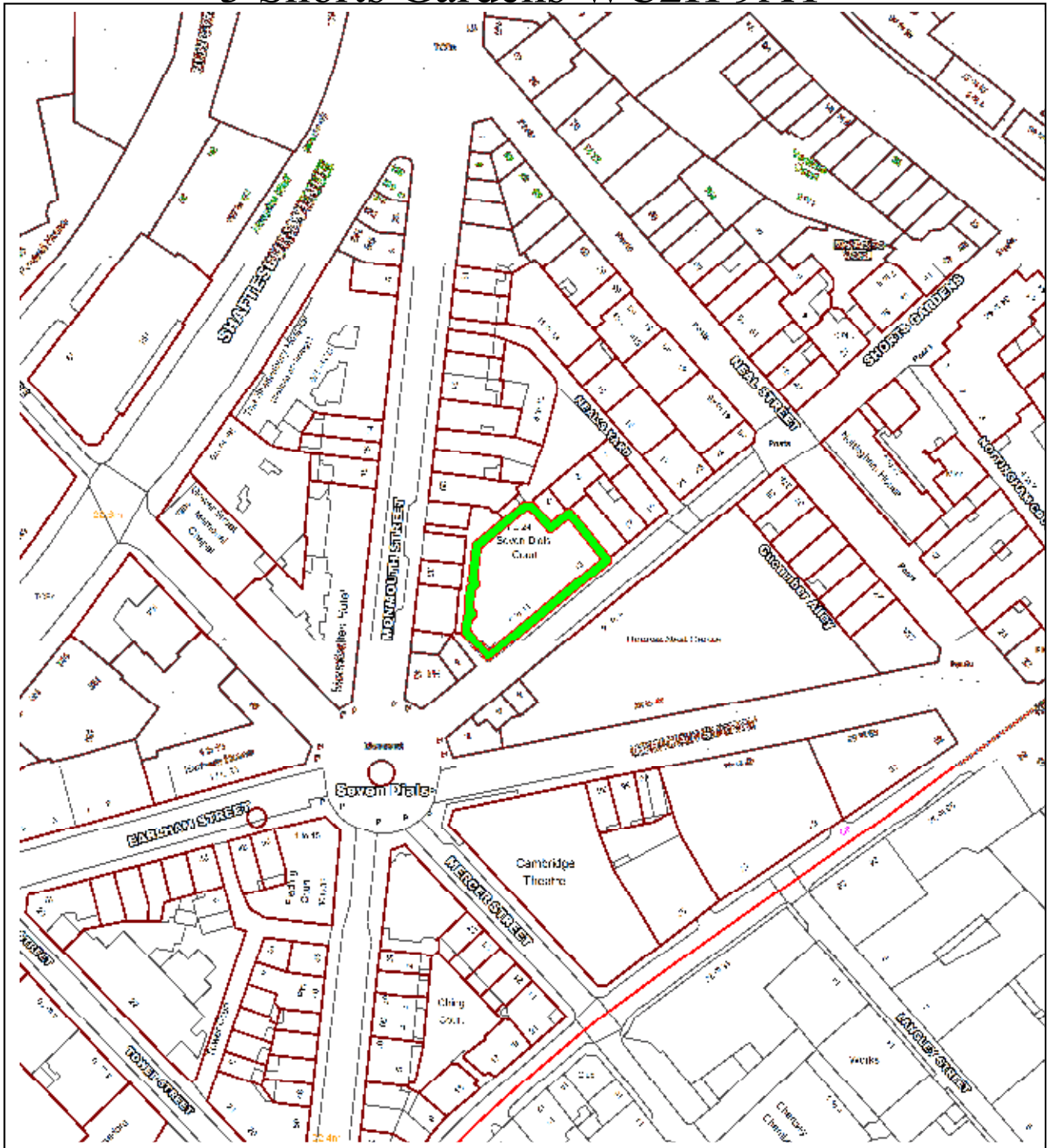


2016/6916/P
3 Shorts Gardens WC2H 9AT



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1. Front elevation from Shorts Gardens



2. Front elevation from Shorts Gardens



3. Access to Seven Dials Court



4. Rear elevation – existing entrance to Seven Dials Court

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		09/02/2017	
		N/A / attached		Consultation Expiry Date:		12/01//2017	
Officer				Application Number(s)			
Evelyn Jones				2016/6916/P			
Application Address				Drawing Numbers			
3 Shorts Gardens London WC2h 9AT				Refer to Draft Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of two-storey infill extension at first and second floor level to provide 1 x 1 bed flat (Class C3), new residential entrance to Seven Dials Court and installation of new shopfront at ground floor to existing restaurant (Class A3).							
Recommendation(s):		Grant Conditional Planning Permission subject to s106 Legal Agreement					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses No. Electronic		02 00		No. of objections 02	
Summary of consultation responses		<u>Site notice: 20/12/2016</u> <u>Press notice: 22/12/2016</u> Two responses were received from the occupier of No. 10 Shorts Gardens and the owner of the business currently occupying the basement of the site highlighting the following points: Design: <ul style="list-style-type: none"> The frontage of the retail unit is not aligned with the retail units on either side The windows in the proposed residential units do not match those in the rest of the street <i>Officer comments: see paragraphs 4.1 – 4.7 of report</i>					

	<p>Amenity:</p> <ul style="list-style-type: none"> Concerns that the properties opposite had not been assessed in the daylight sunlight report and that there could be a potential loss of light to these properties as a result of the development <p><i>Officer comments: see paragraph 5.1 of report</i></p> <p>Other issues:</p> <ul style="list-style-type: none"> Issues of construction times, noise disturbances, duration of building works and the location of the site office Lack of a structural assessment report The owner of the existing restaurant at the site raised concerns of the impact the proposal would have on his business and a potential loss of footfall through the new shop front <p><i>Officer comments:</i></p> <p><i>Issues of noise from construction, traffic etc. are covered by separate legislation restricting hours of work. A Construction Management Plan will be secured by s106 legal Agreement.</i></p> <p><i>As no basement is being constructed a structural assessment is not required by planning policy.</i></p> <p><i>Disruption to an existing occupier is not a material planning consideration.</i></p>
CAAC/ Local Residents Groups:	<p><u>The Covent Garden Community Association objected on the following grounds:</u></p> <ul style="list-style-type: none"> The CGCA would request that the shopfront should more closely replicate the original façade including the front wall being brick rather than render and providing a more traditional front door. <p><i>Officer Response</i></p> <p><i>See paragraph 4.4 – 4.6 of report</i></p>

Site Description

The site is located on the northern side of Shorts Gardens and currently comprises of a small upper courtyard which provides access from Shorts Gardens to the residential flats located to the upper floors of Seven Dials Court. At street level, a temporary tent structure provides an entrance to the basement restaurant (Class A3). The site lies within the Seven Dials Conservation Area and Central Activity Zone (CAZ) but is not listed.

Relevant History

2013/4861/P – Erection of two-storey infill extension at first and second floor level to provide 1 x 1 bed flat (Class C3), new residential entrance to Seven Dials Court and installation of new shopfront at ground floor to restaurant (Class A3) – Granted Subject to a Section 106 Legal Agreement 01/05/2014.

Relevant policies

National Planning Policy Framework (2012)

London Plan 2016

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development
CS6 Providing quality homes
CS7 Promoting Camden's Centres and Shops
CS9 Achieving a successful Central London
CS11 Promoting sustainable and efficient travel
CS14 Promoting high quality places and conserving our heritage
CS19 Delivering and monitoring the Core Strategy

DP2 Managing the impact of growth and development
DP5 Homes of different sizes
DP13 Employment sites and premises
DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance

CPG1 Design (2015)
CPG2 Housing (2016)
CPG5 Town centres, retail and employment (2013)
CPG6 Amenity (2011)
CPG7 Transport (2011)

Seven Dials Conservation Area Statement (1998)

Assessment

1.0 Proposal

1.1 The application seeks permission for the following:

- A two storey infill extension above the existing restaurant to provide a new 1 x 1 bed residential unit.
- The creation of a new covered entrance at ground and first floor to the flats in Seven Dials Court.
- New Shopfront with alterations to the front elevation creating an additional 10sqm of A3 floorspace at ground floor level.

The application is a resubmission of application for an identical scheme granted planning permission under ref: 2013/4861/P granted 01/05/2014.

2.0 Assessment

2.1 The main planning considerations in the assessment of this application are:

- Land use
- Design
- Amenity
- Highways/Transport

3.0 Land use

- 3.1 The proposal includes the retention of the existing restaurant use (Class A3) at basement and ground floor level (with a small increase in floorspace), maintaining an active frontage and an appropriate town centre use in the location in accordance with policy DP12.
- 3.2 Policies CS6 of the Core Strategy and DP2 of the Development Plan identify housing as the priority land use within the borough as such the provision of housing at upper floor levels is acceptable in principle.
- 3.3 Though 2-bed units have been identified as priority in terms of size in policy DP5, the constraints of the small infill site mean that a 2 -bed unit would not be possible in this instance. The proposed 1 bed flat has a floor space of 43.5 sqm which exceeds the Nationally prescribed floorspace standard for 1 bed (1 person) flats of 37sqm. As the flat is located over two floors internal stairs make up some of the included floorspace. Accounting for this the proposal would still comprise 38.5sqm of floorspace.
- 3.4 The double bedroom measures approximately 10.6 sqm, which is just below the minimum recommendation of 11 sqm for double bedrooms; the kitchen/living room at second floor level measures 24.5 sqm.
- 3.5 The flat would be dual aspect, with front and rear windows ensuring the main habitable rooms receive generous amounts of daylight and outlook, with the main entrance to the flat from the rear (Seven Dials Court entrance). The proposed unit also includes adequate internal storage for domestic goods and for the storage of waste and recyclable materials.
- 3.6 Overall, although small and constrained by its site, the proposed flat is considered to provide a reasonable standard of accommodation for future occupiers.
- 3.7 There would be a small increase (approximately 10 sqm) in the floorspace of the existing ground and basement level restaurant; however given it would remain a small unit (under 150 sqm) this is not considered to cause any issues in land use or amenity terms.

4.0 Design

4.1 The applicant has provided supporting information which states that the Seven Dials Renaissance Document ,

published in 1998 and previously endorsed by the council, refers to the site as an “unfortunate gap” along this part of Shorts Gardens which forms “the only remaining break in the building line within the Seven Dial Conservation Area”.

- 4.2 This document has now been superseded by the Seven Dials Conservation Area Statement which makes no reference to the site either in a positive or negative light – it is not identified as an opportunity site for development, nor is there any reference to it being an important townscape gap which needs to be protected.
- 4.3 It is considered that the principle of the two-storey infill extension is acceptable. Although it would not match the height of neighbouring terraced properties on the northern side of Shorts Gardens, which are four or five storeys high, the proposal would not be dominant or incongruous when viewed from the street. The reduction in height also offsets any material loss of amenity to neighbouring occupiers to the rear on Monmouth Street.
- 4.4 The façade would be rendered on the front elevation with brick to the rear and a slate roof. The proposed materials are considered appropriate and sympathetic in the context of the conservation area. There is no uniform appearance to windows in the street which the development could seek to replicate. The proposed windows are however traditional timber sash with sandstone lintels and are considered appropriate for this context. Window details at a scale of 1:10 to be submitted before works commence on site, will be secured by condition.
- 4.5 The Convent Garden Community Association and a local resident have objected to the proposal on the grounds that the design is inappropriate and would not be in-keeping with the design of existing shopfronts in the area. The proposed shop front would be proportionally smaller than those adjoining as the building itself would be two storeys lower than its immediate neighbours. It is considered a large shopfront matching the neighbouring buildings, would not fit proportionally with the proposed building, and the smaller scale propose is considered to be contextually sensitive and appropriate.
- 4.6 The new shopfront would include timber stall risers and a glazed timber door, a traditional design that is considered appropriate in this location which would enhance the character and appearance of the streetscene and the Conservation Area. The proposal has been assessed by Camden Conservation Officers who are supportive of the proposed shopfront design and detailed elevations and sections will be secured by condition.
- 4.7 Overall the proposal is considered to be a contextually appropriate addition which would enhance the character and appearance of the streetscene and conservation area in accordance with policies DP24, DP25, CPG 1 and the Seven Dials Conservation Area Statement.

5.0 Amenity

- 5.1 The applicant has submitted a detailed daylight and sunlight report which assesses the impact of the proposed two-storey infill extension on the properties to the immediate north. The report identifies the nearest residential properties which may be affected by the proposal as 1 Shorts Gardens, 37-39 Monmouth Street, and 41 Monmouth Street.
- 5.2 With regard to daylight, the assessment considers the vertical sky component (VSC) to all habitable rooms. BRE guidelines, set out in the document ‘Site layout planning for daylight and sunlight: a guide to good practice’ (2011) are also considered, which take into account both the average daylight factor (ADF) and no sky line (NSL). All three factors are measured as part of the report.
- 5.3 The report concludes that all windows serving habitable rooms to both 1 Shorts Gardens and 41 Monmouth Street will see no change to their VSC, while the windows serving habitable rooms at 37 and 39 Monmouth Street will either see no change, or the proposed VSC will be more than 0.9 times the existing (therefore compliant). In addition, all three properties’ respective habitable windows would have the same area in front of the no sky line, ensuring that BRE guidelines would also be met.
- 5.4 With regard to sunlight, BRE guidelines state that all windows within 90 degrees of due south should be considered. It goes on to state that if the respective window achieves 25% of annual probable sunlight hours (APSH), including at least 5% of APSH during winter months or more than 0.8 times its existing value, the

proposals should not have an adverse impact on sunlight.

- 5.5 The report concludes that these guidelines would be met in the case of both 37 & 39 Monmouth Street, and 41 Monmouth Street.
- 5.6 With regard to enclosure to these neighbouring properties, the impact of this additional bulk is mitigated by its set back from the rear building line of 5-13 Shorts Gardens by approximately 2.1m; and the chamfered rear roof profile, which ensures the pitch of the roof would slope down at a 45-degree angle to the rear elevation, reducing its height at eaves level from to 4.8m (at first floor level).
- 5.7 The impact of the extension is also reduced by the fact that the rear windows of properties on Monmouth Street are positioned at an angle, rather than directly facing the rear elevation of the new building. Given this context, and the fact that the flats on Monmouth Street benefit from being dual aspect, it is considered that the revised design of the extension successfully ensures it would not appear overbearing to neighbouring occupiers.
- 5.8 With regard to overlooking, it is recognised that the rear facing windows serving the new residential flat would be in close proximity to neighbouring windows at Nos. 37-39 and 41 Monmouth Street. However this needs to be seen in context with the existing situation, where there is significant amount of mutual overlooking between these properties already, with rear facing windows all looking directly onto the same courtyard. Given the orientation of these windows, there would be no direct views from the first and second floor rear windows of the new unit, and therefore it is considered that while some additional views would be afforded, these would not cause a material loss of privacy to neighbouring occupiers.
- 5.9 It is not clear whether the proposed extension would result in any changes to the size or location of plant / extract equipment in relation to the existing restaurant. There is currently no equipment located to the rear of the building, and therefore it is not expected that there would be any new plant or extract duct required here. However an informative is attached advising the applicant that any new plant or extract equipment would require a separate planning application to be made.
- 5.10 On this basis, with respect to amenity the proposal would comply with policy DP26, and the advice set out in CPG6.

6.0 Highways/Transport

- 6.1 The site is located within the Central London Clear Zone. There is no vehicular access to the site and none is proposed. The site has a PTAL rating of 6b (excellent).
- 6.2 Policy DP28 requires development to sufficiently provide for the needs of cyclists, which are contained in Appendix 2 of Camden's Development Policies. The London Plan also provides guidance on cycle parking standards which are outlined in table 6.3 of The London Plan. Camden's parking standards for cycles state that 1 storage or parking space is required per residential unit. The proposal includes the provision of 1 cycle space to the rear of the property within Neal's Yard and therefore complies with policy DP18.
- 6.3 Given the issue with high levels of on street parking and an existing Controlled Parking Zone (CPZ) in place, it is considered appropriate to secure the new residential unit be car-free via a Section 106 Legal Agreement.
- 6.4 A Construction Management Plan will also be secured by s106 legal agreement to ensure that issues of access to the flats on Seven Dials Court (which is likely to be compromised with the replacement of the entrance from Shorts Gardens) during any future building works are addressed before development begins on site.

7.0 Conclusion

- 7.1 Grant Conditional Planning Permission

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and

Planning. *Following the Members Briefing panel on Monday 13th February 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.*

Rolfe Judd Planning
Old Church Court
Claylands Road
Oval
London
SW8 1NZ

Application Ref: **2016/6916/P**

09 February 2017

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

3 Shorts Gardens LONDON LONDON WC2H 9AT

Proposal:

Erection of two-storey infill extension at first and second floor level to provide 1 x 1 bed flat (Class C3), new residential entrance to Seven Dials Court and installation of new shopfront at ground floor to existing restaurant (Class A3).

Drawing Nos: 21189 - 06, 21189 - 07, 21189 - 08, 21189 -09 revA, 21189 - 10, 21189 - 11 revA

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans 21189 - 06, 21189 - 07, 21189 - 08, 21189 -09 revA, 21189 - 10, 21189 - 11 revA\

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new shopfronts at a scale of 1:10;

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website

<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 You are advised that any new plant or extract equipment installed in connection with the existing restaurant would require a separate planning application. This would require a noise report to demonstrate that the new plant/equipment would not cause any nuisance to neighbouring occupiers, thereby complying with policy DP28 of the Development Plan.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

DRAFT

DECISION