

Delegated Report		Analysis sheet		Expiry Date:		31/07/2013	
		N/A		Consultation Expiry Date:		30/08/2013	
Officer				Application Number(s)			
Ben Le Mare				2013/3494/P			
Application Address				Drawing Numbers			
Linton House 39-51 Highgate Road London NW5 1RT				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
The erection of an additional floor at roof level to provide 7 residential units (2 x 1 bed, 4 x 2 bed, 1 x 3 bed), and a ground floor rear extension to accommodate a new entrance, cycle and refuse storage and installation of condenser units and enclosures at roof level.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	56	No. of responses	02	No. of objections	02
Summary of consultation responses:		<p>Neighbour notification letters were sent out on 19/06/2013. Site notices were displayed around the application site from 21/06/2013 to 12/07/2013.</p> <p><u>2 letters of objection</u> have been received from the occupiers of 7 Evangelist Road and 86a Burghley Road. Their concerns are summarised below:</p> <ul style="list-style-type: none"> - Unacceptable increase in height and bulk of the building; - The proposal would undermine the industrial/commercial usage of the area; - Increased sense of enclosure. 					
CAAC/Local groups comments:		<p>Evangelist Road Residents' Association: Objection</p> <ul style="list-style-type: none"> - The height and bulk of the extension would be out of keeping with the surrounding area; - Detract from the architectural integrity of the existing building; - Negative impact on the outlook of the occupiers of neighbouring buildings; - Have the potential to set a precedent for changing the use of existing building and other buildings in the area from employment to residential. 					

Kentish Town Neighbourhood Forum: Objection

- Linton House is in the Kentish Town industrial/business zone. Camden has always supported the protection of industrial and business use in this area because it is the only such zone in Camden. If a residential use were permitted on the roof of this building this could impact on the employment use.

- At the present time businesses can operate 24/7 within the zone and there are no residents around to complain about noise etc. This application includes roof terraces – residents using them are going to be affected by what goes on in the industrial zone.

- If this application were to be approved then it would set a precedent and other buildings in the zone would be in danger of having residential floors and extensions added and soon our rare employment space will be lost.

- The owners of Linton House itself may be thinking of applying for more residential within the main building in future, once a precedent has been set.

Site Description

The existing site is a large robust Victorian warehouse of five storeys. It forms part of a group of other Victorian warehouses clustered to the south of Highgate Road. It is also particularly prominent in views north, south and east. There are views of the building from the west but these are limited due to the other building on the site and the railway cutting. The building is the tallest in its immediate surroundings. The site is outside a designated conservation area, but within the Kentish Town Industrial Area. To the north is Highgate Studios and nursery with associated cafe and to the south is Greenwood Place which currently has a self storage facility and community uses. To the rear (west) is a ranged of employment uses within industrial buildings. On the opposite side of the road is a 4-storey plus basement block of flats and pair of 4-storey plus basement semi-detached residential dwellings. To

Relevant History

September 1994: (9400534) Planning permission **granted** for change of use of part of basement to restaurant use from warehouse including alterations.

January 2004: (2003/2713) Planning permission was **granted** for the change of use of the ground floor premises (Unit B) from a carpet showroom to a dance school with ancillary café (class D1).

The permission was granted subject to conditions requiring details of noise insulation and fume extraction, and controlling the ancillary café use (no primary cooking).

Subsequent AoD granted (2004/2751) for sound insulation etc – conditions 3 + 4

September 2005: Planning permission **refused** for change of use from warehousing (Class B8) and photo studio (Class B1) to dance studio and games room (sui generis); installation of extractor fans to north, east and south elevations.

The reasons for refusal were:

- Loss of employment premises that are considered suitable for continued employment use, and the loss of accommodation suitable for small firms;
- Potential effects on neighbours from noise and disturbance;
- Likely effects on traffic demand;
- Lack of detail on investigation of more suitable sites;
- Lack of detail on noise attenuation.

The decision was appealed and the appeal **dismissed** on 14/06/2006.

July 2006: Planning permission **refused** for change of use of basement units (Class B1/B8) to dance studio use (Class D2) as an extension for existing dance studios at ground floor level, with installation of two air external conditioning units to rear at ground floor level.

The reasons for refusal were:

- Loss of employment premises that are considered suitable for continued employment use, and the loss of accommodation suitable for small firms;
- Potential effects on neighbours from noise and disturbance;
- Likely effects on traffic demand;
- Lack of detail on investigation of more suitable sites.

In 2006 planning permission was **granted** for a change of use from restaurant (Class A3) to dance school/studio use (Class D1) at (part) basement level as an extension to existing dance studios at ground floor level.

Relevant policies

National and City-Wide Policy

National Planning Policy Framework 2012

London Plan 2011

London Borough of Camden Local Development Framework

Core Strategy:

CS1 (Distribution of growth)

CS2 (Growth areas)

CS3 (Other highly accessible areas)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS8 (Promoting a successful and inclusive Camden economy)

CS11 (Promoting sustainable and efficient travel)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

CS16 (Improving Camden's health and well-being)

CS18 (Dealing with our waste and encouraging recycling)

CS19 (Delivering and monitoring the Core Strategy)

Development Policies:

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair housing)

DP13 (Employment premises and sites)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and limiting the availability of car parking)

DP19 (Managing the impact of parking)

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP22 (Promoting sustainable design and construction)

DP23 (Water)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise and Vibration)
DP31 (Provisions of, and improvement to, open space and outdoor sport and recreation facilities)
DP32 (Air quality and Camden's Clear Zone)

Supplementary Planning Policies

Camden Planning Guidance (CPG) 2011:

- CPG 1 (Design), chapters 1, 2, 4, 6, 9, 10;
- CPG 2 (Housing), chapters 1, 2, 4, 5;
- CPG 3 (Sustainability), chapters 1, 2, 4, 6, 7, 8, 9, 10, 12, 13;
- CPG 5 (Town Centres, Retail, Employment), chapters 1, 6, 7;
- CPG 6 (Amenity), chapters 1, 2, 4, 5, 6, 7, 8, 9, 11, 12;
- CPG 7 (Transport), chapters 1, 2, 5, 9;
- CPG 8 (Planning obligations), chapters 1, 2, 4, 3, 7, 11.

Assessment

Planning permission is sought for the erection of an additional floor at roof level to provide 7 residential units (2 x 1 bed, 4 x 2 bed, 1 x 3 bed), and a ground floor rear extension to accommodate a new entrance, cycle and refuse storage and installation of condenser units and enclosures at roof level.

During the period of determination the following revisions were made to the development:

- The roof extension was set in from the edge of the roof;
- The terraces were repositioned further away from the edge of the roof;
- The proposed plant was repositioned into the middle of the roof of the extension

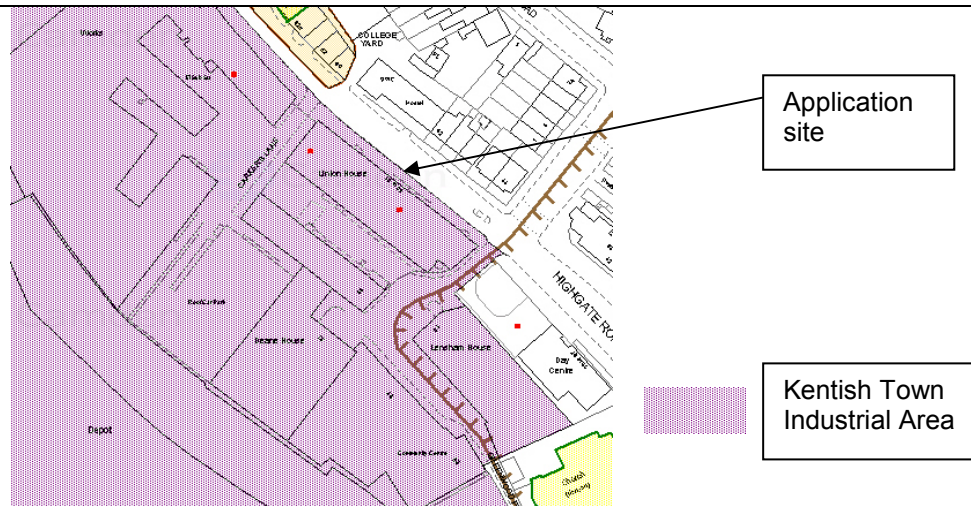
The principal considerations material to the determination of this application are summarised as follows:

- Land use policy issues;
- Housing;
- Design and heritage assets;
- Amenity;
- Transport and servicing;
- Landscaping / Trees / Biodiversity;
- Sustainability and energy issues;
- CIL

Land use policy issues

Policy CS8 seeks to ensure that the borough retains a strong economy. It seeks to do this by, amongst other things, safeguarding existing employment sites that meet the needs of modern industry and employers. Policy DP13 seeks to implement the priorities outlined in CS8 and states that the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless it can be demonstrated that the site is no longer suitable for its existing business use and there is evidence that the possibility of re-using or redeveloping the site for alternative business use is not viable.

The application site is located within Kentish Town Industry Area, as identified on the plan below:



Local Development Framework policies CS8 and DP13 carry a presumption for retaining and protecting existing employment sites. Para 8.13 of CS8 states, *‘the Council will continue to protect industrial and warehousing sites and premises that are suitable and viable for continued use. This will help to provide premises for new and expanding businesses, support the Central London economy and secure jobs for local people’*. Furthermore, para. 8.15 recognises the area between Kentish Town and Gospel Oak as *‘the only area of land in the borough to have a mix of such uses and no housing, making it particularly suited for continued employment use’*.

It is of increasing concern to the council that the borough is losing many established employment sites to other land uses, particularly housing. Although the new residential accommodation would not result in a loss of employment floorspace its introduction into building which has a range of employment uses and in a designated industrial area is considered to jeopardise the continued use of sites for industrial, storage and distribution uses. This is mainly attributed the potential for a loss of amenity experienced by the future occupiers of the residential units and necessary restrictions being put on the existing commercial uses. This could also harm the ability for future industrial uses to be introduced into the area and the expansion of existing businesses.

A review of the planning history for the whole Industrial Area has established that there are no applications which have been approved for new housing within this area. There are no examples therefore that support the provision of new housing on the application site. The applicant has identified 19-37 Highgate Road and 25-37 Greenwood Place (Site 39) as being proposed for allocation for a mixed use redevelopment within the Council’s proposed Camden Site Allocations DPD and draws some similarities between this site and the application site. It should however be recognised that the front land parcel of Site 39 is located outside of the designated industrial area and the council anticipated that any redevelopment proposal for the site would provide housing this area, with its access being directly off Highgate Road. This is in contrast to residential units being proposed by this scheme, which have their means of pedestrian access from within the designated industrial area. This is considered to further undermine the employment functionality of the industrial area.

Having regard to the above, the proposed residential use is considered to prejudice and restrict the continued employment use of the host building and sites within wider Kentish Town Industrial Area and therefore fails to support economic activity in Camden. This is contrary to policy requirements of CS8 and DP13 and the guidance set out in CPG5 and the application should be refused on this basis.

Housing

Notwithstanding the principle of development being unacceptable, the housing issues are addressed below.

Affordable housing

There would have been no requirement to provide affordable housing as the scheme does not create 10 or more additional dwellings or 1000 sqm of floorspace GEA (Gross External Area).

Mix of units

Policy CS6 relates to a wide range of housing, including permanent self-contained housing. The general approach outlined in CS6 aims to make full use of Camden's capacity for housing. Policy DP5 seeks to provide a range of unit sizes to meet demand across the Borough. In order to define what kind of mix should be provided within residential schemes, Policy DP5 includes a Dwelling Size Priority Table and the expectation is that any housing scheme will seek to meet the priorities outlined in the table and will provide at least 40% 2 bedroom units. The application proposes 2 x 1-bed, 4 x 2 bed, 1 x 3-bed units which exceeds the policy requirement of 40%. The inclusion of a 3-bed family unit is also supported. The mix of accommodation is considered to be appropriate and in accordance with planning policy.

Quality of Accommodation / occupier amenity

There is a requirement that all new residential accommodation within the Borough has to be designed in accordance with the Mayor's Housing SPG and the London Housing Design Guide (LHDG) produced in interim form in August 2010 and Camden's minimum guidelines set out in CPG2. These are set out in the table below alongside the maximum and minimum internal areas for the units proposed.

Unit Type	London Plan Min (sqm)	CPG2 Min (sqm)
Studio	38	32
1b2p	50	48
2b3p	61	61
2b4p	70	75
3b5p	86	84
3b6p	106	93

All of the unit types either meet or exceed both the Mayor's and Camden's minimum standards. The applicant has submitted details confirming that Lifetime homes will be achieved throughout and the drawings appear to confirm this. Whilst only two of the units are dual aspect, by being at high level they all benefit from excellent outlook, daylight levels and ventilation. In addition, all of the units an acceptable amount of outdoor amenity space.

Education

The development through providing more than five new residential units is required to make a financial contribution towards the provision of educational facilities within the borough. As set out in CPG8 this contribution is calculated by multiplying the number of each unit size (excluding 1-bed units), by the potential child yield and then the contribution required by each unit. In this instance the development should have provided £15,174 which would have been secure through a s106 agreement.

Design

The site is in the Kentish Town Industrial Area and partially within the Strategic viewing corridor from Kenwood gazebo to St Pauls Cathedral and within its left lateral assessment area. The site is outside a designated conservation area, however careful consideration needs to be given to the design of the proposed extensions on this historic Victorian warehouse. In particular, the impact of the roof extension on the host building has to be assessed when viewed from shorter and longer views.

Given the robustness of the building it is considered able to accommodate an extension on the top of the building without harm to its proportion, form or scale. In this regard the Council accept the principle of development from a design point of view.

During the determination of the application the size of the extension was reduced by setting it in further from the Highgate Road roof edge of the building. This reduction in size resulted in the number of residential units being reduced from the eight to seven. The extension is now considered to represent a subordinate addition to the building and appropriate in this instance. Although within the viewing corridor the additional height is not considered to breach the development plane at this point and therefore would not disrupt the view.

The detailed design of the extension is broadly acceptable as it would relate to the existing features of the floors below. If the proposal were acceptable in land use terms then the detailed design of the proposed balustrades would need to be dealt with through a condition to ensure they are not obtrusive.

In terms of the proposed ground floor extension, this is considered to have regard to the host building as it represents a subordinate addition and of a design which respects warehouse's historic appearance.

Amenity

Policy DP26 seeks to protect the quality of life of neighbours from development. Amenity considerations can be largely grouped as follows, daylight and sunlight, outlook, privacy and overlooking, noise disturbance and lightspill. Issues relating to construction and demolition are considered in the transport section of this report.

Daylight and sunlight

In relation to daylight and sunlight, DP26 refers to the tests and standards detailed in the BRE document *Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice*. The submitted sunlight and daylight assessment assesses the impact on the light receivable by the neighbouring at 44-52 (Even) Highgate Road and 54-58 Highgate Road.

In terms of Vertical Sky Component (VSC) the report identifies that all of the windows 54 - 58 Highgate Road remain within 0.8 times their former value. The Annual Probable Sunlight Hours (APSH) of these windows would also be in excess of 25% APSH and at least 5% APSH in the winter months.

Turning to 44 – 52 Highgate Road, The proposed extension, by being set back from the parapet results in a c.5% -10% reduction in VSC which is within the 20% requirement (or 0.8 times their former value). The Annual Probable Sunlight Hours (APSH) to some of the basement windows would fall below the 25% APSH but would not experience a change of more than 4% total APSH. This is considered to be in accordance with the BRE targets.

On balance the proposed development would not have a detrimental impact on the living conditions of the existing occupiers of residential dwellings in terms of a loss of daylight or sunlight.

Privacy and outlook

The office extension is sited on the roof building which is considerably higher than the existing residential dwellings along Highgate Road. The windows serving habitable rooms with the proposed new flats, and the terraces, will therefore not result in any direct overlooking. There would also be no loss of outlook given the siting of neighbouring dwellings in relation to the application site.

Noise disturbance

In order to service the new floorspace which would be created the applicant has demonstrated there is a need to provide additional plant. This is proposed to be provided on the eighth floor of the building, as shown on the submitted drawings. The accompanying noise assessment has been considered by the Council's Environmental Health Officers. Officers are satisfied that the proposals are acceptable and would not have a detrimental impact upon the amenity of neighbouring residents or businesses.

Lightspill

The proposed extension, whilst providing new residential accommodation and being predominantly glazed in its appearance would not result in an unacceptable level of lightspill within its locality to the detriment of the occupiers of neighbouring properties.

Transport

Car-free development

The site has a Public Transport Accessibility Level (PTAL) of 6B (excellent) and is within a controlled parking zone. No parking is proposed as part of the application. In line with Policy DP18 all 17 of the flats should be designated as being car free. The Council will not agree to a designated disabled car parking space linked to this development. Should the application have been acceptable in all other respects then there would have been a requirement for car free development under a Section 106 Agreement.

Cycle Parking

Camden's Parking Standards for cycles DP18, states that one storage or parking space is required per residential unit up to two bedrooms, for residential units with three or more bedrooms, two spaces are required. The proposal is for 7 residential units including 1 x 3-bedroom units; therefore 8 cycle storage/parking spaces are required. The applicant has included plans for the appropriate number of storage units to be installed within each residential unit and not in a secure collective unit. Officers are satisfied with this provision as all floors within the building are accessible by a lift and the proposals are appropriate.

Construction Management

The application site fronts directly on the main transport link in to and out of central London. The nature of the development on this restricted site would therefore require a Construction Management Statement (CMS) to be secured through a condition if the recommendation was for approval.

Landscaping/Biodiversity and Public Open Space

The development is recognised as having the potential to incorporate bird and bat bricks, or retro fit them within existing buildings which are being retained and refurbished. The details of these bricks would have needed to be secured through a condition if the proposal was acceptable in all other aspects.

The guidance in CPG8 states that many developments by the extent and nature of their occupancy will lead to an increase demand for and use of public open spaces and where developments cannot realistically provide sufficient open space to meet the needs of their occupants on or off site the Council will ask a financial contribution. The development would provide seven residential units which would increase the demand for the use of public open space in close proximity to the site. Therefore in line with the guidance set out in CPG 8 the off-site public open space contribution has been calculated as £9,167 and would have been secured through a Section 106 Agreement.

Sustainability and energy issues

London Plan climate change policies in chapter 5, Camden's Core Strategy policy CS13 and

Development Policies DP22 and DP23 require all developments to contribute to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage. In order to address these requirements the applicant has submitted an Energy Strategy and Code for Sustainable Homes Pre-Assessment.

The overall approach to reducing CO2 emissions should be through a range of measures in line with a 3-step hierarchy of i) using less energy; ii) supplying energy efficiently; and iii) using renewable energy. The benchmark used is the Part L 2010 Building Regulations over which a 25% improvement should be achieved in the period 2010-2013.

The submitted reports demonstrate that the development would achieve a Code Level 4 with an overall score of 70.07%. The Preliminary SAP calculations also show a 67% improvement in the CO2 emissions, by a means of high insulation levels, the use of Air Source Heat Pumps, and a number of roof mounted photovoltaic panels.

The proposed measures and if the proposal were acceptable on all other grounds they should be secured through a clause in a s106 Agreement.

CIL

The proposal would have be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the MoL's CIL charging schedule and the information given on the plans the charge is likely to be £37,000 (740sqm x £50).

Recommendation: Refuse planning permission

If the proposal had been acceptable then the application would have needed to be accompanied by a s106 Agreement which would secure the Heads of Terms listed below:

1. Car-free development;
2. £9,167 contribution towards public open space;
3. £15,174 contribution towards education;
4. Sustainability plan;
5. Energy plan.