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Date: 02/12/2022
Our ref: 2022/5339/PRE
Contact: Kristina Smith
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11 Portsdown Mews
 Temple Fortune Road
 London
 NW11 7HD

Dear Simon Miller,

Re: 6 Torriano Mews, London, NW5 2RZ

Thank you for submitting the above pre-application enquiry on 06/12/22 alongside the required fee of £4,264.69. A site visit took place on 19/01/2023.

1. The proposal

- Change of use from office (Class E) to residential (Class C3)
- Minor external alterations including landscaping works

2. Constraints

- Kentish Town Neighbourhood Plan
- Article 4 – basements
- Underground development constraint – Surface water flow and flooding
- CIL charging Zone B
- Contaminated Sites Potential

3. Relevant planning history

No history at application site

Other properties on Torriano Mews

2 Torriano Mews

2017/5705/P - Change of use of Office (B1a Use) into 3 x 2 bed residential flats (C3 Use). **Refuse Prior Approval** as the site is covered by an Article 4 direction which removed permitted development rights from office to residential use **02/02/2018**

2019/3494/P - Change of use from office (use class B1a) to 3 x 2 bed residential flats (use class C3); removal of 2 x parking spaces to be replaced with cycle storage and landscaping. Granted Subject to a Section 106 Legal Agreement **17/01/2020**

4-5 Torriano Mews

2020/4633/P - Change of use from office (Class B1) to residential to provide 6 flats (Class C3) including alterations to fenestration and addition of rooflights, smoke vent and pv panels. Granted Subject to a Section 106 Legal Agreement **30/04/2024**

4. Relevant policies and guidance

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

H1 Maximising housing supply
 H4 Maximising the supply of affordable housing
 H6 Housing choice and mix
 H7 Large and small homes
 E1 Economic development
 E2 Employment premises and sites
 A1 Managing the impact of development
 A3 Biodiversity
 A4 Noise and vibration
 D1 Design
 CC1 Climate change mitigation
 CC2 Adapting to climate change
 CC3 Water and flooding
 CC5 Waste
 T1 Prioritising walking, cycling and public transport
 T2 Parking and car-free development
 T4 Sustainable movement of goods and materials
 DM1 Delivery and monitoring

Camden Planning Guidance

Amenity (2021)
 Biodiversity (2018)
 Design (2021)
 Developer Contributions (2019)
 Energy efficiency and adaptation (2021)
 Housing (2021)
 Transport (2021)

Kentish Town Neighbourhood Plan (2018)

D3 – Design principles

5. Assessment

The planning considerations material to the determination of this application are as follows:

- Land use / the principle of development
- Dwelling mix
- Quality of residential accommodation
- Affordable housing contribution

- Design
- Impact on neighbouring land uses
- Energy and sustainability
- Transport
- Waste and recycling
- Flood risk and drainage
- Air quality

6. Land use / principle of development

Housing

Policy H1 regards housing as the priority land-use of the Local Plan. The site is considered well suited to residential given that several other properties in the mews are now in residential use and the site has good accessibility by public transport with a PTAL rating of 5.

Loss of office

However, the site is currently in office use and Policy E2 of the Local Plan is therefore applicable. The policy seeks to protect premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the Central Activities Zone (CAZ), or the local economy. The policy notes that the Council will resist development of business and sites for non-business use unless it is demonstrated to the Council's satisfaction:

- A. The site or building is no longer suitable for its existing business use; and
- B. 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.

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 policy requires the submission of evidence of a thorough marketing exercise, sustained over at least a two-year period. The premises should be marketed at realistic prices, include a consideration of alternative business uses and layouts and marketing strategies, including management of space by specialist third party providers.

[CPG Employment sites](#) provides further guidance on the minimum expectations of the nature and contents of marketing information. As part of a planning submission you are advised to respond to how the marketing exercise meets each of the following criteria:

- Use of a reputable local or national agent with a track record of letting employment space in the borough;
- A visible letting board on the property (constant throughout the marketing period);
- Marketing material should be published on the internet, including popular online property databases such as Focus and should include local or specialist channels where appropriate
- Existing lawful use of the advertised premises should be included in the marketing materials;
- Continuous marketing over at least 2 years from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed) to the date of the submission of the planning application;
- Advertised rents should be reasonable, reflecting market rents in the local area and the condition of the property;

- Lease terms should be attractive to the market: – be for at least three years, with longer terms, up to five years or longer, if the occupier needs to undertake some works – and/or include short term flexible leases for smaller premises which are appropriate for SMEs; – appropriate rent-free periods should be offered to cover necessary fit out or refurbishment costs.
- A commentary on the number and details of enquiries received, such as the number of viewings and the advertised rent at the time, including any details of why the interest was not pursued

The marketing information demonstrates the property has been on the market for sale or let since 11th May 2022. The marketing report states that the marketing exercise ended on 19th December 2022 due to lack of interest; however, an accompanying letter suggests it was still being marketed in January 2023. Clarification on this point would be welcomed. The rent was £35 per sq ft or a freehold sale cost of £750,000 which appears to be consistent with an office space of this quality and location. The marketing report says that your client was open to offers and were also willing to be flexible on the length of lease and terms. The marketing information was issue to several potential tenants and the details were posted on “all portals”.

Further information would be welcomed as to whether the property is still being marketed and whether this has been continuous period, where the opportunity has been advertised, what portals specifically.

Notwithstanding this information however and even if the property is still on the market, it has not been advertised for a sufficient period of time. Policy E2 states 2 years is required as a minimum, but the employment CPG allows for some flexibility in certain circumstances which, given it is a more recent publication, and more reflective of current challenges in the commercial market. The circumstances cited in the guidance include:

- where the premises have been actively marketed for sale for at least 12 months up to the date of the submission of the planning application; or
- where the premises have been completely vacant for at least three continuous years up to the date of the submission of the planning application.

The premises are currently not occupied by a tenant but vacancy in this context is taken to mean there is no business use associated with the premises. It is understood through conversation that the site has been used as a postal address but not as an office for a long time. This is quite an unusual situation and more information would be beneficial to explain why this has been the case. Were business rates still being paid during this time? Did it benefit from any relief or exemptions based on it not being occupied?

An Article 4 preventing Class E from being converted into residential covers Torriano Mews and the below text is the justification the Council provided to DLUHC for its inclusion.

Torriano Avenue, Torriano Mews, Apollo Studios/ Apollo Works, Charlton King's Road, 155a Leighton Road

- This area contains a cluster of business premises as part of a mix of employment and residential buildings and uses. This reflects the historical character of this part of Camden with its mix of housing and workplaces. In particular the wider area was a major piano manufacturing centre. Although this industry no longer takes place here, many of the former industrial buildings have been converted into workspaces or mixed employment / residential premises, retaining the area's historical character. Given the value differential between employment and residential premises in the area, unregulated changes of use from employment use to residential threatens to wipe out the historic mixed character of the area as well as cause the loss of premises occupied by small and medium sized businesses, having a wholly unacceptable adverse impact.
- Apollo Works (1 – 7 Charlton Kings Road) and Apollo Studios are currently in mixed residential and office use.
- Apollo Studios is a converted piano factory building now used for a mix of uses, predominantly homes and offices. Occupiers include a theatre project design company and engineering consultants.
- McCrone House, 155a Leighton Road is a mixed use office and residential block. Occupiers include a design and construction firm, a psychologist and therapists.
- Torriano Mews and Torriano Avenue also contain business premises amongst residential properties.
- 1 Torriano Mews is the only remaining historic building on the site and formerly included stabling and a smithy. The premises are currently occupied by a charitable organisation.
- Other businesses located in this part of the cluster include an accountants and a charity.
- Premises in solely residential use have been removed from the area covered by the Article 4 Direction (e.g. 9 – 17 Charlton King's Road and 2, 4-5 Torriano Mews).

This highlights its potential value as providing space for SMEs and refers generally to the desirability of sustaining the “historic mixed-use character”. It would be helpful if as part of your justification you set out the efforts made to attract SMEs to this space: flexible leasing arrangements etc.; also, are there any shortcomings to the premises and have any attempts been made to overcome them?

There are other properties on the mews which have changed from office to residential, including no's 2 and 4-5 Torriano Mews. In both these cases the Council has allowed for flexibility on the two year policy but the applicant still provided at least one year's marketing evidence which is more than has been provided here. To support the justification for converting the property into residential and demonstrating that a business use is no longer viable, information on the context of the mews should be provided as part of your marketing report that should support any planning application.

7. Housing

Dwelling size

Policy H7 of the Local Plan aims to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. The Dwelling Size Priorities Table (DSPT) refers to 2-bedroom homes as high priority and therefore the proposed unit size is welcomed.

Quality of residential accommodation

Policy D1 of the Local Plan seeks to secure high quality design in development. In relation to housing, part (n) of the policy requires development to provide a high standard of accommodation. The sub-text (paragraph 7.32) notes that the Council will seek to ensure that residential development (including those deriving from changes of use) is self-contained with its own secure private entrance; has good ceiling heights and room sizes; is dual aspect except in exceptional circumstances; has good natural light and ventilation; has good insulation from noise and vibration; has a permanent partition between eating and sleeping areas; incorporates adequate storage space; incorporates outdoor amenity space including balconies or terraces; and is accessible and adaptable for a range of occupiers. The sub-text also notes that new dwellings and conversions to residential use will be expected to meet the government's nationally described space standard. The Council will also require development to adhere to the Mayor's Housing Supplementary Planning Guidance.

The proposal would provide a 2b4p unit over two floors. A spacious open plan kitchen/ dining and living area would be situated at ground floor level. It would receive outlook and daylight from two full height windows and doors in the southeast corner and further daylight from a series of rooflights. The master bedroom at first floor level would be large with good outlook from first floor windows. A bedroom would also be located at ground floor level with daylight provided by a rooflight. Whilst this room does not have good outlook, it is considered acceptable in the context of it being the smaller secondary bedroom and it having access to the open plan kitchen and living room which benefits from good outlook.

A small ground floor level amenity space would be created with a soft planted boundary treatment separating it from the wider mews. This would be quite an overshadowed space but it is recognised that some amenity space is better than no provision at all. The planted edge is a better approach than the high fence proposed initially.

Affordable housing contribution

Policy H4 of the Local Plan seeks to maximise the supply of affordable housing in the borough and expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floor space of 100 sqm (GIA) or more.

The proposal would provide an additional home, involving a total addition to residential floorspace of 119.9 sqm GIA. As such, the proposal triggers the requirement for a contribution towards affordable housing.

Targets are based on an assessment of development capacity whereby 100 sqm GIA of housing floorspace is generally considered to create capacity for one home and a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity. In this case the target would be 2%.

Where development has the capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. A rate of £5000 per sqm GIA is applied. On this basis the contribution for each option would be as follows:

[Additional residential floorspace (GIA) x 4%] x £5000

[119.9 sqm x 2% = 2.34] x £5000

= £11,700

The financial contribution would be secured by section 106 legal agreement if the application were approved.

8. Design

The revised proposal has removed the roof extension and works with the existing building envelope. Fenestration changes are proposed, amending a long narrow vertical window on the south elevation to two larger openings at ground and first floor. There is no objection to these alterations.

The inclusion of soft landscaping is welcomed and will help improve the biodiversity and drainage credentials of the site. Where hard landscaping is proposed, you are encouraged to use permeable paving.

Any planning application should include details of waste storage and collection for the additional residential units.

9. Impact on neighbouring amenity

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. This includes such factors as visual privacy, outlook; sunlight, daylight and overshadowing; light spillage; noise and disturbance.

As there are no physical alterations to the building which would increase the massing or incorporate new window openings

Were any plant proposed, for example Air Source Heat Pumps, a Noise Impact Assessment would need to be provided with any formal submission to assess its impact. Please refer to Policy A4 of the Local Plan and CPG Amenity for further guidance on the Camden's current standards.

It is likely that there would be disruption during the construction period. Measures to reduce the impact of construction works would need to be outlined in a draft Construction Management Plan (CMP) to be provided with any formal submission. For proposals of this scale, a full CMP and monitoring / implementation fee and construction bond would be secured by section 106 legal agreement.

10. Energy and sustainability

Policy CC1 of the Local Plan requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The policy promotes zero carbon development and requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy.

Policy CC2 requires development to be resilient to climate change, by adopting appropriate climate change adaptation measures such as the protection of green spaces and promoting new green infrastructure; not increasing, and wherever possible reducing, surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems; incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and, measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

You are encouraged to consider the incorporation of renewable energy technologies.

11. Transport

Cycle parking

Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. The policy seeks to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan.

The London Plan requires two long-stay cycle parking spaces for a 2-bed unit. The proposals show the provision of two cycle spaces in the garden within an enclosure. Subject to the design being in accordance with the guidance provided in CPG Transport, this is acceptable.

Car free housing

Policy T2 of the Local Plan notes that the Council will limit the availability of parking and require all new developments, including redevelopments where there may be an existing car parking allowance, in the borough to be car-free.

If an application to create additional residential units was considered to be acceptable, a section 106 legal agreement would secure the new dwelling(s) as car-free (i.e. occupiers are not issued with on-street parking permits).

12. Community Infrastructure Levy

You are advised that this proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. (further information: [About the Community Infrastructure Levy](#))

Both CIL's will be collected by Camden after the scheme has started and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement and/or for late payment. We will issue a formal liability notice once the liable party has been established. CIL payments will also be subject to indexation in line with the construction costs index.

13. Conclusion

It has not yet been satisfactorily demonstrated that the site is no longer suitable for continued business use in accordance with policy E2. However, via the provision of further information including more narrative on its recent history and the context of the mews, this may be possible and may allow for flexibility on the two year marketing exercise rule.

If a residential unit were to be supported here, an affordable housing contribution would be required and an estimate based on the additional floorspace currently proposed by the pre-application proposals has been included in this advice.

The quality of residential accommodation proposed appears to be acceptable.

14. Planning application information

Should you choose to submit a planning application which addresses the outstanding issues detailed in this report satisfactorily, I would advise you to submit the following for a valid planning application:

- Completed form – Full Planning Application
- An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans, roof plan, elevation drawings and section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Design and access statement
- Energy and sustainability information
- Marketing report (following guidance set out in CPG)
- The appropriate fee
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. We would put up a notice on or near the site and advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received. You are advised to contact your neighbours prior to submission to discuss the proposals.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact Kristina Smith on 020 7974 4986.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Kristina Smith

**Principal Planning Officer
Planning Solutions Team**