the Borough. However, the loss of retail to this particular site would detrimentally impact the overall vitality and viability of the Drummond St Neighbourhood Centre, which has been identified as an area where retail uses must be preserved.

Design and Amenity

The proposed unit can accommodate up to two guests and has a floor area of 24sqm, consisting of a single room to be used as a bedroom/living area, and a separate WC/bathroom. Space exists under the vaults however the headroom is not sufficient to be used in any way for occupiers. The site would receive acceptable levels of daylight.

It was previously determined that the site provided inadequate standards of accommodation for any proposed permanent residential use, by way of size, outlook, and noise from the surrounding late-night uses in the central location, which would detrimentally affect any permanent occupiers. The proposal did not comply with standards of accommodation prescribed by CPG2 and the London Plan.

However, the proposal for short-term accommodation would not be assessed against the housing standards for framework as these policies are not applicable for Use Class C1.

The proposal has been accompanied by supporting Noise Impact Assessment documentation which has been reviewed by the Council's Environmental Health officer who has deemed the proposal acceptable subject to a standard noise condition.

Sufficient daylight standards are complied with for use as short-term accommodation, given the temporary nature of the proposal, and the agent has submitted a report demonstrating this, also reviewed by the Environmental Health officer.

The unit is located below street level and the residential use is unlikely to affect the amenities of the neighbouring occupiers/residents in terms of loss of outlook, privacy and daylight to those shop units at ground floor level or other nearby residential units. Therefore it is acceptable on neighbour amenity grounds.

Transport and Accessibility

No proposed on-site parking or cycle storage has been identified with the submitted plans.

The site is located within a PTAL rating of 6b which indicates a very good level of public transport accessibility. It is also within the Somers Town Controlled Parking Zone and as such would require car-free development to be secured via a Section 106 as per advice from the Council's transport officers. This could be secured via a condition with any grant of permission should this proposal be recommended for approval.

It is considered that cycle storage is not required given the existing size constraints of the site and lack of structural change.

Conclusion:

Whilst DP14 encourages the provision of visitor accommodation in accordance with the London Plan and the Council recognises the importance of the visitor economy as per Policy CS8, and the suitability of the site given its location within Central London and good transport links, it is considered the benefits would not outweigh the negative loss of retail at the site due to the scale of the proposal. It is considered the proposal does not comply with Policy DP14 as it would significantly harm the balance and mix of uses in the area, and the local character.

The proposed change of use would result in the loss of a retail unit (Class A1) and the ratio of retail uses within this shopping parade continuing to fall below the recommended minimum of 50%, which is considered to undermine the provision of shopping services and therefore erode the retail function of the Drummond St Neighbourhood Centre and thereby cause harm to the character, function, vitality and viability of the retail centre. Therefore the proposal should be refused.

Recommendation:

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

Use of the basement as a short term let (Use Class C1).

Period of compliance:

The Notice shall require that within a period of **6 months** of the Notice taking effect the following works are undertaken:

Use of the basement as a short term let shall cease and all fixtures and fittings relating to the C1 use including bathroom and kitchen fittings to be removed permanently from site.

The Notice shall specify the reason why the Council considers it expedient to issue the notice:

The proposed change of use, would result in the loss of a retail unit (Class A1) and the ratio of retail uses within this shopping parade continuing to fall below the recommended minimum of 50%, which is considered to undermine the provision of shopping services and therefore erode the retail function of the Drummond St Neighbourhood Centre and thereby cause harm to the character, function, vitality and viability of the retail centre. This would be contrary to Policy CS7 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP12 and DP14 of London Borough of Camden Local Development Framework Development Policies.