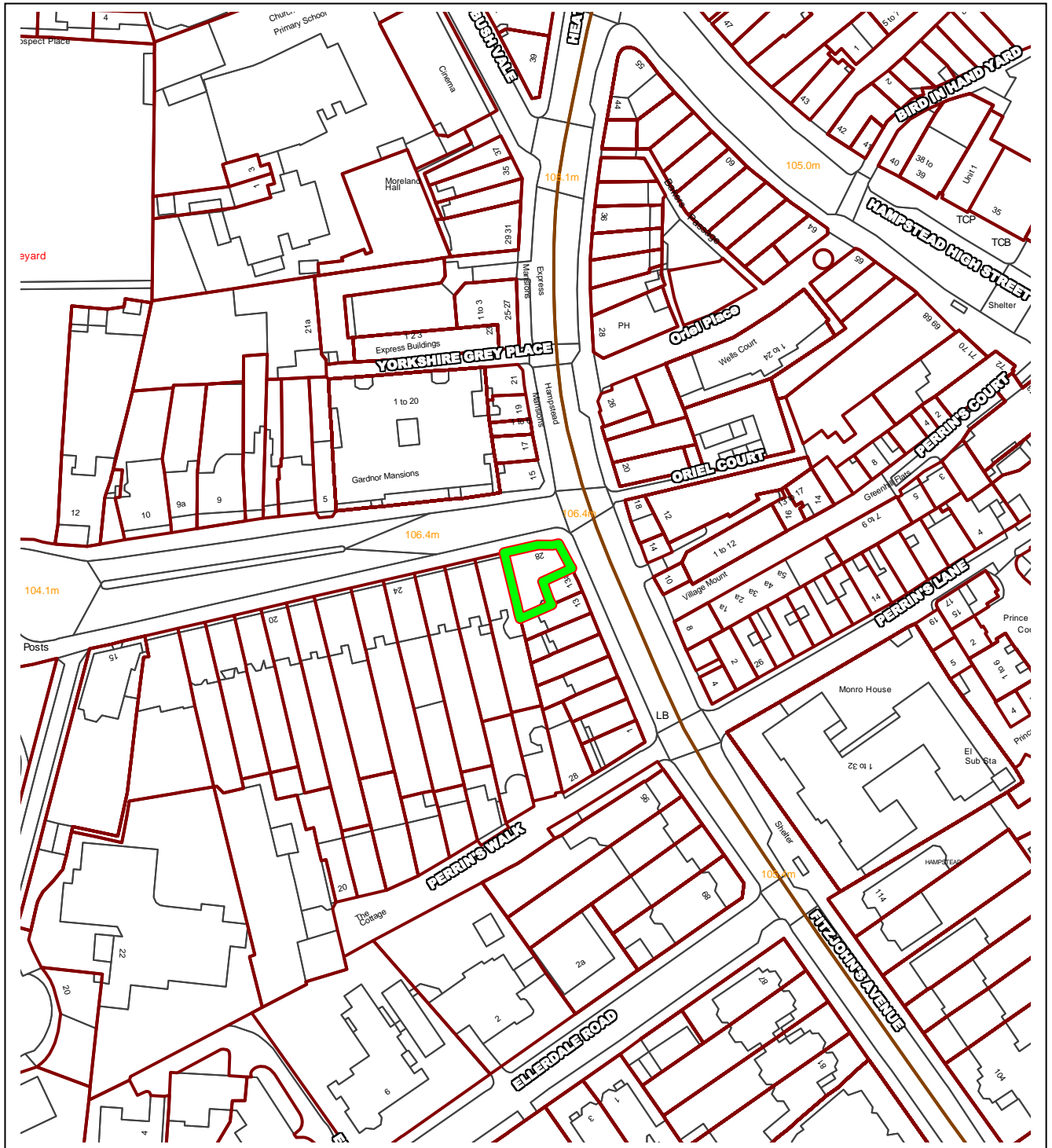


2022/3772/P and 2022/4337/L - 28 Church Row



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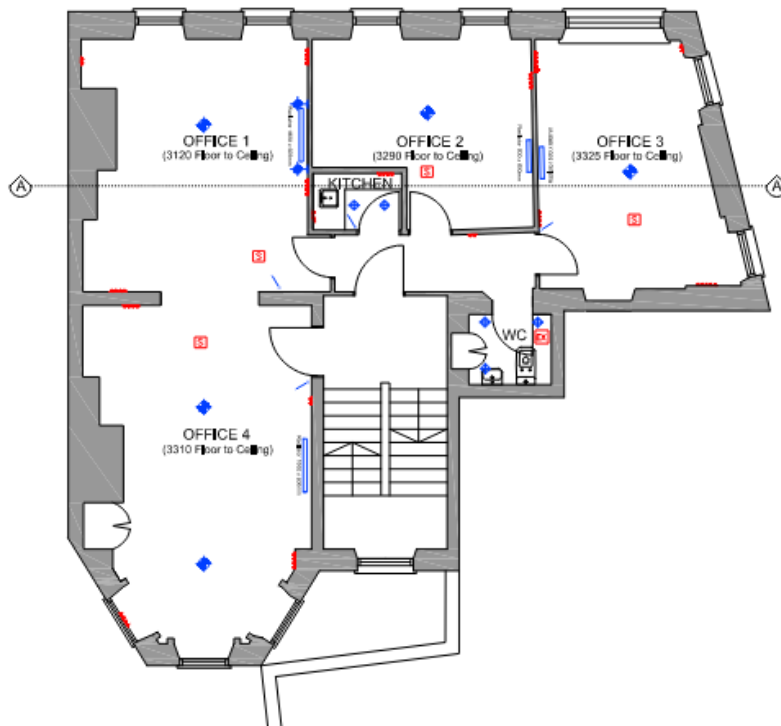


Figure 1: Existing floor plan

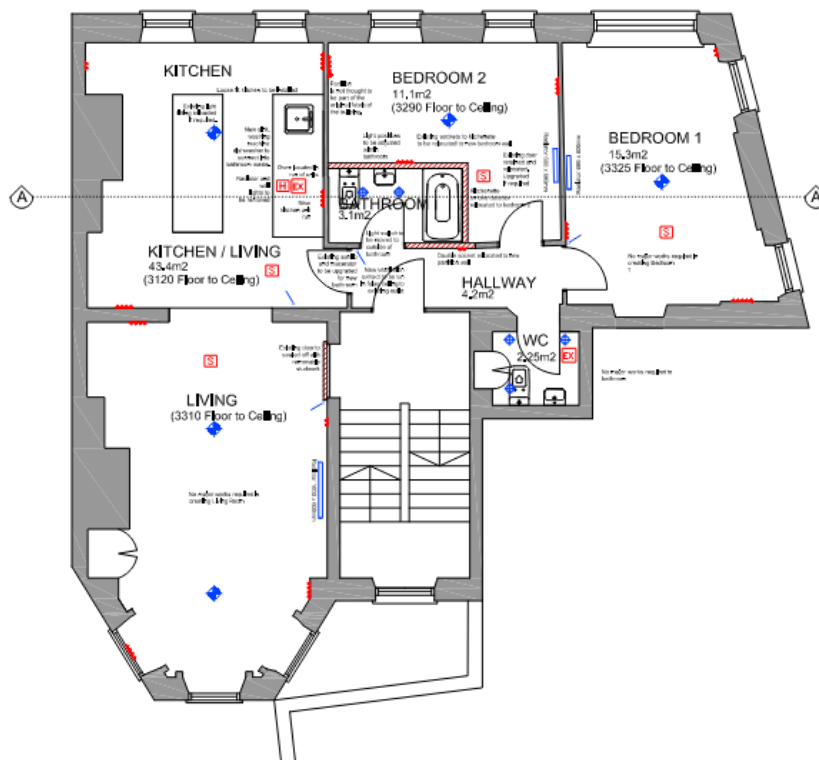


Figure 1: Proposed floor plan

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	23/01/2023
		N/A / attached		Consultation Expiry Date:	08/01/2023
Officer				Application Number(s)	
Brendan Versluys				i) 2022/3772/P ii) 2022/4337/L	
Application Address				Drawing Numbers	
Offices And Premises At 1st Floor 28 Church Row London NW3 6UP				<i>See draft decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
i) Change of use from office (Class E) to residential (Class C) to form a two-bedroom flat. ii) Internal alterations in connection with change of use from office (Class E) to residential (Class C) to form a two-bedroom flat.					
Recommendation:		i) Grant conditional planning permission subject to a s106 legal agreement ii) Grant listed building consent			
Application Type:		Full Planning Permission Listed building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	Site notice(s) were displayed near to the site on 5/12/2022 (consultation end date 08/01/2023). A press notice was advertised 09/12/2022 (consultation end date 02/01/2023).			
Adjoining Occupiers:	No. of responses	13	No. of objections	13
Summary of consultation responses	<u>Objections:</u> 13 objections were received following statutory consultation. A summary of responses are as follows: <u>Heritage:</u> <ul style="list-style-type: none">• The planning applications don't give proper consideration as to how the "associated internal alterations" will impact the pine wood panelling, cornices, fireplaces or flooring. Without proper details it is difficult to see how this isn't going to cause irreparable harm to the listed asset.• In the history of the building the first floor was only a residential apartment for a very short time. It is very important to maintain the integrity of the building's history. <u>General:</u> <ul style="list-style-type: none">• It is preferable the building remains as office use.• Changing the office to residential will undermine the viability of the ground floor restaurant.• There are no longer facilities for putting domestic rubbish out and it is only collected once a week.• The change of use will introduce sound proofing issues.• Plumbing details are unclear• Water usage details are unclear• Lack of consultation <u>Sustainability:</u> <ul style="list-style-type: none">• The proposal does not include any details of the sustainability improvements to the proposed dwelling. <u>Transportation:</u> <ul style="list-style-type: none">• The proposal will exacerbate traffic/parking issues in the locality <u>Construction impacts</u> <ul style="list-style-type: none">• The proposed construction works will cause disruption to the residents of the building as well as the ground floor restaurant.			

	<p><u>Officer's response:</u></p> <ul style="list-style-type: none"> • The consultation has been carried out in accordance with the Council's statement of community involvement. The Council does not control how the applicant chooses to engage with local stakeholders. Pre-application discussions are confidential, it is at the applicant's discretion whether they choose to engage with local stakeholders at that stage of the development process. • Land use effects are assessed in section 3 of this report. • Design and heritage effects are assessed in section 4 of this report. • Transport effects are assessed in section 5 of this report. • Sustainability effects are assessed in section 6 of this report. • Amenity effects are assessed in section 7 of this report. • Plumbing issues are not material considerations for this planning application. These items are governed by The Building Regulations 2010. No increases in impermeable area are proposed and the proposed dwelling would generate similar demands to drainage as the existing office use.
Historic England	No objection.

Site Description

The application site is located at the corner of Church Row and Heath Street, in immediate vicinity to Hampstead town centre, and comprises four-storey plus a basement Grade II listed building. The basement floor houses a restaurant, the ground floor an estate agent, first floor as offices, and the second and third floors are residential (each floor accommodating one self-contained flat). The site is located in the Hampstead Conservation Area and the Church Row and Perrins Walk Neighbourhood Plan area.

Relevant History

N/A

Relevant policies

National Planning Policy Framework (2023)

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
- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car free development
- DM1 Delivery and monitoring

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Energy efficiency and adaptation (2021)
- CPG Housing (2021)
- CPG Transport (2021)

Hampstead Conservation Area Appraisal and Management Strategy (2001)

Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. Proposal

1.1. The application seeks to undertake works to the first-floor office suite to convert to a two-bedroom flat. The internal alterations are limited to the installation of a new 'loose fit' kitchen; removal of the existing kitchenette and associated walls and replacement with a bathroom; and removal of an existing door (to the common hallway) which is to be sealed off with removable studwork. No external works are proposed.

2. Revisions

2.1. The following revisions have been made to the proposal:

- The proposed 'Bedroom 2' has been increased in size so it is at least 2.15m wide over an area of 7.5m², to comply with the single bedroom requirements under the Technical Housing Standards. The proposed bathroom has correspondingly been reduced in size.

3. Assessment

3.1. The principal considerations material to the determination of this application are as follows:

- Land Use
- Design and Heritage
- Energy & Sustainability
- Transport
- Amenity

4. Land Use

Loss of office (Class E) floor space

4.1. The first floor of the building is used entirely as office space, split into four office suites with a small, shared kitchen and W/C. The offices are in temporary use by the owners as the previous tenants no longer required the offices following the on-set of the Covid-19 pandemic in early 2020.

4.2. Policy E2 (Employment premises and sites) states that the Council will 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 CAZ (Central Employment Zone) or the local economy. The Council will resist development of business premises 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.

4.3. In relation to point (a), supporting text paragraph 5.37 explains that when considering whether there is potential for business use to continue, the following points will be considered:

- a) The suitability of the location for any business use;
- b) Whether the premises are in a reasonable condition to allow the use to continue;
- c) The range of unit sizes it provides, particularly suitability for small businesses; and
- d) Whether the business use is well related to nearby land uses.

4.4. It is acknowledged that the site is in a suitable location for business use, being in proximity to Hampstead town centre; however, the office suite is in need of refurbishment to make it attractive to a broader range of tenants. The office suite also offers a relatively small floor plate split into smaller office rooms, with constraints in the building's Grade II listed building status restricting the scope for potential to enlarge/alter the office rooms. As such, the office space would only be suitable to a limited range of potential tenants.

4.5. The submitted marketing evidence demonstrates the office space has been advertised for rent from 1st June 2023 by Goldschmidt & Howland, for at least a two-year period. Prior to this, the offices had been vacant following the onset of the Covid-19 pandemic in March 2020 and the previous tenant had been consistently marketing the property and had been unable to retain their own tenancy during the pandemic. Their tenancy finally terminated in January 2022.

4.6. The tenancy has been advertised at current market rent as advised by the agents and relates to the nearest comparable let property (Parfitt – ground floor at no.28).

4.7. With regard to rent free periods, the applicant has advised '*...the premises are actually in perfectly serviceable condition and could be occupied without works unless the use specifically requires alterations. However, the owners would be willing to offer suitable rent-free periods should a prospective tenant require to undertake some works, and this would always be done following an expression of interest and by negotiation, not advertised in advance*'

4.8. The marketing evidence confirms 15 different parties viewed the tenancy. Of these two parties were interested in moving forward, however the first did not pursue a lease due to their business practices being too noisy for the other residents in the building (compressor needed for a dental practice, causing noise disturbance to neighbouring residential occupiers), and the other did not have sufficient financial means to proceed. The marketing evidence concludes that due to the restrictions of Grade II listings and its inability to change the internal layout, it has proved challenging to find a prospective tenant.

4.9. It is also noted the change of use would reinstate the original residential use of the first floor, which is an important heritage consideration when assessing the acceptability of the change of use.

4.10. Overall, when taking into account the long period of vacancy of the property (over three years), a robust marketing evidence having been undertaken for over a year, and that no interested parties taking forward a lease with the constraints of the internal layout, the loss of the first-floor office space and change of use to residential, is considered acceptable.

Provision of housing

- 4.11. Policy H1 of the Local Plan states that self-contained housing is the priority land use for the Council. The proposed change of use of the first-floor office to provide a residential flat is in accordance with Policy H1. The proposal does not involve any external works and the second and third floors of the building are occupied by flats, as such the proposed dwelling would therefore appropriately integrate within the context of the existing environment.
- 4.12. Policy H7 seeks to provide a range of unit sizes to meet demand across the Borough. For market units, table 1 of the policy considers 1 bedroom/studios and 4 bedroom or more units to have a lower priority, 2- and 3-bedroom units to be of high priority. The proposal would provide a two-bedroom dwelling, thus complying with the policy.
- 4.13. The proposed floor area would be generous (approximately 80m²) and comfortably exceeds the Nationally Described Space Standards minimum requirements of 61m² for a two-bedroom, 3-person dwelling. Acceptable levels of outlook, daylight and sunlight would be provided for the bedrooms and living areas. The flat would have no private amenity space but given this is a conversion scheme, it would be acceptable on balance.
- 4.14. For these reasons above, the proposed unit is considered to provide an acceptable standard of accommodation for future occupants and would be in accordance with policies H6 and D1.
- 4.15. Policy H4 ensures development maximises the provision of affordable housing. The Council will expect 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, and where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. In this case as the proposal is for less than 100m² additional residential floor space (being approximately 80m² additional residential floor space), as such an affordable housing contribution is not required.

5. Design and Heritage

- 5.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policies D1 and D2 are relevant to the application: development should respect local context and character; preserve or enhance the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; and respond to natural features.
- 5.2. The proposed internal works will maintain the elements of the original plan form and fabric which remain, with the conversion works being limited to changes to internal fabric which have previously been altered. The new kitchen is a significant intervention, but it will be either free standing or fitted to non-original partitions.
- 5.3. Given the location of existing bathrooms, it will be possible to install modern services to the kitchen without significant alterations to the building's fabric. The details of these works to the bathroom will be secured by a condition attached to the listed building consent. Supporting information has been provided from a building surveyor demonstrating that the building's fabric should not need upgrading to meet the Building Regulations in terms of fire and noise insulation. However, if any alterations are required these are covered by the condition attached to the listed building consent.
- 5.4. The Council's Conservation Officer has reviewed the proposal and has no objections to the works. The works are appropriately designed such that the character and appearance of the Hampstead Conservation Area and setting of the listed building overall will be retained.

- 5.5. Overall, the majority of the proposed works to the Grade II Listed building will be located to secondary areas of lesser significance such that existing features that contribute to the buildings special architectural and historic interest will be preserved. Where additions and alterations do occur, they have been designed such that any harm to the form, fabric and planform will be minimal and sufficiently balanced by the heritage benefits of the scheme.
- 5.6. Special attention has been paid to the desirability of preserving the listed building and its setting or any features of special architectural or historic interest which it possesses, and to preserving or enhancing the character or appearance of the conservation area, under s.16, s.66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

6. Transport

- 6.1. 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.
- 6.2. The existing office space does not have any associated on-street parking permits. No dedicated onsite car parking is proposed for the new dwelling. The applicant has agreed for the dwelling to be 'car free', which would exclude the owner/occupier from obtaining any on-street parking permit for the dwelling. The 'car free' provision would be secured via a s106 legal agreement.
- 6.3. Policy T1 requires cycle parking facilities in the form of 2 x long-stay cycle spaces, to be provided for the new dwelling, in accordance with the London Plan. No cycle parking is proposed, mainly due to the spatial constraints from the existing building footprint. In lieu of providing 2 x on-site cycle parking spaces, a cycle parking contribution of £1,440, towards the provision of a cycle hanger in the vicinity of the site, would be secured as part of a s106 legal agreement.
- 6.4. Policy A1 on Amenity states in para 6.12 that 'Disturbance from development can occur during the construction phase. Council's Transport Officer has considered the scope of proposed work and considers it can be constructed without the need for a Construction Management Plan, namely due to the limited scope of works and these being fully contained internally to the building.

7. Energy and Sustainability

- 7.1. In line with policies CC1 and CC2, the Council will require development to incorporate sustainable design and construction measures. As the proposal is only for converting existing floor space (less than 100m²), the requirement for a Sustainability Statement or Energy Statement is not necessary.
- 7.2. Notwithstanding the above, the development does not propose any boilers or air source heat pumps, and thus the development is considered uncontroversial in sustainability terms. A condition would be attached to the planning permission, requiring the new dwelling to achieve a maximum internal water use of 110litres/person/day, to ensure the development contributes to minimising the need for further water infrastructure and providing for sustainable outcomes.
- 7.3. The proposed development is therefore considered policy compliant in this respect.

8. Amenity

- 8.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development.
- 8.2. Given outlook from the new dwelling would generally be over the street, and the office use already provides for overlooking, persons of adjoining properties would not be adversely affected in respect to visual privacy. Noise effects from the day-to-day use of the dwelling would be similar to the existing office use.
- 8.3. Policy A1 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 this case, Council's Transport Officer has advised that the requirement for a CMP is not necessary, namely due to the limited scope of works and these being fully contained internally to the building. The building works would be for a temporary period only and any vehicles for the building works, could be accommodated in the surrounding streets. Overall, construction effects will be acceptable.
- 8.4. In summary, the proposal would result in acceptable amenity effects.

9. S106 Legal agreement

- Dwelling to be 'car free'
- Contribution to on-site cycle parking of £1,440

10. Recommendation

- i. Grant conditional Planning Permission subject to a s106 legal agreement.
- ii. Grant listed building consent.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 30th September 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2022/3772/P
Contact: Brendan Versluys
Tel: 020 7974 1196
Date: 22 September 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Farrow Silverton
6 Hale Lane
London
NW7 3NX

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
Offices And Premises At 1st Floor
28 Church Row
London
NW3 6UP

Proposal:
Change of use from office (Class E) to residential (Class C) to form a two bedroom flat.

Drawing Nos:
Plans: 05/1087/PLAN/201_A; 05/1111/PLAN/205; 05/1111/PLAN/206_A

Supporting information: Design Statement prepared by Farrow Silverton Architects, August 2022; Heritage Statement prepared by Farrow Silverton, 25/11/2022; Schedule of Works document; Statement of Freeholder prepared by Louise Moniatas, 25/11/2022; Marketing evidence

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

DECISION

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

05/1087/PLAN/201_A; 05/1111/PLAN/205; 05/1111/PLAN/206_A

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2023.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Supporting Communities Directorate

Application ref: 2022/4337/L
Contact: Brendan Versluys
Tel: 020 7974 1196
Email: Brendan.Versluys@camden.gov.uk
Date: 22 September 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 4444
planning@camden.gov.uk
www.camden.gov.uk

Farrow Silverton
6 Hale Lane
London
NW7 3NX

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
Offices And Premises At 1st Floor
28 Church Row
London
NW3 6UP

DECISION

Proposal:
Internal alterations in connection with change of use from office (Class E) to residential (Class C) to form a two-bedroom flat.

Drawing Nos:
Plans: 05/1087/PLAN/201_A; 05/1111/PLAN/205; 05/1111/PLAN/206_A

Supporting information: Design Statement prepared by Farrow Silverton Architects, August 2022; Heritage Statement prepared by Farrow Silverton, 25/11/2022; Schedule of Works document; Statement of Freeholder prepared by Louise Moniatis, 25/11/2022; Marketing evidence;

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

05/1087/PLAN/201_A; 05/1111/PLAN/205; 05/1111/PLAN/206_A

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Details of service runs for all new bathrooms/kitchens, demonstrating the relationship of new pipework with the structure of the building.
- b) Method statement for redecoration of any wall panelling.
- c) Typical section 1:2 detailing showing any new flooring for bathrooms and kitchens, including the relationship with existing floorboards and skirtings.
- d) Plan and elevation of proposed kitchen units and island at 1:10.
- e) Details of any upgrade works required to meet the buildings regulations following the change of use.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

Informative(s):

- 1 The site's planning history has been taken into account when making this decision

Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework.

- 2 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2023.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DRAFT

DECISION