

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>23/04/2018</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>25/04/2018</b>
<b>Officer</b>			<b>Application Number(s)</b>	
David Peres Da Costa			2018/0942/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
10 King Henry's Road LONDON NW3 3RP			Refer to Draft Decision Notice	
<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 from 2 residential units (Class C3) to memorial/museum in the memory of Dr Ambedhkar (Class D1) including erection of a single storey rear conservatory, alteration to boundary treatment including addition of metal railing and alterations to existing entrance steps including the installation of disabled platform lift to access upper ground floor [retrospective].				
<b>Recommendation(s):</b>		Refuse planning permission		
<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. notified	<b>00</b>	No. of responses	<b>04</b>	No. of objections	<b>02</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from 2/3/18 to 23/3/18 and the application was advertised in the local paper on 15/3/18 (expiring 5/4/2018).</p> <p>Two letters of support and two letters of objection were received. The letters of support were from Lord Harries of Pentregarth and from an occupier of 45 King Henry's Road.</p> <p>The letters of objection were from occupiers of 12 and 14 King Henry's Road and the following issues were raised:</p> <ul style="list-style-type: none"> <li>- Number of visitors is harmful to neighbouring amenity (the number of visitors to the property has increased 100% they arrive in coach loads taking photos and making a noise. The blue plaque has been there for some time but we never had these amount of visitors and we are now disturbed by the noise day and night seven days a week. I often have my grandchildren staying and they have been disturbed on numerous occasions).</li> <li>- While I do support the idea of a memorial/museum, I don't think this is the right approach in a residential area without much visitor parking and on an awkward junction.</li> <li>- Errors on the application</li> </ul>					
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>	None					

## Site Description

The site is 4 storey mid terrace property (including lower ground floor) on the north side of King Henry's Road. At the rear of the site is a wide cutting for the mainline railway. The property does not fall within a conservation but it forms part of a group which are locally listed (1-49 and 8-54) for their architectural and townscape significance. The description states the following: Group of mid-19th century semi-detached (and in some cases linked) and terraced houses on both sides of street. Intact and relatively unaltered group of high architectural quality creates fine consistent townscape.

## Relevant History

**PL/850029/R1:** Change of use and works of conversion to form four self-contained flats including the erection of a four- storey infill extension and a two-storey rear extension. Granted 21/02/1985

### Enforcement

**EN18/0027:** Conversion of the property back to a single dwelling house - from what appears to be 6no flats, alterations to front boundary treatment including the addition of black painted metal railings, new access stairs, hand railing and disabled rail (for disable stairlift). No permission granted nor sought. Breach reported 15/01/2018

## Relevant policies

### **NPPF 2018**

**London Plan consolidated with alterations March 2016**

### **Camden Local Plan 2017**

Policy G1 Delivery and location of growth  
Policy A1 Managing the impact of development  
Policy H1 Maximising housing supply  
Policy H3 Protecting existing homes  
Policy D1 Design  
Policy D2 Heritage  
Policy C2 Community facilities  
Policy C3 Cultural and leisure facilities  
Policy C6 Access for all

## Assessment

### Proposal

The application seeks a retrospective change of use of from residential (Class C3) to memorial/museum (Class D1). The museum is dedicated to the memory of Dr Ambedkar. The memorial is intended to give local people, students and visitors access to a library housing books by, and related to Dr Ambedkar in one place. Films and documentaries related to Dr Ambedkar are also available.

The property was previously laid out as two flats: a one-bedroom flat at lower ground floor and a maisonette at ground, first and second floor. According to the submitted property survey report, the maisonette had 4-bedrooms. Permission is also sought for a single storey rear conservatory, alteration to boundary treatment including addition of a metal railing and alterations to existing entrance steps including the installation of a disabled platform lift to access the upper ground floor entrance. All of these works have already been carried out.

The scale bar on the submitted drawings is not correct. Taking this into account, the conservatory appears to measure 4.65m wide by 3.6m deep and has a pitched roof which measures 3.37m at the ridge and 2.69m at the eaves. A 1m railing has been added to the existing 1m high boundary wall taking the combined height to 2m. A disabled platform lift has been added to the front steps. The platform lift would be attached to the steps and would act as a stair lift.

### *Supporting statement*

The supporting statement includes the following information:

*Dr Ambedkar lived at this house, from 1921-22 whilst studying at the London School of Economics and Gray's Inn. Dr Ambedkar was an Indian jurist, economist, a prolific writer, staunch egalitarian, nonviolent revolutionary, a progressive humanist, politician and social reformer who inspired the Dalit Buddhist Movement and campaigned against social discrimination against Untouchables (Dalits). He was Independent India's first law minister, the principal architect of the Constitution of India and a founding father of the Republic of India.*

## Assessment

### Loss of residential floorspace

Policy H1 states the Council regards self-contained housing as the priority land-use of the Local Plan (H1a). The Local Plan recognises that meeting housing needs in Camden and across London will be challenging. To tackle Camden's housing needs, the Council aims to maximise the supply of additional homes. In tandem with these objectives the Council also aims to protect all types of existing housing against development that would involve a net loss of residential floorspace and the Local Plan includes Policy H3 'Protecting existing homes'. This policy resists development that would involve a net loss of residential floorspace (policy H3a). The applicant was requested to provide a rationale as to why the museum needed to be in this particular property. The applicant has not provided any compelling rationale as to why the museum needs to be in this property apart from the fact that the applicant has spent a large sum restoring it and the property had a personal connection to Dr Ambedkar. That is to say, Dr Ambedkar lived in the house for 2 years in the 1920s.

### Provision of memorial/museum (Class D1)

The Local Plan includes Policy C3 Cultural and leisure facilities. Cultural and leisure facilities contribute enormously to Camden's attractiveness as a place to live, work or study. These facilities support opportunities for people from all walks of life to meet and interact and promote a sense of belonging and connection. Some cultural facilities, such as museums and galleries, are classified as D1 under the Use Classes Order and provide a service to the community. They will be protected in accordance with "Policy C2 Community facilities". Most other cultural and leisure uses fall under D2 of

the Use Classes Order or are sui-generis (not belonging to a specific use class) for which this policy will apply. Policy C3 nevertheless provides specific policy which applies to new cultural and leisure facilities. *The Council expects the siting of new facilities to take into account its associated impacts. Large-scale facilities should be located where as many people as possible can enjoy their benefits and make use of public transport to get there. Central London and town centres will, therefore, be the most appropriate locations. Smaller facilities may, however, be appropriate anywhere in the Borough providing they do not have an adverse impact on the surrounding area or the local community.* The museum is considered to be a relatively small facility. Therefore the provision of a museum in this location would accord with Policy C3 subject to an assessment of the impact on transport and amenity.

### Amenity

One of the objectors has raised the issue of noise and disturbance. It is considered that noise and disturbance could occur if the Museum was not managed effectively. If planning permission were recommended, a management plan would be secured to ensure that appropriate measures were put in place to protect neighbouring amenity.

The conservatory at the rear is adjacent to the high brick boundary wall between the subject property and 12 King Henry's Road. In this context, the size of the lower ground floor conservatory extension would not harm neighbouring amenity in terms of loss of daylight / sunlight or overlooking.

### Design

The materials, location and size of the lower ground floor conservatory extension are considered acceptable. It would appear as a proportionate light weight extension to the host property. The metal railings at the front match those at the neighbouring property (12 King Henry's Road). While low boundary walls characterise the area, the railings are not considered to detract from the host property or the streetscene given the uniformity and consistency with the neighbouring railings. The disable platform lift introduces a railing with supports to the existing staircase. These by themselves are not considered to detract from the appearance of the host property. The disable platform lift at the bottom of the stairs adds some additional clutter to the front of this property. While some additional clutter is introduced this would have the benefit of providing access to all members of the community. This is considered to outweigh any harm to the appearance of the host property.

### Transport

The site has a PTAL score of 4 which indicates that it has a good level of accessibility by public transport. The nearest station is Chalk Farm, located to the northeast of the site, whilst the nearest bus stops are located to the north on Adelaide Road. In accordance with Policy T1 of the adopted Local Plan, we expect cycle parking at new developments to be provided in accordance with the standards set out in the London Plan. For D1 "other" uses, the requirement is for 1 space per 8 staff for long stay use and 1 space per 100 sqm for short stay use. Whilst the number of staff at the museum is not known, the floor area is given in the 2015 Survey and Evaluation report as being 229.3 sqm. It is recommended that 2 Sheffield stands (4 spaces) be provided within the front garden space. The provision of the cycle stands would be secured by condition if planning permission were recommended.

### Equalities

Section 149 of the Equality Act 2010, sets out the Public Sector Equality Duty (PSED). A public authority must, in the exercise of its functions, have due regard to the need to—

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons

who do not share it.

A full Equalities Impact Assessment (EqIA) has not been carried out, but due regard has been had to the duty and in particular to the differential impact from the proposed development on protected groups and whether the proposed development could cause direct or indirect discrimination.

The Dr Ambedhkar Museum (the occupier of the site) serves a community with Protected Characteristics in terms of race and 'religion or belief' and, therefore, its relocation could disproportionately affect people within those groups. While the museum does not exclusively cater for those of a particular race or religion, nevertheless, the Indian Asian community are likely to form a large part of the community served by the museum given Dr Ambedkar's part in Indian history. Dr Ambedkar's role as a social reformer who inspired the Dalit Buddhist Movement is likely to result in those with a religion or belief being disproportionately affected. The applicant's submission advises that Dr Ambedkar is followed and revered by the over 260 million Dalits globally. It is noted that as well as Hindu Dalits, Dalits now profess various religious beliefs, including Buddhism, Christianity and Sikhism.

The Dr Ambedhkar Museum vacating 10 King Henry's Road would affect the staff of the museum and the Asian community it serves. Mitigation is likely to take the form of a relocation of the Dr Ambedhkar Museum and re-establishment of an equivalent museum elsewhere.

The nature of these effects will depend on the new location. Given the long notice period allowed and the wide area that is potentially suitable, it is reasonable to expect a suitable alternative location can be secured.

Relocation will inevitably be more or less convenient for those who wish to visit the museum. However, London's Indian community in general is not concentrated in this local area. This means that on balance, it is not considered likely that relocation of the museum would significantly compromise the ability of the community served by the museum to continue to be served by it in a new location.

### Conclusion

While the provision of a museum in this location would accord with Policy C3, the loss of residential floorspace would be contrary to Policy H3. In terms of balancing the loss of residential floorspace against the cultural benefits, there is nothing to suggest that an alternative site could not be found and it is not considered to be a sufficiently compelling reason that Dr Ambedhkar once resided in this house (for a comparatively short time). Having due regard to the differential impact on protected groups, the application is therefore recommended for refusal and enforcement notice be served.

**Recommendation:** Refuse planning permission and warning of enforcement action

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

**The Notice shall allege the following breach of planning control:**

Change of use from 2 residential units (Class C3) to a memorial/museum (Class D1).

The Notice shall require that, within a period of 6 months of the Notice taking effect, the use of the property as a memorial/museum shall cease and the former residential use as a one-bedroom flat at lower ground floor and a maisonette at ground, first and second floor shall be reinstated.

**Reasons for Issuing the Notice:**

**It appears to the Council that the above breach of planning control has occurred within the last 10 years.**

**The unauthorised development has resulted in the unacceptable loss of permanent residential accommodation contrary to policy H1 and H3 of the London Borough of Camden Local Plan 2017 and Policy 3.14 (Existing Housing) of the London Plan March 2016.**