

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>09/01/2018</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>13/12/2017</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Robert Lester			2017/5575/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
50-52 Eversholt Street London NW1 1DA			See draft decision	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Change of use/conversion of existing retail unit (A1) to provide a retail unit (A1 use) and bureau de change (A2 use) at the front and 4 self-contained short term residential lets (C1 use) at the rear, together with alterations to the shopfront and window openings to the rear (part-retrospective application).				
<b>Recommendation(s):</b>		Refuse and Warning of Enforcement Action		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>			No. of responses	<b>0</b>	No. of objections	<b>0</b>
<b>Summary of consultation responses:</b>	<p>Two site notices were placed near the site between 22/11/2017 - 13/12/2017.</p> <p>No responses were received.</p>					
<b>External Consultees</b>	<p><u>High Speed 2 (HS2).</u></p> <p>No Objection. The site is not located in the HS2 safeguarding area. However, the site is directly adjacent to the area of land safeguarded for construction of the new Euston station (including works on Eversholt Street itself) and as such it will clearly be in the applicant's interest to follow continued progress of the HS2 scheme as it moves towards the construction phase.</p> <p><i>Case Officer's Response: Comments noted.</i></p> <p><u>Crossrail 2 Safeguarding</u></p> <p>Objection. The site is located within the Crossrail 2 Safeguarding area. The application proposes additional units of residential accommodation within an Area of Surface Interest (AOSI) identified in the 2015 Crossrail 2 Safeguarding Directions and therefore, represent development that would conflict with the proposals for the construction of the railway. TfL, in administering the Safeguarding Directions on behalf of the Department for Transport (DfT), have a responsibility to protect the delivery of Crossrail 2 from conflicting development.</p> <p><i>Case Officer's Response: Objection noted. It is also noted that the site is located in the Crossrail 2 safeguarding area. However, that project has not been through its final stages in Parliament and it is understood that it has not yet been confirmed that this site will be required for that project and therefore limited weight can be given to this.</i></p>					

## Site Description

The application site at 50-52 Eversholt Street, Euston contains a 3 storey plus-basement mid-terrace Victorian building. The buildings are designated as Locally Listed Buildings. The site is located on the retail frontage between numbers 34-70 Eversholt Street and is within the designated Eversholt Street South Neighbourhood Centre (which includes numbers 22-118 Eversholt Street even). The site is also located within the Euston Area Plan area and is within the Crossrail 2 Safeguarding Area

The site previously contained a large double fronted retail unit at ground floor level at 50-52 Eversholt Street with a floor area of 158 sq. m. However, the ground floor has now been converted (without planning permission) into a smaller retail unit at no. 52 (23.5 sq. m), a retail kiosk at no 50 (10 sq. m) and 4 self-contained short term residential lets (C1 use) to the rear.

The basement of 50-52 and the first and second floors of no. 50 were previously in office use (B1a use). Two GPDO prior approval permissions were granted in 2015 for 4 studio flats (C3 use) at basement level at 50-52 and 4 studio flats (C3 use) at first/second floor level at no. 50.

## Relevant History

2015/4734/P - Change of use from office (Class B1a) to 4 x studio flats (Class C3) - Granted - 12/10/2015. (*50 Eversholt Street only*)

2015/4950/P - Change of use from office (Class B1a) to 4 x studio flats (Class C3) at lower ground floor level - Granted - 13/10/2015.

2016/6388/P - Change of use of the ground floor level from A1 (retail) to 4x studios (Class C3) – Refusal - 30/12/2016.

2017/5574/P - Change of use/conversion of existing retail unit (A1) to provide a retail unit (A1 use) and bureau de change (A2 use) at the front and two self-contained studio flats (C3 use) at the rear, together with alterations to the shopfront and window openings to the rear (part-retrospective application) – Recommended for refusal

## Enforcement

EN17/0597 – Unauthorised conversion of ground floor to 4x studio flats – Current Investigation

## Relevant policies

### Adopted Camden Local Plan (2017)

H1 Maximising housing supply  
H6 Housing choice and mix  
H7 Large and small homes  
E1 Economic development  
E3 Tourism  
C5 Safety and security  
A1 Managing the impact of development  
A4 Noise and vibration  
D1 Design  
D2 Heritage  
D3 Shopfronts  
CC1 Climate change mitigation  
CC2 Adapting to climate change  
CC3 Water and flooding

CC4 Air quality  
CC5 Waste  
TC2 Camden's centres and other shopping areas  
TC4 Town centre uses  
T1 Prioritising walking, cycling and public transport  
T2 Parking and car-free development  
T3 Transport infrastructure  
T4 Sustainable movement of goods and materials

### **Camden Planning Guidance**

CPG 1 Design  
CPG 2 Housing  
CPG 3 Sustainability  
CPG 5 Town centres, retail and employment  
CPG 6 Amenity  
CPG 7 Transport  
CPG 8 Planning obligations

### **The London Plan (2016)**

### **The NPPF (2012)**

## **Assessment**

### 1. Proposed Development/Background

1.1 This application is for the change of use/conversion of existing retail unit (A1) to provide a retail unit (A1 use) and bureau de change (A2 use) at the front and 4 self-contained short term residential lets (C1 use) at the rear, together with alterations to the shopfront and window openings to the rear.

1.2 This is a part-retrospective application. The internal conversion works to a small retail unit (A1), bureau de change kiosk (A2) at the front and 4 short term lets (C1) to the rear have been implemented. The window alterations to the rear and shopfront alterations to no. 50 have been implemented. However, the shopfront alterations to no. 52 have not been implemented.

### 2. Land Use/Principle of Development

2.1 The site is located on the retail frontage between numbers 34-70 Eversholt Street which (including the application site) contains 15 units in total (7 retail units, 8 non retail units including 5 food, drink or entertainment uses). The site is also located within the Eversholt Street Neighbourhood Centre (22-118 Eversholt Street) which contains 31 units in total (11 retail units and 20 non retail units including 6 food, drink and entertainment uses).

2.2 The development results in a significant loss of retail floorspace at this site. The site previously contained a large double fronted retail unit at ground floor level at 50-52 Eversholt Street with a floor area of 158 sq. m. However, the application includes a small retail unit at no. 52 (23.5 sq. m), a bureau de change kiosk at no 50 (10 sq. m) and 4 self-contained short term residential lets (C1 use) to the rear. The development therefore results in the loss of 124.5 sq. m of retail floorspace (78% loss of retail floorspace at the site overall). In addition, the retained retail unit on the north side and bureau de change kiosk on the south side are both small units with limited retail display area, storage space and no ancillary facilities including kitchens/toilet areas. The units are not considered to have adequate operability and functionality to contribute to the character and success of this retail parade. The original retail unit on the other hand was a large open-plan unit with an adequate retail display

and storage space.

2.3 This loss of retail floorspace at the site and the small size and limited functionality of the retained retail units is considered to result in harm to the function, character and success of the designated neighbourhood centre, contrary to policy TC2 (Camden's centres and other shopping areas).

2.4 Policy TC2 states that the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors. The Council will seek to retain convenience shopping for local residents in Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of the centre. The supporting text to policy TC2 states that we will take into account the individual character of the centre when assessing development proposals but, as a guide, we will resist 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.

2.5 Policy TC2 states that we will also take into account any history of vacancy in shop units and the prospect of achieving an alternative occupier for vacant premises. It is acknowledged that a marketing report has been submitted and there have been difficulties marketing the unit. However, this marketing report is now out of date and does not include sufficient detail on leasehold/rental marketing of the unit. However, the impact of the development on the function, character or success of this neighbourhood centre by virtue of the loss of retail floorspace and the provision of small non-functional retail units would not be overcome by additional marketing evidence.

2.6 It is noted that the development would include short term residential lets (C1 use). Whilst it is acknowledged that the site is located in the highly accessible Euston area where tourism related development is encouraged in principle. The level of retail floorspace that would be lost at this site would detrimentally harm the balance of uses on the site contrary to policy E3. The loss of retail floorspace would also impact on the function and character of the designated neighbourhood centre contrary to policy TC2.

2.7 It is also noted that the site is located in the Crossrail 2 Safeguarding Area. However, that project has not been through its final stages in Parliament and it is understood that it has not yet been confirmed that this site will be required and therefore limited weight can be given to this.

2.8 Overall, the loss of retail floorspace at the site and the small size and limited functionality of the retained retail units is considered to result in harm to the function, character and success of the designated neighbourhood centre, contrary to policy TC2 (Camden's centres and other shopping areas).

### 3. Quality of Short Term Let Accommodation

3.1 The development would provide 4 x short term residential let units (C1 use) which would have floor areas of 23.8 sq. m, 18.2 sq. m, 11 sq. m and 19.7 sq. m respectively. The Council does not have internal space standards for short term let units, however the units would comply with the Council's Housing in Multiple Occupation (HMO) room size standards. The units are each provided with an open plan layout containing beds, kitchenettes and bathrooms.

3.2 The short term residential let units are single aspect units with a restricted outlook. Although, this arrangement would provide low quality tourist accommodation, the quality is not considered to be so poor as to justify the refusal of the application on these grounds. However, there is mutual overlooking between the short term let units, which results in the provision of poor quality accommodation.

3.3 As the development proposes noise sensitive visitor accommodation adjacent to commercial use (A1), the Council would expect the party walls/floors/ceilings to have a performance of 5dB above

current Building Regulations. Had the development been otherwise acceptable, details of walls/floors/ceiling insulation would have been required by planning condition.

#### 4. Amenity Issues

4.1 Policy A1 (Managing the impact of development) states that the Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. We will seek to ensure that the amenity of communities, occupiers and neighbours is protected.

4.2 This conversion of the rear part of the ground floor retail unit to short term let units has included the installation of new windows on the rear and rear side/return elevations at ground floor level. The windows on the main rear set back elevation are sited 15 m from the dwelling to the rear on Edith Neville Cottages, whilst the windows on the rear side/return elevation have an oblique outlook onto the rear garden of this property. It is considered that this relationship results in overlooking of the neighbouring dwelling and garden on Edith Neville Cottages. The windows are sited at first floor level at the rear of the site, due to the change in level at the rear and therefore have an elevated position in relation to this neighbouring property. Also, although the separation distance between the site and the dwelling on Edith Neville Cottages is similar to the other properties on this terrace, the other units are commercial rather than residential at ground floor level.

4.3 As set out above, the short term lets to the rear of the retail unit are single aspect units and the windows on the main rear elevation to one unit would overlook the windows on the side/rear return elevation to the other units. This mutual overlooking would result in the provision of poor quality tourist accommodation.

4.4 It is therefore considered that the development would result in material overlooking of the dwellings to the rear on Edith Neville Cottages and mutual overlooking between the short term let units contrary to policy A1.

#### 5. Design Issues

5.1 Local Plan Policy D1 (Design) requires development to be of the highest standard of design that respects local context and character. The London Plan (2016) Policies 7.4 and 7.6 and the National Planning Policy Framework (2012) are also relevant to the assessment of the application.

5.2 The site and terrace are designated as a local listed buildings, described in the Council's local list as early 19<sup>th</sup> Century terraced houses with shops at ground floor. In terms of size, proportions, materials and repetition this complete section of terrace is an important part of the townscape with a collective identity.

5.3 Local Plan Policy D2 (Heritage) states that the Council will seek to protect other heritage assets including non-designated heritage assets (including those on the local list). The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

5.4 Local Plan Policy D3 (Shopfronts) states that the Council will expect a high standard of design in new and altered shopfronts. When determining proposals for shopfront development the Council will consider: the design of the shopfront or feature, including its details and materials; the existing character, architectural and historic merit and design of the building and its shopfront; the relationship between the shopfront and the upper floors of the building and surrounding properties and the general characteristics of shopfronts in the area.

5.5 Camden Planning Guidance 1 (Design) sets out the Council's detailed policy guidance on shopfronts and window alterations. It states that new or replacement windows should match the

design and materials of the original windows. Shopfront alterations should respect the detailed design, materials, colour and architectural features of the shopfront and building itself. 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.

5.6 The application includes alterations to the shopfront and new window openings at ground floor level on the rear and side/rear return elevations.

5.7 The shopfront alterations include the provision of a new grey powder coated aluminium framed shopfront window at no. 50 with low grey stall riser and narrow fascia. The central column between 50 and 52 has also been clad in grey metal cladding and a new panelled timber doorway has been added to access the residential use to the rear. These alterations have been implemented on site. The development also proposes a replacement shopfront with a similar design to no. 52, which has not been implemented on the site. An external box roller shutter has also been fitted to no. 50. This is not shown on the submitted plans, therefore there is a discrepancy between the plans and the shopfront which has been implemented on the site.

5.8 Although the shopfront would not be fully compliant with the Council's policy guidance on shopfronts in policy D3 and CPG1, including the low height of the stall riser, lack of vertical pilasters and horizontal transom bar. It is acknowledged that the site is located on the parade at 34-70 Eversholt Street, where there is a high degree of variation in the design of the shopfronts and the shopfronts do not typically have a traditional design. It is also noted that the shopfronts on this parade reflect the historic development of the area and many of the frontages have a mid-late 20th century styles, which vary in design and quality. The former shopfront on the site itself (which is still partly evident at no. 52) was a poor quality shopfront which did not have a traditional design. In this context the shopfront is considered to relate reasonably well to the character and appearance of the parade and does enhance the frontage of the site itself.

5.9 An external box roller shutter has also been fitted to no. 50. This is not shown on the submitted plans and does not form a part of this application. Therefore, there is a discrepancy between the plans and the shopfront which have been implemented on the site. The Council's policy guidance on shopfronts in policy D3 and CPG1 does not support bulky external box shutters or solid shutters as they impact on the character of the parade and create a dead frontage.

5.10 The application also includes the installation of new window openings at ground floor level on the rear and the rear side/return elevations. These windows match the design of the other windows on the building do not harm the character of the building or area in accordance with policy D1.

## 6. Transport

### *Car free development*

6.1 In accordance with Policy T2 (Parking and car-free development) the Council will limit the availability of parking and will require all new developments in the borough to be car-free. The Council will not issue on-street parking permits in connection with new developments and will use a s.106 legal agreement to ensure that future occupants are aware that they are not entitled to on-street parking permits. Had the development been acceptable in all other respects the proposed short term lets would have been secured as a car free by s.106 agreement. As the application is to be refused on other grounds this would be added as a reason for refusal which could be overcome at appeal through a s.106 agreement.

### *Cycle parking*

6.2 Policy T1 of the new Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements

outlined in CPG7. This development only requires 1 cycle parking space. No cycle parking is shown on any of the submitted plans. However, it is considered that there is sufficient space within the site to accommodate the required cycle parking.

## 7. Sustainability

7.1 Policy CC1 (Climate change mitigation) states that the Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards. Policy CC2 (Adapting to climate change) states that all development should adopt appropriate climate change adaptation measures.

7.2 The development has not been submitted with any details of sustainability measures contrary to policies CC1 and CC2. However, as this application is for short term let accommodation (C1 use), it is not required to demonstrate the specific 19% CO2 reduction below Part L 2013 Building Regulations which applies to self-contained residential development. However, considering the scale of the development, details of energy efficiency, renewable energy and sustainability measures to meet the required environmental and sustainability standards could have been requested by planning condition had the development otherwise been acceptable.

## 8. Conclusion

8.1 Overall, the development has been carefully assessed by the Council and is considered unacceptable on a number of principle grounds. The loss of retail floorspace at the site and the small size and limited functionality of the retained retail units is considered to result in harm to the function and character of the designated neighbourhood centre. The development would also result in material overlooking of properties to the rear and there would be mutual overlooking between the proposed flats. In the event that these issues were overcome the impact of the development would need to be mitigated by car-free measures secured by legal agreement and planning conditions would be required to secure on-site cycle parking and details of energy efficiency, renewable energy and sustainability measures.

## 9. Recommendation

### **a. Refuse planning permission.**

1. The development, due to the loss of retail space and the small size and poor quality of the retained retail units, harms the function, character and success of the retail parade and designated neighbourhood centre contrary to policy TC2 (Camden's centres and other shopping areas) of the Camden Local Plan (2017), CPG5 (Town Centres, Retail and Employment), The London Plan (2016) and the National Planning Policy Framework (2012).
2. The development, due to the installation of habitable windows for the residential short term lets on the rear elevation, results in material overlooking of the adjacent residential dwelling and garden to the east of the site to the detriment of the residential amenity of its occupants and mutual overlooking between the short term lets at the site resulting in poor quality accommodation, all contrary to policy A1 (Managing the impact of development) of the Camden Local Plan (2017), CPG 6 (Amenity), The London Plan (2016) and the National Planning Policy Framework (2012).
3. In the absence of a legal agreement to secure car free units the development fails to encourage car free lifestyles, promote sustainable ways of travelling, help to reduce the impact of traffic and increases the demand for local on-street parking in the CPZ contrary to Policy T2 (Parking and car-free development) of the Camden Local Plan 2017, CPG7 (Transport) CPG8 (Planning Obligations), The London Plan (2016) and the National Planning Policy Framework.



**b) Warning of enforcement action**

The case be referred to the Planning Enforcement Team to take the necessary enforcement action against the unauthorised conversion to short term residential accommodation and the unauthorised windows at rear ground floor.