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| Delegated Report | | Analysis sheet | | Expiry Date: | | 26/07/2019 | |
| | | N/A | | Consultation Expiry Date: | | 07/06/2020 | |
| Officer | | | | Application Number(s) | | | |
| Nora-Andreea Constantinescu | | | | 2019/2165/P | | | |
| Application Address | | | | Drawing Numbers | | | |
| 62-64 Churchway London NW1 1LT | | | | See draft decision notice | | | |
| PO 3/4 | | Area Team Signature | | C&UD | | Authorised Officer Signature | |
| | | | | | | | |
| Proposal(s) | | | | | | | |
| Retention of House in Multiple Occupation (HMO) comprising 3no. bedsits at ground/basement and upper floor levels. | | | | | | | |
| Recommendation(s): | | Refuse planning permission | | | | | |
| Application Type: | | Full Planning Permission | | | | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | | |
| Consultations | | | | | | | |
| Adjoining Occupiers: | | Site notices | 14/05/2020-07/06/2020 | No. of responses | 1 | No. of objections | 1 |
| Summary of consultation responses: | | Neighbouring occupiers at Flat 1, FF of 62-64 Churchway have objected to the proposed scheme on the following grounds: <ul style="list-style-type: none"> - 3 illegal studios at ground and basement levels - Professional building considered to be turned into an HMO strongly affects the owners and occupiers | | | | | |
| Local groups | | No responses were received from local groups. | | | | | |

Site Description

The application site sits on the west side of junction between Doric Way, Churchway and Drummond Crescent. The building has three storeys and a basement level. The application site is in relation to the ground/basement and upper floor levels.

The site lies within Somers Town Neighbourhood Area and Forum.

Relevant History

Relevant planning history at the application site:

9101066 - 62-64 Churchway - The retention of the rear extension at ground floor level for use in connection with the shop unit – **Granted 07/01/1992**

34373 - 62-64 Churchway - Change of use, including works of conversion, of the first and second floors to two self-contained flats. – **Granted 27/07/1982**

Ground floor unit, 64 Churchway

EN13/0973 – Enforcement notice served in relation to ‘The unauthorised creation of a self contained flat at ground floor level’ – Notice complied with on 21/08/2015.

Relevant policies

- **National Planning Policy Framework 2021**
- **The London Plan 2021**
- **Camden Local Plan 2017**
 - Policy G1 Delivery and location of growth
 - Policy D1 Design
 - Policy D2 Heritage
 - Policy A4 Noise and vibration
 - Policy A1 Managing the impact of development
 - Policy H1 Maximising housing supply
 - Policy H10 Housing with shared facilities
 - Policy E1 Economic development
 - Policy E2 Employment premises and sites
 - Policy T1 Prioritising walking, cycling and public transport
 - Policy T2 parking and car-free development
 - Policy T3 Transport infrastructure
 - Policy CC1 Climate change mitigation
 - Policy CC2 Adapting to climate change
 - Policy CC5 Waste
- **Camden Planning Guidance**
 - CPG Design
 - CPG Housing
 - CPG Amenity
 - CPG Transport
 - CPG Energy efficiency and adaptation
 - CPG Biodiversity
 - CPG Planning Obligations

- **Somers Town Neighbourhood Forum**

Assessment

1. Proposal:

Planning permission is sought for the retention of existing House in Multiple Occupation (HMO) comprising 3no. bedsits at ground and upper floor levels. The application form states that these uses commenced in 2010, but this is not a certificate of lawful development application and no information has been provided to support this. On that basis the application has been progressed and the principle of the change of use assessed. An enforcement investigation has been opened to review the next steps in terms of enforcement action.

The proposed use of the building is as follows:

- Basement / Ground floor level - HMO1 – Dining/Bedroom, Total - 32.16sqm
- Upper floor - HMO2 – Kitchen 11.21sqm and bedroom – 12.41sqm, Total - 23.62sqm
- Upper floor - HMO3 – Kitchen 3.7sqm, Bedroom 18.9sqm, Toilet 1.4sqm, Total – 24sqm

2. Considerations:

a. The main issues to consider in this case are as follows:

- Land use
- Design and heritage
- Standard of accommodation
- Sustainability
- Amenity
- Transport

3. Land Use

a. The application building lies within CAZ – Central Activity Zone, which focuses on the protection employment uses, subject to policies E1 and E2. It is unclear whether the existing storage and basement areas have separate commercial functions, however they are nevertheless commercial and they support the vitality and viability of the main commercial space in support of CAZ. Policy E2 requires to be demonstrate that the site is no longer suitable for its existing business use and that the possibility of retaining, reusing, or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time. No information has been provided as to whether the remaining commercial premises can operate successfully without the area proposed to be converted to residential. Therefore, the proposal would result in loss of employment space, detrimental to the functioning of CAZ, and this would constitute a reason for refusal.

- b. Under policy H10 the Council stresses that development for housing with shared facilities are supported when they comply with relevant standards for houses in multiple occupation, they contribute to creating a mixed, inclusive and sustainable community, is secured as a long-term addition to the supply of low-cost housing, or otherwise provides an appropriate amount of affordable housing. The existing accommodation is of very low quality and substandard. Generally, new housing should be only in the form of self-contained flats, as required by policies H1 and H7. The internal layout is inadequate for living accommodation. It poses a fire hazard as the kitchen has no windows and opens directly into a bedroom and not into circulation space. The occupiers have poor or no outlook from habitable rooms which is unacceptable. As such, it is considered that the retention of the proposed development would not be supported.

4. Design and heritage

- a. The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D2 states that the Council will seek to manage development in a way that retains the distinctive character of conservation areas and will therefore only grant planning permission for development that preserves or enhances the special character or appearance of the area. It is added that the character of conservation areas derives from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing and uses.
- b. There are no external alterations proposed subject to the development, however, the existing window openings due to their position and expanse are not considered suitable for the residential accommodation aimed to be retained by the proposals. The internal layout and design of the building does not lend itself to residential occupancy, given its commercial occupation.

5. Standard of accommodation

- a. The proposed residential accommodation as House in Multiple Occupation, would be of poor standard due to the existing building layout and site constraints. All three bedsits proposed for retention would be accessed through a 10m long corridor passing the entrance into the Travel agent premises at ground level. They would all have the only means of light and outlook which is approximately 1m gap between the application building and the rear of no. 66 Churchway.
- b. In relation to the internal levels of daylight and sunlight, no assessment was submitted to demonstrate that the light levels within the HMO bedsits would meet BRE minimum standards. Given the position of the openings, pattern of development and the dense built environment surrounding them, it is unlikely that adequate levels of daylight and sunlight would reach the bedsits, and therefore this would constitute a reason for refusal.
- c. Similarly, in relation to outlook, given the close proximity of the window openings and the rear of no. 66 it is unlikely that adequate levels of outlook can be achieved. Furthermore, habitable rooms such as kitchens within HMO2 and HMO3 are not served by any window openings with no outlook nor ventilation, which would result in poor internal air quality and general poor standard of accommodation. This also poses a fire hazard as the kitchen opens directly into bedrooms with no circulation space in between.
- d. Overall, the existing bedsits would provide a substandard level of accommodation, which would be detrimental to the living standards of current and future occupiers and the proposal would be refused on these grounds.

6. Sustainability

- a. The HMO bedsits would be served by windows only facing north-west of the site and not relating to habitable rooms. The internal layout is poor, and it is likely that significant amount of fuel would be required to heat up the rooms and electricity to keep the lights on, given they would benefit from minimal solar gain. No information has been provided about the heating system existing in the bedsits nor other energy efficiency measures. As such, insufficient information has been provided to demonstrate the structure's resilience as a dwelling in terms of climate mitigation and adaptation policies, and the proposal would be refused on these grounds.

7. Amenity

- a. Policy A1 seeks to protect the quality of life of occupiers and neighbouring ones by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution, and noise.
- b. As the proposal would not include any external alterations, it is unlikely that significant harm would be caused to neighbouring amenity in terms of loss of light, outlook, or light pollution.
- c. In terms of nuisance, the use as residential of this part of the building is not considered significantly harmful to the other occupiers within the building and nearby, in order to form a reason for refusal.
- d. The assessment of the implications resulting from the refusal of the proposed retention of residential accommodation, have been considered in the context of the Equalities Act 2010, with particular focus on the current occupiers which would have to vacate the premises. As such the applicant has informed on 04/12/2020 of the refusal of the scheme to ensure the occupiers would not be disadvantaged by the current decision.

8. Transport

- a. In line with London Plan and policy T1 and London Plan, for all other dwellings, 2 cycle spaces would be required. The proposed development does not include provision of cycling facilities. The site contains of the site would limit availability of an integrated cycle storage within the building, however if this application would have been approved, cycle facilities would have been secured through a section 106 legal agreement, and therefore this would constitute a reason for refusal.
- b. As the proposal includes creation retention of residential use, if it were to be approved, in line with T1 and T2, the development would have been secured as car-free via a section 106 legal agreement.

9. Recommendation:- Refuse planning permission and warn of enforcement action.

Reasons for refusal:

1. The proposed development, by reason of the proposed residential use, would result in loss of employment space which supports the functioning of the Central Activity Zone (CAZ), contrary to policies E1 (Economic development) and E2 (Employment premises and sites) of the London Borough of Camden Local Plan 2017.
2. The proposed development, by reason of its layout, position within the building, and lack of window openings to enable daylight/sunlight and outlook, would not comply with relevant standards for residential use and result in poor standard of accommodation, contrary to policies A1 (Managing the impact of development), D1 (Design), H7 (Large and small homes), H10 (Housing with shared facilities) of the London Borough of Camden Local Plan 2017.

3. The proposed development, by virtue of its proposed use and site constraints which limit solar gain required for residential accommodation, has failed to minimise carbon dioxide emissions, contrary to Policy CC1 (Climate change mitigation) and CC2 (Climate change adaptation measures) of London Borough of Camden Local Plan 2017.
4. The proposed development, by reason of its sub-standard cycling facilities provision would be contrary to policy T1 (Prioritising walking, cycling and public transport) of London Borough of Camden Local Plan 2017.
5. The proposed development, in the absence of a legal agreement for car-free, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T2 (Parking and car-free development) of London Borough of Camden Local Plan 2017.