

Delegated Report		Analysis sheet	Expiry Date:	11/10/2021
		N/A / attached	Consultation Expiry Date:	31/10/21
Officer		Application Number(s)		
Ewan Campbell		2021/3394/P		
Application Address		Drawing Numbers		
107 King's Cross Road LONDON WC1X 9LR		Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Erection of railings to the front elevation, front stairs to the basement, opening of lightwell to the front and inclusion glass glazing to the basement. Change of Use of Office Storage (Class E) to residential basement flat (C3) (Retrospective).				
Recommendation:		i) Refuse planning permission ii) That the Borough Solicitor be instructed to issue an Enforcement notice under Section 172 of the Town and Country Planning act 1990 as amended to cease the unauthorised use as a residential studio unit at basement level, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.		
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	00	No. of objections	01
Summary of consultation responses:	No responses					
CAAC/Local groups comments:	<p>Bloomsbury CAAC objected to the proposal. Concerns include:</p> <ul style="list-style-type: none"> • Railings design are inappropriate to the historic and architectural character of the host building • Stairs are of poor design and not sympathetic materials • Glazing is excessive and does not reflect upper storeys • Conversion to residential use has a low visibility however would set a precedent of similar alterations which would contribute to adversely impacting the area 					

Site Description

The application site is a three storey mid terrace property on Kings Cross Road with mansard fourth storey and basement level. The front ground floor unit is in Class E use and currently occupied by a hairdressers. The floors above are in residential use. The basement level, subject of the current application, was previously used as an office ancillary to the ground floor class E use.

The application site is located within the Bloomsbury Conservation Area

Relevant History

2013/2659/P – Conversion of existing single dwelling into 1 x 1 bedroom flat at first floor level and 1 x 2 bedroom flat at second and third floor levels (Class C3) – Granted (19/11/2013)

2013/7718/P - Conversion of 2nd and 3rd floors into 2x 1- bedroom self contained flats. – Granted after appeal (20/03/2014)

2018/5670/P - Change of use of basement and ground floors from Class A1 nail bar to Class A3 cafe/restaurant and installation of ventilation flue on rear elevation – Pending determination.

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy G1 Delivery and location of growth
Policy H1 Maximising housing supply
Policy H6 Housing choice and mix
Policy H7 Large and small homes
Policy E1 Economic development
Policy E2 Employment premises and sites
Policy A1 Managing the impact of development
Policy D1 Design
Policy D2 Heritage
Policy T1 Prioritising walking, cycling and public transport
Policy T2 Parking and car-free development

Camden Planning Guidance

CPG Interim Housing 2019
CPG Housing 2019
CPG Design 2019
CPG Amenity 2018
CPG Transport 2019
CPG8 (Planning obligations (July 2015, updated March 2018)).

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

Assessment

1.0 Proposal

1.1 Retrospective planning permission is sought for the erection of railings to the front elevation, the opening up of the front lightwell and the installation of stairs to the basement, and the installation of glazing to the front elevation at basement level in association with the change of use of the basement level from Class E use to a self-contained residential (Class C3).

2.0 Assessment

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

- Land use
- Standard of residential accommodation
- Design
- Heritage
- Neighbouring Amenity
- Transport Considerations

3.0 Land Use

Creation of new residential dwelling

3.1 The proposals involve the creation of one new residential flat. Housing is regarded as the priority land use of the Local Plan, and given the new residential unit would be in addition to the existing flats in the building, the principle of new housing in this location would be compliant with Camden's policy in this regard.

3.2 The Council requires development to contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes. Where possible, a mix of large and small homes should be provided for all tenures. Two and three bedroom homes are the highest priority for market housing in Camden. The development would provide 1 x 1 bedroom flat. Although this is a lower priority dwelling size, given the size and location of the site, a one bedroom dwelling is considered to be in compliance with the aims of Policy H7.

Loss of office (Class E)

3.3 The Council seeks to prevent the loss of office floorspace unless it can be demonstrated that the site is no longer suitable for its existing business use and that there is evidence that the possibility of retaining, reusing or redeveloping the site for a similar use has been fully explored appropriately. This criteria is set out in policy E2 (para 5.37). Paragraphs 8 to 12 of the Employment Sites and Business Premises CPG gives other considerations regarding the loss of office use.

3.4 The development would result in the loss of approximately 43sqm of office space. No justification for the loss of the existing office space has been provided and no marketing evidence has been conducted. Policy E2 is clear that the Council will resist the loss of a business use to a non-business use unless it has been thoroughly explored whether there is possibility for that use to continue. The Council will consider the suitability of the location for business use; whether the premises are in a reasonable condition to allow the use to continue; the range of unit sizes; and whether the business use is well related to nearby land uses (para. 5.37). Where a change of use to a non-business use is proposed, the applicant must demonstrate to the Council's satisfaction that there is no realistic prospect of demand to use the site for an employment use. The applicant must submit evidence of a thorough marketing exercise, sustained over at least two years. The premises should be marketed at realistic prices, include a consideration of alternative business uses and layouts and marketing strategies, including management of the space by specialist third

party providers (para. 5.39). No such evidence has been provided, and as such, it is not possible for the Council to determine if there is a realistic prospect of demand to use the site for an employment use. In the absence of this information, the proposals would be contrary to policy E2.

- 3.5 Furthermore, given the small size of the unit in question, it would be particularly suitable for smaller premises, as supported by Policy E1 parts (a) and (b) of the Camden Local Plan.

Land use conclusion

- 3.6 Although new housing is a priority land use in the borough, this does not outweigh the loss of the existing office use which has not been thoroughly justified or demonstrated to the Council's satisfaction that there is no realistic prospect for this use to continue. As such, the proposals are contrary to policies E1 and E2 of the Camden Local Plan

4.0 Design and Heritage

- 4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings and is also supported by the CPG (Design).

- 4.2 The proposal includes new railings to the front and the opening of the existing light well with associated stairs and glazing in the basement. Pictures taken from the site visit in the Appendix show the design and scale of the works already carried out.

- 4.3 In terms of the railings and stairs, the design is out of character with the design of railings in the area. The design is considerably more elaborate than what is the dominant character of the area which predominantly has simple railings on top of a plinth, and the position to the front, around the lightwell, appears incongruous and overbearing on the street scene. Paragraph 5.46 of the Bloomsbury Conservation Area Management Appraisal strategy document states that:

Inappropriate and poorly designed shopfronts detract from the character and appearance of the Conservation Area. The Council expects the quality and design of new shopfronts to respond sensitively to their historic setting and, importantly, the building frontage as a whole.

- 4.4 In this case, this poorly designed railings and stairs, opening up of the lightwell and excessive glazing contributes to a poorly designed shopfront and none of the proposed elements respond sensitively to their historic setting.

- 4.5 The opening up of the front lightwell appears incongruous and is not a common feature along this part of Kings Cross Road where there are mostly retail units. Furthermore, the additional glazing does not read with the existing building and is not sympathetic in terms of the shopfront itself. This issue is mentioned within the Bloomsbury Conservation Area Management Appraisal and Strategy (2011) document stating:

However, where the introduction of shops has resulted in the infilling of basements and the streetscape is characterised by the pavement extending to the building, the excavation of the basement would not normally be acceptable

- 4.6 This demonstrates that this kind of development remains unsuitable in terms of the character of the Conservation area, harming its special character, and is not acceptable in this location.

4.7 Therefore the proposals are contrary to policies D1 and D2 of the 2017 Camden Local Plan and this forms the second reason for refusal.

5.0 Standard of residential accommodation

5.1 The new dwelling would measure approximately 43.2sqm which would meet the nationally described space standard for a single storey, one bedroom, one person flat.

5.2 The dwelling would be a studio unit located to the front of the building. The flat is one large room with a separate shower and toilet room. The flat would be single aspect, with the glazing at basement serving the one room. Whilst the glazing is sizeable, it looks out onto the lightwell and means the flat would likely suffer from a poor level of daylight and sunlight. A daylight and sunlight report has not been submitted to demonstrate that this is not the case. Furthermore because of the single aspect nature and basement level, the flat would suffer from very poor levels of outlook and ventilation. Pictures within the appendix demonstrate the arrangement and the poor quality of accommodation.

5.3 As such, the proposed dwelling is considered to provide substandard residential accommodation contrary to policy D1, and this forms a third reason for refusal.

6.0 Neighbouring Amenity

6.1 Policies A1 and A4 of the Local Plan seek to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

6.2 The new glazed window opening would look out onto a basement/lightwell and as such, the residential use would not cause unacceptable impacts on the amenity of existing residential neighbours in terms of loss of outlook, daylight/sunlight or privacy.

7.0 Transport Considerations

Cycle parking

7.1 Policy T1 of the 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 the Transport CPG. The London Plan requires a minimum of 1 long stay space per 1 bedroom/studio unit.

7.2 The plans do not show any cycle parking; however, a condition could secure details and the retention of a cycle parking space if the proposals were considered acceptable in all other regards. Upon consultation with the Transport team, they raised no objection.

Parking

7.3 Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. This includes limiting the availability of both off-street and on-street parking.

7.4 If the proposals were acceptable in all other regards, the Council would require the development to be secured as car free via S106 legal agreement to ensure that future occupants are aware that they are not entitled to on-street parking permits. In the absence of this, this forms a fourth reason for refusal.

8.0 Conclusion

8.1 It is recommended that the application is refused due to the loss of office space, substandard residential accommodation provided, unacceptable design and impact on the conservation area, and transport impacts. For these reasons, the development is contrary to policies E1, E2, D1, D2, T1 and H6 of the Camden Local Plan (2017).

9.0 Recommendation

Recommendation 1: Refuse planning permission

Recommendation 2: That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended to **cease the use as a residential studio unit at basement level, infill the lightwell, remove the stairs and remove or replace the railings**, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

Reasons for refusal

1. The loss of the office use, in the absence of sufficient justification demonstrating that the premises is no longer suitable for continued business use fails to support economic activity in Camden and result in the loss of employment opportunities within the Borough contrary to policy E2 (Employment Premises and Sites) of the Camden Local Plan (2017).
2. The railings, lightwell, stairs and alterations to the front elevation glazing, by reason of their design and location, would result in an incongruous and dominant addition to the existing site which would harm the character and appearance of the Bloomsbury Conservation Area, contrary to policy D1 (Design) and D2 (Heritage) of Camden's Local Plan (2017).
3. The residential studio unit, by reason of substandard outlook and daylight/sunlight results in substandard accommodation, harmful to the amenities of future occupiers, contrary to policy D1 (Design) of the Camden Local Plan (2017).
4. The residential studio unit, in the absence of a legal agreement to secure the development as car free, is likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking), A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the Camden Local Plan (2017).

Appendix:









