

Delegated Report		Analysis sheet		Expiry Date:	16/01/2024
		N/A		Consultation Expiry Date:	18/12/2023
Officer			Application Number(s)		
Kristina Smith			2023/4546/P		
Application Address			Drawing Numbers		
125 Castlehaven Road London NW1 8SJ			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use from a mini cab office (Sui Generis) into a residential unit (Class C3) together with upwards extension					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	2	No. of objections	2
Summary of consultation responses:	<p>Two site notices were displayed in the surrounding area on 24/11/2023 (expiry 18/12/2023).</p> <p>Two objections were received, one from a residential occupant and the other from the existing minicab business.</p> <p>The residential occupant objected on the following grounds:</p> <ul style="list-style-type: none">No supporting statement associated and therefore hard to determine context of change of use.Loss of commercial activity would have a detrimental effect on the community given importance of clusters of employment and local services etc. <p>Bee Gee Minicabs, the existing occupant, objected on the following grounds:</p> <ul style="list-style-type: none">Bee Gee Minicab is a popular local Minicab operating from this address since 1963, which generates income for many people involved with this business. We have 20 full-time drivers and 4/5 controllers working to run this business 24/7. We are proud to serve the local community. People regularly use our service to go to Schools, Hospitals, Care homes, stations, Airports, etc. and are incredibly grateful, especially for our service during Covid-19. We have a 10-year open lease (renewable) expiring on 26 August 2024 and are planning to extend the lease for another 10 years on expiry.Freehold title recently sold to a new owner who is not familiar with the business and its owners. The claim that "the owners are struggling to make ends meet with this business" is therefore unfounded.This raises concern about the accuracy and legitimacy of the claims made in the application. Decisions regarding planning permission must be based on accurate and transparent information, particularly when the proposed change of use may have significant implications for the local Community.Therefore, we, the Bee Gee Cabs owners, strongly oppose this planning application and request the Camden Planning Department to consider the interest of the local community.			
Local groups comments:	Kentish Town Neighbourhood Forum had no comment to make on the application.			

Site Description

The application site comprises a single storey commercial unit on the west side of Castlehaven Road between the junctions with Grafton Crescent and Prince of Wales Road. Historically, it is likely to have been the rear outrigger of 127 Castlehaven Road, a three-storey end of terrace building which fronts Prince of Wales Road.

The property is in use as a minicab office.

The site is situated in the Kentish Town Neighbourhood Plan area. It is not located in a Conservation Area.

Relevant History

9003367 - Erection of a two-storey extension above existing single storey building to provide additional office accommodation – **Refused 23/10/1990** on the following grounds:

- *The proposed development involves an increase in office accommodation contrary to the Council's policy to restrain the growth of such space;*
- *The proposed development would result in the overlooking of adjoining residential premises to the detriment of their amenities;*
- *The proposed extension is considered to be undesirable as it would obstruct the light to adjoining properties to the detriment of their amenities.*

Relevant policies

National Planning Policy Framework 2023

London Plan 2021

Camden Local Plan 2017

G1 Delivery and location of growth
H1 Maximising housing supply
H6 Housing choice and mix
H7 Large and small homes
E2 Employment sites and premises
C6 Access for all
A1 Managing the impact of development
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

Kentish Town Neighbourhood Plan 2016

D3 Design principles
SW1 Supporting small business

Camden Supplementary Planning Guidance

CPG Amenity 2021
CPG Design 2021
CPG Developer contributions 2019
CPG Energy efficiency 2021
CPG Employment sites and business premises 2021
CPG Housing 2021

Assessment

1. Proposal

1.1. The applicant seeks planning permission for the change of use of the minicab office (Class E) to residential (Class C3) and the construction of an additional storey.

ASSESSMENT

1.2. The main issues of consideration are:

- Land use
- Design
- Housing considerations
- Amenity
- Transport
- Energy and sustainability

2. Land use

2.1. The site is located in a predominantly residential area and does not have any designation in terms of it being within a town centre or neighbourhood centre. The existing use of the site is Sui Generis.

2.2. Policy E2 resists development of businesses premises and sites for non-business use unless it can be demonstrated that the site is no longer suitable for its business use and that the possibility of retaining, reusing or redeveloping the site for a similar or alternative type and size of business has been fully explored over an appropriate period of time. Policy SW1 of the Kentish Town Neighbourhood Plan also resists the loss of small business uses. It is considered these policies are relevant as the supporting text of policy E2 states that the terms 'business' and 'employment' are used to refer to offices, storage and distribution, and other unclassified uses of a similar nature.

2.3. In this case, the business remains active and a representation from Bee Gee Minicabs demonstrates that the current occupier considers it a viable business and wishes to remain at the site. The applicant (freeholder) has submitted a statement that suggests the business is struggling and the business cannot be maintained; however, no evidence has been provided to substantiate this claim. The loss of the business use is therefore contrary to policy E2.

2.4. Policy H1 states that self-contained housing is the priority land use and the surrounding area is residential in character. Were the presumption against the loss of a business use in this location to be overridden by satisfactory evidence that the use is no longer viable, a residential use is likely to be supported. It is important to note that the Council is not supportive of housing at any cost and policy G1 requires development to take account of various factors including quality of design, its surroundings, amenity, heritage and any other considerations relevant to the site. As the following chapters will discuss, there are additional concerns with the proposed development.

3. Design

Policy context

3.1. Policy D1 (Design) of Camden Local Plan states that the Council will seek to secure high quality

design in development and will require that development to respect local context and character. Paragraph 7.2 of this policy is particularly relevant here as it says- *'The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:*

- character, setting, context and the form and scale of neighbouring buildings;*
- the character and proportions of the existing building, where alterations and extensions are proposed;*
- the prevailing pattern, density and scale of surrounding development;*
- the impact on existing rhythms, symmetries and uniformities in the townscape;*
- the composition of elevations;*
- the suitability of the proposed design to its intended use;*
- inclusive design and accessibility;*
- its contribution to public realm and its impact on views and vistas; and*
- the wider historic environment and buildings, spaces and features of local historic value.'*

3.2. Policy D3 (design principles) of the KTNP states that applications for the redevelopment of existing buildings will be supported where they meet the following criteria:

- a) Proposals must be based on a comprehensive understanding of the site and its context*
- b) Proposals must be well integrated into their surroundings and reinforce and enhance local character, in line with paragraph 64 of the NPPF*
- c) Proposals must identify and draw upon key aspects of character, or design cues from the surrounding area. Appropriate design cues include grain, building form (shape), scale, height and massing, alignment, modulation, architectural detailing, materials, public realm and boundary treatments*
- d) Design innovation will be encouraged and supported where appropriate*
- e) Design proposals must be of the highest quality and sustainable, using materials that complement the existing palette of materials in the surrounding buildings...'*

Assessment

3.3. The minicab office appears to have been constructed as part of 127 Castlehaven Road, a three-storey building addressing the corner where Castlehaven Road meets Prince of Wales Road. Its smaller scale is an important signifier of how the two streets developed historically. Whilst it may be possible to design an upwards extension that respects this gap, the proposal fails to do this. The height retains a small section of single storey brick before stepping down slightly and then up again to a full storey addition. A balustrade above provides additional height. The result is a disjointed poor design that fails to respect the prevailing pattern and scale of surrounding buildings.

3.4. The depth of the building is limited to that of the existing structure - there is no curtilage beyond. The result is a very shallow building that appears shoehorned into its site with no breathing space on either side.

3.5. The drawings lack many of the necessary details e.g. coping stones, cills, rainwater goods etc. that would allow a design to be buildable. Therefore, the finished building would likely to appear different to what is shown on the submitted drawings. Notwithstanding this issue, the character of the proposed building is exceptionally crude with poorly designed fenestration that has no relationship to any design in the local area.

3.6. It is also unclear how much of the existing building is to be demolished. The design and access statement suggests the development is an extension to the existing building but the proposed plans show a heavily altered front façade as well as a lower height to the ground floor element which suggests the existing massing may be being demolished and rebuilt.

3.7. The proposals are not considered to fulfil any of the design criteria referred to by policy D1 of the Camden Local Plan and policy D3 of the KTNP. As such, the application will be refused on

design grounds.

4. Housing considerations

- 4.1. The proposed dwelling house would include one bedroom upstairs and an open plan living room / kitchen and a bathroom downstairs. It would provide 47 sqm of living space in total plus a roof terrace of 19.4 sqm. Although a space standard for a 1-bed unit over two floors is not provided by Nationally Described Space Standards, a 1-bed 2 person over a single floor requires 50 sqm. The proposal therefore falls short of this standard.
- 4.2. In terms of daylight and outlook, the highly constrained nature of the site means that no windows can be provided on the side elevation as it would result in overlooking to the adjacent property. As such, the property only has windows to the front and so is single aspect. Furthermore, the windows provided at first floor level is inexplicably small resulting in limited daylight and poor outlook for the only bedroom. At ground floor, two windows provide light and outlook to a deep plan living / kitchen area.
- 4.3. New dwellings are required to be accessible and adaptable in accordance with Building Regulation M4(2). The proposed dwelling would provide step-free access and a WC at ground floor level and therefore would be capable of achieving the standard.
- 4.4. A cycle and bin store would be provided at ground floor level, although the plans are incorrect and do not include a door to the store. It is assumed that with a tweak the area would provide a sufficiently sized area for a bike and bins.
- 4.5. The combination of factors including size, access to daylight/sunlight and outlook would result in a substandard quality of accommodation sufficient to constitute a reason for refusal.

Affordable housing

- 4.6. Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more'. As the residential uplift is less than 100 sqm, the application is not required to make a contribution.

5. Amenity of neighbours

- 5.1. The additional storey would be in very close proximity to two rear first floor windows of a residential unit at 127 Castlehaven Road. No daylight and sunlight impact assessment has been provided with the application, nor any indication around the use of the rooms these windows serve.
- 5.2. There are also outlook concerns with the proposed development as it would introduce a brick wall 3.2m away from two windows. It is noted these windows already look out on the blank flank elevation of no.123 Castlehaven Road, however this is currently 6.2m away so the proposal would bring this significantly closer.
- 5.3. In the absence of information about the impact on daylight/sunlight and the use of the room these windows serve, an adverse impact on light and outlook shall constitute a reason for refusal.

6. Energy and sustainability

- 6.1. In line with policies CC1 and CC2, the Council will require development to incorporate

sustainable design and construction measures. All minor applications for new dwellings should demonstrate that they meet sustainable design principles and are also required to meet a target of 19% reduction in carbon emissions below Part L of the Building Regulations, of which 20% is achieved by on-site renewable technologies. No information on energy and sustainability measures has been provided and therefore this shall constitute a reason for refusal.

- 6.2. All new build dwellings should achieve a maximum internal water use of 110 litres per person per day (this includes 5 litres for external water use), which if approved would be secured by condition.

7. Transport considerations

Car parking

- 7.1. Policy T2 requires all new residential developments in the borough to be car-free. Parking is only considered for new residential developments where it can be demonstrated that the parking to be provided is essential to the use or operation of the development (e.g. disabled parking). It should be noted that Policy T2 is wide ranging and is not merely about addressing parking stress or traffic congestion. It is more specifically aimed at improving health and wellbeing, encouraging and promoting active lifestyles, encouraging and promoting trips by sustainable modes of transport (walking, cycling and public transport), and addressing problems associated with poor air quality in the borough. Thus, car-free housing is required in the borough, regardless of any parking stress that may or may not locally exist. Were planning permission to be granted, the new house would be secured as car-free by Section 106 legal agreement; however, the absence of such agreement to secure this will constitute a reason for refusal.

Cycle parking

- 7.2. Policy T1 requires cycle parking facilities to be provided in accordance with the London Plan. In this case, a secure and fully enclosed cycle parking space is provided in a dedicated storage area. Were planning permission to be granted, further details of the storage would be secured by condition.

Highway matters

- 7.3. Policy A1 on Amenity states in para 6.12 that 'Disturbance from development can occur during the construction phase. Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan.' In the light of the location and constraints of this site, a residential location in close proximity to a busy junction and main road, it is considered that in this case a Construction Management Plan (CMP) would be required.
- 7.4. The Council would therefore want to secure a CMP, a CMP implementation support contribution to mitigate the impact on the safety and operation of the local road and pedestrian networks. A CMP bond would also be required in case the contractor fails to abide by the CMP and the Council has to take action to remediate issues. The fee would be fully refundable on completion of the works should there be no breach. If planning permission were to be granted, a CMP would be secured by a Section 106. However, in the absence of such an agreement the lack of CMP (and implementation support contribution and bond) will constitute a reason for refusal.

8. Recommendations

- 8.1. Refuse planning permission on the following grounds:

- The proposed development involves the loss of an existing viable business use contrary to

policy E2 (Employment premises and sites) of the Camden Local Plan 2017 and policy SW1 (Supporting small business) of the Kentish Town Neighbourhood Plan 2015.

- The proposed development, by reason of its height, form, design, location and prominence, would fail to respect the surrounding pattern of development and introduce an incongruous building type into the streetscene, to the detriment of the character and appearance of the host building and neighbouring buildings contrary to policy D1 of the Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2015.
- The proposed development, by reason of its height and location, and in the absence of a daylight and sunlight assessment, has not satisfactorily demonstrated that the proposed extension would not bring about unacceptable loss of light and outlook to residential windows serving no.127 Castlehaven Road contrary to policy A1 of the Camden Local Plan 2017.
- The proposed development would provide an undersized residential unit with poor levels of daylight and outlook to the detriment of future occupiers, contrary to policies D1 (Design) and H6 (Housing choice) of the London Borough of Camden Local Plan 2017.
- The proposed development, in the absence of an energy and sustainability statement, would fail to meet the carbon reduction targets and incorporate sustainable design and construction measures, contrary to policies CC1 (Climate change mitigation) and CC2 (Adapting to climate change) of the London Borough of the London Borough of Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated contributions to support the implementation of the CMP, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.