

36 LANCASTER GROVE, LONDON NW3 4PB
LONDON BOROUGH OF CAMDEN

PLANNING, DESIGN AND ACCESS STATEMENT

Prepared By



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1.0 INTRODUCTION

1.1 This statement accompanies an application for Planning Permission by Vulcan Property Limited, the owner of 36 Lancaster Grove, London NW3 4PB (the **Site**), formerly Belsize Park Fire Station.

1.2 In 2017, Vulcan Property Limited secured listed building and planning consents 2016/0745/P, 2016/1128/L, 2016/5813/P, 2016/6119/L, allowing the *alteration and change of use of the former fire station to provide 18 self-contained residential units, including replacement single storey side extension to east elevation and erection of two single storey side extension to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking*. The approved works retain the intrinsic character of former fire station and secures the listed building's long-term future and condition.

1.3 The works are now complete with the building occupied.

1.4 The building accommodates a central tower which was unaffected by the above and was to remain unused. However, after further consideration, it was considered that a high quality, sensitive conversion of the space would enhance the heritage asset, whilst creating an additional and unique dwelling within this remarkable building.

1.5 The applicants have previously sought planning and listed building consent for the conversion of the tower, however these applications have been refused and subsequently dismissed on appeal. However, earlier this year, under planning appeal refs. 3320798 and 3320800, **the Planning Inspectorate has granted listed building consent for 'alterations associated with the conversion of the former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and infill of internal central void with glazed floor panels at second to fifth floors'** (in accordance with the terms of the application ref: 2023/0156/L).

1.6 Whilst the associated planning appeal (ref: 3320798) was dismissed, this was only dismissed on the basis of lack of an appropriate affordable housing financial contribution. The Inspectorate ruled that the planning application/scheme would otherwise provide adequate living conditions and the harm to the significance of the listed building would be outweighed by public benefits.

1.7 Accordingly, taking on board the comments of the latest Inspector's decisions, the enclosed proposals seek permission for the conversion of the tower to a single residential unit. The proposals are identical to the previous applications (2022/5455/P and 2023/0156/L), and for which listed building consent has already been granted.

1.8 The proposals sought under this application therefore relate simply to the need for planning permission for the conversion, and the applicants will commit to providing an appropriate financial contribution towards the provision of affordable housing.

Layout of this Document

1.9 This statement provides a detailed description of the site and surrounding area in section 2.

1.10 In section 3 we provide a summary of relevant planning history.

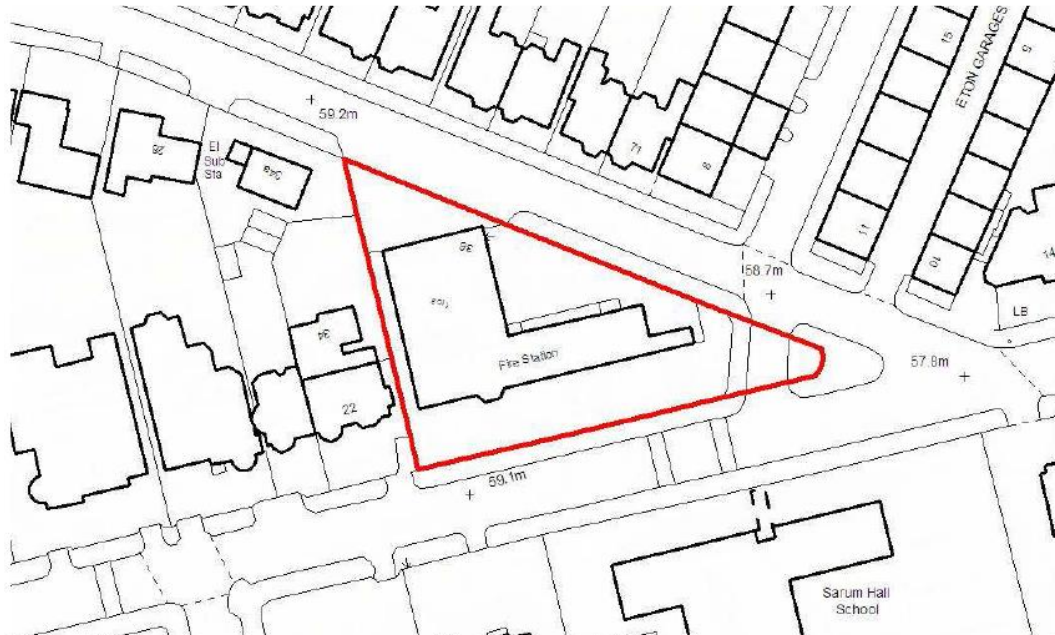
1.11 In section 4 we provide a detailed description of the application proposals.

1.12 In section 5 we identify the relevant planning framework; followed by an assessment of the proposals against relevant policies and other material planning considerations in section 6.

1.13 In section 7, this statement is concluded.

2.0 DESCRIPTION OF THE SITE

- 2.1 The former Fire Station lies in Belsize Park at the junction of Lancaster Grove and Eton Avenue. The triangular shaped plot comprises 0.44 acres (0.1761 hectares).



SITE LOCATION PLAN

- 2.2 The building was designed by Charles Canning Winmill of the Fire Brigade Branch of the London County Council Architects Department, and erected 1914-5. The building is Grade II* listed and is of special architectural merit.



BELSIZE FIRE HOUSE (NORTH ELEVATIONS)

- 2.3 The building has an L shaped plan and comprises a part basement, ground/upper ground and first floor levels. There is also a substantial roof void at second floor level.
- 2.4 The focus of this application is the internal integrated tower, arranged over four additional upper floors.
- 2.5 Elevations are constructed principally from brick. High architectural quality of an Arts and Crafts style is manifest in its design, detail and materials. The building is mostly intact, having not been extended or significantly altered externally, although there are signs of decay given its vacancy.
- 2.6 Internally, the tower contains the central staircase linking the ground first and second floor levels. Above that there is a circular staircase in one corner giving access to the upper levels of the tower, culminating with hatch access to the roof of the tower. The tower benefits from a window lighting each level, and a hatch to access the roof level.
- 2.7 We submit a Heritage Statement herewith (produced by The Heritage Practice), which provides a more in-depth heritage analysis of the tower.

3.0 PLANNING HISTORY

- 3.1 In 2017, Vulcan Property Limited were granted planning permission and listed building consents for the change of use and alteration of the former fire station to provide 18 self-contained residential units (LPA references 2016/0745/P, 2016/1128/L, 2016/5813/P, 2016/6119/L).
- 3.2 In recommending the applications for approval, officers stated within their report to committee that *'the proposal to convert a vacant Grade II* listed fire station for residential use is welcomed by officers'*. The proposal, providing 18 new residential units in a sensitive manner, would preserve the important elements of the listed building. Officers considered that the public benefits of the proposal, including 18 new residential units whilst preserving a Grade II* heritage asset, outweighed the limited harm caused.
- 3.3 The above works are complete and the building occupied.
- 3.4 The applicants have subsequently sought planning permission and listed building consent to convert the tower which was unaffected by the original consents.
- 3.5 Most recently, the Applicants submitted applications 2022/5455/P & 2023/0156/L, which sought conversion of the tower to accommodate a self-contained 1-bedroom flat. The Council resolved to refuse planning permission and listed building consent. The planning application (2022/5455/P) was refused for the following four reasons.
- 1. The proposed development, by reason of poor-quality internal amenity, would fail to provide high quality residential accommodation for future occupants, contrary to policies H6 (Housing choice and mix) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.*
 - 2. The proposed conversion of the tower to a residential; unit, by reason of its impact on the listed building, would result in 'less than substantial' harm to a designated heritage asset which is not outweighed by any planning benefits, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
 - 3. The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 (Parking and car-free development) of the London Borough of Camden Local Plan 2017.*
 - 4. The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the London Borough of Camden Local Plan 2017.*
- 3.6 The listed building consent (2023/0156/L) was refused for the following reason.
- 1. The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade II* listed building, contrary to policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
- 3.7 In February 2023, the applicants submitted an appeal against both the planning and listed building refusals (PINS ref: 3320798 and 3320800).

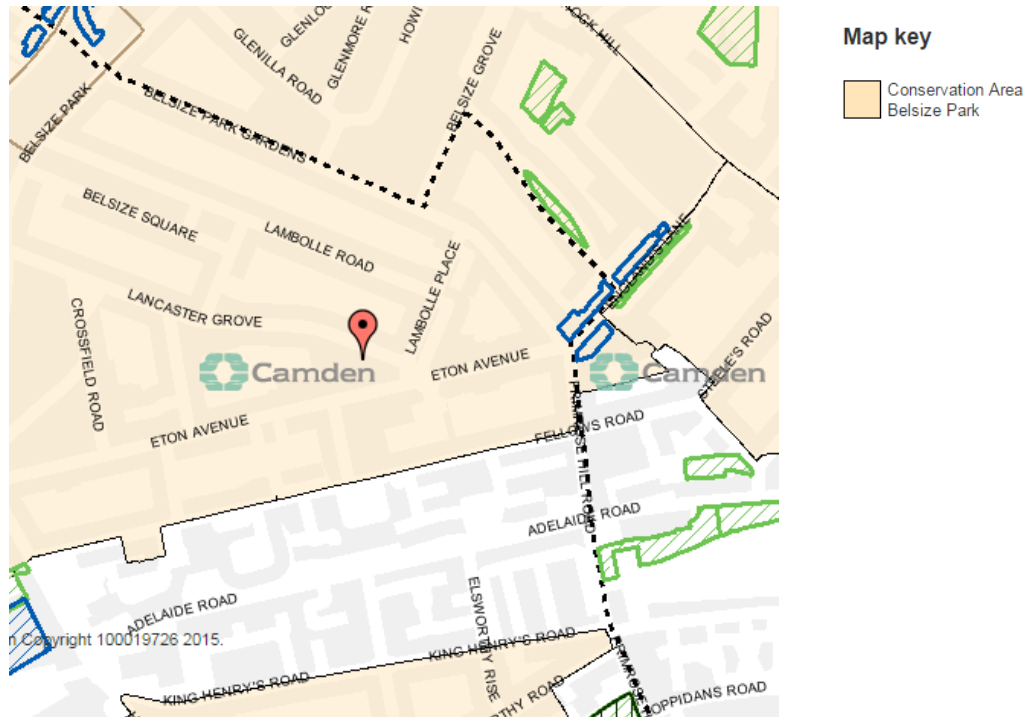
- 3.8 The appeal followed the Hearing procedure, the Hearing was held on 12 September 2023, and the decision issued 19 September 2023. Decision notice attached at Appendix 1.
- 3.9 The Planning Inspectorate allowed the listed building appeal (3320800), and **granted listed building consent** for *alterations associated with the conversion of the former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and infill of internal central void with glazed floor panels at second to fifth floors.*
- 3.10 In allowing the appeal, the Inspector said the light touch approach was noted to leave the original layout and functionality legible without harming the structural integrity of the tower. The conversion was considered to have been skilfully designed around the surviving features. The appeal scheme was also noted to deliver a new home at a point in time when the Council are currently only able to demonstrate a four-year housing land supply. The Inspector concluded that the benefits of the scheme carried weight of a high order and would be of sufficient force to outweigh the modest harm/alterations that would occur to the tower. Accordingly, a conflict with Policy D2 of the LP, and Policy HC1 of the London Plan, in so far as they are relevant, would not occur.
- 3.11 With regard to the associated planning appeal (3320798), the main considerations, in addition to the impact to the heritage asset outlined above, were whether the development would provide adequate living conditions for future occupants, and whether the development would make adequate provision for affordable housing.
- 3.12 With regard to living conditions, the Inspector considered that the scheme had been carefully designed to respond to the Site constraints and thus balance the benefits from reusing the listed building with access. Overall, it was concluded that flat would meet space requirements and would be the optimal viable use of the tower. The accommodation was deemed to be of sufficient quality, adhering with Policies H6 and A1.
- 3.13 With regard to affordable housing, it was noted that the proposal would result in additional residential floorspace. However, the amount would fall below the 100sqm threshold in Policy H4 and therefore the Inspector noted that the appeal scheme would not ordinarily trigger a contribution towards affordable housing. Nevertheless, Policy H4 of the Local Plan states that where development sites are split or separate proposals are brought forward for closely related sites, the appropriate affordable housing contribution will be comprehensively assessed for all the sites together.
- 3.14 The Inspector considered that the tower and fire station conversions would form closely related projects. To treat them otherwise for the purposes of calculating the affordable housing contribution was deemed to be an artificial split. As such, the provision of an affordable housing contribution would be necessary to make the development acceptable in planning terms, the most appropriate way to secure the contribution towards the provision of affordable housing would be through a planning obligation, but no such obligation was submitted with the appeal and therefore the proposal was concluded to be contrary to Policy H4 of the LP.

4.0 THE PROPOSALS

- 4.1 The proposals seek the conversion of the tower to a single residential unit. The proposals are consistent with the previous applications (2022/5455/P and 2023/0156/L), and for which listed building consent has already been granted on appeal (ref: 3320800). The proposals sought under this application therefore relate simply to the need for planning permission.
- 4.2 The entrance into the unit will be at 2nd floor level, with accommodation ranged over the 3rd, 4th, and 5th floors. The existing flat roof will be re-purposed as a roof terrace.
- 4.3 In terms of the layout of the new unit, a bedroom will be created at 3rd floor level with a fitted cupboard installed along the southern wall of the tower. The 4th floor will contain a bathroom with shower and WC. The main living space will be at 5th floor level, with a kitchen incorporated into the small 'room' in the NW corner of the plan. In order to access the new roof terrace, the existing plain metal ladder within the 5th floor accommodation will be replaced with a new alternating tread staircase. A new roof light and roof access hatch will be created in the 5th floor ceiling.
- 4.4 Throughout the full height of the tower, the open well in the centre of the plan will be retained. The railing will be removed at each floor level and a glazed panel inserted into the opening.
- 4.5 In order to create a fire protected stairwell for the new residential unit, critical doors and screens will be installed at each floor level in the opening between the spiral staircase and remainder of the floor plan.
- 4.6 These above physical internal works are consented under appeal ref. 3320800.
- 4.7 Externally, the railings removed from the central void will be repurposed to create a new balustrade to serve the roof terrace.
- 4.8 Access into the new tower residential unit will be from the 2nd floor landing of the main staircase via the tower's existing spiral staircase, which will be retained. The existing projecting brickwork piers will remain as existing. A proposed new critical screen has already been approved at second floor level to separate the new unit, ref: 2020/5858/L.

5.0 RELEVANT PLANNING FRAMEWORK

- 5.1 The relevant planning framework comprises the National Planning Policy Framework (NPPF 2023), Mayor's London Plan (2021) and the Camden Local Plan (2017). Of further relevance is Camden Planning Guidance in regard to Design, Amenity, Housing and Transport.
- 5.2 The Site falls within the Belsize Park Conservation Area (BCA). The host building is grade II* listed.



Planning Considerations

- 5.3 The following matters are considered to be material planning considerations:
- Land use
 - Standard of Residential Accommodation
 - Design and Heritage
 - Transport
 - Energy and Sustainability
 - S106 contributions.

6.0 PLANNING ASSESSMENT

a. Land Use

- 6.1 In accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended), a fire station is *Sui Generis*. Accordingly, any material change of use of the building to an alternative use would require prior planning permission.
- 6.2 It should be recognised that the closure of the fire station, which took place over eight years ago (January 2014) formed part of the Fifth London Safety Plan (LSP5). A defined need for a fire station in this location no longer exists.
- 6.3 In 2017, permissions 2016/0745/P, 2016/1128/L, 2016/5813/P, 2016/6119/L granted the change of use of the building from a fire station to accommodate 18 self-contained flats (Use Class C3). Those permissions have been implemented. The lawful use of the wider building is now residential (Use Class C3).
- 6.4 Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings.
- 6.5 It is also noted that at the current time, the Council are only able to demonstrate a four year housing land supply.
- 6.6 The scheme would also result in the reuse of a building/previously developed land. In this respect Paragraph 152 of the NPPF encourages the reuse of existing resources, including the conversion of existing buildings, as a means of reducing carbon emissions. Paragraph 120 of the Framework states that the reuse of suitable brownfield sites in settlements should attract substantial weight. 'Suitable' in this context is a reference to broad land use principles rather than a requirement to consider the effects of the proposal and then work backwards to ascertain its suitability.
- 6.7 The proposal would provide an additional 1-bedroom residential unit (Class C3) and is therefore compliant with policy H1 in terms of land use.

b. Standard of Residential Accommodation

- 6.8 CPG Housing requires development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. The London Plan also introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The GIA standards for a 1-bed unit as proposed are 39 sqm for a 1b1p flat and 50 sqm for a 1b2p flat. The standard requires a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area.
- 6.9 Having regard to the conclusions set out under appeal decision 3320798 (attached at Appendix 1), where identical proposals were considered, the Inspector concluded that the scheme has been carefully designed to respond to the Site constraints and thus balance the benefits from reusing the listed building with access.
- 6.10 The third floor would be a bedroom with borrowed light from the glazed aperture. The space is also lit by a window which is not unduly obscured from the rest of the room by walling. In the circumstances, the room would have reasonable light and outlook. The ceiling height would meet the minimum standard of 2.3m. The upstand at this level would also be integrated into the space as a means of dividing the bed from the rest of the room and there would be adequate storage

- and space to move around. The third-floor bedroom would therefore provide adequate living accommodation.
- 6.11 The fourth floor would incorporate a shower room. The ceiling height would be 2.2m and therefore marginally below the minimum standard. However, it would be generous in size and naturally lit by two windows and borrowed light from the glazed aperture. The upstand at this level would be reused as a shower tray and thus incorporated into the space. Again, there would be adequate storage. Overall, the shower room would also provide adequate living accommodation.
- 6.12 On the fifth floor the living space would be lit by a generous roof light and the kitchen by a window. The latter would provide a good outlook to the kitchen. The ceiling height would also be at its lowest in the apartment (2.19m). The living space would also flow pleasantly with the roof terrace and would have adequate space for storage, furniture and to comfortably move around. Future residents may also enjoy the character and quiriness that living in the space would entail.
- 6.13 Overall, and in accordance with the conclusions of the Planning Inspector, the proposed apartment would provide 50.7sqm floorspace which would not fall below minimum floor space requirements and would provide generous external amenity space due to the large roof terrace.
- 6.14 Moreover, as a conversion of a listed building some flexibility is necessary, especially as a residential use would be the optimal viable use of the tower. In general, the accommodation would be of sufficient quality.
- 6.15 In conclusion, having regard to the Inspector judgement, and when considered in the round, the proposed flat would provide adequate living accommodation. The scheme would adhere with Policies H6 and A1 of the Local Plan and D6 of the London Plan, which seek to secure proposals that safeguard living conditions.

c. Design and Heritage

- 6.16 Please refer to the **Heritage Statement** prepared by The Heritage Practice, submitted herewith.
- 6.17 We also reiterate that listed building consent has already been granted under appeal ref: 3320800, for alterations associated with the conversion of the former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and all internal works including infill of interval central void with glazed floor panels at second to fifth floors.
- 6.18 Internally, the tower is functional in appearance with exposed brick walls, concrete floors and little in the way of ornamentation. The tower has been designed with apertures in the centre of the floors surrounded by balustrades.
- 6.19 As acknowledged by the Inspector in granting listed building consent, the conversion of the tower to a dwelling would inevitably *'result in a diminution in the ability to experience its original historic functions. That said, the light touch approach leaves the original layout and functionality legible without harming the structural integrity of the tower'*.
- 6.20 The Inspector added that the *'conversion has been skilfully designed around the surviving features, such as the spiral staircase and plan form. The doors would be glazed and light weight, matching those used elsewhere in the fire station. The upstands would also be incorporated into the design and the layout would make best use of the windows. The central floor apertures would be glazed as a means of leaving the hose drop as a recognisable feature. The exposed brick wall*

finish would also be retained, and the concrete floors would have a simple polished finish. As a result, the history and original design of the tower would remain highly legible.'

- 6.21 Some features would be removed, as already consented by the listed building consent. The removal of the chimney stacks and balustrades would not be harmful. The proposed roof lights would also be a well-founded and innovative intervention that would reference the apertures.
- 6.22 Overall, the scheme would result in some limited harm to the evidential value and significance of the listed building, which would not be preserved. As noted in the listed building consent, the identified harm would be 'less than substantial', Policy D2 of the LP requires it to be weighed against the public benefits of the proposal.
- 6.23 In this respect, the appeal scheme would deliver a new home at a point in time when the Council are currently only able to demonstrate a four-year housing land supply. There would also be modest economic benefits. The scheme would also result in the reuse of a building/previously developed land. Paragraph 120 of the Framework states that the reuse of suitable brownfield sites in settlements should attract substantial weight.
- 6.24 In addition, the tower does not currently have a purpose. The rest of the fire station has been converted to flats which means access to, and use of, the tower is constrained. The scheme, as concluded by the previous Inspector, would be the optimal viable use of the building.
- 6.25 In applying planning balance, the benefits of the scheme carry weight of a high order and would be of sufficient weight to outweigh the modest harm that would occur. Accordingly, the harm would have clear and convincing justification and therefore a conflict with Policy D2 of the LP, and Policy HC1 of the London Plan would not occur.

d. Neighbouring Amenity

- 6.26 Policy A1 of the Local Plan states that development should protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity in terms of privacy, overlooking, noise etc.
- 6.27 The closest neighbouring residential units are located at 22 Eton Avenue and 34 Lancaster Grove. As no significant external changes are proposed, save for the formalisation of the roof as a terrace, and given its location, there will be no impact on neighbouring amenity.

e. Transport

- 6.28 Policy T1 of the Local Plan seeks to promote sustainable transport by prioritising walking, cycling and public transport. In support, Policy T2 states that the Council will limit the availability of parking and require all new development in the borough to be car-free.
- 6.29 It is confirmed that the development is proposed to be car free and will be secured by s106.
- 6.30 A series of cycle bays are provided at ground floor level under the parent consents at this site, one of which can be made available for the proposed flat.
- 6.31 The principal access to the site is from Lancaster Grove. Deliveries and servicing will be taken on street adjacent to the public highway. The proposed development will respect the approved construction and servicing standards.

f. Energy, Sustainability

- 6.32 All new development is expected to incorporate sustainable development principles into its design and implementation. Given the floorspace uplift, the application would not trigger the need for a specific BREEAM assessment or target.
- 6.33 As the former Belsize Park Fire Station is a Listed Building located within the Belsize Park conservation area, all of the existing facades, roof, windows and floors will be retained and re-used as far as possible to maintain the character of the existing building. Furthermore, due to the conservation requirements of the existing Grade II listed building, it will not be feasible to install renewable technologies without considerable alterations to the former Belsize Park Fire Station.
- 6.34 The proposed works follows the approval of the conversion of the building to 18 flats, where energy and sustainability matters were fully assessed by XCO2 energy consultants. In total (together with the 18 units already approved), the development is expected to reduce regulated CO2 emissions by approx. 46% when compared to the existing baseline building.
- 6.35 Regarding sustainability, again as the proposed development comprises the refurbishment of an existing Listed Building, the design team has aimed to preserve the appearance and character, both internally and externally. Therefore, it is not considered feasible to provide insulation to the existing external elements or carry out extensive works to the existing windows and internal walls.
- 6.36 As per the approved sustainability assessments (under the parent consents) it is anticipated that the overall development will achieve a maximum of 55.91 credits, whilst meeting all mandatory credits for BREEAM Domestic Refurbishment 'Good'. Although this fall short of Camden's Council's Target of BREEAM 'Excellent', it is a significant achievement for a Grade II* Listed Building within a Conservation Area where the scope for alterations to the existing building is very limited.

g. S106 Contributions

- 6.37 The applicants will enter into a S106 legal agreement, to secure the development as car-free, in accordance with policies T1 and T2.
- 6.38 Additionally, the applicants will also agree to secure an appropriate financial contribution towards the provision of affordable housing. In that regard, LP Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm GIA or more. Taken on its own, the proposal would not trigger an affordable housing contribution as the uplift of residential floorspace is only 50.7 sqm. Policy H4 however includes a provision for split or related sites to ensure that all parts and/or phases of a site make an appropriate contribution.
- 6.39 Under policy H4, for developments with a capacity of less than 25 units, the affordable housing contribution is based on a sliding scale with the target starting at 2% for an additional home (at 100sqm) and is increased by 2% for each home added to the capacity.
- 6.40 The '*proposed scheme*' constitutes the provision of just one additional home. The applicants therefore consider that the applicable affordable housing provision would be based on 2% of the floorspace of this additional home, as set out below. The applicants would welcome further dialogue with officers in order to secure the appropriate contribution.

GIA: 50.7 sqm x 2% = 1.014 sqm

Contribution: 1.014 x £5,000 = £5,070

7.0 SUMMARY AND CONCLUSIONS

- 7.1 This statement has been prepared on behalf of Vulcan Property Limited in support of the proposed conversion of the tower at 36 Lancaster Grove (formerly the Belsize Park Fire Station).
- 7.2 Under planning appeals ref. 3320798 and 3320800, the Planning Inspectorate has granted listed building consent for *'alterations associated with the conversion of the former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and infill of internal central void with glazed floor panels at second to fifth floors'* (in accordance with the terms of the application ref: 2023/0156/L).
- 7.3 The associated planning appeal (ref: 3320798) was dismissed, however this was dismissed simply on the basis of the lack of an appropriate affordable housing financial contribution secured by s106. The Inspectorate ruled that that the scheme would provide adequate living conditions and the harm to the significance of the listed building would be outweighed by public benefits.
- 7.4 Accordingly, taking on board the comments of the latest Inspector's decisions, the enclosed proposals seek planning permission for the conversion of the tower. The proposals are consistent with the previous applications (2022/5455/P and 2023/0156/L), and for which listed building consent has already been granted. The proposals sought under this application relate solely to the need for planning permission.
- 7.5 As a material consideration Paragraph 11 of the Framework is relevant on account of the Council currently being unable to demonstrate a five-year housing land supply. In such circumstances the development plan policies most important to determining the application should be deemed out of date. In this instance, Paragraph 11 states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.6 The proposed works would result in some limited harm to the listed building, principally its historic value. However, this harm would be outweighed by public benefits. The benefits of the scheme have already been set out and these would outweigh the less than substantial harm to the listed building. Under this application, the applicants would also seek to make adequate provision for affordable housing.
- 7.7 Accordingly, the proposed development would adhere to the development plan and there are no other considerations which outweigh this finding.
- 7.8 We respectfully request that planning permission is now granted.

APPENDICIES

APPENDIX 1
APPEAL DECISIONS (PINS REF: 3320798 AND 3320800)



The Planning Inspectorate

Appeal Decisions

Hearing held on 12 September 2023

Site visit made on 12 September 2023

by **Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th September 2023

Appeal A - Ref: APP/X5210/W/23/3320798

36 Lancaster Grove, London NW3 4PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vulcan Properties Limited against the decision of the London Borough of Camden.
 - The application Ref 2022/5455/P, dated 12 December 2022, was refused by notice dated 28 February 2023.
 - The development proposed is the conversion of a former fire station tower (*sui generis*) to a one-bedroom residential unit (Use Class C3) on second to fifth floors plus creation of roof terrace including installation of balustrade and removal of chimneys.
-

Appeal B - Ref: APP/X5210/Y/23/3320800

36 Lancaster Grove, London NW3 4PB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Vulcan Properties Limited against the decision of the London Borough of Camden.
 - The application Ref 2023/0156/L, dated 12 December 2022, was refused by notice dated 28 February 2023.
 - The works proposed are alterations associated with conversion of former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and infill of internal central void with glazed floor panels at 2nd to 5th floors.
-

Decisions

1. Appeal A – The appeal is dismissed.
2. Appeal B – The appeal is allowed and listed building consent is granted for alterations associated with the conversion of the former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and infill of internal central void with glazed floor panels at second to fifth floors at 36 Lancaster Grove, London NW3 4PB, in accordance with the terms of the application, Ref: 2023/0156/L, dated 12 December 2022 and the plans submitted with it and subject to the following conditions:
 - 1) The works hereby authorised shall commence not later than 3 years from the date of this consent.
 - 2) No external works shall commence until details of the external materials to be used have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

<https://www.gov.uk/planning-inspectorate>

Appeal Decisions APP/X5210/W/23/3320798 and APP/X5210/Y/23/3320800

- 3) Prior to installation, details of the precise position and design of the fire lobbies, including doors, shall be submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details.

Preliminary Matters

3. I have considered the two appeals concurrently, but on their own merits, because there are common matters between them. After the hearing was closed, the appellant submitted a unilateral undertaking and I have taken this into account in reaching my decision on Appeal A. In September 2023 the Government published a revised National Planning Policy Framework (the 'Framework'). The revisions relate to national planning policy for onshore wind development rather than anything relevant to the main issues in this appeal. Consequently, I have not invited further comments.

Main Issues

4. During the hearing the Council and appellant confirmed that they had reached common ground in respect of the Council's third reason for refusal pertaining to Appeal A. In summary, through the submission of a unilateral undertaking the parties agree that the proposal would be 'car free' and therefore a conflict with Policy T2 of the Camden Local Plan 2017 (LP) would not occur. As there is no longer a dispute in respect of this matter, I have not considered it further.
5. Accordingly, the main issues in these appeals are:
 - Whether the proposed development would make adequate provision for affordable housing (Appeal A).
 - The effect of the proposed development and works on the significance of 36 Lancaster Grove (listed as the Belsize Fire Station), which is a Grade II* listed building (Appeals A and B).
 - Whether the proposed development would provide adequate living conditions for future occupants (Appeal A).

Reasons

Whether the proposal would make adequate provision for affordable housing

6. Policy H4 of the LP sets a strategic target of providing 5,300 additional affordable homes by 2030/31. To achieve this the Council expects a contribution towards affordable housing from all developments that provide one or more additional homes and involve an uplift in residential floor space of 100sqm or more. Where a financial contribution is pursued, the amount is calculated based on a sliding scale linked to the gross floor space created.
7. This approach is inconsistent with Paragraph 64 of the Framework, which states that affordable housing should not be sought for residential developments that are not major developments. The Framework sets out government policy and is therefore a material consideration of significant weight. However, the supporting text to Policy H4 addresses this by explaining the very high need and supporting viability evidence. Thus, in the circumstances there is clear justification to depart from national policy.

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8. The description of development on the decision notice refers to the former fire station tower as being within a *sui generis* use. This is because it did not form part of the wider conversion of the fire station to flats approved in 2017. The parties agreed at the hearing that the description of development on the decision notice is the one I should use. Accordingly, the proposal would result in additional residential floorspace. However, the amount would fall below the 100sqm threshold in Policy H4 and therefore the appeal scheme would not ordinarily trigger a contribution towards affordable housing.
9. Nevertheless, Policy H4 of the LP states that where development sites are split or separate proposals are brought forward for closely related sites, the appropriate affordable housing contribution will be comprehensively assessed for all the sites together. In this instance, the Council is of the view that the appeal scheme represents a later phase of the residential conversion of the fire station and is seeking a financial contribution.
10. Case law¹ has identified three criteria, often referred to as the tripartite test, which can be applied when assessing whether a proposal is a later phase of a single project or separate to it. These criteria are: 1) ownership; 2) whether the land could be considered a single site for planning purposes and 3) whether the proposals should be treated as a single development. Further case law² has confirmed that these criteria are not determinative but can help inform an overall planning judgment on the matter, which is often case specific.
11. In this instance, the flats have only recently been completed and occupied. Before this the fire station, including the tower, was in a single ownership in use for a single planning purpose. The fire station and tower still constitute a single building with shared access points. The original approvals³ also included reference to the tower as part of the conservation management plan. Therefore, 'ownership' and 'planning purpose' indicate a close relationship between the tower and the rest of the fire station. On these measures, the conversion of the entire fire station should therefore be considered a single project for the purposes of calculating an affordable housing contribution.
12. In respect of the third criterion, works to convert the rest of the fire station have now finished and therefore a new contractor would be required to convert the tower, which would be an independent building project. This is a material point that supports the appellant's submission that the tower conversion would be a separate planning project or new chapter. However, it is not determinative in this instance when having regard to the overall planning history, which I have briefly set out below.
13. The Council initially gave pre application advice in 2015 regarding the conversion of the entire fire station, including the tower, to apartments. At this stage, the conversion of the entire fire station was approached as a single planning project. The Council did not support the conversion of the tower and therefore the project was split. Two applications were made in 2016 to convert different parts of the fire station and an application to convert the tower was made in 2018. This was done to ensure that any objection to the conversion of the tower would not hamper the entire project.

¹ *R (Westminster City Council) v First Secretary of State and Brandford Limited* [2003] J.P.L 1066

² *New Dawn Homes Ltd v SSCLG* [2016] EWHC 3314 (Admin)

³ 2016/0745/P and 2016/5813/P

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14. The applications submitted in 2016 were for eleven and five flats respectively. They were determined at the same time with the affordable housing contribution derived from the aggregate total of 16 homes. As a result, applications concerning different parts of the fire station were agreed to constitute a single project for the purposes of calculating affordable housing. That same principle can be applied to the appeal scheme.
15. Indeed, the appellant took that view in 2019 when appealing the Council's decision on the first application to convert the tower to a dwelling. In that instance the appellant completed a planning obligation committing to provide an affordable housing contribution. The appellant also confirmed at the hearing that if that appeal had been successful, the tower would have been converted concurrently with the other flats as part of a single project.
16. Subsequent Inspectors⁴ dealing with similar appeals endorsed the view that the conversion of the tower was a later phase of a single planning project and therefore triggered a contribution to affordable housing under Policy H4. The latest decision was made in May 2022. Thus, when submitting the application for the current scheme in December 2022, the planning statement confirms that an affordable housing contribution would be made.
17. Therefore, the evidence before me demonstrates that the conversion of the tower has consistently been viewed as a later phase of a single development project, namely the conversion of the entire fire station to flats. The passage of time between the approval of the two applications made in 2016 and this appeal does not alter that position. This is because the delay has simply come about on account of intervening appeals relating to the tower conversion being dismissed, rather than the tower conversion being a separate project. Even if they were separate, the conversions of the tower conversion and the rest of the fire station would be very closely related projects.
18. The appellant has referred to an appeal decision dating from 2017⁵ (the 'Old Kent Road appeal') where the tripartite test was applied. In that case the Inspector found that the scheme then under consideration represented an extension to the original permission rather than a phased component of it. Some of the circumstances are similar to the case before me, but others are not, such as the development plan context. In this respect, Policy H4 refers to separate but closely related sites.
19. In addition, the Old Kent Road appeal was made after the works were completed and had only been pursued after the commercial success of the original development had been demonstrated. This seemed to be an important point in the Inspector's judgment. This is different to the circumstances before me, as the first application for the tower conversion was made before the works on the rest of the fire station were finished. The appellant has also referred to an application in Tunbridge Wells, but again there was a different policy context and circumstances such that this is of limited relevance.
20. Accordingly, the tower and fire station conversions would form closely related projects. To treat them otherwise for the purposes of calculating the affordable housing contribution would be an artificial split. As such, the provision of an affordable housing contribution would be necessary to make the development

⁴ APP/X5210/Y/19/3222128, APP/X5210/W/20/3246051 and APP/X5210/W/21/3279988

⁵ APP/A5840/W/17/3174783

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acceptable in planning terms, would be directly related to the development and would be fair and reasonable in scale and kind. The most appropriate way to secure the contribution towards the provision of affordable housing would be through a planning obligation, but no such obligation is before me.

21. The Council and appellant have not agreed heads of terms on this matter. This is unsurprising given the appellant's view. Moreover, the circumstances around the absence of a planning obligation are not exceptional. As a result, the imposition of a negatively worded condition as a means of securing the planning obligation, as discussed in the Planning Practice Guide⁶, would not be appropriate in this instance. A positively worded condition would not meet the test of enforceability as there would be nothing to prevent commencement before affordable housing is secured.
22. Consequently, an appropriate mechanism to secure the provision of affordable housing is not before me and therefore the proposal would be contrary to Policy H4 of the LP.

The effect on the significance of the listed building

23. The Belsize Fire Station was constructed in the early 20th Century, which was a creative period of fire station design in London. In this respect, the structure is a distinctive building that fuses rich and carefully detailed arts and crafts domestic architecture with the functional requirements of a fire station. Indeed, much of the building has the appearance of a row of cottages that skilfully harmonises with the appearance and scale of surrounding domestic properties. As a result, it is a very high-quality example of a civic building from the era and is well preserved despite being converted into flats.
24. The tower has a similar brick finish to the rest of the building and incorporates decorative panels and brickwork. Accordingly, the quality of the building's architecture is carried through into the tower despite its utilitarian function. I share the view of a previous Inspector⁷ that the quality is such that the tower has a picturesque appearance which is akin to a church tower.
25. Internally, the tower is more functional in appearance with exposed brick walls, concrete floors and little in the way of ornamentation. The appellant's Heritage Statement (HS), and the list description⁸, explain that the tower was used for drills in confined spaces. The absence of soot or staining suggests that training did not use smoke, but the layout indicates that the tower was probably designed to support search and rescue drills. This is because the rooms are accessed from a tight spiral staircase, are small, have low ceilings and awkward spaces, sometimes divided by up stands⁹. It would also have been easy to block the windows to create a dark training environment.
26. The tower has been designed with apertures in the centre of the floors surrounded by balustrades. The HS explains that this design feature was probably intended to allow somewhere to dry out hoses, although there is little evidence this actually occurred. Nevertheless, the analysis in the HS is plausible and supported by English Heritage's guidance note 'London's Historic

⁶ Paragraph: 010 Reference ID: 21a-010-20190723

⁷ APP/X5210/W/20/3246051 & 3246053

⁸ This is an amended list description that includes references to several sources

⁹ The upstands may have been later insertions to support water tanks though

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Fire Stations' and the list description, which explain that the functionality of historic fire station towers often included space to dry old-fashioned hoses.

27. In addition to a space for training and hose drying, it is possible that the structure also functioned as a watch tower given the commanding views of the surrounding area from the roof. Thus, the tower was probably more than an architectural feature. It had a functional purpose and the ability to understand and experience this provides evidential value of how it operated.
28. The conversion of the tower to a dwelling would inevitably result in a diminution in the ability to experience its original historic functions. That said, the appellant has tried to address this by following a light touch approach that would leave the original layout and functionality legible without harming the structural integrity of the tower. Consequently, the conversion has been skilfully designed around the surviving features, such as the spiral staircase and plan form. The doors would be glazed and light weight, matching those used elsewhere in the fire station. The upstands would also be incorporated into the design and the layout would make best use of the windows. The central floor apertures would be glazed as a means of leaving the hose drop as a recognisable feature. The exposed brick wall finish would also be retained, and the concrete floors would have a simple polished finish. As a result, the history and original design of the tower would remain highly legible.
29. That said, some features would be removed. Of these, the Council is concerned by the increase in height of an arch at fourth floor level, the repositioning of the balustrades to the roof and the removal of the chimney stacks. They also have concern about filling the apertures with roof lights.
30. In respect of the latter three alterations, Inspectors have previously considered them to be acceptable because the works would not harm the special interest of the listed building. There is a clear public interest in ensuring like applications are considered in a like manner, but a departure from the views of previous decision makers is permissible if there is a clear justification for doing so. In this instance, the Council were unable to point to any new evidence that would justify such a course of action. Previous Inspectors would have been able to properly judge the effects of the alterations even with the central apertures boarded over. As a result, their findings carry significant weight.
31. That said, the assessment by previous Inspectors focused on the architectural value of the building. I share the view that the removal of the chimney stacks and balustrades would not be harmful in this respect. The roof lights would also be a well-founded and innovative intervention that would reference the apertures. Nevertheless, it is possible that the chimneys were incorporated into the tower in the way they were to aid training. Moreover, the balustrades help to articulate the hose drop. These features therefore assist in articulating and understanding the historic function of the tower. In addition, increasing the height of the arch would dilute the deliberately awkward arrangement of the spaces and therefore diminish the ability to experience the training area. That said, the general plan of the tower, including the hose drops, would remain legible without these features and the arch would still be narrow. Overall, the loss would result in some limited harm to the evidential value and significance of the listed building, which would not be preserved.
32. As the identified harm would be 'less than substantial', Policy D2 of the LP requires it to be weighed against the public benefits of the proposal. In this

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respect, the appeal scheme would deliver a new home at a point in time when the Council are currently only able to demonstrate a four-year housing land supply. There would also be modest economic benefits.

33. The scheme would also result in the reuse of a building/previously developed land. In this respect Paragraph 152 of the Framework encourages the reuse of existing resources, including the conversion of existing buildings, as a means of reducing carbon emissions. Paragraph 120 of the Framework states that the reuse of suitable brownfield sites in settlements should attract substantial weight. 'Suitable' in this context is a reference to broad land use principles rather than a requirement to consider the effects of the proposal and then work backwards to ascertain its suitability.
34. In addition, I am mindful that the tower does not currently have a purpose. The rest of the fire station has been converted to flats which means access to, and use of, the tower is constrained. A previous Inspector¹⁰ concluded that a non-residential use would be unrealistic, and I share this view. Thus, a residential use is likely to be the most viable. Moreover, the conversion now proposed would be light touch for the reasons already given. As a result, the appeal scheme would be the optimal viable use of the building.
35. In coming to this view, I have carefully considered the Council's suggestion that the tower is a robust structure that is already in its optimal viable use. This is, the Council submits, because provision for its maintenance was secured through a previous planning obligation, which requires a conservation management plan¹¹. This plan requires regular monitoring of the tower, but the provisions relating to routine maintenance do not seem to take things further than the general obligation on an owner to look after a listed building.
36. The Planning Practice Guide¹² explains that sustaining heritage assets in the long term often requires an incentive for their active conservation, and that putting the asset to a viable use is likely to lead to investment in maintenance over the long term. Accordingly, converting the tower to a home would provide the incentive to maintain it without reliance being placed on a conservation management plan, which may ultimately need to be enforced if it is to take effect. This is a further point in favour of the scheme.
37. Listed buildings are a finite cultural resource and make up only a small proportion of the built environment. As a result, the Framework requires that great weight to their conservation and the more important the asset the greater the weight should be. In this instance, the building is Grade II* listed. Likewise, the statutory duty to have special regard to preserving a listed building¹³ is a matter of considerable importance and weight. This is not an instruction to dismiss a proposal that would harm a listed building, but it nevertheless provides a strong presumption in favour of preservation.
38. In applying the balance, the benefits of the scheme carry weight of a high order would be of sufficient force to outweigh the modest harm that would occur. Accordingly, the harm would have clear and convincing justification and therefore a conflict with Policy D2 of the LP, and Policy HC1 of the London Plan, in so far as they are relevant, would not occur.

¹⁰ APP/X5210/W/21/3279988 DL30

¹¹ A copy of which is appended to the Council's Statement of Case.

¹² Paragraph: 015 Reference ID: 18a-015-20190723

¹³ See Sections 16(2) and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

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The effect on the living conditions of future occupants

39. As already explained, the rooms in the tower were probably designed to be awkward small spaces. It therefore follows that using them as living accommodation would present some challenges and is unlikely to be especially inclusive. There is also an awkwardness to arranging the accommodation over four floors linked by a narrow spiral staircase. Nevertheless, the scheme has been carefully designed to respond to the site constraints and thus balance the benefits from reusing the listed building with access.
40. The third floor would be a bedroom with borrowed light from the glazed aperture. The borrowed light would be at its weakest in this room and probably below relevant guidance¹⁴. Moreover, the aperture could be covered up at a higher level by a rug or other furniture. That said, the space is also lit by a window which is not unduly obscured from the rest of the room by walling. In the circumstances, the room would have reasonable light and outlook. The ceiling height would meet the minimum standard of 2.3m, although not the preferred standard of 2.5m. The upstand would also be integrated into the space as a means of dividing the bed from the rest of the room and there would be adequate storage and space to move around. The third-floor bedroom would therefore provide adequate living accommodation.
41. The fourth floor would incorporate a shower room. The ceiling height would be 2.2m and therefore marginally below the minimum standard. However, it would be generous in size and naturally lit by two windows and borrowed light from the glazed aperture. The upstand would be reused as a shower tray and thus incorporated into the space. Again, there would be adequate storage. Overall, the shower room would also provide adequate living accommodation.
42. On the fifth floor the living space would be lit by a generous roof light and the kitchen by a window. The latter would provide a good outlook to the kitchen but not the living area given the narrow and low walkway in between. The ceiling height would also be at its lowest in the apartment (2.19m) and the arch with the kitchen may require some occupants to duck. Thus, the living area on the fifth floor, which is likely to be intensively used, would have a compromised outlook and low ceilings.
43. Nevertheless, there is a rationale to placing the living accommodation on this floor as there are no upstands. The living space would also flow pleasantly with the roof terrace and would have adequate space for storage, furniture and to comfortably move around. Future residents may also enjoy the character and quirkiness that living in the space would entail.
44. Overall, the proposed apartment would not feel unduly claustrophobic and would not be impractical for a single person to occupy. The proposed apartment would not fall below minimum floor space requirements and would provide generous external amenity space due to the large roof terrace. Moreover, as a conversion of a listed building some flexibility is necessary, especially as a residential use would be the optimal viable use of the tower. In general, the accommodation would be of sufficient quality.
45. In conclusion, and when considered in the round, the proposed apartment would provide adequate living accommodation. Accordingly, the appeal

¹⁴ The scheme in a previous application (2018/4394/P) with fewer internal walls failed would have failed to achieve the Average Daylight Factor then recommended by the Building Research Establishment

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scheme would adhere with Policies H6 and A1 of the LP, which seek to secure proposals that safeguard living conditions. Similarly, there would be no overall conflict with Policy D6 of the London Plan.

Other Matters

46. In respect of both appeals, I share the view of the Council, appellant and Belsize CAAC that the external works would preserve the character and appearance of the Belsize Conservation Area. Various concerns have been raised by interested parties including reservations regarding noise and disturbance, which I have noted. However, given my findings it has been unnecessary to address these matters further as Appeal A has failed.

Conclusions

Appeal A

47. The appeal scheme would provide adequate living conditions and the harm to the significance of the listed building would be outweighed by public benefits. However, the proposal would be at odds with Policy H4 of the LP. As a result, there would be a conflict with the development plan taken as a whole. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise.
48. As a material consideration Paragraph 11 of the Framework is relevant on account of the Council currently being unable to demonstrate a five-year housing land supply. In such circumstances the development plan policies most important to determining the application should be deemed out of date. In this instance¹⁵ Paragraph 11 states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The benefits of the scheme have already been set out and these would outweigh the less than substantial harm to the listed building. However, added to this harm would be the failure to make adequate provision for affordable housing. Therefore, the totality of harm would significantly and demonstrably outweigh the benefits of the scheme. This is not a material consideration that indicates Appeal A should be determined otherwise that in accordance with the development plan.
49. Accordingly, the proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. The appeal has therefore failed.

Appeal B

50. The proposed works would result in some limited harm to the listed building, principally its historic value. However, this harm would be outweighed by public benefits. Accordingly, for the reasons given, the appeal has succeeded.
51. In allowing the appeal it is necessary to impose the standard condition requiring commencement within three years. To safeguard the architectural character of the listed building it is necessary to impose a condition that materials and details of the fire lobbies are approved by the Council. Unlike a planning permission, there is no provision to apply for a minor material

¹⁵ As the public benefits of the proposal would outweigh the harm to the listed building, the application of policies in the Framework that protect designated heritage assets do not provide a clear reason for refusal.

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amendment to a Listed Building Consent. Consequently, a drawings condition would have no purpose and would be unnecessary.

Graham Chamberlain
INSPECTOR

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INTERESTED PARTIES

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Jane Butler

Local Resident
Local Resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

- Planning Obligation relating to the 2017 permissions