

**55 ROCHESTER PLACE AND
3A WILMOT PLACE,
LONDON NW1 9JU**

PLANNING STATEMENT

31 July 2012
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1.0 INTRODUCTION

- 1.1 This Planning Statement accompanies a planning application for a proposal comprising the retention of the existing building and the erection of a 2-storey extension above the front part of the property facing Wilmot Place to create a 3-bedroom maisonette and a single-storey roof addition at the rear of the building to provide B1 space, together with external and internal alterations.
- 1.2 **The proposal is fundamentally different from all the previous schemes which involved complete redevelopment of the site. This scheme retains the existing building and about 87% of the existing B1 floorspace. The small amount of space to be lost would be re-provided in a roof level addition at the rear of the site.**
- 1.3 The planning application is submitted following the refusal, at appeal, of two planning applications for the complete redevelopment of the site on 1 November 2011 and 22 March 2012. Whilst the current proposal differs considerably from previous schemes, this statement provides a review of the appeal decisions and demonstrates how the issues identified by the inspectors that lead to the appeals being dismissed have been addressed. More importantly, the statement demonstrates compliance with development plan policies.
- 1.4 This statement is structured thus:
- Section 2.0 provides a description of the site and surroundings;
 - Section 3.0 provides an account of the planning history of the site;
 - Section 4.0 describes the proposal;
 - Section 5.0 summarises the relevant statutory considerations, planning policy and guidance;
 - Section 6.0 provides an assessment of the proposal with reference to current development plan policy;
 - Section 7.0 provides an assessment of the proposal with reference to the 2 most recent appeal decisions; and,
 - The statement is summarised and conclusions are drawn at Section 8.0.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is occupied by a 2-storey warehouse-style building with a narrow frontage facing Wilmot Place and a longer elevation facing Rochester Place to the side. The former street is characterised by predominately 3-storey, semi-detached, mid 19th century brick and stucco houses. Rochester Place is a secondary mews-style road which predominately consists of terraces of 2-storey warehouse/garage style properties. Whilst part of the site closest to the road junction is very narrow, the rear part is approximately 15m deep and extends to the rear of 3 Wilmot Place.
- 2.2 The application site is bounded by the Jeffrey's Street Conservation Area to the south and west and the Rochester Place Conservation Area on the opposite side of Rochester Place. The surrounding area includes a mix of residential and commercial uses.
- 2.3 The site is close to Kentish Town town centre and has excellent public transport accessibility (PTAL 6a).

3.0 PLANNING HISTORY

- 3.1 The application site has a long planning history. The earlier schemes involving a reduction in B1 Use Class space on the site, which were determined prior to the adoption of the Council's current development plan, are considered to be of limited relevance and are not therefore reviewed. However, the two most recent planning appeal decisions are clearly material considerations that need to be taken into account in the determination of this application. Both involved the full replacement of B1 floorspace on the site and were determined under current development plan policies, albeit prior to the publication of the National Planning Policy Framework, the implications of which are considered in Section 4.0.

November 2011 appeal decision

- 3.2 A scheme submitted by Micagold Ltd in December 2010 (ref: 2011/0833/P) sought consent for:

The erection of a three storey plus basement and mansard 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 all floors following demolition of existing building.

- 3.3 It was refused by the Council for the following primary reason:

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.

- 3.4 An appeal against the refusal was dismissed on 1 November 2011 (ref: APP/X5210/A/11/2154322). The inspector noted that although the amount of employment floorspace on the site would be increased, under criteria e) and f) of Policy DP13 the replacement provision should be

suitable for new small or medium enterprises and for either light industry, industry, warehousing or offices and that the provision of inappropriate business space will not be acceptable as this often fails to attract an occupier which can lead to vacancy. Primarily due to the B1 floorspace being accommodated over four floors, including a basement with limited natural light, the inspector concluded that the effect of the proposal would be to diminish the quality of the supply of employment premises in Camden

March 2012 appeal decision

- 3.5 An appeal was lodged following the Council's failure to determine a more recent application (LPA: 2011/1540/P, PINS: APP/X5210/A/11/2166176) within the proscribed period. This scheme sought permission for:

The development proposed is the demolition of existing building and erection of a part two, part three and part four-storey building plus basement comprising 278 sq m of flexible B1 floorspace at ground and basement levels and 4 flats above.

- 3.6 The main issue in this case was, as previously, the effect of the proposal on the supply of employment premises. The inspector in this case identified two areas of concern in respect of the quality/flexibility of the replacement B1 floorspace. He stated at paragraph 13 that:

..... 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. Potential occupiers can be put off by the possibility of complaints from residents, notwithstanding their use falling within Class B1.

- 3.7 Secondly he noted at paragraph 14:

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.

- 3.8 Although the benefits of the replacement space were noted - improved servicing and access arrangements, construction to modern day standards, incorporating suitable floor loadings, a lift, no supporting columns, flexibility to sub-divide - these features were not deemed to *"override the disadvantages inherent in providing B1 floorspace with vertical separation from the residential element and 50% of the floorspace at basement level"*.

4.0 THE PROPOSAL

4.1 The proposal comprises:

- The retention of the existing building;
- The erection of a 2-storey addition including a mansard on the portion of the site fronting Wilmot Place;
- The erection of a single-storey roof addition on the rear portion of the site;
- The creation of a 3-bedroom maisonette at first, second and third floors facing Wilmot Place;
- The retention and part re-location of B1 floorspace to provide a total of 299sqm GIA (266sqm NIA) at ground, first and second (rear) floors;
- External alterations including the re-modelling of the Wilmot Place frontage plus the formation of an additional entrance in the Rochester Place frontage.

4.2 The proposed dwelling would comprise a 3-level 3-bedroom 5-person maisonette. It is designed to comply with Lifetime Homes standards where possible having regard to the constraints of the site and need to retain B1 space on the ground floor (see architects' Design and Access Statement).

5.0 PLANNING POLICY

National guidance

- 5.1 The National Planning Policy Framework was adopted shortly after the most recent appeal decision and post-dates the development plan. It is a material consideration in the determination of planning applications, particularly where/if development plan policies are dated or do not accord with the Framework.

Camden Local Development Framework

- 5.2 The following policies in the Council's Local Development Framework Core Strategy and Development Policies documents are key considerations:
- CS1 - Distribution of growth
 - 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
 - CS17 - Making Camden a Safer Place
 - CS19 – Delivering and monitoring the Core Strategy
 - DP1 - Mixed use development
 - DP2 – Making full use of Camden’s capacity for housing
 - DP6 – Lifetime homes and wheelchair housing
 - DP13 – Employment sites and premises
 - DP19 – Managing the impact of parking
 - 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 & neighbours
- DP29 – Improving access

5.3 Policies CS8 and DP13 were the principal policy considerations in respect of the 2 recent appeal decisions and are therefore reviewed in detail in the following section.

Camden Planning Guidance

5.4 The Council's development plan policies are supported by guidance document of which the following are relevant to the proposal:

- CPG1 Design
- CPG2 Housing
- CPG3 Sustainability
- CPG5 Town Centres, Retail and Employment
- CPG8 Planning Obligations

6.0 ASSESSMENT

1. Land use

Existing use

- 6.1 The application property is a single planning unit comprising B1 business floorspace. Under the Use Class Order B1 uses include employment activities that "*can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit*". It is understood that the building was most recently occupied by a photography studio (who used the premises for set construction for photo-shoots) and a magazine publisher.

Proposed uses

- 6.2 In essence the proposal retains the existing B1 floorspace at ground floor level, most of the B1 space at first floor level and provides new B1 space in a second floor addition at the rear of the site to compensate for the loss at first floor level. A 3-bedroom maisonette would be created through the conversion of the front portion of the first floor and the erection of a 2-storey addition facing Wilmot Place.
- 6.3 The Council has stated that it raises no objection to the principle of a mixed use scheme on the site. Nor has there been any in principle objection to the intensification of development on the site.
- 6.4 Policy DP13, "*Employment premises and sites*", has been a key consideration in the determination of previous applications and appeals. Amongst other matters it states:

*Where premises or sites are suitable for continued business use, the Council will consider **redevelopment** [our emphasis] 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.

- 6.5 The current proposal would not involve the redevelopment of the site: it involves extensions to the existing building plus the change of use of a small part of the first floor (approximately 11%). At the request of the Council, but without prejudice to the fact that Policy DP13 should not strictly apply to the proposal, the following provides an assessment against criteria (c) to (g) of DP13.

Criterion (c)

Would the level of employment floorspace be maintained or increased?

- 6.6 The existing building comprises 287sqm gross internal area (249sqm net internal area). The retained/reconfigured/extended building would provide a total of 299sqm gross internal area (266sqm net internal area) - an increase. As demonstrated in the table below, the vast majority of the floorspace - **87%** - is existing space to be retained.

	Existing	Retained	Proposed new	Gain/loss
Ground	149 (125)	142 (131.5)	0	- 7 (+6.5)
First	138 (124)	107.5 (95)	0	- 30.5 (-29)
Second	0	0	49.5 (39.5)	+ 49.5 (+39.5)
	287 (249)	249.5 (226.5)	49.5 (39.5)	+ 12 (+17)

Table 6.1: Existing, retained and proposed new B1 floorspace [sqm GIA (NIA)]

- 6.7 The proposal would retain the ground floor as B1 space. Internal changes to provide additional stairs together with the removal of internal walls would result in a slight reduction in gross internal area and a slight increase in net area. On balance the amount stays essentially the same.

- 6.8 To incorporate the maisonette, the narrow portion of the first floor on the corner of the junction between Rochester Place and Wilmot Place would be lost. This amounts to about 30.5sqm GIA (11% of the existing floorspace). To compensate for this the proposal would include the construction of a second floor extension at the rear of the site (area of 49.5sqm) giving an overall increase (12sqm GIA) in the total amount of B1 floorspace in the property. As the amount of employment floorspace on the site would be maintained, the proposal complies with criterion (c) of Policy DP13.

Criterion (d)

Does the proposal include other priority uses, such as housing and affordable housing?

- 6.9 The proposal would provide a 3-bedroom dwelling. It therefore complies with criterion (d) of DP13.

Criteria (e) and (f)

*Are the proposed premises suitable for new, small or medium enterprises?
Would the proposed floorspace be suitable for light industrial use?*

- 6.10 We note the Planning Inspector's comments in respect of the 2011 appeal decision (paragraph 13), namely:

*... both the quality and the quantity of any new development should be considered and **this should also have regard to the nature of the space that would be lost** [OUR EMPHASIS].*

- 6.11 As the Council and successive planning inspectors have found the application property suitable for continued business use, it follows that if the application scheme is equally capable of accommodating a range of small/medium sized light industrial uses then it would also be "suitable". As 87% of the existing B1 floorspace is to be retained, the prime considerations in this case - unlike the previous redevelopment schemes - are:

- i) The quality of the space to be "lost";
- ii) The quality of the proposed replacement B1 floorspace; and
- iii) The overall quality of the retained/new B1 space taking into account all aspects of the proposal.

- 6.12 **Quality of space to be lost:** The space to be "lost" (through conversion) is located on the first floor on the corner of the junction between Rochester Place and Wilmot Place. It currently comprises stairs and subdivided space. It is narrow - varying in width between about 4.5m and 5.5m - located next to a dwelling (3 Wilmot Place) and has an area of about 30.5sqm GIA (11% of the existing floorspace). Due to its first floor location in a building that lacks a lift, its narrowness, and close vicinity to a dwelling, this portion of the building is probably the least flexible as least desirable for light industrial type B1 activities.
- 6.13 **Quality of replacement B1 space:** The space to be lost would be re-provided through the erection of a purpose-designed B1 space in a roof addition at the rear of the site. This would be larger than the lost space and would benefit from natural light via high level angled windows and French doors facing Rochester Place (which would give this floor some outdoor space as well). There is scope for this space to be accessed via a lift located in the rear corner of the building or for this element to be an independent unit (through the formation of an entrance lobby at ground floor level).
- 6.14 **Overall quality of retained/new B1 space:** the scheme as a whole includes a number of internal and external alterations that either preserve or enhance the quality of B1 space the will be provided as a result from the development (discussed below).
- 6.15 We note that Paragraph 13.4 of the Camden Development Policies has been used as a guide for the assessment of previous proposals involving the redevelopment of the site. It states:

*Where it is proposed to **redevelop employment land for another business use**, including offices, the Council will seek to retain physical features that will enable the flexible use of the premises for a range of business purposes. This will help to maintain the range of employment premises available*

and is especially important given the limited supply of non-office premises. The typical design features that enable flexible use are:

- *clear and flexible space with few supporting columns;*
- *adequate floor to ceiling heights;*
- *wide doors/corridors;*
- *loading facilities;*
- *large amounts of natural light;*
- *availability of a range of units sizes; and*
- *space for servicing by/parking of commercial vehicles.*

More information on the demand for different types and specification of business premises can be found in Camden Planning Guidance. [Our emphasis]

6.16 As highlighted previously, the application proposal does not involve the redevelopment of the site or provide "another business use": 87% of the space in the proposal currently exists and is retained and it is not proposed to change the use of the premises. Notwithstanding this, the seven bullet points above, combined with the features listed at paragraphs 6.10 and 6.11 of CPG5 (which are also applicable to **new** industrial premises - see paragraph 6.15), form a useful checklist for assessing the "suitability" of the overall B1 component of the scheme.

6.17 We consider it appropriate - albeit not strictly a policy requirement - for the proposal and the existing floorspace to be compared in terms of the following 11 features.

1. flexibility of space and absence of supporting columns;
2. floor to ceiling heights;
3. width of doors/corridors;
4. floor loadings;
5. provision of lifts;
6. natural light;
7. potential for a range of units sizes;
8. provision of ground floor level accommodation;
9. whether or not purpose built;

10. hours of operation; and

11. space for servicing by, and parking of, commercial vehicles.

6.18 The table below provides a comparison between the existing and proposed employment floorspace.

Typical design features	Existing property	Proposal
<i>1) flexibility of space & absence of supporting columns</i>	Both floors occupy most of the site. They are column-free but there are some internal walls	Internal walls removed to give clearer space. The new space is similar in proportions to the first floor space it would replace. NO MATERIAL CHANGE
<i>2) floor to ceiling heights</i>	Ground = 3.0m First floor = 2.7m	Ground floor = 3.0m First/second = 2.7m NO CHANGE
<i>3) width of doors/corridors</i>	Only accessed via standard domestic scale doors from Wilmot Place and a narrow corridor, although potential exists for re-instatement of doors in Rochester Place	Installation of loading doors in the Rochester Place frontage at ground and first floor levels. SIGNIFICANT IMPROVEMENT
<i>4) floor loadings</i>	Ground floor - Not known First floor - Not known	Ground and first floor - no change Second floor to meet Bldg Regs POTENTIAL IMPROVEMENT
<i>5) lifts</i>	No lift between ground and first floors	The application drawings show a goods lift between the 3 floor levels, the precise size and location of which can be controlled by a planning condition SIGNIFICANT IMPROVEMENT
<i>6) natural light</i>	Natural light gained almost entirely via street-facing windows	Ground floor - small improvement due to removal of internal walls. First floor - skylights added to significantly improve natural light at the rear. Second floor - would benefit from better natural light levels. IMPROVEMENT
<i>7) potential for a range of units sizes</i>	Currently one 249sqm (NIA) space but with potential for subdivision into 2 units – one on each floor.	Could either be one 266sqm (NIA) unit or 2/3/4 units - achieved by having a shared lobby inside the main Rochester Pl entrance. IMPROVEMENT
<i>8) ground floor level space</i>	Ground floor space across the entirety of the site giving 125sqm (NIA) with direct access to Wilmot Place via steps and narrow	Ground floor space across the entirety of the site giving 131.5sqm (NIA) space with direct level access to the street. IMPROVEMENT

	door and corridor	
9) <i>purpose built space</i>	Over 100 years old and therefore does not accord with current standards.	The retained space would be upgraded - improved stairs, wcs, utilities etc. New second floor space to meet current standards. IMPROVEMENT
10) <i>hours of operation</i>	To the best of our knowledge there is no limitation on the hours that the existing premises can be operated	On the basis the proposal is for B1 class space, which by definition can operate in residential areas, there is no need to limit hours of operation NO CHANGE
11) <i>space for servicing by/parking of commercial vehicles</i>	No on-site loading facilities or parking	Although there is no scope to provide on-site loading facilities or parking, the large opening on Rochester Place may allow small vehicles to reverse into the building. IMPROVEMENT

- 6.19 In all respects the retained/new B1 floorspace proposal would provide either the same quality of space as currently exists or represents an improvement, most notably in respect of access, natural light, size of doors, flexibility and the provision of a lift. The proposal is therefore more suitable for a wider range of B1 uses, than the existing building.

Criterion (g)

Would non-employment uses prejudice continued industrial use in the surrounding area.

- 6.20 To the best of our knowledge all the "industrial uses" in the area - like the application property - fall within B1 class and should therefore be compatible with the provision of residential use on the site. The creation of one dwelling in a residential street with nearby B1 premises will not prejudice continued use of such business activities.
- 6.21 For the reasons set out above we conclude that the proposal would provide an acceptable quantity and quality of flexible retained/replacement B1 floorspace that would be capable of accommodating a range of light industrial uses. The inclusion of one dwelling on the site would not prejudice continued industrial use in the surrounding area and would be compatible with the B1 use. The proposal therefore complies with Policies DP13 and CS8.

- 6.22 In addition, the proposal meets the requirements of Policies CS6, DP1 and DP2, which seek a mix of uses in development where appropriate, including the maximum appropriate contribution towards the supply of housing on sites that are underused or vacant.

2. Design and Conservation

- 6.23 The height, bulk, massing and design of the current proposal are, to all intents and purposes the same as the earlier proposals.

Wilmot Place

- 6.24 Bearing in mind the comments made by the planning inspector in respect of the most recent appeal, the new element of the scheme facing Wilmot Place adopts a traditional approach like earlier proposals. It would match the scale, height, proportions, fenestration and materials of No.3 and would have a mansard roof of the same pitch and design, which would incorporate a pair of dormer windows. The flank elevation of the new corner element would be largely windowless, which is a typical characteristic of period corner buildings.

Rochester Place

- 6.25 The existing Rochester Place elevation would be retained with the first floor windows replaced to match the ground floor. Loading doors of a traditional design would be re-instated in the existing openings and a new entrance formed near the corner of the site. For good measure, and to allow improved access for goods to the first floor, a loading pulley system is proposed.
- 6.26 For the reasons set out above we conclude that the proposal would be of a high quality of design that fully takes into account the character, setting, context and the form and scale of neighbouring buildings and the settings of nearby conservation areas. It therefore accords with the aims and objectives of Policies CS14, DP24 and DP25.

3. Living conditions of neighbouring residents

- 6.27 As noted previously, the height, bulk and massing of the proposal are to all intents and purposes the same as proposed previously. The conclusions reached in the Council's consideration of the previous schemes therefore apply to this proposal.

Daylight/sunlight and outlook

- 6.28 No. 3 Wilmot Place has rear windows at lower ground, upper ground and first floor levels which face towards, and are enclosed by, the existing building on the application site. This relationship is shown on drawings 331-EX.07 EX.08 and EX.09. The proposed relationship is shown on drawings 331A-PA.08 and PA.09 and PA.10. These drawings demonstrate that there would be no increase in the degree of enclosure experienced within the courtyard at the rear of No. 3 and no reduction of natural light. As the development is primarily located to the north-west of No.3, there would be no effects on sunlight reaching the property.

Overlooking

- 6.29 The new windows in the rear extension would be high level (sill at 1.8m above FFL). Other apertures at the rear would be in the form of flat skylights. For these reasons the proposal would adequately protect the quality of life of occupiers of neighbouring properties and it therefore accords with Policy DP26.

4. Standard of residential accommodation

- 6.30 The proposed maisonette complies with the Council's space standards and those in the *London Plan*. The dwelling would have good levels of natural light and outlook. We conclude therefore that the proposal would provide an acceptable standard of accommodation in terms of the internal arrangements and dwelling/room sizes and therefore complies with Policy DP26.

5. Other matters

- 6.31 **Safety and security:** All entrances to the development would be directly from the street with entry-phone systems and adequate lighting provided. The proposal would increase the level of activity on the site and therefore increase the level of natural surveillance of Wilmot Place and Rochester Place. For these reasons the proposal would have benefits in terms of safety and security and would therefore comply with Policy CS17 which encourages appropriate security and community safety measures in buildings.

7.0 RECENT APPEAL DECISIONS

- 7.1 As noted earlier, the current proposal involves the retention and extension of an existing building, whereas all previous schemes have involved complete redevelopment of the site. Whilst the two recent appeal decisions are material considerations in the determination of the current application, the comments made by planning inspectors relate to development that is fundamentally different to that currently proposed. The inspector's comments need to be viewed in this context.
- 7.2 Notwithstanding this, at the suggestion of the Council, the following reviews the current proposal against issues raised by the planning inspectors.

November 2011 appeal decision (APP/X5210/A/11/2154322)

- 7.3 Paragraph 11: The inspector notes that criteria (c) to (g) of Policy DP13 are "relevant when redevelopment for mixed uses is being considered". Although the proposal does not involve redevelopment, it has been assessed against these criteria in Section 6.0.
- 7.4 Paragraph 13: The inspector states that the quality and quantity of any **new** development should be considered and this "should have regard to the nature of the space that would be lost". The space that would be lost is in the front corner portion of the first floor. The nature of this space and the proposed replacement space have been considered at Section 6.0. The relatively small space that would be lost as a result of the proposal would be adequately compensated for by the replacement space and the proposed improvements to the retained space.
- 7.5 Paragraphs 14 to 16: The inspector correctly states that CPG5 identifies categories of sites and premises in the Borough with the purpose of determining which should be retained and which released for redevelopment. He also notes that the characteristics of category 1 and 2 premises should "be used to guide the design of **new** business premises". The proposal does not involve release of employment space or the

provision of new premises: it should not therefore be assessed against paragraph 6.15 of CPG5 (New industrial premises). Notwithstanding this the proposal has been assessed against the criteria.

- 7.6 Paragraph 17: Like other business premises in the area, the proposal would retain some 87% of the floorspace on the ground and first floors - a configuration which the planning inspector felt was more likely to be attractive to occupiers.
- 7.7 Paragraph 22: We are not clear what point the inspector is making. There is a planning policy requirement to retain the B1 space: the applicants financial situation is not a relevant planning consideration. Evidently, the improvements to the existing B1 space are unlikely to be undertaken unless there is some financial incentive to do so (e.g. providing some residential on the site) or attracting a tenant. Due to the highly constrained nature of the site it is highly unlikely that the existing building could be converted to residential use at any point in the future.
- 7.8 Paragraph 25: In our view it should be self-evident that, as the vast majority of the existing space will be retained (and improved), the premises would be more attractive to potential occupiers in the future if planning permission is granted. The views of professionals involved in the local market are therefore superfluous.
- 7.9 Paragraph 26: We note that Paragraph 13.6 of the Camden Development Policies states: *"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 (SMEs) 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 proposal involves the re-provision of a small amount of the existing floorspace and the retention of 87% of the existing. Because of uncertainty about the future of the site an end user has not been identified. Clearly a future occupier would not be able to commit to renting the B1 space unless or until there is at the very least a planning permission in place. At present the future of the building remains

unknown and consequently the premises are unattractive to any potential tenants.

March 2012 appeal decision (APP/X5210/A/11/2166176)

- 7.10 In this case the proposal involved the complete redevelopment of the site and provision of B1 space at ground and basement levels with flats above almost the entirety of the ground floor. The inspector concluded (paragraph 16):

The new building would be constructed to modern day standards, incorporating suitable floor loadings and a lift. Ceiling heights would be comparable to the existing building. There would be no supporting columns. The floorspace would be capable of sub-divisions. However, I do not consider that these features override the disadvantages inherent in providing B1 floorspace with vertical separation from the residential element and 50% of the floorspace at basement level.

- 7.11 The current proposal does not involve the construction of a basement: natural light levels within the retained existing space will be improved where possible, having regard to the character and appearance of the existing building and privacy constraints, and the element of new B1 space will included a significant amount of glazing.
- 7.12 Paragraphs 12 and 13: The inspector raised concerns about the separation between the proposed B1 space and the flats in the redevelopment proposal. This is not explicitly referred to under Policy DM13 or the supporting text. We note however that one of the features of Category 1 space identified in CPG5 is "*minimal risk that the 24-hour operation will adversely harm the amenity of neighbouring properties*". Again, as the current proposal does not involve the provision of new premises it should not be assessed against paragraph 6.15 of CPG5 (New industrial premises).
- 7.13 The inspector has referred to Council's *Business Premises Study* (BPS) and notes that it informed CPG5 - i.e. it does not in itself form adopted development plan policy. It essentially assesses what premises should be retained and what features new industrial and mixed use schemes

(including employment space) should provide. Under the heading "Mixed-Use Redevelopment", the BPS states the following at paragraphs 2.55 and 2.56:

The problem is that, as the 2008 employment land review already noted, residential and industrial uses by their nature do not make good neighbours. Proximity to housing exposes the industrial occupier to contingent liabilities or at least being classified as an inconsiderate neighbour.

Vertical separation, where industrial space is provided on the ground floor of residential blocks, should be avoided. It is unattractive to occupiers, because of the nuisance issues discussed in earlier sections. Residents generally object to the noise, vibration, vehicle movements, parking, loading/unloading, smells etc generated by industrial operations, and industrial business do not want to operate in places where such objections will arise. If a property is consented for open employment use (B1/B2/B8), it is impossible to predict what type of operation may occupy it and what nuisances it may create. On the other hand, if there are restrictions on the use of the property it will not appeal to a large enough sector of the market.

- 7.14 The building comprises a B1 light industrial use next door to residential - this situation cannot be remedied. The proposal would not involve the provision of industrial space on the ground floor of a "residential block": rather the living area of one dwelling is proposed above a small proportion of the retained employment space. The employment space is restricted to B1 use, which by definition is compatible with residential use.
- 7.15 Notwithstanding the above, we note the planning inspector's comments at paragraph 13 that "*potential occupiers can be put off by the possibility of complaints from residents, notwithstanding the use falling within Class B1*". The appeal scheme included residential floorspace (including bedrooms) above most of the proposed B1 space. The current scheme includes the living/dining/kitchen area of a maisonette above about 30sqm of the narrow section of B1 space on the Wilmot/Rochester Place corner. The maisonette would be set away from the main delivery entrance and above a space that is least likely to be used for light industrial purposes and most likely to form ancillary office space.

- 7.16 However, having regard to the planning inspector's comments, a sound insulation scheme is proposed between the two uses to ensure that future occupiers of the dwelling are not unduly affected by noise disturbance from below and potential occupiers of the B1 space can be reassured that occupiers of the dwelling would not noise etc generated by the ground floor use, albeit any occupier should be only be carrying out activities within B1 use, i.e. those that *"can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit"*.
- 7.17 Paragraph 19: The current proposal is markedly different from the appeal in terms of its design. It would retain windows in most of the corner/flank elevation, the upper (new) part of which would be constructed in brick to match the existing.

8.0 SUMMARY AND CONCLUSIONS

8.1 The statement demonstrates that:

1. A mixed-use B1/residential scheme is acceptable in principle;
2. The proposal involves the retention and re-use of 87% of the existing floorspace. The space lost as a result of the proposal would be re-provided in roof level extension;
3. The retained/replacement B1 space will be equivalent to, or an improvement on, the quantum and quality to the existing floor space;
4. Adequate noise mitigation can be secured between the retained B1 space and the proposed dwelling;
5. The scheme responds to the height, scale, bulk and massing of neighbouring properties and will be of a high quality design, which will enhance the character and appearance of neighbouring conservation areas. The proposal maximises the development potential of the site having regard to the physical and policy constraints affecting it;
6. The proposal would not result in unacceptable effects on the living conditions of the occupants of neighbouring residential properties. It has been demonstrated that effects on outlook, privacy and daylight/sunlight would be within reasonable tolerances;
7. The proposed flat and room sizes comply with the standards in the Council's SPG and the consultation draft of the replacement London Plan. The living conditions of future occupiers of the development will be acceptable;
8. The proposal would meet lifetime homes standards where possible;
9. Waste and recycling storage provision complies with the Council's standards where achievable given the existing building will be retained and extended;
10. The development is accessible by public transport, would be car free and would provide secure internal cycle storage points. It will not result in any unacceptable traffic impacts;
11. Sustainable design and construction principles will be employed in the construction of the development.