

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>22/08/2012</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	09/08/2012
<b>Officer</b>			<b>Application Number(s)</b>		
Jonathan Markwell			2012/3293/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
55 Rochester Place & 3a Wilmot Place LONDON NW1 9JU			Please see draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of a single storey roof extension with associated external terrace on Rochester Place (north-east) elevation to provide additional flexible Class B1 floorspace; erection of a two storey extension on Wilmot Place (south-east) elevation including mansard roof extension in association with reconfiguration of existing flexible Class B1 floorspace and creation of 1x3 bed self-contained residential unit (Class C3) fronting Wilmot Place, together with associated alterations.					
<b>Recommendation(s):</b>		<b>Grant Planning Permission subject to Section 106 Legal Agreement</b>			
<b>Application Type:</b>		<b>Full Planning Permission</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	29	No. of responses	02	No. of objections	02
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was erected on 13/07/2012, expiring on 03/08/2012. A press notice was published on 19/07/2012, expiring on 09/08/2012.</p> <p>Two objections have been received from an occupier of 3 Wilmot Place and an occupier of Flat C, 3 Wilmot Place. The matters of concern raised are as follows, with the officer response provided in brackets after each point:</p> <ul style="list-style-type: none"><li>- object to third storey on 55 Rochester Place (please see section 5 of assessment);</li><li>- third storey window and terrace overlooking 3 Wilmot Place (please see section 6);</li><li>- reduction in light to 3 Wilmot Place (please see section 6);</li><li>- loss of outlook to 3 Wilmot Place (please see section 6);</li><li>- flat roof at second floor being used as a terrace (please see section 6);</li><li>- future use of the business space for residential and additional overlooking impact on nearby properties (please see paragraph 3.18);</li><li>- photovoltaic panels causing reflections of both light and heat into a property, rendering the living conditions unbearable (photovoltaic panels have been omitted during the course of the application – see section 1);</li><li>- photovoltaic panels visually invasive (photovoltaic panels have been omitted during the course of the application – see section 1);</li><li>- high level chamfered windows on the top floor will provide direct sight into a neighbouring property. Suggestion that the light that this window creates could be equally attained through roof top lights, which would prevent the direct sight into a neighbouring property (please see section 6).</li></ul> <p>It is also noted that both objections acknowledged that they “welcomed the evident attempt of the developers to respond to previous objections (especially no excavation to basement with threat to the existing structure at 3 Wilmot Place, retention of existing facade to Rochester Place and the harmonious treatment of the proposed new frontage to Wilmot Place)”. One objector also referred to the “appropriate use of internal space and size of the rooms”.</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p><b>Rochester CAAC</b> was formally consulted on the application. <b>Rochester CAAC / South Kentish Town CAAC</b> objects to the proposals, as made in two separate submissions (explanation for this provided in paragraph 1.3 of the assessment):</p> <p><u>Summary of main points from first submission</u> (officer comments in brackets):</p> <ul style="list-style-type: none"><li>- Proposal to build a four storey building fronting Wilmot Place should be rejected to preserve the industrial heritage of Rochester Place, and to maintain the heightline noted in the Conservation Area plan and recognised for other sites along Rochester Place in Appeal judgements... “this application transgresses the planning policy requirement for maintaining the character of Rochester Place” (please see section 5).</li><li>- Reject 2.1.2 of Design statement that neighbouring properties are not primarily residential. Suggestion that the character of Rochester Place is still an <i>industrial street</i> (please see section 5);</li><li>- Design statement does not fulfil the objective of retaining light industrial space – the document ‘Existing and Proposed office spaces’ states clearly that all the business space is for office area: The submitted document shows ‘Office Area workings’. The design is not for light industrial but for offices. Moreover, replacing some existing ground floor light industrial space up a new staircase to a new third storey would also be a reduction in quality of space (please see sections 2 and 3).</li></ul> <p><u>Summary of main points from second submission</u> (officer comments in brackets):</p> <ul style="list-style-type: none"><li>- Cross section G implies recognition of sound-proofing needs, but is dated April, which is before the tests and recommendations (the plan was only submitted in August 2012, but the date stated on the plan specifies April 2012. This is for consistency purposes with all other proposed plans. The noise assessment is dated June 2012. The April 2012 date is not considered to be significant).</li><li>- “The scheme remains in contradiction of the Rochester Conservation Area</li></ul>					

Statement, which notes firmly that buildings are predominantly of two or three storeys. There is no other building in Wilmot Place that is as high as the exceptional No3. It says: Where development detracts from the character and appearance of the Conservation Area, it is often through lack of respect for historic context, and the following themes recur: ...inappropriate bulk, massing and/or height” (please see section 5).

- Moreover, all have pitched roofs, and the Statement specifically: The rear extension of No.4 Wilmot Place faces Rochester Place and has a large mansard roof , which is out of character with the style of buildings in the street (please see section 5).
- The proposed mansard roof extension for ‘3a’ is out of character (please see section 5).

**Reed’s and Rochester Place Neighbourhood Association** objects to the proposals, as made in two separate submissions (explanation for this provided in paragraph 1.3 of the assessment):

Summary of main points from first submission (officer comments in brackets):

- The information provided with this application is incomplete:
- New maisonette - no measured section drawings are provided through the four floors of the ‘house’; sections should be provided parallel with Wilmot Place and parallel with Rochester Place; they should be provided through the staircase section, and the room section – showing the room heights of each floor (section plans were submitted during the course of the application – see section 1).
- Because there are no measured section drawings there are no details of the foundations [which may need underpinning], there are no details of wall constructions/thicknesses attaching to 3 Wilmot, there are no details of the new load bearing wall which will divide the existing building at first floor level supporting the upper two floors and the roof – as a rear wall (section plans were submitted during the course of the application – see section 1).
- We note that the noise survey recommends at page 10 and at appendix E: a wall using multi layers of plasterboard on a twin independent and insulated stud framework’ – which will not be a load bearing wall – what supports are necessary at ground floor level? As these are proposed changes to an industrial building details should be supplied (such matters are primarily building control matters and hence not material to the determination of the planning application).
- Roof is not detailed [neither roof of residential/nor roof of commercial] but roof lights and photovoltaic panels are hinted at. No plant to deal with services is indicated [it takes space] (further details have been provided in revised plans submitted during the course of the application – photovoltaic panels were omitted during the course of the application. No plant is proposed; if it were subsequently proposed externally it would require a separate planning application).
- Workspace - Application says B1a – it is B1c/B8 – estate agents suggest it was last used as a working production company. The drawing 331A-PA.11 is labelled Office Area Workings [in two places] (please see section 2 and 3 – revised plans and previous appeal decisions clarify the existing / proposed use as Class B1);
- No measured sections are provided through the three floors of the ‘work space’ they should be provided through the staircase section, and the room section – showing the room heights of each floor (revised plans showing sections and further details have been provided during the course of the application).
- The floor to ceiling heights and floor depth are not provided; from the little information supplied the staircase to the first floor would be at least 18 risers – which regulations would demand are split [to make fewer than 15/16 in one run] – therefore occupying more floor area (revised plans showing sections and further details have been provided during the course of the application);
- The position of the staircases in the work space allows sceptical concern. The position of the ‘goods’ entrance/lobby area in relation to the staircase would allow the three floors to be let separately [or to be turned into three separate flats] (please see sections 2 and 3).
- The biggest asset that this two floors of ‘industrial space’ possesses is the room height, the large uncluttered open floor area, the wide stair access, the easy wide height/width entrance to each floor from the road and hatch access through the floor. The position of the stairs [as drawn] has reduced the attractiveness of the overall space by severely reducing the ‘working’ floor area of each floor and in particular turning the third floor [replacement space] into third floor corridor (please see sections 2 and 3).

Summary of main points from second submission (there are some duplications with the first submission and these are not repeated (officer comments in brackets):

- Continued criticism of lack of sections for residential unit - deduced that the

staircase/access over these heights will have insufficient risers – or that they will be higher than required by standards (further sections were provided subsequent to these comments – please see section 4)

- the drawings of the maisonette at third floor level has inadequate ceiling heights for access, on the stairs, and within the bathroom and shower [a person cannot get access] (please see section 4)
- the drawings of the maisonette at first floor level is less, in depth, than shown; it does not take in account the position of the dividing/supporting wall between the residential and the business (please see section 4)
- The details supplied for refuse are completely inadequate by Camden's own standards for any residential [let alone a 5 person residence]; the details for commercial refuse offer inappropriate volume and access [even if the container quantities change] (please see section 4).
- Continued scepticism about the application in relation to the retention of 'industrial work space' as opposed to re-provision of 'office space' - the application form states [14] that the 'last use of the site: B1 office' - our previous letter advised of the last commercial use. The application form states [18] that the 'use class will be: B1(a) office' the use class is B1/B8 (please see sections 2 and 3).
- New elevation G is provided showing floor to ceiling heights of the working space. The drawing is spurious. It does not supply information about stairs and landings; from the little information supplied the staircase to the first floor would be at least 18 risers – which regulations would demand are split [to make fewer than 15/16 in one run] – therefore occupying more floor area (please see sections 2 and 3)
- Officers indicate that updated plans show the precise size/location of internal elements including the lift, tea points, toilets, and refuse storage (rather than 'indicative' as previously stated). Removing the word indicative does not make them precise. (The now standard condition states that the development shall be carried out in accordance with the approved plans, which provides sufficient certainty)
- In reality the amount of work space supplied is reduced by 20%, severely compromised by communicating space. The resulting space re-provided is severely limited in working area and by access restrictions. The business space is not designed for business users. It makes the space less attractive to a variety of users (please see sections 2 and 3).
- Previous applications in Rochester Place which added a third floor to a plot/space has restriction placed by Camden and upheld by inspectors: The proposed second floor of the business space is not set back 2.5m as previously specified; The glass balustrade is inappropriate in the context of the other industrial buildings in the Conservation area (please see section 5)
- The third floor is higher than the adjoining building by nearly half a meter [higher than the previous applications by this applicant]. It would be easily seen from the street (please see section 5).
- 3 Wilmot Place was built one meter higher than approved; the proposed residential element of this proposal will dwarf 4 Wilmot Place in an unacceptable way [for new build in a conservation area]. There are no mansard roofs in the area and the flank wall will create a tunnel entrance to the industrial street of Rochester Place where officers and inspectors have sought to keep the build height to a maximum of three floors [this proposal is for four floors]. (please see section 5)
- We remain concerned about the overbearing 'pastiche Georgian' end of terrace maisonette which 'adds nothing' to the conservation area while providing poor quality housing with minimum space and inadequate 'living' conditions for five persons [no storage, inadequate waste storage provision, kitchen/living/dinning room is a mean 30 sq m with provision for one cycle and no 'outside' space]. (please see sections 4 and 5).

## Site Description

The application site comprises an 'L' shaped two storey (ground and first floor) building that wraps around Wilmot Place onto Rochester Place and is split into two areas. No. 3a Wilmot Place is located on the north-west side of Wilmot Place on the junction with Rochester Place. No. 55 Rochester Place forms part of a terrace of buildings on the south side of the street. Rochester Place forms a secondary service/mews style road with granite sett finish which predominantly consists of two storey brick built warehouse/garage style developments with no basements. Wilmot Place cuts through Rochester Place and predominantly consists of three storey mid 19<sup>th</sup> century brick built dwellings many of which form part of a semi-detached pair.

The existing building is two storey brick built with banded stucco ground floor front elevation fronting Wilmot Place. It has been much altered over the years yet still retains a warehouse style building with attractive windows to the Rochester Place return. The final part of the existing buildings façade along Rochester Place forms no. 55 Rochester Place that extends back by some 15m. Although presently unoccupied at ground floor level, there is a known unauthorised residential use at first floor level of the building. This is subject to a current separate enforcement investigation by the Council. The premises had previously been occupied for light industrial uses.

The site itself is not within a conservation area but is bounded by the Jeffrey's Street Conservation Area to the south and west and the Rochester Conservation Area on the opposite side of Rochester Place to the east. It is also located in the Parliament Hill summit to St Paul's Cathedral viewing corridor, a site which is identified as possibly being susceptible to ground contamination, a controlled parking zone and has a PTAL (Public Transport Accessibility Level) rating of 6a (excellent). The application site is not located within a designated industrial area. Under the 2006 UDP it was within the identified Kentish Town Light Industrial Area. However, the UDP has now been superseded by the LDF. Within the LDF the site is not within any specifically designated industrial area.

The immediate surrounding area is mixed with the properties fronting onto Wilmot Place mainly in residential use and the properties fronting onto Rochester Place mainly in mixed commercial and residential uses. The Rochester Conservation Area Statement describes Rochester Place as being *"characterised by low mews type buildings, originally built from the 1870s to serve the properties in Rochester Terrace... The narrow street is paved in rectangular granite sets and is characterised by smallscale intimate development, containing a mix of light industrial and residential uses... All buildings spring from the narrow footway without physical front boundaries and vary in scale, but generally, are between one and two storeys high"*.

## Relevant History

The application site has a long history incorporating numerous historic and recent planning applications, most notably four refused and dismissed at appeal proposals, the latest of which was dismissed as recently as 22<sup>nd</sup> March 2012. The following is considered to be of relevance to this application:

**04/07/1974** - Planning permission refused for the redevelopment of the corner site adjoining 3 Wilmot Place/55 Rochester Place NW1 as workshop and ground floor garaging, with two floors above of ancillary office space (Ref: CTP/18554).

**20/09/1974** - Planning permission approved for the construction of a mezzanine floor within the existing height of the building for use as a design studio and darkroom in connection with the light industrial use below, and alterations to elevations (Ref: CTP/20113).

**27/05/1976** - Planning permission approved for the erection of an additional storey to be used as a photographic studio and darkroom in connection with the existing ground floor light industrial use (Ref: CTP/22245).

**16/01/1979** - Planning permission refused for the erection of an additional storey at second floor level and its use as studios and office in connection with the existing photographic studio on the ground and first floors (Ref: CTP/27573/R/JB).

**16/11/1979** – Planning permission approved for the erection of a second storey to provide additional studio accommodation in connection with the existing photographic studio on the ground and first floors (Ref: 29223)

**06/10/2008** – Planning application was submitted by the applicant on 23/04/2008 for the demolition of existing 2 storey office building (B1) and erection of 4-storey plus basement building comprising 4 self-contained flats to No.3a Wilmot Place; the erection of two 3 storey mews houses to No.55 Rochester Place, new security gates and lightwells. The application was withdrawn following concerns raised by the Council (Ref: 2008/1258/P).

**04/08/2009** - Planning permission was refused for demolition of existing buildings and erection of a three storey plus basement end of terrace building at 3A Wilmot Place comprising of 4 residential units and a three storey plus basement end of terrace building at 55 Rochester Place comprising Class B1 on basement, ground and first floors, a self-contained flat on second floor and a three storey 3 bedroom dwelling house behind (Ref: 2009/0009/P). Permission was refused for the following reasons:

The proposed development would result in an unacceptable loss of existing employment floorspace with potential for continued occupation by a range of uses within the B1 use class including B1(c) light industrial. This would have a detrimental impact on the local economy and the mixed use character of the area.

The three other substantive reasons for refusal related to the poor quality of residential accommodation at Flat 2, the layout and design of the ground floor living accommodation and impact on No. 3 Wilmot Place and cycle parking matters. The other 6 reasons for refusal related to issues that were unacceptable in the absence of a legal agreement. More specifically these related to an acceptable Code for Sustainable Homes assessment, car-free development, highways improvements, education and open space contributions, and submission of a construction management plan.

An informative was attached to the decision that advised that: "Without prejudice to any future application or appeal, the applicant is advised that the Council raises no objection to the principle of a mixed use scheme. However it may be considered more appropriate to provide a larger ground floor space incorporating the area proposed for a residential house and associated access/circulation space on the site for flexible B1 use at no. 55 Rochester Place (particularly B1(c) Light industrial floor space). This would help to provide an improved standard of replacement employment floor space in terms of its quantity and quality that would be suitable and flexible for a range of future occupiers".

The subsequent appeal was dismissed on 29/10/2010 following the written representations procedure (Appeal decision ref: APP/X5210/A/09/2116338).

Paragraph 15 states: *"the reduction in the amount of business floorspace would be significant and contrary to the aims of UDP policies E2 and E3-B"*. Paragraph 16 continues: *"The fact that office space may be available in other locations does not, in my view, justify a departure from principles underlying UDP policies"*.

**04/06/2010** - Planning permission was refused for demolition of existing buildings and erection of a three storey plus basement and mansard end of terrace building at 3A Wilmot Place comprising 4 residential units and a three storey plus basement end of terrace building at 55 Rochester Place comprising Class B1 on basement, ground and front part of the first floor and a self-contained duplex flat on rear part of the first floor and second floor (Ref: 2009/5284/P). Permission was refused for the following reasons:

The proposed development would result in an unacceptable loss of existing employment floorspace with potential for continued occupation by a range of uses within the B1 use class including B1(c) light industrial. This would have a detrimental impact on the local economy and the mixed use character of the area contrary to policies E2 (Retention of existing businesses) and E3(B) (Light industrial uses in the Central London and Kentish Town Areas) of the London Borough Of Camden Replacement Unitary Development Plan 2006.

The other 6 reasons for refusal related to issues that were unacceptable in the absence of a legal agreement. More specifically these related to an acceptable Code for Sustainable Homes assessment, car-free development, highways improvements, education and open space contributions, and submission of a construction management plan.

The subsequent appeal was dismissed on 29/10/2010 following the written representations procedure (Appeal decision ref: APP/X5210/A/09/2131298).

Paragraph 19 states: *"I do not accept the Appellant's argument that there is a case, within the terms of policy E2, for a reduction in floorspace or an alternative use on the grounds that the only acceptable use would be one falling within Use Class B1(a). I recognise the contribution that housing is able to make to a scheme of mixed development but see no reason why this could not be provided as part of a scheme that meets the requirements of policies E2 and E3-B, as well as the objectives of UDP policies SD3 and H1"*.

**10/05/2011** – Planning permission was refused for erection of three storey plus basement and mansard end of terrace building at 3A Wilmot Place comprising 4 (3x1 bed and 1x2 bed) residential units (Class C3), and three storey plus basement end of terrace building at 55 Rochester Place comprising offices (Class B1) on all floors, following demolition of existing building (Ref: 2011/0833/P). Permission was refused for the following reasons:

The proposed development would result in an unacceptable loss of an existing employment building which includes floorspace with potential for continued occupation by a range of uses within the B1 use class including B1(c) light industrial. This would have a detrimental impact on the local economy and the mixed use character of the area contrary to policy CS8 (Promoting a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment sites and premises) of the London Borough of Camden Local Development Framework Development Policies.

Two other substantive reasons for refusal regarded the lack of an up to date Code for Sustainable Homes assessment or justification for basement excavation works. The other 4 reasons for refusal related to issues that were unacceptable in the absence of a legal agreement. More specifically these related to an acceptable Code for Sustainable Homes assessment, car-free development, highways improvements and submission of a construction management plan.

The subsequent appeal was dismissed on 01/11/2011 following the hearing procedure (Appeal decision ref: APP/X5210/A/11/2154322).

Paragraph 25 states *"In summary, when judged against the features listed in the categorisation of commercial premises in CPG5 the proposal fares worse than the existing building. Particular drawbacks are the inclusion of a basement and the 'spreading' of the accommodation across two additional floors. Because of the state of the market occupation as offices is unlikely. The BPS also indicates that the existing premises may suit some businesses where occupiers would see market*

*appeal in 'quirky' space. This is borne out by the existing uses along Rochester Place. There is no persuasive evidence regarding the attractiveness of the proposed unit for light industrial purposes".*

**11/05/2011** – An application was validated on this date for 'Erection of a part single, part 3 and part 4 storey building plus basement to comprise flexible B1 use at basement, ground and part first floor level, with 2 x 1 bed residential units at 1st floor level, 1 x 1 bed residential unit at 2nd floor level and 1 x 1 bed maisonette over 2nd and 3rd floor level (4 Class C3 units in total) following demolition of existing two storey building' (Ref: 2011/1540/P). During the course of this application the applicant was informed that this application would not be determined until the outcome of 2011/0833/P was determined. After the appeal into application 2011/0833/P at the site was decided on 01/11/2011 the Council informed the applicant that application 2011/1540/P would not be able to be supported. Prior to a formal decision being made an appeal under non-determination was submitted.

The subsequent appeal was dismissed on 22/03/2012 following the written representations procedure (Appeal decision ref: APP/X5210/A/11/2166176). The primary reason for the appeal being dismissed was owing to the quality of the commercial accommodation. More specifically:

Paragraph 13 noted: *"the first area of concern is that the vertical separation of the flats and the business use would make it more difficult to secure occupancy for the commercial floorspace".*

Paragraph 14 stated: *"In addition providing half of the B1 floorspace within the basement of the new building would, to my mind, result in inferior overall provision compared to the existing building. The amount of natural light obtained, despite the presence of light-wells, would be less than the existing above ground level floorspace. The working environment would be less pleasant, with no outlook. The basement area would be less attractive to potential business occupiers than the existing floorspace. There are no examples of basement enterprises in Rochester Place. CPG5 refers to basement accommodation being one of the features of Category 3 sites (heavily compromised sites). The BPS points out that basement space is nearly always inferior to above ground provision".*

At paragraph 17 it is concluded: *"the proposal would have an unacceptable impact on the supply of employment premises. The proposal would conflict with criteria e) and f) of Policy DP13 of the CDP and the more general objectives of Policy CS8 of the CS. The replacement floorspace would not be of equivalent benefit. The benefits arising from a mixed-use development would not outweigh the objections to the quality of the employment floorspace proposed".*

#### Enforcement history:

EN09/0370 - Refurbishment work of the building causing damage to the partition walls & use of the premises for private use as a dwelling (designated B1 Office/Light Industrial). Case pending.

#### Other nearby sites:

In addition to the various proposals at the application site, there have also been other applications submitted for mixed use schemes elsewhere in Rochester Place. These are briefly outlined below:

#### 36-38 Rochester Place

2003/0886/P & 2003/0908/C - Demolition of existing B1 offices and garage and redevelopment to provide a 3-storey building comprising B1 offices on the ground floor and 8 residential units (1 x 3-bed house, 5 x 1-bed flats & 2 x 3-bed maisonettes). Appealed against non-determination; appeal dismissed on 07/10/2004 following the informal hearing procedure (Appeal decision ref APP/X5210/A/1135702).

2005/1691/P & 2005/1695/C - Demolition of existing B1 offices and garage and redevelopment to provide a 3-storey building comprising B1 offices on the ground floor and 9 residential units (1 x 3-bed house, 7 x 1-bed flats and 1 studio flat). Refused 04/07/2005. Appeal was dismissed on 26/09/2006 following a public inquiry held on 08-11 August 2006 on two grounds including the loss of business floor space (ref APP/X5210/A/05/1187106).

#### 61-63 Rochester Place

PEX0300319/P - Demolition of existing building and replacement with a mixed use development consisting of a 3-storey office and residential building providing 8 residential units including 5 parking spaces, a new vehicle access and balconies at 2nd floor. Refused 07/08/2003.

2005/1047/P - Demolition of existing warehouse and storage premises and the erection of a part two, part three, storey building comprising 9 residential units (3xstudio, 3x1-bed, 2x2-bed and 1x3-bed) and 2 units within Class B1. Refused 28/07/2005. Appeal dismissed 23/12/2005. In dismissing the appeal the Inspector identified that the proposals would have a harmful effect on the availability of employment workspace in the area and on the mixed character of the area (ref APP/X5210/A/05/1187429).

2005/3676/P - Demolition of existing warehouse and storage premises (Class B8). The erection of a part two part three storey building comprising 8 no. residential units (Class C3) and 3 no. units within Class B1 (375msq). Refused 01/11/2005. Appeal dismissed 26/09/2006 (ref APP/X5210/A/06/1198157).

2007/2023/P - Demolition of existing warehouse and storage premises (Class B8) and replacement with a part two part three storey building comprising alternative Class B1/B8 uses at ground floor level and 8 self-contained flats above (Class C3). Refused 21/05/2008. Appeal dismissed 06/01/2009 (Appeal decision ref APP/X5210/A/08/2082972).

2009/3689/P - Erection of a part two, part three storey building with basement comprising a Class B1c/B8 unit at ground and lower ground floor levels and 8 residential units (Class C3) at first and second floor levels (following demolition of existing Class B8 warehouse). Refused 17/11/2009.

2012/0983/P - Redevelopment of site, with excavation of floor and retention of perimeter walls, to provide a part two, part three storey building comprising business/warehouse space (Class B1/B8) at ground floor level plus residential entrance, cycle and refuse storage, and 6 self contained flats (2x 1bedroom, 3x 2 bedroom and 1x3 bedroom) at first and second floor levels; creation of terraces at 1st and 2nd floor levels, installation of rooflights, green roofs and photovoltaic panels at roof levels. Refused 29/05/2012.

Reasons for refusal included: *The proposed replacement employment use floorspace, by virtue of its reduced quantity and quality compared to that existing on the site, would not provide sufficiently attractive and flexible space for a range of Class B1/B8 uses and thus diminish the supply and quality of employment premises in the borough. This would be contrary to policy CS8 (Promoting a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment sites and premises) of the London Borough of Camden Local Development Framework Development Policies.*

#### 66 Rochester Place

2009/0385/P - Change of use from light industrial (Class B1c) to live/work unit (sui generis). Refused 03/04/2009.

### **Relevant policies**

#### **LDF Core Strategy and Development Policies**

CS1 - Distribution of growth  
CS4 – Areas of more limited change  
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  
CS17 – Making Camden a safer place  
CS18 – Dealing with our waste and encouraging recycling  
CS19 – Delivering and monitoring the Core Strategy  
DP2 – Making full use of Camden's capacity for housing  
DP6 – Lifetime homes and wheelchair housing  
DP13 – Employment sites and premises  
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  
DP29 – Improving access

#### **Camden Planning Guidance 2011**

**Business Premises Study (BPS) March 2011 by Roger Tym and Partners for London Borough of Camden**

**Jeffrey's Street Conservation Area Statement November 2002**

**Rochester Conservation Area Statement December 2001**

**NPPF 2012**

**London Plan 2011**



## Assessment

### 1. Introduction

1.1 Planning permission is sought for a variety of works, including the erection of a single storey roof extension with associated external terrace on Rochester Place (north-east) elevation to provide additional flexible Class B1 floorspace. It is also proposed to erect a two storey extension on Wilmot Place (south-east) elevation including mansard roof extension. These works are in association with the reconfiguration of the existing flexible Class B1 floorspace (currently ground and first floor level and proposed ground, first and new second floor level on Rochester Place frontage) and the creation of a 1x3 bed self-contained residential unit (Class C3) fronting Wilmot Place, with entrance at ground floor level up to accommodation at first and new second and third floor levels. A number of associated works are also proposed to facilitate the proposed development, such as a new vehicular entrance and provision of metal pulley at first floor level on the Rochester Place elevation, other fenestration alterations such as new ground floor door and remodelled windows at first floor level on the Rochester Place elevation, new entrance configuration, fenestration alterations and provision of railings to Wilmot Place elevation. It is also proposed to include a brown roof and rooflights above the two storey element of the proposed building. For clarification this proposal seeks to retain the existing building at the site (which differs from previous proposals which involved the demolition of the existing building).

1.2 During the course of the application a number of revisions have been submitted by the applicant. These are summarised as follows:

- ground floor window facing Wilmot Place increased in height;
- dormer windows facing Wilmot Place amended to match the width of those below;
- brown roof on mansard omitted / brown roof above two storey element fronting Rochester Place provided;
- omission of PV panels at roof level of Rochester Place fronting building;
- provision of commercial refuse storage space;
- various lifetime homes amendments, including provision of WC at first floor level and amended stairs;
- updated plans showing the precise size and location of internal elements including the lift, tea points, toilets, and refuse storage (rather than 'indicative' as indicated previously)
- sections updated to show floor to ceiling heights; an additional section through the building shows these areas and the stairway of the commercial / residential.
- the inclusion of 1.8m high privacy screens to either side of the terrace fronting Rochester Place

1.3 The nature of these amendments, individually or cumulatively, were not considered to warrant formal re-consultation to take place; however those nearby residents / local groups who had already commented on this scheme and the most recent appeal were sent the revised plans on an informal basis via email (on 01/08/2012 and 17/08/2012). Further representations were received as a result of this informal process, as detailed in the consultation responses section above.

### 2. Land use matters

2.1 As outlined in the relevant history section above, the site has been subject to numerous recent planning applications and appeals, with four appeals (including two under the current LDF policy context) having recently been dismissed at the site. Therefore the current application is considered within the context of this history, while also being considered on its own merits and in accordance with the development plan unless material considerations indicate otherwise. It is considered that the two most recent dismissed appeals (2011/0833/P / APP/X5210/A/11/2154322 and 2011/1540/P / APP/X5210/A/11/2166176) are of more significance than the two earlier dismissed appeals (2009/0009/P / APP/X5210/A/09/2116338 and 2009/5284/P / APP/X5210/A/09/2131298) owing to the most recent appeals being determined under the present policies of the LDF, whereas those before were considered under the now superseded UDP (see relevant history and site description sections for details).

2.2 The primary consideration at each of the appeals at the site has centred on the quantity and quality of the replacement employment floorspace. Each of the previous proposals involved the demolition of the existing building. This application differs in that respect given it proposes to retain the existing building and instead add extensions to the Rochester Place (single storey extension for employment purposes) and Wilmot Place (two storey extension for residential purposes). The applicant has indicated that they do not consider that policy DP13 strictly applies to the proposals as it is not for 'redevelopment'. However, it is considered that policy DP13 does apply in this instance given that DP13 seeks to "support the delivery of the Core Strategy by ensuring that sufficient sites are retained to enable a variety of commercial and industrial business to find premises and continue to operate" (paragraph 13.2 of supporting text to DP13). It is considered to all intents and purposes that the premises are being redeveloped with the addition of extensions, the reconfiguration of the internal spaces and other fenestration alterations (see paragraph 1.1 above). As such it is considered that policy DP13 is applicable to the proposed scheme and in particular sections c) to g) of the policy.

### 3. Employment space

3.1 DP13 is clear in stating that *"where premises or sites are suitable for continued business use, the Council will consider redevelopment proposals for mixed use schemes provided that: ...c) the level of employment floorspace is maintained or increased; d) they include other priority uses, such as housing and affordable housing; e) premises suitable for new, small or medium enterprises are provided; f) floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses;*

g) the proposed non-employment uses will not prejudice continued industrial use in the surrounding area”.

3.2 The supporting text to the policy also notes at paragraph 13.6 that *“Where premises or sites are suitable for continued business use, the Council will consider redevelopment schemes which maintain the employment floorspace and provide other priority uses, such as housing. The re-provision of employment floorspace should be able to accommodate a range of business types and sizes (e.g. new businesses, small and medium sized enterprises and creative businesses). Applicants must demonstrate to the Council’s satisfaction that the commercial element is appropriate to meet the likely needs of the end user. The provision of inappropriate business space (e.g. inappropriate floor to ceiling height or poor access arrangements) will not be acceptable as this often fails to attract an occupier, which can lead to vacancy. Clear separation of the residential element and effective management of the business space will also be important”*. These elements of the policy and supporting text are particularly pertinent.

3.3 The LDF is complemented by CPG5 (Town Centres, Retail and Employment) Chapter 6 (Employment sites and business premises), which categorises sites according to specific features (category 1, 2 and 3), with paragraph 6.14 specifying in terms of refurbishment and improvements that *“Many industrial buildings only require a small amount of investment to maintain them or to bring them back into a reasonable condition”*. CPG5 Chapter 6 was informed by the Business Premises Study (BPS) March 2011 by Roger Tym and Partners for London Borough of Camden. The conclusions of the report include that mixed-use redevelopment should provide separate industry and housing blocks and it is not encouraged for industrial space provision on the ground floor of residential blocks.

3.4 With the above in mind it can first be clarified that the site is recognised to be suitable for continued business use. This was accepted in all four appeal schemes (paragraph 14 of 2009/0009/P / APP/X5210/A/09/2116338 and 2009/5284/P / APP/X5210/A/09/2131298; paragraph 11 of 2011/0833/P / APP/X5210/A/11/2154322; paragraph 8 of 2011/1540/P / APP/X5210/A/11/2166176). As such it is parts c) to g) of DP13 which are applicable. For ease of reference each will now be considered in turn:

3.5 c) the level of employment floorspace is maintained or increased;

3.6 The applicant has confirmed that the Gross Internal Area (GIA) of the existing building is 287sqm. In the previous appeals at the site there has been some differences in the total existing floorspace, with different architects involved in various schemes at the site. In this instance the applicant has demonstrated a methodology for the existing floorspace calculation and this is considered to be accurate. It is proposed to re-create 299sqm (GIA) of employment floorspace. The vast majority of this space is retained space at ground and first floor level, with small losses being accounted for the ground floor access and first floor element of the proposed residential unit. A full breakdown is outlined below:

	Existing	Retained – no change in proposal	Newly proposed	Gain / loss
Ground floor	149	142	0	- 7
First Floor	138	107.5	0	- 30.5
Second Floor	N/A	N/A	49.5	+ 49.5
Total	287	249.5	49.5	+ 12

All figures GIA (sqm) based on information provided by the applicant

3.7 In the most recent appeal (2011/1540/P / APP/X5210/A/11/2166176) there was a small decrease in the overall quantity of floorspace but the Inspector did not raise this as a concern, stating at paragraph 9 *“In terms of criterion (c), the proposed business floorspace would more or less replicate the footprint of the existing building over the same number of floors. The floorspace figures shown on the appellant’s drawings indicate that the redevelopment proposals would lead to a reduction of about 20 sq m in the gross internal floor area but an increase of about 8 sq m in the net internal floor area. The quantum of employment floorspace would be maintained”*. In the current scheme there is an increase in employment floorspace at the site and hence in terms of this purely quantitative matter the proposed scheme accords with DP13c.

3.8 d) they include other priority uses, such as housing and affordable housing;

3.9 As outlined in paragraph 1.1 above 1x3-bed residential (Class C3) unit is proposed as part of the scheme. Therefore the proposal evidently accords with DP13d.

3.10 e) premises suitable for new, small or medium enterprises are provided; f) floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses;

3.11 Sections DP13e and f are indisputably linked and relate to the quality of floorspace being created/re-created at the site. These are areas where previous proposals have not been satisfactory (in the guise of the superseded UDP and current LDF policy context) and when considered at appeal the proposals have all been dismissed (see relevant history

section above). In this instance it is considered that the applicant has considered the various drawbacks of previous schemes, together with the policy context in the LDF and guidance in the CPG and Business Premises Study, to propose a package of measures which are considered in overall terms to, on balance, improve the existing position at the site and, moreover in itself, adhere with DP13e and f.

3.12 Based on DP13 policy and supporting text, CPG guidance and the Business Premises Study it is considered that there are many features which it is worthwhile to assess in terms of a) the existing floorspace in itself; b) the proposed floorspace in itself and c) comparison between existing and proposed. This will aid the assessment as to whether the proposed space is suitable for new, small or medium enterprises (as per DP13e) and suitable for light industrial use (as per DP13f). As such this is shown in the table below:

Feature (policy context denoted in brackets*)	Existing floorspace	Proposed floorspace	Comparison of existing and proposed
Clear and flexible space with few supporting columns (paragraph 13.4 of DP13)	'L' shaped space with no internal columns, but a number of internal walls/rooms at both ground and first floor level	'L' shaped space with no internal columns few internal walls/rooms. Space provided at ground, first and second floor level.	Comparable. Some advantages (fewer internal rooms) and disadvantages (location of staircases takes up a greater portion of space).
Adequate floor to ceiling heights (paragraphs 13.4 and 13.6 of DP13)	Ground floor is 3m; First floor is 2.7m.	Ground floor is 3m; First is 2.72m; Second is 2.6m.	Comparable.
Wide doors / corridors (paragraphs 13.4 and 13.6 of DP13)	Single access point on Wilmot Place through single door and narrow corridor into the open plan space.	Two access points on Rochester Place elevation. One single door into open plan space. One double door entrance into open plan space. First floor pulley allows access to first floor if required.	Proposed space is superior to poor existing situation.
Loading facilities (paragraphs 13.4 and 13.6 of DP13)	Difficult owing to single narrow access point on Wilmot Place (outlined above)	Vehicular access on site enables potential loading at ground floor level. First floor pulley enables loading to/from first floor. Internal lift allows loading between ground, first and second floors.	Proposed space is superior to poor existing situation.
Large amounts of natural light (paragraph 13.4 of DP13)	Ground floor a mix of large amounts (on Rochester Place side) and small amount (rear element). First floor provides a large amount on Rochester Place side and satisfactory amount to rest of first floor.	Ground floor a mix of large amounts (on Rochester Place side) and small amount (rear element). First floor provides large amount throughout (windows and rooflights). Second floor provides a good amount (windows and chamfered windows)	Proposed space is an improvement when compared with the existing.
Availability of a range of unit sizes (paragraphs 13.4 and 13.6 of DP13)	One space but could be two (one each floor) or more.	One space shown but space could be divided into two / three (one per floor) or more units without significant works	Proposal is comparable (if not better) than existing.
Space for servicing by/parking of commercial vehicles (paragraphs 13.4 and 13.6 of DP13)	On-street only.	On site servicing space provided within building created by Wilmot Place entrance. On-street still possible.	Proposal is far superior to existing situation.
Clear separation of the residential element	N/A	Space is predominantly 'horizontally separate', with	Existing superior by default owing to no existing

(paragraphs 13.4 and 13.6 of DP13)		exception of 30sqm area at first floor level.	residential being present.
Purpose built accommodation (Within CPG5 Ch6)	Original building a century old. First floor element added in 1970's (see relevant history section). Many features removed (e.g. vehicular entrance from Rochester Place) or not maintained/upgraded to meet current standards.	New/upgraded features to be incorporated into the reconfigured space. Whilst not purpose built it does include vehicular access, two possible access points, a lift to all floors, a pulley, toilets and tea points on all floors, additional windows and rooflights.	Proposed accommodation is not purpose built (by its very nature) but incorporates a variety of features to make it suitable for a range of future occupiers. Hence the proposed space is an improvement compared with the existing.
Number of storeys – Predominantly single storey or lower ground / basement? (Within CPG5 Ch6)	Ground and first floor levels. Ground = 149sqm GIA. First = 138sqm GIA.	Ground, first and second floor levels. Ground = 142sqm GIA. First = 107.5sqm GIA. Second = 49.5sqm GIA.	Existing marginally superior owing to being on two floors rather than three.
24 hour operation with unrestricted loading access or more restricted hours? (Within CPG5 Ch6)	No hours restriction	No hours restriction sought or considered necessary (see amenity section below)	Comparable.
24 hour operation impact on amenity / compatibility with neighbouring uses (Within CPG5 Ch6)	Limited, although neighbouring use at 3 Wilmot Place is in residential use.	Limited, although neighbouring use at 3 Wilmot Place is in residential use and proposed residential use on-site. Noise assessment carried out indicates that impact is likely to be limited (see amenity section below).	Comparable.
Level access (Within CPG5 Ch6)	To enter the existing space two steps down to the ground floor are required and a flight of stairs to the first floor.	Level access possible from Rochester Place. Provision of lift allows level access to all floors.	Proposed far superior to existing poor provision.

\* Please note that not all the policy context is provided, instead only where the feature is first mention is stated – with the LDF, CPG and the BPS considered in that order)

3.13 It is important to note that the primary consideration is whether the proposed floorspace is suitable, as per the policy requirement noted in both DP13 e) and f) and highlighted by the Inspector in 2011/0833/P / APP/X5210/A/11/2154322, who stated at paragraph 26 of the appeal decision that *“The policy test is whether new premises or floorspace would be ‘suitable’ rather than whether it is simply better or poorer than what is there now”*.

3.14 Therefore when considering the proposed reconfigured space on its own merits it is considered to provide, on balance, suitable space for a range of future occupiers. Particular features include the level access and provision of a lift, potential for vehicular access / deliveries on site (inclusion of pulley) and the clear of columns ‘L’ shaped site. Access matters are considered to be of key importance, with paragraph 2.40 of the BPS stating that *“Occupiers are almost universally unwilling to compromise on access”*. Furthermore the proposed access is evidently superior to that existing at the site. The layout of the space means that should the market demand it, the floors could fairly simply be divided into smaller spaces suitable for numerous future occupiers. Although not exclusively within a separate block (‘horizontally separate’ - where the site is split into two and industrial and residential buildings are side by side in separate blocks – see paragraph 2.60 of BPS for confirmation), there is clear separation between the uses and it is far from being considered as ‘vertically separated’ (where industrial space is provided on the ground floor of residential blocks – see paragraph 2.56 of BPS for confirmation), which the BPS suggests should be avoided. Hence in overall terms in itself it is considered that proposed space would on balance be suitable for a range of future occupiers, in line with the policy aims of DP13e and f.

3.15 Furthermore previous appeal decisions have compared the existing space with that proposed. Again, on balance it is considered that the proposed space is of superior quality with that existing. The access matters outlined in the previous paragraph is considered to be the fundamental factor in this assessment. It is acknowledged within the table above that there are some drawbacks, most notably the space being provided over three floors rather than the existing two. However,

at ground floor level (the most important floor level as stipulated within the category 1 site characteristics in CPG5) the amount of floorspace is comparable and in effect it is the first floor level which is decreasing by c. 30sqm and being re-provided (and added to) at second floor level. As already indicated the BPS states that occupiers will not compromise on access, but at paragraph 2.41 the BPS continues that "businesses *will* compromise on the physical characteristics of buildings". In this instance it is considered, when balancing competing factors that the access matters combined with an overall assessment of all other elements outlined in the table above means that the proposed space is superior in quality to that existing at the site.

3.16 g) the proposed non-employment uses will not prejudice continued industrial use in the surrounding area

3.17 In this regard it is considered important to note that the residential accommodation faces onto Wilmot Place, which is more predominantly residential in character than the mixed industrial/residential nature of Rochester Place. Given this context it is considered that the residential use would not prejudice the continued industrial uses located in this area.

3.18 It is also noted that objections have been raised to the employment space at the site being turned into residential accommodation in the future. Such a proposal is not shown in the scheme put forward for consideration and the application must be considered on the merits of what has been applied for. If the use of the employment floorspace were sought to be converted to residential use in the future it would require an application for planning permission to do so and be considered against the relevant policies at that point in time.

#### **4. Principle of residential accommodation / Quality of residential accommodation**

4.1 Previous appeal decisions at the site have all recognised that there is potential for a mix of uses at the site (for example paragraphs 14-15 of 2009/0009/P / APP/X5210/A/09/2116338 and 2009/5284/P / APP/X5210/A/09/2131298; paragraph 10 of 2011/1540/P / APP/X5210/A/11/2166176). Housing is the priority land use of the LDF and hence the principle of providing residential accommodation at the site is accepted in line with policies CS6 and DP2. The provision of 1x3 bed unit will provide an additional large unit of accommodation suitable for a range of future occupiers.

4.2 In terms of the quality of residential accommodation proposed at the site, it is considered that the 1x3 bed unit will provide a good standard of accommodation for future occupiers. In terms of the minimum overall flat and bedroom space standards the unit is in compliance with both the Council's CPG guidance and the more recent (2011) London Plan standards. The overall flat size is 108sqm (GIA), above the minimum CPG (84sqm) and London Plan (86sqm) standards for a three-bed, five-person unit. Two double bedrooms are provided (both above 11sqm minimum standard at 24sqm – including an en-suite – and 12.5sqm), together with a single bedroom (at 9.62sqm it is above the 6.5sqm minimum requirement). Regarding other matters each of the rooms is adequately shaped, provides sufficient outlook and natural ventilation, dedicated storage space is provided and there is also sufficient floor to ceiling heights of between 2.78m and 2.83m. One shortfall is that no on-site amenity space is provided, which given the context of the site (corner plot and existing building with almost 100% site coverage) and the need to maintain residential amenity is considered to make this difficult to achieve in this instance. In addition Rochester Terrace Gardens (a designated public open space and includes a children's playground) is approximately 65m from the application site. Given these factors the non-provision of on-site amenity space is considered adequate.

4.3 The applicant has submitted information at the outset of the application regarding the residential unit meeting lifetime homes standards (LHS). In addition, during the course of the application further information and revised plans has been submitted after officer feedback. It is shown that 9 of the 16 will be able to be achieved, which is considered to be satisfactory in this instance where the proposal involves the reconfiguration of an existing building and the residential unit is located on the upper floors of the building. During the course of the application the staircase has been revised in order to accord with LHS and the introduction of a WC at first floor level is considered to be welcomed. Following revisions during the course of the application the level of information is now considered to be satisfactory. A condition will be added to the permission which will ensure that the measures proposed will be implemented.

4.4 With regard to waste and recycling the applicant has indicated that a dedicated external area on the Wilmot Place frontage will be provided for the Class B1 space. Although it would have been preferable for this to be provided internally, it is considered in this instance to be adequate for the size and nature of the proposed Class B1 space. A condition will ensure that the details shown are provided in perpetuity. In terms of the residential element of the scheme it is considered that the provision of a dedicated facility would have subsequent negative implications from a design (relationship of the Wilmot Street frontage with other properties) and Class B1 floorspace (negative impact on both the amount of Class B1 floorspace and the quality of the re-configured space) perspective. Therefore in this instance it is considered satisfactory, on balance, for there not to be a dedicated waste storage facility for the single residential unit being created. The applicant has indicated on the plans submitted that dedicated internal space is provided for the storage of waste and recyclables. This is considered to be adequate owing to the context of the site and other competing demands. An informative is recommended to be added to the decision notice reminding the applicant (and future occupiers of the residential unit) that filled refuse sacks shall not be deposited on the public footpath until within half an hour of usual collection times.

#### **5. Design**

5.1 Considering first the Wilmot Place element of the proposals, the design of the elevation facing Wilmot Place is almost identical to application 2009/5284/P, dismissed at appeal (APP/X5210/A/09/2131298) in October 2010. This previous

scheme was not dismissed on design grounds and the Inspector did not find fault with the design. At paragraph 25 of the appeal decision the Inspector stated:

*"I understand that the appeal site, although not within a conservation area, is bounded by the Jeffrey's Street Conservation Area to the south and west and by the Rochester Place Conservation Area to the north-east. The Council does not object to either proposal on grounds of any impact it might have on the setting of these conservation areas. I am satisfied that both conservation areas are sufficiently robust in their architectural character to accommodate redevelopment of the appeal site in broadly the form proposed".*

5.2 The Inspector in the 2011/0833/P / APP/X5210/A/11/2154322 also commented in this regard, echoing the view of the previous Inspector and stating at paragraphs 30 and 31 that:

*"The appeal site is between Jeffreys Street and Rochester Conservation Areas. The proposal would result in a substantial building on the corner of Rochester Place where development is essentially 2-storey in scale. However, it would be seen as clearly separated from the mews. The flank wall would be large and the overall bulk of the building would be greater than No 4 on the opposite corner. Although No 3 may not have historically been part of a pair or a longer terrace the similarity between the two would ensure that the proposed building would sit comfortably in its setting rather than dominate it".*

*"Indeed, the last Inspector was satisfied that both conservation areas "...are sufficiently robust in their architectural character to accommodate redevelopment of the appeal site in broadly the form proposed." The scheme before me would be similar and I share that analysis so neither of these heritage assets would be compromised".*

5.3 With this context in mind the proposal, which follows the general design approach at 3 Wilmot Place, is considered to be appropriate in itself and in addition would not unduly impact on the character, appearance or setting of the two nearby conservation areas. During the course of the application two small revisions have been made, namely increasing the height of the ground floor window to align with the stucco band and aligning the width of the dormer windows with the floors below. Both detailed elements were revised to align with the prevailing character. Some further details will be secured via condition, namely the new railings at ground floor level, all new doors, windows (including dormer windows), facing materials and brickwork. Such details are required in order to ensure the finished result is of high quality, which will be fundamental to the success of a scheme of this nature.

5.4 In respect of the Rochester Place element, the proposed scheme retains the existing structure along Rochester Place. The changes, except for the new dwelling being built above the corner with Wilmot Place (which has been agreed in principle during previous appeals on this site and is discussed above), include: the creation of a door from the window closest to Wilmot Place; reintroducing double door access at ground floor level; replacing the first floor windows and large opening units to match the existing adjoining original metal windows on the ground floor façade; introducing a pulley/winch mechanism to aid loading to first floor and; erecting a set back 2<sup>nd</sup> floor above part of No. 55 Rochester Place closest to No. 57 Rochester Place with associated terrace and privacy screens. It is considered that the proposed changes would enhance the industrial character found along Rochester Place in compliance with DP24 and DP25. In relation to the principle of an additional storey above part of No. 55, this has not been raised as an issue by any previous Inspector at appeal, with each previous proposal incorporating a second floor at this point. In terms of this proposal the set back nature of the extension will reduce its impact from the streetscene and it is considered to align satisfactorily with the height of the neighbouring three-storey No. 57 Rochester Place. Similar to above, conditions will secure detailed design matters to ensure appropriate scholarly detailing is provided.

## **6. Amenity**

6.1 In terms of the impact on neighbouring occupiers, the primary consideration in previous appeals at the site has been the impact on the neighbouring No. 3 Wilmot Place from the proposed second storey extension which fronts onto Rochester Place and is hence near to the rear elevation of No. 3. To provide a context, in 2009/0009/P / APP/X5210/A/09/2116338 and 2009/5284/P / APP/X5210/A/09/2131298 the Inspector commented at paragraph 26 that:

*"I have considered representations made by the occupiers of 3 Wilmot Place, to the south-west of the appeal site. To the extent that they raise relevant planning issues, I am satisfied that the safety and security of the occupiers of this property would not be seriously prejudiced by the development proposed. I see no reason, either, why occupation of the accommodation for which permission is sought should detract unacceptably from the amenity that the present or future occupiers of 3 Wilmot Place might reasonably expect to enjoy".*

6.2 In 2011/0833/P / APP/X5210/A/11/2154322 the Inspector commented at paragraph 32 that:

*"The rear facing windows at No 3 serve bedrooms. The existing building has a louvered first floor window that faces this fenestration. The proposed windows at first and second floor level would be more offset but could give rise to overlooking. However, these could be obscure glazed. A condition could similarly prevent flat roof areas from being used for sitting out. The creation of a gap between the residential and Class B1 buildings would result in a modest improvement for occupiers at No 3. Indeed, overall living conditions for them would be satisfactory in a dense urban location".*

6.3 In 2011/1540/P / APP/X5210/A/11/2166176 the Inspector commented at paragraph 20 that:

*"The building would wrap around the rear courtyard and elevation of No 3 Wilmot Place. The additional floor of accommodation to the rear of No 3 would have some impact on the outlook from the rear facing rooms and courtyard of No 3, including a living room at first floor level in Flat 3b. However, account needs to be taken of the impact of the existing building and the tight urban grain hereabouts. The separation and orientation between existing and proposed would ensure that the increased height would not result in an oppressive outlook or a material loss of daylight or sunlight. The small windows directly facing the rear of No 3 would be obscure glazed. Restrictions could be placed on the use of the flat roofs. There would be compliance with Policy CS5 (e) of the CS and Policy DP26 of the CDP".*

6.4 In 2011/0833/P / APP/X5210/A/11/2154322 the Inspector commented at paragraph 33 in respect of the impact of the Rochester Place elevation impacting on Rochester Terrace:

*The existing first floor window allows views towards the rear of Rochester Terrace. Given this, the distance to the proposed front roof terrace and the requirement for some form of enclosure a material loss of privacy would not be experienced at these properties.*

6.5 In the current proposals no windows are proposed on the rear side Rochester Place elevation, which faces the rear of No. 3 Wilmot Place. Instead at first floor level a series of rooflights are provided, thereby offering no opportunity for overlooking or loss of privacy at this point. Furthermore, in comparison with the existing situation (no windows but a section does include louvers which allows glimpses through to No. 3) the proposal is an improvement at this point. At second floor level the proposed extension is set back by 2m from the rear side elevation which faces No. 3 (in order to allow the rooflights outlined above to be provided). This represents an additional 0.5m set back from the 2011/1540/P / APP/X5210/A/11/2166176 proposal, where the Inspector (as outlined in paragraph 6.3 above) did not consider this level to lead to any significant loss of outlook or sunlight/daylight in this dense urban location. Given this context the current proposal is similarly considered appropriate in this regard. In respect of overlooking, chamfered windows are proposed on the junction of the elevation and rooftop. It is considered that the orientation and high level of these windows means that overlooking to the highest floors of No. 3 will not be so significant to warrant the refusal of the application on this basis. Moreover it is not considered necessary to seek to secure these windows to be obscure glazed given opportunities for overlooking will be limited owing to the orientation and level.

6.6 Occupiers at No. 3 have also raised concerns regarding overlooking from the flat roof area and the proposed roof terrace. The flat roof area not denoted as a terrace is shown to comprise a brown roof and rooflights, which will minimise the likelihood of such an area being able to be used as a terrace. For the avoidance of doubt a condition will specify that any area of flat roof not shown as a terrace will not be used for such purposes and will only be accessed for maintenance purposes. In respect of overlooking from the roof terrace proposed at second floor level on the Rochester Place elevation, 1.8m high privacy screens have been included to ensure that overlooking to No. 57 Rochester Place and the future occupiers of the residential flat at the application site will not occur. A condition will ensure that the proposed terrace will not be able to operate until the screens are constructed. As outlined at paragraph 6.4 above the significant distance to Rochester Terrace overcomes any sense of enclosure / material loss of privacy at this point.

6.7 In terms of noise and disturbance, the small scale of the proposed terrace means that significant noise or disturbance from this space is not anticipated. With regard to the potential for noise and disturbance between the proposed Class B1 use and Class C3 use proposed an acoustic report has been provided by the applicant. This has been considered by the Council's specialist environmental health officers. It is shown that protection from noisy activity from the ground/first/second floor use will be provided by separating floor and walls to first floor level only and high performance sound insulated glazing and ventilation. Details of the intended sound insulation between the ground and first floor and walls have been provided and these are considered to be satisfactory in order to reduce anticipated noise and disturbance between the Class B1 and C3 uses. Given such details have been provided at application stage it is not considered necessary to secure further details via condition.

6.8 Finally, at the present time there are no hour restrictions at the site in terms of the present Class B1 use. Owing to the context of the application (predominantly the reconfiguration of the existing Class B1 space and two extensions) and the nature of the proposals and site and surroundings (a mix of Class B1 and Class C3) it is not considered appropriate to impose an hours of operation condition on the Class B1 use at the site.

## **7. Transport**

7.1 The site has a PTAL rating of 6a (excellent), which indicates that it is highly accessible by public transport. Furthermore the site is located within Controlled Parking Zone (CPZ), which operates between 0830 and 1830 hours on Monday to Friday. In line with Policy DP18, it is considered necessary for the development (i.e. both the residential unit and the Class B1 unit), to be designated as car free (i.e. the future occupants will be unable to obtain on-street car parking permits from the Council). This will be secured via S106 Legal Agreement.

7.2 In terms of servicing, the proposed Class B1 unit can be serviced from the street as at present. The single yellow lines on both Wilmot Place and Rochester Place permit loading, but not waiting (parking) during the prescribed hours.

Furthermore an entrance into the site from Rochester Place is proposed to be re-introduced to allow vehicular access onto the site for the Class B1 occupier if required. Given the size of the proposed Class B1 unit and the context of it being a reconfiguration of an existing use of the site, a Servicing Management Plan is not considered to be required. Similarly, a Travel Plan for the Class B1 employees is considered unnecessary.

7.3 Following on from this, as indicated above the proposal indicates that a new vehicular crossover (dropped kerb) would be required to facilitate the new entrance to the Class B1 unit on Rochester Place. This would result in the loss of 1 on-street car parking space outside the building. Transport Planning would generally resist such a loss of parking as it would have a detrimental impact on the CPZ which already suffers from parking stress. However, the proposal also suggests that the existing vehicular crossover on Wilmot Place (close to the junction with Rochester Place) is now redundant and can be removed. It is therefore suggested that the parking space to be lost from Rochester Place can be relocated to Wilmot Place, adjacent to the proposed residential unit. This part of the proposal would require changes to the existing traffic management orders which cover the parking bays and the single yellow lines adjacent to the property. Such changes cannot be agreed through the planning process and need to be made using the Highways Act. The applicant has therefore been advised of the need to make a separate vehicular crossover application to the Council if/when this planning permission is granted.

7.4 Linked to this, in order to tie the development into the surrounding urban environment, a financial contribution of £10,000 is required to repave the footway adjacent to the site, remove the redundant crossover and facilitate the new crossover. An added benefit of the highways works is that damage caused to the highway in the vicinity of site during construction can be repaired. This financial contribution will be secured via S106 Legal Agreement and the applicant has confirmed a willingness to enter the S106 Legal Agreement on this basis.

7.5 In respect of construction matters, it is considered that a construction management plan (CMP) is necessary in this instance to manage the construction phase of development, minimising disruption and loss of amenity to neighbouring and nearby occupiers, road users and pedestrians. With the relevant LDF policies (DP20 and DP26) and CPG advice (CPG6 Chapter 8 and CPG8 Chapter 3) in mind it is considered that a CMP is necessary owing to the location of the site (Rochester Place is a narrow highway and owing to the light industrial and related uses elsewhere along the highway it is known to be frequented by large vehicles) and the nature of the works proposed (two separate roof extensions, substantial alterations to the existing building and a variety of works adjacent to the highway). The applicant has agreed in principle to entering into a S106 Legal Agreement on this basis.

7.6 Cycle parking is not required for the Class B1 unit as the additional floor space falls below the threshold of 250sqm. The submitted plans show a secure area within the ground floor of the residential unit for the storage of 1 bicycle. For a 3-bed unit the TfL cycle parking standards require a minimum of 2 cycle parking spaces to be provided. Thus the proposal is deficient in this regard; however it is acknowledged that space is limited on this constrained site and the residential unit is primarily at upper floor level. Given this context the cycle parking provision is considered to be adequate in this instance. A condition will ensure that the cycle parking shown is provided in perpetuity.

## **8. Other matters**

8.1 The applicant has indicated that an area of brown roof is to be provided on the flat roof section above the two-storey element of the proposed development. This is welcomed in principle, in line with predominantly CS13 and DP22. No details of the brown roof have yet been provided, so these will be secured via condition. An added benefit of the brown roof is that it will reduce the possibility of this flat roof area being used as a roof terrace (see amenity section above). In addition an informative is recommended to be added reminding the applicant that the local planning authority expects all development to be as sustainable and energy efficient as possible and therefore welcomes any measures which allows this in the refurbishment and extension of the building. The proposal is not of a scale which requires either a BREEAM report or Energy strategy being submitted.

8.2 Unlike other recent schemes at the site no basement accommodation or excavation is proposed as part of the application. As such there is no requirement for a Basement Impact Assessment to be submitted or a contaminated land condition to be secured.

8.3 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as a residential unit is proposed to be created. The CIL will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of the CIL requirement.

**9. Recommendation:** Grant Planning Permission subject to a Section 106 Legal Agreement for: car-free development; construction management plan; highways works – £10,000.

## **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 10<sup>th</sup> September 2012.**  
**For further information please click [here](#).**