

Delegated Report		Analysis sheet		Expiry Date:		01/02/2017	
		N/A / attached		Cons. Expire:		01/03/2017	
Officer				Application Number(s)			
Emily Whittredge				2016/6703/P			
Application Address				Drawing Numbers			
258 Belsize Road London NW6 4BT				Refer to Draft Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use from residential flats (C3 use class) to flexible use as either permanent residential accommodation (C3 use class) or serviced apartments (occupation for less than 90 days) (Sui Generis use class); and regularisation of the internal layout.							
Recommendation(s):		Refuse Planning Permission and Warning of Enforcement Action					
Consultations							
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00	
Summary of consultation responses:	Two site notices were displayed from 08/02/2017 to 01/03/2017 at the front and rear of the site – no comments received.						
CAAC/Local groups comments:	Not applicable.						
Site Description							
The application property is a 4 storey building on the northern side of Belsize Road, to the north of the railway which serves Kilburn High Road station. The application site is designated as a Town Centre.							
The building was formerly an office block, but the office use has ceased and the building has been converted into 34 separate units, some of which appear to be in use as short term lets. An enforcement investigation has been opened to investigate the current use.							
Relevant History							
<p>2016/1419/P - Change of use from offices (Class B1) to residential (Class C3) to create 34 self-contained flats (25x 1-bedroom, 9x 2-bedrooms) - Refused 19 April 2016</p> <p><i>Reason for refusal: The application site is covered by an Article 4 direction which withdraws permitted development rights for a change of use from office to residential use. The proposal does not therefore constitute permitted development as defined by Class O of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.</i></p> <p>2015/1136/P - Approval of Details of condition 1 (cycle storage specifications) granted under reference 2014/7511/P dated 29/01/15. –Granted 7 May 2015</p> <p><i>Informative: The details submitted in support of the discharge of cycle storage condition show that a Cycle Works Josta 2-teir bicycle rack would be used together with 6 folding bike storage lockers. The 2-teir rack would provide 30 spaces while the lockers would add an additional 6, providing storage for 36 bicycles at ground floor level.</i></p>							

2014/7511/P – Change of use from offices (Class B1) to 34 flats (16 x studios, 9 x 1-bed and 9x2-beds). – **Granted 29 January 2015** subject to a condition requiring details of secure and covered cycle area for 34 cycles. The approval was also granted subject to a S106 Legal Agreement to secure the development as car-free, the provision of a Construction Management Plan to the Local Planning Authority, and a Highways Contribution.

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
DP17 – Walking, cycling and public Transport
DP26 – Managing the impact of development on occupiers and neighbours

Supplementary Planning Guidance

Camden Planning Guidance 2 – Housing (paras 6.0-6.9)
Camden Planning Guidance 7 – Transport (paras 5.0-5.22 and 9.0-9.31)

National Planning Policy Framework

London Plan 2016

Submission Draft Local Plan

The emerging Camden Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ended on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

Local Plan Submission Draft 2016

G1 – Delivery and Location of growth
A1 – Managing the impact of development
D1 – Design
H1 – Maximising housing supply
H3 – Protecting existing homes
H4 – Maximising supply of affordable housing
H6 – Housing choice and mix
H7 – Small and large homes
E3 - Tourism
T1 – Prioritising walking, cycling and public transport

1. Background

- 1.1. The conversion of the building from offices into 34 self-contained residential units was granted under an application for prior approval on 29/01/2015. Approval was granted subject to a condition to ensure the transport impacts of the development would be acceptable

Condition: Before the development commences, details of secure and covered cycle storage area for 34 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 1.2. The conversion of the building has now been completed and is currently operating as Sanctum Apartments. The applicants have stated that a small number of the units are occupied, although no information has been provided regarding the nature or duration of the occupation.

2. Considerations

The key considerations in the determination of this application are:

- The principle of the change of use
- Impact on transport

3. Land Use

- 3.1. It was evident from the officer's site visit that the property has been converted into furnished residential units and is no longer in office use. However the apartments are currently advertised online for short term lets on websites such as www.booking.com and none of the units are currently registered for Council Tax, therefore, Officers are assessing the application on the basis that the units are currently occupied as short term lets. However, no information has been provided by the applicant in respect of the occupation of the new units. It is noted that the apartments are currently being advertised for short term lets at approximately twice the market rate for flats of a similar size.
- 3.2. The Council's prior approval for the conversion was granted subject to the provision of secure storage for 34 bicycles, to be provided prior to the occupation of the units. The conversion has been carried out without the provision of the approved cycle storage units and the use as residential has not commenced. However, although the conversion is in breach of a condition required by the GPDO, the proposal shall be assessed against the loss of class C3 residential units rather than the loss of employment space, as it is considered from the Offices site visit, that the application site no longer resembles offices.

Change of use from residential to flexible residential and short-term lets

- 3.3. 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 be resisted by the Council.
- 3.4. 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.

- 3.5. Information in support of the application has been submitted by the applicants. This states that the owner of the property does not intend to sell any of the apartments; however, they will be let on short term leases, typically for 3-6 month terms. In addition what is being applied for is the ability to let as short term lets (less than 90 days). This aligns with evidence collected by the Planning Officer which shows that a unit can be let out for one or two night stays. The applicant also states that the proposed change of use is for dual use; however from evidence gathered it would appear that all 34 apartments are offered for one – two and longer rentals currently. Officers also found reviews of the accommodation on online booking websites, and therefore it is considered that the use is already occupied and in breach of its planning permission, contrary to the information submitted by the Agents. Whilst there is flexibility for residential to be retained it is unlikely that given the higher income received from short term lets that the building will be used as permanent residential. Even with this flexibility the proposal results in the permanent loss of Class C3 accommodation contrary to planning policies.
- 3.6. CS Policy CS6 aims to make full use of Camden's capacity for housing and section (d) seeks to minimise the net loss of existing homes. CDP Policy DP2 explains how this aim would be met in practice. This includes, in section (e), protecting permanent housing from conversion to short-stay accommodation intended for occupation for periods of fewer than 90 day.
- 3.7. Policy DP2 (f) allows for the net loss of two or more homes but only in the context of a conversion to allow for the creation of larger residential units or more appropriately sized affordable housing units. 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.
- 3.8. The proposal seeks a flexible use of either residential, serviced apartments or both. In addition to the fact the loss of any permanent housing to provide short term lets is contrary to policy, a mix of these uses within the site would not be supported due to the resulting amenity impact of short term letting on permanent occupiers. Short term letting is likely to lead to noise nuisance, as well as reduce the sense of community and raise the fear of crime for permanent occupiers, contrary to Policies CS5 and DP26.
- 3.9. It is noted that Policy DP14 seeks to support tourism and development and visitor accommodation. The clear planning policy position is that short-term visitor accommodation will be encouraged subject to certain criteria being met but not at the expense of the loss of permanent housing. 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. Although the site is located in an area well served by public transport, 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.

4. Transport

- 4.1. The Council aims to promote sustainable modes of transportation such as walking, cycling and public transport. Developments are expected to make suitable provision for these types of transportation, and must meet the Council's minimum standards for cycle parking.
- 4.2. The application seeks the provision of secure cycle storage at basement level, in association with the residential use approved under ref. 2014/7511/P. The area on the ground floor previously provided for secure cycle storage, general storage and a small reception/staff kitchen, under the approved plans. This area now houses a large reception, office, and lounge lobby. The proposed cycle storage comprises two basement storerooms accessed via a flight of steps off of the lounge. The smaller room contains two timber shelves, while the larger room has hooks on the ceiling. No means of securing the bicycles individually has been provided, as access to the room is controlled by reception staff, who are available 24 hours a day. As this alternative storage location has been provided for the cycle parking within two basement storerooms via a flight of steps at the rear of the new lounge/reception these facilities do not accord with CPG7 guidance and is contrary to policies DP17, DP18 and CS11.
- 4.3. The plans state that the rooms would provide storage for 31 and 5 bicycles, but do not contain dedicated cycle facilities; rather they provide generic storage space with no lift access. CPG7 requires

the provision of Sheffield or Josta two tier cycle stands, and the Council will seek to provide step free access wherever possible. The ground floor has adequate space for cycle storage, and no justification has been provided for the changes which in turn, offer substandard cycle parking facilities. The proposal is therefore contrary to transport policies DP17, DP18 and CS11 and is unacceptable.

- 4.4. The change of use of residential units to a flexible use of residential and serviced apartments would require the signing of a S106 legal agreement to secure car-free housing. The applicant has failed to sign a S106 agreement to ensure that the proposed development would not have an unacceptable impact on the highway network, contrary to policy DP18 of the LDF Development Policies and Policy T2 of the emerging Local Plan.

5. Conclusion

- 5.1. There is a policy presumption against the loss of permanent residential units, and the change of use of the building is contrary to policies CS6 and DP2 and is therefore considered unacceptable. No justification has been advanced to support a departure from policy in this instance.
- 5.2. The proposed cycle parking fails to meet the Council's minimum standards set out in the LDF Camden Development Policies 2010 and the guidance contained in CPG7. The proposal is therefore contrary to transport policies DP17, DP18 and CS11.
- 5.3. The proposed development, in the absence of a legal agreement to secure the development as 'car-free', would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport, contrary to policies CS11 and CS19 of the London Borough of Camden Core Strategy and DP18 of the London Borough of Camden LDF Development Policies.

6. Recommendation:

Refuse Planning Permission and warn of enforcement action to be taken